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S. 1357

To protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 2005

Mr. HARKIN (for himself, Mr. SPECTER, Mr. KOHL, Mr. DURBIN, Mr. FEINGOLD, Mrs. CLINTON, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Meat and Poultry
3 Pathogen Reduction and Enforcement Act".

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the primary purpose of the Federal meat
7 and poultry inspection program is to protect public
8 health;

9 (2) the Centers for Disease Control and Preven-
10 tion report that human pathogens found in raw and
11 cooked meat, meat products, poultry, and poultry
12 products are a significant source of foodborne ill-
13 ness;

14 (3) to reduce the public health burden of
15 foodborne illness, the Federal meat and poultry in-
16 spection system should focus on reducing the risk of
17 foodborne illness associated with the presence of
18 foodborne pathogens through—

19 (A) establishment and enforcement of per-
20 formance standards for the reduction of patho-
21 gens in meat, meat products, poultry, and pou-
22 try products processed by establishments receiv-
23 ing inspection services; and

24 (B) enforcement of the Hazard Analysis
25 and Critical Control Point (HACCP) System
26 requirements and sanitation requirements;

1 (4) good public health practice requires control-
2 ling pathogens as close as practicable to the initial
3 source of contamination to reduce pathogens and
4 prevent foodborne illness;

5 (5) there is a need for strong safeguards at
6 slaughter establishments during the slaughter and
7 processing of meat and poultry products because
8 those establishments are where pathogen contamina-
9 tion often originates;

10 (6) while proper handling and cooking of meat
11 and poultry products can virtually eliminate the risk
12 of foodborne illness from the consumption of meat
13 and poultry, the presence of pathogens in raw meat
14 and poultry products leads to cross-contamination of
15 other foods and surrounding surfaces;

16 (7) to reduce the risk of foodborne illness and
17 protect public health, regulatory authorities and all
18 parties involved in the production and handling of
19 meat, meat products, poultry, or poultry products
20 should make a concerted effort to reduce, to the
21 maximum extent practicable, contamination by
22 pathogens using the best available scientific informa-
23 tion and appropriate technology;

10 (9) all articles and other animals that are sub-
11 ject to this Act and the amendments made by this
12 Act are either in or substantially affect interstate or
13 foreign commerce;

14 (10) regulation by the Secretary of Agriculture
15 and cooperation by the States are necessary to pre-
16 vent or eliminate burdens on interstate or foreign
17 commerce and to protect the health and welfare of
18 consumers; and

19 (11) the 2003 report of the National Academy
20 of Sciences recommended that Congress grant regu-
21 latory agencies—

22 (A) clear authority to establish, implement,
23 and enforce food safety criteria, including per-
24 formance standards; and

(B) the flexibility within the administrative process to update the criteria.

3 SEC. 3. DEFINITION OF SECRETARY.

4 In this Act, the term "Secretary" means the Sec-
5 retary of Agriculture.

6 SEC. 4. PATHOGEN PERFORMANCE STANDARDS.

7 (a) MEAT AND MEAT PRODUCTS.—The Federal Meat
8 Inspection Act (21 U.S.C. 601 et seq.) is amended by in-
9 serting after section 8 (21 U.S.C. 608) the following:

10 "SEC. 8A. PATHOGEN PERFORMANCE STANDARDS.

11 "(a) DEFINITIONS.—In this section:

12 “(1) PATHOGEN REDUCTION PERFORMANCE
13 STANDARDS.—The term ‘pathogen reduction per-
14 formance standards’ means standards establishing
15 the degree to which a step or combination of steps
16 in the production, processing, distribution, or prepara-
17 tion of a food must operate to achieve the required
18 level of control over microbiological contamination.

19 “(2) PUBLIC HEALTH GOALS AND OBJECTIVES.—The term ‘public health goals and objectives’ means goals and objectives establishing the desired outcome associated with reducing the burden of foodborne disease in society.

1 “(b) STANDARDS, GOALS, AND OBJECTIVES.—In
2 order to protect the public health and promote food safety,
3 the Secretary shall prescribe—

4 “(1) pathogen surveys to determine current
5 contamination levels of raw meat and meat products
6 with foodborne pathogens;

7 “(2) public health goals and objectives; and

8 “(3) pathogen reduction performance standards
9 to—

10 “(A) reduce pathogens in raw meat and
11 meat products processed by each establishment
12 receiving inspection services under this Act; and
13 “(B) achieve public health goals and objec-
14 tives.

15 “(c) LIST OF PATHOGENS.—

16 “(1) IN GENERAL.—In consultation with the
17 Secretary of Health and Human Services, and tak-
18 ing into account data available from the Centers for
19 Disease Control and Prevention, the Secretary shall
20 identify the pathogens that make a significant con-
21 tribution to the total burden of foodborne disease as-
22 sociated with meat and meat products.

23 “(2) PUBLICATION; UPDATES.—The Secretary
24 shall—

1 “(A) publish a list of the pathogens de-
2 scribed in paragraph (1) not later than 60 days
3 after the date of enactment of this section; and
4 “(B) update and publish the list annually
5 thereafter.

6 “(d) PATHOGEN SURVEYS.—

7 “(1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this section, the Sec-
9 retary shall initiate comprehensive, statistically rep-
10 resentative surveys to determine the current levels
11 and incidence of contamination of raw meat and
12 meat products with the pathogens listed under sub-
13 section (c), including the variation in levels and inci-
14 dence of contamination among establishments.

15 “(2) PUBLICATION.—Not later than 2 years
16 after the date of enactment of this section, the Sec-
17 retary shall compile, and publish in the Federal Reg-
18 ister, the results of the surveys.

19 “(3) UPDATES.—At least once every 3 years
20 after the surveys under paragraph (1) are con-
21 ducted, the Secretary shall—

22 “(A) conduct additional surveys in accord-
23 ance with paragraph (1); and

24 “(B) compile and publish the results of the
25 surveys in accordance with paragraph (2).

1 “(e) PUBLIC HEALTH GOALS AND OBJECTIVES.—

2 “(1) IN GENERAL.—Not later than 1 year after
3 the completion of pathogen surveys under subsection
4 (d), and in coordination with the Secretary of
5 Health and Human Services and the Director of the
6 Centers for Disease Control and Prevention, the
7 Secretary shall establish public health goals and ob-
8 jectives to achieve a measurable population-based
9 target for the reduction of foodborne illness.

10 “(2) REQUIREMENTS.—The goals described in
11 subsection (b)(2) shall be updated every 2 years ac-
12 cording to current epidemiological studies in
13 foodborne illness and the most recently updated in-
14 formation from the Centers for Disease Control and
15 Prevention about the prevalence of foodborne illness.

16 “(f) PATHOGEN REDUCTION PERFORMANCE STAND-
17 ARDS.—

18 “(1) IN GENERAL.—The pathogen reduction
19 performance standards required under subsection (b)
20 shall ensure the lowest level or incidence of contami-
21 nation that is reasonably achievable using the best
22 available processing technology and practices.

23 “(2) CURRENT CONTAMINATION.—In deter-
24 mining what is reasonably achievable, the Secretary
25 shall consider data on current levels or incidence of

1 contamination, including what is being achieved by
2 establishments in the upper quartile of performance
3 in controlling the level or incidence of contamination.

4 “(3) INITIAL PATHOGENS.—Not later than 3
5 years after the date of enactment of this section, the
6 Secretary shall propose pathogen reduction perform-
7 ance standards for at least 2 pathogens from the list
8 published under subsection (c).

9 “(4) SUBSEQUENT PATHOGENS.—Not later
10 than 1 year after proposing pathogen reduction
11 standards for the initial pathogens under paragraph
12 (3), and each year thereafter, the Secretary shall
13 propose a pathogen reduction performance standard
14 for at least 1 pathogen each year from the list pub-
15 lished under subsection (c) until standards have
16 been proposed for all pathogens on the list.

17 “(5) FINAL STANDARDS.—Not later than 1
18 year after proposing a pathogen reduction standard
19 for a pathogen under this subsection, the Secretary
20 shall promulgate a final pathogen reduction stand-
21 ard for the pathogen.

22 “(6) ZERO-TOLERANCE STANDARDS.—Nothing
23 in this section affects the authority of the Secretary
24 to establish a zero-tolerance pathogen reduction per-
25 formance standard.

1 “(g) REVIEW OF STANDARDS.—

2 “(1) IN GENERAL.—Not later than 3 years
3 after promulgation of a final pathogen reduction
4 performance standard for a pathogen under sub-
5 section (e)(5), the Secretary shall review the stand-
6 ard to determine whether the standard continues to
7 ensure the lowest level or incidence of contamination
8 that is reasonably achievable using the best available
9 processing technology and practices, taking into ac-
10 ount the most recent survey conducted under sub-
11 section (d).

12 “(2) PUBLIC HEALTH GOALS.—The goals de-
13 scribed in subsection (e) shall be—

14 “(A) used in addition to the most recent
15 survey conducted under subsection (d) to evalu-
16 ate the pathogen performance standards set by
17 the Secretary; and

18 “(B) considered when the Secretary re-
19 views and revises the final pathogen reduction
20 performance standards in accordance with sub-
21 section (f).

22 “(h) ENFORCEMENT.—

23 “(1) IN GENERAL.—The Secretary shall con-
24 duct regular microbial testing in establishments pro-
25 ducing raw meat and meat products to determine

1 compliance with the pathogen reduction performance
2 standards promulgated under this section.

3 “(2) INSPECTIONS.—If the Secretary deter-
4 mines that an establishment fails to meet a standard
5 promulgated under subsection (e) and that the es-
6 tablishment fails to take appropriate corrective ac-
7 tion, as determined by the Secretary, the Secretary
8 shall refuse to allow any meat or meat product sub-
9 ject to the standard and processed by the establish-
10 ment to be labeled, marked, stamped or tagged as
11 ‘inspected and passed’.

12 “(i) REPORT ON HEALTH-BASED PATHOGEN PER-
13 FORMANCE STANDARDS.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this section, the Secretary,
16 in consultation with the Secretary of Health and
17 Human Services, shall submit to Congress a report
18 on the scientific feasibility of establishing health-
19 based performance standards for pathogens in raw
20 meat and meat products.

21 “(2) FACTORS.—In preparing the report, the
22 Secretary shall consider—

23 “(A) the scientific feasibility of deter-
24 mining safe levels for pathogens in raw meat
25 and meat products;

1 “(B) the scientific and public health cri-
2 teria that are relevant to determining the safe
3 levels; and

4 “(C) other factors determined by the Sec-
5 retary.

6 “(j) RELATIONSHIP TO ADULTERATION PROVI-
7 SIONS.—Nothing in this section affects the applicability
8 to pathogens of the provisions of this Act relating to adul-
9 teration.”.

10 (b) POULTRY AND POULTRY PRODUCTS.—The Poul-
11 try Products Inspection Act (21 U.S.C. 451 et seq.) is
12 amended by inserting after section 7 (21 U.S.C. 456) the
13 following:

14 **“SEC. 7A. PATHOGEN PERFORMANCE STANDARDS.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) PATHOGEN REDUCTION PERFORMANCE
17 STANDARDS.—The term ‘pathogen reduction per-
18 formance standards’ means standards establishing
19 the degree to which a step or combination of steps
20 in the production, processing, distribution, or prepa-
21 ration of a food must operate to achieve the required
22 level of control over microbiological contamination.

23 “(2) PUBLIC HEALTH GOALS AND OBJEC-
24 TIVES.—The term ‘public health goals and objec-
25 tives’ means goals and objectives establishing the de-

1 sired outcome associated with reducing the burden
2 of foodborne disease in society.

3 “(b) STANDARDS, GOALS, AND OBJECTIVES.—In
4 order to protect the public health and promote food safety,
5 the Secretary shall prescribe—

6 “(1) pathogen surveys to determine current
7 contamination levels of raw poultry and poultry
8 products with foodborne pathogens;

9 “(2) public health goals and objectives; and

10 “(3) pathogen reduction performance standards
11 to—

12 “(A) reduce pathogens in raw poultry and
13 poultry products processed by each establish-
14 ment receiving inspection services under this
15 Act; and

16 “(B) achieve public health goals and objec-
17 tives.

18 “(c) LIST OF PATHOGENS.—

19 “(1) IN GENERAL.—In consultation with the
20 Secretary of Health and Human Services, and tak-
21 ing into account data available from the Centers for
22 Disease Control and Prevention, the Secretary shall
23 identify the pathogens that make a significant con-
24 tribution to the total burden of foodborne disease as-
25 sociated with poultry and poultry products.

1 “(2) PUBLICATION; UPDATES.—The Secretary
2 shall—

3 “(A) publish a list of the pathogens de-
4 scribed in paragraph (1) not later than 60 days
5 after the date of enactment of this section; and

6 “(B) update and publish the list annually
7 thereafter.

8 “(d) PATHOGEN SURVEYS.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this section, the Sec-
11 retary shall initiate comprehensive, statistically rep-
12 resentative surveys to determine the current levels
13 and incidence of contamination of raw poultry and
14 poultry products with the pathogens listed under
15 subsection (c), including the variation in levels and
16 incidence of contamination among establishments.

17 “(2) PUBLICATION.—Not later than 2 years
18 after the date of enactment of this section, the Sec-
19 retary shall compile, and publish in the Federal Reg-
20 ister, the results of the surveys.

21 “(3) UPDATES.—At least once every 3 years
22 after the preceding surveys are conducted, the Sec-
23 retary shall—

24 “(A) conduct surveys described in para-
25 graph (1); and

1 “(B) compile and publish the results of the
2 surveys in accordance with paragraph (2).

3 “(e) PUBLIC HEALTH GOALS AND OBJECTIVES.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the completion of pathogen surveys under subsection
6 (d), and in coordination with the Secretary of
7 Health and Human Services and the Director of the
8 Centers for Disease Control and Prevention, the
9 Secretary shall establish public health goals and ob-
10 jectives to achieve a measurable population-based
11 target for the reduction of foodborne illness.

12 “(2) REQUIREMENTS.—The goals described in
13 subsection (b)(2) shall be updated every 2 years ac-
14 cording to current epidemiological studies in
15 foodborne illness and the most recently updated in-
16 formation from the Centers for Disease Control and
17 Prevention about the prevalence of foodborne illness.

18 “(f) PATHOGEN REDUCTION PERFORMANCE STAND-
19 ARDS.—

20 “(1) IN GENERAL.—The pathogen reduction
21 performance standards required under subsection (b)
22 shall ensure the lowest level or incidence of contami-
23 nation that is reasonably achievable using the best
24 available processing technology and practices.

1 “(2) CURRENT CONTAMINATION.—In determining what is reasonably achievable, the Secretary
2 shall consider data on current levels or incidence of
3 contamination, including what is being achieved by
4 establishments in the upper quartile of performance
5 in controlling the level or incidence of contamination.

6
7 “(3) INITIAL PATHOGENS.—Not later than 3
8 years after the date of enactment of this section, the
9 Secretary shall propose pathogen reduction perform-
10 ance standards for at least 2 pathogens from the list
11 published under subsection (c).

12 “(4) SUBSEQUENT PATHOGENS.—Not later
13 than 1 year after proposing pathogen reduction
14 standards for the initial pathogens under paragraph
15 (3), and each year thereafter, the Secretary shall
16 propose a pathogen reduction performance standard
17 for at least 1 pathogen each year from the list pub-
18 lished under subsection (c) until standards have
19 been proposed for all pathogens on the list.

20 “(5) FINAL STANDARDS.—Not later than 1
21 year after proposing a pathogen reduction standard
22 for a pathogen under this subsection, the Secretary
23 shall promulgate a final pathogen reduction stand-
24 ard for the pathogen.

1 “(6) ZERO-TOLERANCE STANDARDS.—Nothing
2 in this section affects the authority of the Secretary
3 to establish a zero-tolerance pathogen reduction per-
4 formance standard.

5 “(g) REVIEW OF STANDARDS.—

6 “(1) IN GENERAL.—Not later than 3 years
7 after promulgation of a final pathogen reduction
8 performance standard for a pathogen under sub-
9 section (e)(5), the Secretary shall review the stand-
10 ard to determine whether the standard continues to
11 ensure the lowest level or incidence of contamination
12 that is reasonably achievable using the best available
13 processing technology and practices, taking into ac-
14 count the most recent survey conducted under sub-
15 section (d).

16 “(2) PUBLIC HEALTH GOALS.—The goals de-
17 scribed in subsection (e) shall be—

18 “(A) used in addition to the most recent
19 survey conducted under subsection (d) to evalu-
20 ate the pathogen performance standards set by
21 the Secretary; and

22 “(B) considered when the Secretary re-
23 views and revises the final pathogen reduction
24 performance standards in accordance with sub-
25 section (f).

1 “(3) REVISIONS.—The Secretary shall revise
2 the standard, as necessary, to comply with sub-
3 section (e).

4 “(h) ENFORCEMENT.—

5 “(1) IN GENERAL.—The Secretary shall con-
6 duct regular microbial testing in establishments pro-
7 ducing raw poultry and poultry products to deter-
8 mine compliance with the pathogen reduction per-
9 formance standards promulgated under this section.

10 “(2) INSPECTIONS.—If the Secretary deter-
11 mines that an establishment fails to meet a standard
12 promulgated under subsection (e) and that the es-
13 tablishment fails to take appropriate corrective ac-
14 tion, as determined by the Secretary, the Secretary
15 shall refuse to allow any poultry or poultry product
16 subject to the standard and processed by the estab-
17 lishment to be labeled, marked, stamped or tagged
18 as ‘inspected and passed’.

19 “(i) REPORT ON HEALTH-BASED PATHOGEN PER-
20 FORMANCE STANDARDS.—

21 “(1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this section, the Secretary,
23 in consultation with the Secretary of Health and
24 Human Services, shall submit to Congress a report
25 on the scientific feasibility of establishing health-

1 based performance standards for pathogens in raw
2 poultry and poultry products.

3 “(2) FACTORS.—In preparing the report, the
4 Secretary shall consider—

5 “(A) the scientific feasibility of deter-
6 mining safe levels for pathogens in raw poultry
7 and poultry products;

8 “(B) the scientific and public health cri-
9 teria that are relevant to determining the safe
10 levels; and

11 “(C) other factors determined by the Sec-
12 retary.

13 "(j) RELATIONSHIP TO ADULTERATION PROVI-
14 SIONS.—Nothing in this section affects the applicability
15 to pathogens of the provisions of this Act relating to adul-
16 teration."

19 (a) ESTABLISHMENT.—

3 (A) the Secretary, acting through the
4 Under Secretary for Food Safety; and

5 (B) the Secretary of Health and Human
6 Services, acting through the Assistant Secretary
7 for Health.

8 (b) MEMBERSHIP.—

16 (A) are qualified by education, training,
17 and experience to evaluate scientific and tech-
18 nical information on matters referred to the
19 Committee; and

20 (B) to the maximum extent practicable,
21 represent the fields of microbiology, risk assess-
22 ment, epidemiology, public health, food science,
23 veterinary medicine, and other relevant dis-
24 ciplines.

12 (c) MEETINGS.—

23 (4) CONFLICTS OF INTEREST.—

24 (A) IN GENERAL.—Notwithstanding sec-
25 tions 201 through 209 of title 18, United

1 States Code, a conflict of interest involving the
2 appointment of a member of the Committee
3 shall be waived under section 208(b)(3) of that
4 title only if the member with the conflict of in-
5 terest is essential to the completion of the work
6 of the Committee.

12 (d) DUTIES.—

21 (2) FOOD SAFETY STANDARDS AND REGULA-
22 TIONS.—

23 (A) IN GENERAL.—At the time at which
24 the Secretary submits to any Federal agency
25 for formal review and comment any standard or

1 regulation proposed under the Federal Meat In-
2 spection Act (21 U.S.C. 601 et seq.), the Pou-
3 ltry Products Inspection Act (21 U.S.C. 451 et
4 seq.), or any program administered by the
5 Under Secretary for Food Safety, the Secretary
6 shall make available to the Committee—

7 (i) the standard or regulation; and
8 (ii) relevant scientific and technical
9 information possessed by the Secretary on
10 which the proposed standard or regulation
11 is based.

12 (B) ADVICE AND COMMENTS.—Not later
13 than a date specified by the Secretary that is
14 not later than 90 days after the date of receipt
15 of the standard or regulation, the Committee
16 may make available to the Secretary the advice
17 and comments of the Committee on the ade-
18 quacy of the scientific and technical basis for
19 the proposed standard or regulation, together
20 with any additional information the Committee
21 considers appropriate.

22 (C) CONTEMPORANEOUS REVIEW.—To the
23 maximum extent practicable, the review by the
24 Committee under subparagraph (A) shall be

1 conducted contemporaneously with review by
2 other Federal agencies.

3 (e) POWERS.—

9 (2) INFORMATION FROM FEDERAL AGENCIES.—

10 (A) IN GENERAL.—The Committee may
11 secure directly from a Federal agency such in-
12 formation as the Committee considers necessary
13 to carry out this section.

14 (B) PROVISION OF INFORMATION.—On re-
15 quest of the Chairperson of the Committee, the
16 head of the agency shall provide the informa-
17 tion to the Committee.

18 (3) SUBCOMMITTEES AND INVESTIGATIVE PAN-
19 ELS.—

20 (A) IN GENERAL.—The Committee may
21 establish such subcommittees and investigative
22 panels as the Secretary and the Committee de-
23 termine necessary to carry out this section.

1 (B) CHAIRPERSON.—Each subcommittee
2 and investigative panel shall be chaired by a
3 member of the Committee.

11 (f) COMMITTEE PERSONNEL MATTERS.—

1 the member in the performance of the duties of the
2 Committee.

3 (3) STAFF.—

4 (A) IN GENERAL.—The Chairperson of the
5 Committee may, without regard to the civil
6 service laws (including regulations), appoint
7 and terminate an executive director and such
8 other additional personnel as are necessary to
9 enable the Committee to perform the duties of
10 the Committee.

11 (B) CONFIRMATION OF EXECUTIVE DIREC-
12 TOR.—The employment of an executive director
13 shall be subject to confirmation by the Com-
14 mittee.

15 (C) COMPENSATION.—

16 (i) IN GENERAL.—Except as provided
17 in clause (ii), the Chairperson of the Com-
18 mittee may fix the compensation of the ex-
19 ecutive director and other personnel with-
20 out regard to the provisions of chapter 51
21 and subchapter III of chapter 53 of title 5,
22 United States Code, relating to classifica-
23 tion of positions and General Schedule pay
24 rates.

1 (ii) MAXIMUM RATE OF PAY.—The
2 rate of pay for the executive director and
3 other personnel shall not exceed the rate
4 payable for level V of the Executive Sched-
5 ule under section 5316 of title 5, United
6 States Code.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There are authorized to be
17 appropriated such sums as are necessary to carry
18 out this section, to remain available until expended.

1 **SEC. 6. ENFORCEMENT OF HACCP AND SANITATION RE-**2 **QUIREMENTS.**

3 (a) **IN GENERAL.**—The Secretary shall enforce the
4 Hazard Analysis and Critical Control Point (HACCP)
5 System requirements established under part 417 of title
6 9, Code of Federal Regulations (or successor regulations),
7 and the sanitation requirements established under part
8 416 of title 9, Code of Federal Regulations (or successor
9 regulations), in any official establishment.

10 (b) **ENFORCEMENT.**—

11 (1) **IN GENERAL.**—If the Secretary determines
12 that an establishment fails to meet a requirement
13 described in subsection (a) and that the establish-
14 ment fails to take appropriate corrective action, as
15 determined by the Secretary, the Secretary may
16 refuse to allow any meat or meat product, or poultry
17 or poultry product, subject to the standard and proc-
18 essed by the establishment to be labeled, marked,
19 stamped or tagged as “inspected and passed”.

20 (2) **ADDITIONAL AUTHORITY.**—The authority
21 provided under paragraph (1) is in addition to any
22 other authority the Secretary may have to enforce
23 the requirements of this section.

24 **SEC. 7. REGULATIONS.**

25 (a) **IN GENERAL.**—Consistent with section 553 of
26 title 5, United States Code, the Secretary shall have the

1 authority to enforce the pathogen performance standards
2 of the Secretary in accordance with the Federal Meat In-
3 spection Act (21 U.S.C. 601 et seq.) and the Poultry
4 Products Inspection Act (21 U.S.C. 451 et seq.).

5 (b) CHALLENGES.—Subsection (a) does not prevent
6 a challenge to the standards described in subsection (a)
7 on any basis other than the basis that the Secretary lacks
8 the authority to issue and enforce pathogen performance
9 standards promulgated in accordance with section 553 of
10 title 5, United States Code.

11 (c) EFFECTIVE DATE.—This section takes effect on
12 January 1, 2000.

○