

107TH CONGRESS
2D SESSION

S. 2532

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2002

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Meat and Poultry
5 Products Safety Improvement Act of 2002”.

6 **SEC. 2. MICROBIOLOGICAL PERFORMANCE STANDARDS.**

7 (a) MEAT.—The Federal Meat Inspection Act is
8 amended by inserting after section 8 (21 U.S.C. 608) the
9 following:

1 **“SEC. 8A. MICROBIOLOGICAL PERFORMANCE STANDARDS.**

2 “(a) IN GENERAL.—In order to protect the public
3 health and promote food safety, the Secretary shall by reg-
4 ulation prescribe performance standards for the reduction
5 of microbiological pathogens in meat and meat products
6 processed by each establishment receiving inspection serv-
7 ices under this Act.

8 “(b) ENFORCEMENT.—If the Secretary determines
9 that an establishment fails to meet a standard established
10 under subsection (a) and that the establishment fails to
11 take actions necessary to meet the standard, as deter-
12 mined by the Secretary, the Secretary shall refuse to allow
13 any meat or meat product subject to the standard and
14 processed by the establishment to be labeled, marked,
15 stamped, or tagged as ‘inspected and passed’.”.

16 (b) POULTRY.—The Poultry Products Inspection Act
17 is amended by inserting after section 7 (21 U.S.C. 456)
18 the following:

19 **“SEC. 7A. MICROBIOLOGICAL PERFORMANCE STANDARDS.**

20 “(a) IN GENERAL.—In order to protect the public
21 health and promote food safety, the Secretary shall by reg-
22 ulation prescribe performance standards for the reduction
23 of microbiological pathogens in poultry and poultry prod-
24 ucts processed by each establishment receiving inspection
25 services under this Act.

1 “(b) ENFORCEMENT.—If the Secretary determines
 2 that an establishment fails to meet a standard established
 3 under subsection (a) and that the establishment fails to
 4 take actions necessary to meet the standard, as deter-
 5 mined by the Secretary, the Secretary shall refuse to allow
 6 any poultry or poultry product subject to the standard and
 7 processed by the establishment to be labeled, marked,
 8 stamped, or tagged as ‘inspected and passed’.”.

9 (c) EFFECTIVENESS OF CURRENT REGULATIONS.—
 10 Consistent with section 553 of title 5, United States Code,
 11 the Secretary of Agriculture shall have the authority to
 12 enforce the microbiological performance standards of the
 13 Secretary in effect on January 1, 2000.

14 **SEC. 3. LIVESTOCK AND POULTRY TRACEBACK.**

15 (a) LIVESTOCK.—Title I of the Federal Meat Inspec-
 16 tion Act (21 U.S.C. 601 et seq.) is amended by adding
 17 at the end the following:

18 **“SEC. 25. LIVESTOCK TRACEBACK.**

19 “(a) IN GENERAL.—The Secretary shall, as the Sec-
 20 retary determines necessary, prescribe by regulation that
 21 cattle, sheep, swine, goats, horses, mules, and other
 22 equines presented for slaughter for human food purposes
 23 be identified in the manner prescribed by the Secretary
 24 to enable the Secretary to trace each animal to any prem-
 25 ises at which the animal has been held for such period

1 prior to slaughter that the Secretary determines necessary
2 to carry out this Act.

3 “(b) PROHIBITION OR RESTRICTION ON ENTRY.—
4 The Secretary may prohibit or restrict entry into any
5 slaughtering establishment inspected under this Act of any
6 cattle, sheep, swine, goats, horses, mules, or other equines
7 not identified as prescribed by the Secretary.

8 “(c) RECORDS.—

9 “(1) IN GENERAL.—The Secretary may require
10 that each person, firm, and corporation required to
11 identify livestock pursuant to subsection (a) main-
12 tain accurate records, as prescribed by the Sec-
13 retary, regarding the purchase, sale, and identifica-
14 tion of the livestock.

15 “(2) ACCESS.—Each person, firm, and corpora-
16 tion described in paragraph (1) shall, at all reason-
17 able times, on notice by a duly authorized represent-
18 ative of the Secretary, allow the representative to ac-
19 cess to each place of business of the person, firm, or
20 corporation to examine and copy the records de-
21 scribed in paragraph (1).

22 “(3) DURATION.—Each person, firm, and cor-
23 poration described in paragraph (1) shall maintain
24 records required to be maintained under this sub-

1 section for such period of time as the Secretary pre-
2 scribes.

3 “(d) FALSE INFORMATION.—No person, firm, or cor-
4 poration shall falsify or misrepresent to any other person,
5 firm, or corporation, or to the Secretary, any information
6 as to any premises at which any cattle, sheep, swine,
7 goats, horses, mules, or other equines, or carcasses there-
8 of, were held.

9 “(e) ALTERATION OR DESTRUCTION OF RECORDS.—
10 No person, firm, or corporation shall, without authoriza-
11 tion from the Secretary, alter, detach, or destroy any
12 records or other means of identification prescribed by the
13 Secretary for use in determining the premises at which
14 were held any cattle, sheep, swine, goats, horses, mules,
15 or other equines, or the carcasses thereof.

16 “(f) PATHOGENS.—If the Secretary finds any human
17 pathogen, disease, or any residue in any cattle, sheep,
18 swine, goats, horses, mules, or other equines at the time
19 they are presented for slaughter or in any carcasses, parts
20 of carcasses, meat, or meat food product prepared in an
21 official establishment and the Secretary finds that there
22 is a reasonable probability that human consumption of any
23 meat or meat food product containing the human patho-
24 gen, disease, or residue presents a threat to public health,
25 the Secretary may prohibit or restrict the movement of

1 any animals, carcasses, parts of carcasses, meat, meat
2 food product, or any other article from any source of the
3 human pathogen, disease, or residue until the Secretary
4 determines that the human pathogen, disease, or residue
5 at the source no longer presents a threat to public health.

6 “(g) USE OF COMMON METHODS.—The Secretary
7 shall use any means of identification and recordkeeping
8 methods used by producers or handlers of cattle, sheep,
9 swine, goats, horses, mules, or other equines whenever the
10 Secretary determines that such means of identification
11 and recordkeeping methods will enable the Secretary to
12 carry out this section.”.

13 (b) POULTRY.—The Poultry Products Inspection Act
14 is amended by inserting after section 23 (21 U.S.C. 467e)
15 the following:

16 **“SEC. 23A. POULTRY TRACEBACK.**

17 “(a) IN GENERAL.—The Secretary shall, as the Sec-
18 retary determines necessary, prescribe by regulation that
19 poultry presented for slaughter for human food purposes
20 be identified in the manner prescribed by the Secretary
21 to enable the Secretary to trace each animal to any prem-
22 ises at which the animal has been held for such period
23 prior to slaughter that the Secretary determines necessary
24 to carry out this Act.

1 “(b) PROHIBITION OR RESTRICTION ON ENTRY.—

2 The Secretary may prohibit or restrict entry into any
3 slaughtering establishment inspected under this Act of any
4 poultry not identified as prescribed by the Secretary.

5 “(c) RECORDS.—

6 “(1) IN GENERAL.—The Secretary may require
7 that each person, firm, and corporation required to
8 identify poultry pursuant to subsection (a) maintain
9 accurate records, as prescribed by the Secretary, re-
10 garding the purchase, sale, and identification of the
11 poultry.

12 “(2) ACCESS.—Each person, firm, and corpora-
13 tion described in paragraph (1) shall, at all reason-
14 able times, on notice by a duly authorized represent-
15 ative of the Secretary, allow the representative to ac-
16 cess to each place of business of the person, firm, or
17 corporation to examine and copy the records de-
18 scribed in paragraph (1).

19 “(3) DURATION.—Each person, firm, and cor-
20 poration described in paragraph (1) shall maintain
21 records required to be maintained under this sub-
22 section for such period of time as the Secretary pre-
23 scribes.

24 “(d) FALSE INFORMATION.—No person, firm, or cor-
25 poration shall falsify or misrepresent to any other person,

1 firm, or corporation, or to the Secretary, any information
2 as to any premises at which any poultry, or carcasses
3 thereof, were held.

4 “(e) ALTERATION OR DESTRUCTION OF RECORDS.—
5 No person, firm, or corporation shall, without authoriza-
6 tion from the Secretary, alter, detach, or destroy any
7 records or other means of identification prescribed by the
8 Secretary for use in determining the premises at which
9 were held any poultry or the carcasses thereof.

10 “(f) PATHOGENS.—If the Secretary finds any human
11 pathogen, disease, or any residue in any poultry at the
12 time the poultry is presented for slaughter or in any car-
13 casses, parts of carcasses, poultry, or poultry food product
14 prepared in an official establishment and the Secretary
15 finds that there is a reasonable probability that human
16 consumption of any poultry or poultry food product con-
17 taining the human pathogen, disease, or residue presents
18 a threat to public health, the Secretary may prohibit or
19 restrict the movement of any animals, carcasses, parts of
20 carcasses, poultry, poultry food product, or any other arti-
21 cle from any source of the human pathogen, disease, or
22 residue until the Secretary determines that the human
23 pathogen, disease, or residue at the source no longer pre-
24 sents a threat to public health.

1 “(g) USE OF COMMON METHODS.—The Secretary
 2 shall use any means of identification and recordkeeping
 3 methods used by producers or handlers of poultry when-
 4 ever the Secretary determines that such means of identi-
 5 fication and recordkeeping methods will enable the Sec-
 6 retary to carry out this section.”.

7 **SEC. 4. STATE REPORTING OF FOOD BORNE PATHOGEN**
 8 **ILLNESSES.**

9 (a) MEAT.—Section 301 of the Federal Meat Inspec-
 10 tion Act (21 U.S.C. 661) is amended—

11 (1) by redesignating subsection (d) as sub-
 12 section (e); and

13 (2) by inserting after subsection (c) the fol-
 14 lowing:

15 “(d) STATE REPORTING OF FOOD BORNE PATHO-
 16 GEN ILLNESSES.—Each State shall report to the Sec-
 17 retary and the Secretary of Health and Human Services
 18 any outbreak of food borne pathogen illnesses from meat
 19 and meat products in the State.”.

20 (b) POULTRY.—Section 5 of the Poultry Products In-
 21 spection Act (21 U.S.C. 454) is amended—

22 (1) by redesignating subsection (d) as sub-
 23 section (e); and

24 (2) by inserting after subsection (c) the fol-
 25 lowing:

1 “(d) STATE REPORTING OF FOOD BORNE PATHO-
 2 GEN ILLNESSES.—Each State shall report to the Sec-
 3 retary and the Secretary of Health and Human Services
 4 any outbreak of food borne pathogen illnesses from poul-
 5 try and poultry products in the State.”.

6 **SEC. 5. EMPLOYEE PROTECTION.**

7 (a) MEAT.—The Federal Meat Inspection Act is
 8 amended by inserting after section 405 (21 U.S.C. 675)
 9 the following:

10 **“SEC. 405A. EMPLOYEE PROTECTION.**

11 “(a) IN GENERAL.—No establishment at which in-
 12 spection is maintained under this Act may harass, pros-
 13 ecute, hold liable, or discriminate against any employee
 14 or other person because the employee or other person—

15 “(1) is assisting or demonstrating an intent to
 16 assist in achieving compliance with this Act (includ-
 17 ing any regulation);

18 “(2) is refusing to violate or assist in the viola-
 19 tion of this Act (including any regulation); or

20 “(3) has commenced, caused to be commenced,
 21 or is about to commence a proceeding, has testified
 22 or is about to testify at a proceeding, or has assisted
 23 or participated or is about to participate in any
 24 manner in such a proceeding or in any other action
 25 to carry out this Act.

1 “(b) COMPLAINTS.—Not later than 1 year after an
2 alleged violation occurred, an employee or other person al-
3 leging a violation of this section, or another person at the
4 request of the employee, may file a complaint with the Sec-
5 retary.

6 “(c) REMEDIAL ACTION.—If the Secretary deter-
7 mines, on the basis of a complaint, that an establishment
8 violated subsection (a), the Secretary shall order the estab-
9 lishment to—

10 “(1) take affirmative action to abate the viola-
11 tion; and

12 “(2) pay compensatory damages, including back
13 pay, to the aggrieved employee or other person.”.

14 (b) POULTRY.—The Poultry Products Inspection Act
15 is amended by inserting after section 12 (21 U.S.C. 461)
16 the following:

17 **“SEC. 12A. EMPLOYEE PROTECTION.**

18 “(a) IN GENERAL.—No establishment at which in-
19 spection is maintained under this Act may harass, pros-
20 ecute, hold liable, or discriminate against any employee
21 or other person because the employee or other person—

22 “(1) is assisting or demonstrating an intent to
23 assist in achieving compliance with this Act (includ-
24 ing any regulation);

1 “(2) is refusing to violate or assist in the viola-
2 tion of this Act (including any regulation); or

3 “(3) has commenced, caused to be commenced,
4 or is about to commence a proceeding, has testified
5 or is about to testify at a proceeding, or has assisted
6 or participated or is about to participate in any
7 manner in such a proceeding or in any other action
8 to carry out this Act.

9 “(b) COMPLAINTS.—Not later than 1 year after an
10 alleged violation occurred, an employee or other person al-
11 leging a violation of this section, or another person at the
12 request of the employee, may file a complaint with the Sec-
13 retary.

14 “(c) REMEDIAL ACTION.—If the Secretary deter-
15 mines, on the basis of a complaint, that an establishment
16 violated subsection (a), the Secretary shall order the estab-
17 lishment to—

18 “(1) take affirmative action to abate the viola-
19 tion; and

20 “(2) pay compensatory damages, including back
21 pay, to the aggrieved employee or other person.”.

22 **SEC. 6. BIOLOGICAL THREATS TO FOOD SUPPLY.**

23 Section 409 of the Federal Meat Inspection Act (21
24 U.S.C. 679) is amended by adding at the end the fol-
25 lowing:

1 “(c) BIOLOGICAL THREATS TO FOOD SUPPLY.—The
 2 Secretary and the Secretary of Health and Human Serv-
 3 ices shall—

4 “(1) identify potential biological threats to the
 5 food supply of the United States; and

6 “(2) prepare and (as necessary) implement a
 7 rapid response plan to prevent or respond to the
 8 threats.”.

9 **SEC. 7. STUDY OF RECRUITMENT OF INSPECTORS.**

10 (a) IN GENERAL.—The Secretary of Agriculture shall
 11 conduct a study of means of improving the recruitment
 12 of individuals to serve as inspectors under the Federal
 13 Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poul-
 14 try Products Inspection Act (21 U.S.C. 451 et seq.), par-
 15 ticularly in urban areas.

16 (b) REPORT.—Not later than 180 days after the date
 17 of enactment of this Act, the Secretary shall submit to
 18 the Committee on Agriculture of the House of Representa-
 19 tives and the Committee on Agriculture, Nutrition, and
 20 Forestry of the Senate a report on the results of the study
 21 conducted under subsection (a).

22 **SEC. 8. RAPID DETECTION METHODS.**

23 (a) STUDY.—

24 (1) IN GENERAL.—The Secretary of Agriculture
 25 shall conduct a study to determine whether chloro-

1 phyll detector technology, or other rapid detection
2 technologies, should be required to be used by each
3 establishment receiving inspection services under the
4 Federal Meat Inspection Act (21 U.S.C. 601 et seq.)
5 and the Poultry Products Inspection Act (21 U.S.C.
6 451 et seq.) to detect the presence of manure car-
7 rying *E. coli* bacteria and other human pathogens in
8 meat, meat products, poultry, and poultry products.

9 (2) REPORT.—Not later than 180 days after
10 the date of enactment of this Act, the Secretary
11 shall submit to the Committee on Agriculture of the
12 House of Representatives and the Committee on Ag-
13 riculture, Nutrition, and Forestry of the Senate a
14 report on the results of the study conducted under
15 paragraph (1).

16 (b) RESEARCH AND DEVELOPMENT.—The Secretary
17 may enter into contracts with qualified persons to carry
18 out research on, and development of, technology described
19 in subsection (a)(1).

○