

110TH CONGRESS
2D SESSION

H. R. 5518

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2008

Mr. UDALL of New Mexico introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe.

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 “Unsafe Meat and Poul-
5 try Recall Act”.

1 **SEC. 2. RECALL AUTHORITY OVER MEAT AND MEAT FOOD**
2 **PRODUCTS.**

3 (a) MANDATORY RECALLS AUTHORIZED.—The Fed-
4 eral Meat Inspection Act (21 U.S.C. 601 et seq.) is
5 amended—

6 (1) by redesignating section 411 (21 U.S.C.
7 681) as section 412; and

8 (2) by inserting after section 410 (21 U.S.C.
9 679a) the following new section:

10 **“SEC. 411. NOTIFICATION, NONDISTRIBUTION, AND RECALL**
11 **OF ADULTERATED, MISBRANDED, AND**
12 **OTHER UNSAFE MEAT PRODUCTS.**

13 “(a) MEAT PRODUCT DEFINED.—In this section, the
14 term ‘meat product’ means a carcass, part of a carcass,
15 meat, or meat food product of an amenable species.

16 “(b) NOTIFICATION REQUIRED.—

17 “(1) NOTICE TO SECRETARY.—A person that
18 has reason to believe that a meat product handled
19 by the person is in violation of this Act shall imme-
20 diately notify the Secretary, in such manner and by
21 such means as the Secretary may by regulation pro-
22 mulgate, of the identity and location of the meat
23 product.

24 “(2) EXCEPTIONS.—The requirement to notify
25 the Secretary under paragraph (1) shall not apply
26 to—

1 “(A) consumers of meat products; and

2 “(B) such other persons as the Secretary
3 may exempt by regulation.

4 “(c) VOLUNTARY NONDISTRIBUTION AND RECALL.—

5 If the Secretary finds that a meat product is in violation
6 of this Act and that there is a reasonable probability that
7 human consumption of the meat product may present a
8 threat to public health, the Secretary shall provide all ap-
9 propriate persons that handled the meat product, as deter-
10 mined by the Secretary, with an opportunity to—

11 “(1) cease distribution of the meat product;

12 “(2) notify all persons handling the meat prod-
13 uct to immediately cease distribution of the meat
14 product;

15 “(3) recall the meat product; and

16 “(4) in consultation with the Secretary, provide
17 notice to consumers to whom the meat product may
18 have been distributed.

19 “(d) MANDATORY ACTIONS.—If a person does not
20 voluntarily take the actions described in subsection (c)
21 with respect to a meat product within the time and in the
22 manner prescribed by the Secretary, the Secretary may,
23 by order, require such person to immediately—

24 “(1) cease distribution of the meat product;

1 “(2) notify all persons handling the meat prod-
2 uct to immediately cease distribution of the meat
3 product; and

4 “(3) recall the meat product or take other ap-
5 propriate action, as determined by the Secretary.

6 “(e) NOTICE TO CONSUMERS.—If the Secretary or-
7 ders a mandatory action under subsection (d), the Sec-
8 retary shall provide notice of the action to consumers to
9 whom the meat product may have been distributed to the
10 extent the Secretary considers necessary.

11 “(f) NONDISTRIBUTION BY NOTIFIED PERSONS.—A
12 person handling a meat product that receives notification
13 under subsection (c) or (d) shall immediately cease dis-
14 tribution of the meat product.

15 “(g) VACATION OF ORDER.—If, after providing an
16 opportunity for a hearing on the record, the Secretary de-
17 termines that adequate grounds do not exist to continue
18 the mandatory actions required by an order issued under
19 subsection (d), the Secretary shall vacate the order.

20 “(h) ADDITIONAL REMEDIES.—The remedies pro-
21 vided in this section are in addition to any other remedies
22 that may be available under any other provision of law.”.

23 (b) DEFINITION OF PERSON.—

1 (1) IN GENERAL.—Section 1 of the Federal
2 Meat Inspection Act (21 U.S.C. 601) is amended by
3 adding at the end the following new subsection:

4 “(x) PERSON.—The term ‘person’ means any indi-
5 vidual, partnership, corporation, association, or other busi-
6 ness unit.”.

7 (2) CONFORMING AMENDMENTS.—The Federal
8 Meat Inspection Act (21 U.S.C. 601 et seq.) is
9 amended—

10 (A) by striking “person, firm, or corpora-
11 tion” each place it appears and inserting “per-
12 son”;

13 (B) by striking “persons, firms, and cor-
14 porations” each place it appears and inserting
15 “persons”; and

16 (C) by striking “persons, firms, or corpora-
17 tions” each place it appears and inserting “per-
18 sons”.

19 **SEC. 3. RECALL AUTHORITY OVER POULTRY AND POULTRY**
20 **FOOD PRODUCTS.**

21 The Poultry Products Inspection Act (21 U.S.C. 451
22 et seq.) is amended by adding at the end the following
23 new section:

1 **“SEC. 31. NOTIFICATION, NONDISTRIBUTION, AND RECALL**
2 **OF ADULTERATED, MISBRANDED, AND**
3 **OTHER UNSAFE POULTRY PRODUCTS.**

4 “(a) NOTIFICATION REQUIRED.—

5 “(1) NOTICE TO SECRETARY.—A person that
6 has reason to believe that a poultry product handled
7 by the person is in violation of this Act shall imme-
8 diately notify the Secretary, in such manner and by
9 such means as the Secretary may by regulation pro-
10 mulgate, of the identity and location of the poultry
11 product.

12 “(2) EXCEPTIONS.—The requirement to notify
13 the Secretary under paragraph (1) shall not apply
14 to—

15 “(A) consumers of poultry products; and

16 “(B) such other persons as the Secretary
17 may exempt by regulation.

18 “(b) VOLUNTARY NONDISTRIBUTION AND RECALL.—

19 If the Secretary finds that a poultry product is in violation
20 of this Act and that there is a reasonable probability that
21 human consumption of the poultry product may present
22 a threat to public health, the Secretary shall provide all
23 appropriate persons that handled the poultry product, as
24 determined by the Secretary, with an opportunity to—

25 “(1) cease distribution of the poultry product;

1 “(2) notify all persons handling the poultry
2 product to immediately cease distribution of the
3 poultry product;

4 “(3) recall the poultry product; and

5 “(4) in consultation with the Secretary, provide
6 notice to consumers to whom the poultry product
7 may have been distributed.

8 “(c) MANDATORY ACTIONS.—If a person does not
9 voluntarily take the actions described in subsection (b)
10 with respect to a poultry product within the time and in
11 the manner prescribed by the Secretary, the Secretary
12 may, by order, require the person to immediately—

13 “(1) cease distribution of the poultry product;

14 “(2) notify all persons handling the poultry
15 product to immediately cease distribution of the
16 poultry product; and

17 “(3) recall the poultry product or take other ap-
18 propriate action, as determined by the Secretary.

19 “(d) NOTICE TO CONSUMERS.—If the Secretary or-
20 ders a mandatory action under subsection (c), the Sec-
21 retary shall provide notice of the action to consumers to
22 whom the poultry product may have been distributed, to
23 the extent the Secretary considers necessary.

24 “(e) NONDISTRIBUTION BY NOTIFIED PERSONS.—A
25 person handling a poultry product that receives notifica-

1 tion under subsection (b) or (c) shall immediately cease
2 distribution of the poultry product.

3 “(f) VACATION OF ORDER.—If, after providing an
4 opportunity for a hearing on the record, the Secretary de-
5 termines that adequate grounds do not exist to continue
6 the mandatory actions required by an order issued under
7 subsection (c), the Secretary shall vacate the order.

8 “(g) ADDITIONAL REMEDIES.—The remedies pro-
9 vided in this section are in addition to any other remedies
10 that may be available under any other provision of law.”.

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