

111TH CONGRESS
1ST SESSION

H. R. 814

To amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to improve the safety of food, meat, and poultry products through enhanced traceability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2009

Ms. DEGETTE (for herself, Ms. BORDALLO, Mr. NADLER of New York, and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to improve the safety of food, meat, and poultry products through enhanced traceability, and for other purposes.

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 “Tracing and Recalling
3 Agricultural Contamination Everywhere Act of 2009” or
4 “TRACE Act of 2009”.

5 **SEC. 2. TRACEABILITY OF FOOD.**

6 The Federal Food, Drug, and Cosmetic Act (21
7 U.S.C. 301 et seq.) is amended—

8 (1) in section 301, by inserting at the end the
9 following:

10 “(oo) The failure to comply with any requirement of
11 section 414A (relating to the traceability of food).”; and

12 (2) in chapter IV, by inserting after section 414
13 the following:

14 **“SEC. 414A. TRACEABILITY OF FOOD.**

15 “(a) ESTABLISHMENT OF SYSTEM.—Not later than
16 1 year after the date of the enactment of this section, the
17 Secretary shall establish a traceability system described in
18 subsection (b) for all stages of manufacturing, processing,
19 packaging, and distribution of food.

20 “(b) DESCRIPTION OF SYSTEM.—The traceability
21 system required by subsection (a) shall require each article
22 of food shipped in interstate commerce to be identified in
23 a manner that enables the Secretary to retrieve the his-
24 tory, use, and location of the article through a record-
25 keeping and audit system or registered identification.

26 “(c) RECORDS.—

1 “(1) IN GENERAL.—The Secretary may require
2 that each person, firm, and corporation required to
3 identify an article of food pursuant to subsection (b)
4 maintain accurate records, as prescribed by the Sec-
5 retary, regarding the purchase, sale, and identifica-
6 tion of the article.

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

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

19 “(d) FALSE INFORMATION.—No person, firm, or cor-
20 poration shall falsify or misrepresent to any other person,
21 firm, or corporation, or to the Secretary, any information
22 as to any location at which any article of food was held.

23 “(e) ALTERATION OR DESTRUCTION OF RECORDS.—
24 No person, firm, or corporation shall, without authoriza-
25 tion from the Secretary, alter, detach, or destroy any

1 records or other means of identification prescribed by the
 2 Secretary for use in determining the location at which any
 3 article of food was held.”.

4 **SEC. 3. TRACEABILITY OF LIVESTOCK.**

5 Title I of the Federal Meat Inspection Act (21 U.S.C.
 6 601 et seq.) is amended by adding at the end the fol-
 7 lowing:

8 **“SEC. 26. TRACEABILITY OF LIVESTOCK, MEAT, AND MEAT**
 9 **PRODUCTS.**

10 “(a) DEFINITION OF TRACEABILITY.—In this sec-
 11 tion, the term ‘traceability’ means the ability to retrieve
 12 the history, use, and location of an article through a rec-
 13 ordkeeping and audit system or registered identification.

14 “(b) REQUIREMENTS.—

15 “(1) IN GENERAL.—Cattle, sheep, swine, goats,
 16 and horses, mules, and other equines presented for
 17 slaughter for human food purposes, and the car-
 18 casses or parts of carcasses and the meat and meat
 19 food products of those animals, shipped in interstate
 20 commerce shall be identified in a manner that en-
 21 ables the Secretary to trace—

22 “(A) each animal to any premises or other
 23 location at which the animal was held at any
 24 time before slaughter; and

1 “(B) each carcass or part of a carcass and
2 meat and meat food product of such animals
3 forward from slaughter through processing and
4 distribution to the ultimate consumer.

5 “(2) TRACEABILITY SYSTEM.—Not later than 1
6 year after the date of the enactment of this section,
7 the Secretary shall establish a traceability system for
8 all stages of production, processing, and distribution
9 of meat and meat food products that are produced
10 through the slaughter of animals described in para-
11 graph (1).

12 “(c) PROHIBITION OR RESTRICTION ON ENTRY.—
13 The Secretary may prohibit or restrict entry into any
14 slaughtering establishment inspected under this Act of any
15 cattle, sheep, swine, goats, or horses, mules, or other
16 equines not identified as prescribed by the Secretary under
17 subsection (b).

18 “(d) RECORDS.—

19 “(1) IN GENERAL.—The Secretary may require
20 that each person, firm, and corporation required to
21 identify livestock pursuant to subsection (b) main-
22 tain accurate records, as prescribed by the Sec-
23 retary, regarding the purchase, sale, and identifica-
24 tion of the livestock.

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

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

13 “(e) FALSE INFORMATION.—No person, firm, or cor-
14 poration shall falsify or misrepresent to any other person,
15 firm, or corporation, or to the Secretary, any information
16 as to any premises at which any cattle, sheep, swine,
17 goats, horses, mules, or other equines, or carcasses there-
18 of, were held.

19 “(f) ALTERATION OR DESTRUCTION OF RECORDS.—
20 No person, firm, or corporation shall, without authoriza-
21 tion from the Secretary, alter, detach, or destroy any
22 records or other means of identification prescribed by the
23 Secretary for use in determining the premises at which
24 were held any cattle, sheep, swine, goats, horses, mules,
25 or other equines, or the carcasses thereof.

1 “(g) RELATION TO COUNTRY OF ORIGIN LABEL-
 2 ING.—Nothing contained in this section prevents or inter-
 3 feres with implementation of the country of origin labeling
 4 requirements of subtitle D of the Agricultural Marketing
 5 Act of 1946 (7 U.S.C. 1638 et seq.).”.

6 **SEC. 4. TRACEABILITY OF POULTRY.**

7 The Poultry Products Inspection Act is amended by
 8 inserting after section 23 (21 U.S.C. 467e) the following:

9 **“SEC. 23A. TRACEABILITY OF POULTRY AND POULTRY**
 10 **PRODUCTS.**

11 “(a) DEFINITION OF TRACEABILITY.—In this sec-
 12 tion, the term ‘traceability’ means the ability to retrieve
 13 the history, use, and location of an article through a rec-
 14 ordkeeping and audit system or registered identification.

15 “(b) REQUIREMENTS.—

16 “(1) IN GENERAL.—Poultry presented for
 17 slaughter for human food purposes and poultry
 18 products shipped in interstate commerce shall be
 19 identified in a manner that enables the Secretary to
 20 trace—

21 “(A) each animal to any premises or other
 22 location at which the animal was held at any
 23 time before slaughter; and

1 “(B) each poultry product forward from
2 slaughter through processing and distribution
3 to the ultimate consumer.

4 “(2) TRACEABILITY SYSTEM.—Not later than 1
5 year after the date of the enactment of this section,
6 the Secretary shall establish a traceability system for
7 all stages of production, processing, and distribution
8 of poultry and poultry food products that are pro-
9 duced through the slaughter of animals described in
10 paragraph (1).

11 “(c) PROHIBITION OR RESTRICTION ON ENTRY.—
12 The Secretary may prohibit or restrict entry into any
13 slaughtering establishment inspected under this Act of any
14 poultry not identified as prescribed by the Secretary.

15 “(d) RECORDS.—

16 “(1) IN GENERAL.—The Secretary may require
17 that each person, firm, and corporation required to
18 identify poultry pursuant to subsection (b) maintain
19 accurate records, as prescribed by the Secretary, re-
20 garding the purchase, sale, and identification of the
21 poultry.

22 “(2) ACCESS.—Each person, firm, and corpora-
23 tion described in paragraph (1) shall, at all reason-
24 able times, on notice by a duly authorized represent-
25 ative of the Secretary, allow the representative to ac-

1 cess to each place of business of the person, firm, or
2 corporation to examine and copy the records de-
3 scribed in paragraph (1).

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

9 “(e) FALSE INFORMATION.—No person, firm, or cor-
10 poration shall falsify or misrepresent to any other person,
11 firm, or corporation, or to the Secretary, any information
12 as to any premises at which any poultry, or carcasses
13 thereof, were held.

14 “(f) ALTERATION OR DESTRUCTION OF RECORDS.—
15 No person, firm, or corporation shall, without authoriza-
16 tion from the Secretary, alter, detach, or destroy any
17 records or other means of identification prescribed by the
18 Secretary for use in determining the premises at which
19 were held any poultry or the carcasses thereof.

20 “(g) RELATION TO COUNTRY OF ORIGIN LABEL-
21 ING.—Nothing contained in this section prevents or inter-
22 feres with implementation of the country of origin labeling
23 requirements of subtitle D of the Agricultural Marketing
24 Act of 1946 (7 U.S.C. 1638 et seq.).”.

1 **SEC. 5. TRACEABILITY OF EGG PRODUCTS.**

2 The Egg Products Inspection Act is amended by in-
3 serting after section 18 (21 U.S.C. 1047) the following:

4 **“SEC. 18A. TRACEABILITY OF EGGS AND EGG PRODUCTS.**

5 “(a) ESTABLISHMENT OF SYSTEM.—Not later than
6 1 year after the date of the enactment of this section, the
7 Secretary shall establish a traceability system described in
8 subsection (b) for all stages of manufacturing, processing,
9 packaging, and distribution of eggs and egg products.

10 “(b) DESCRIPTION OF SYSTEM.—The traceability
11 system required by subsection (a) shall require each egg
12 or egg product shipped in interstate commerce to be iden-
13 tified in a manner that enables the Secretary to retrieve
14 the history, use, and location of the egg or egg product
15 through a recordkeeping and audit system or registered
16 identification.

17 “(c) RECORDS.—

18 “(1) IN GENERAL.—The Secretary may require
19 that each person, firm, and corporation required to
20 identify eggs or egg products pursuant to subsection
21 (b) maintain accurate records, as prescribed by the
22 Secretary, regarding the purchase, sale, and identi-
23 fication of the eggs or egg products.

24 “(2) ACCESS.—Each person, firm, and corpora-
25 tion described in paragraph (1) shall, at all reason-
26 able times, on notice by a duly authorized represent-

1 ative of the Secretary, allow the representative to ac-
2 cess to each place of business of the person, firm, or
3 corporation to examine and copy the records de-
4 scribed in paragraph (1).

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

10 “(d) FALSE INFORMATION.—No person, firm, or cor-
11 poration shall falsify or misrepresent to any other person,
12 firm, or corporation, or to the Secretary, any information
13 as to any location at which any eggs or egg products were
14 held.

15 “(e) ALTERATION OR DESTRUCTION OF RECORDS.—
16 No person, firm, or corporation shall, without authoriza-
17 tion from the Secretary, alter, detach, or destroy any
18 records or other means of identification prescribed by the
19 Secretary for use in determining the locations at which
20 were held any eggs or egg products.”.

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