

111TH CONGRESS
1ST SESSION

S. 2792

To amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for *E. coli* O157:H7 in boneless beef manufacturing trimmings and other raw ground beef components, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2009

Mrs. GILLIBRAND 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 to develop an effective sampling and testing program to test for *E. coli* O157:H7 in boneless beef manufacturing trimmings and other raw ground beef components, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “E. Coli Eradication
5 Act of 2009”.

1 **SEC. 2. E. COLI ERADICATION IN GROUND BEEF.**

2 Title I of the Federal Meat Inspection Act (21 U.S.C.
3 601 et seq.) is amended by adding at the end the fol-
4 lowing:

5 **“SEC. 26. E. COLI ERADICATION IN GROUND BEEF.**

6 “(a) IN GENERAL.—Not later than 180 days after
7 the date of enactment of this section, the Secretary shall
8 require that slaughterhouses, processing establishments,
9 and grinding facilities described in subsection (b) test for
10 the presence of *E. coli* O157:H7 (referred to in this sec-
11 tion as ‘*E. coli*’) at the following points:

12 “(1) One test at the slaughterhouse or proc-
13 essing establishment at which source trim was pro-
14 duced and 1 test of the source trim or bench trim
15 at the receiving facility prior to combining with
16 other lots from different sources.

17 “(2) If the source trim and grinding occurs at
18 the same facility, 1 test of the source trim and 1
19 test of the final ground product.

20 “(b) APPLICATION.—This section applies—

21 “(1) effective beginning on the date that is 180
22 days after the date of enactment of this section, to—

23 “(A) all slaughterhouses or processing es-
24 tablishments that produce more than 25,000
25 pounds of trim per day; or

1 “(B) grinding facilities that grind more
2 than 25,000 pounds of trim or bench trim per
3 day; and

4 “(2) effective beginning on the date that is 3
5 years after the date of enactment of this section, to
6 all slaughterhouses, processing establishments, and
7 grinding facilities that produce or grind trim or
8 bench trim.

9 “(c) ADMINISTRATION.—To carry out this section,
10 the Secretary shall—

11 “(1) approve definitions of lot sizes established
12 by establishments, except that an establishment—

13 “(A) shall demonstrate to the Secretary
14 scientific justification for the definition of the
15 lot; and

16 “(B) shall not define a lot as more than
17 2,000 pounds;

18 “(2) establish testing standards;

19 “(3) assist processors in establishing appro-
20 priate sampling plans for establishments; and

21 “(4) in the case of a positive sample that indi-
22 cates the presence of *E. coli* in a lot of an establish-
23 ment—

24 “(A) verify that meat or meat food prod-
25 ucts contaminated with the *E. coli*, and the en-

1 tire lot that is represented by the sample, are
 2 disposed of or treated to eradicate the E. coli
 3 (in accordance with guidelines of the Secretary)
 4 before entry into commerce; and

5 “(B) promulgate regulations that require
 6 that the slaughterhouse or processing establish-
 7 ment takes corrective action and take measures
 8 to prevent reoccurrence.

9 “(d) TESTING.—

10 “(1) IN GENERAL.—A slaughterhouse or proc-
 11 essing establishment producing or a grinding facility
 12 receiving trimmings shall test each lot using sam-
 13 pling standards and procedures determined by the
 14 Secretary.

15 “(2) TESTING FACILITIES.—

16 “(A) IN GENERAL.—An establishment
 17 shall use an independent testing facility that
 18 uses methods that are at least equivalent in
 19 specificity and sensitivity to the methods used
 20 by the Secretary to test beef trimmings.

21 “(B) ADMINISTRATION.—In using an inde-
 22 pendent testing facility under subparagraph
 23 (A), the establishment—

24 “(i) shall contract with the facility on
 25 an annual basis; and

1 “(ii) shall not terminate the contract
2 on the basis of positive test results re-
3 ported by the facility.

4 “(3) PROFICIENCY TESTING SERVICE.—A lab-
5 oratory that tests beef for E. coli shall contract with
6 a testing service to verify the proficiency of the lab-
7 oratory.

8 “(4) TRANSMISSION OF TESTING RESULTS.—

9 “(A) IN GENERAL.—Test results of any
10 testing conducted under this subsection shall be
11 sent to the applicable slaughterhouse, proc-
12 essing establishment, or grinding facility as
13 soon as results are ready.

14 “(B) TRANSMISSION TO SECRETARY.—The
15 slaughterhouse, processing establishment, or
16 grinding facility shall report any positive or pre-
17 sumptive positive results directly to the Sec-
18 retary through electronic means not later than
19 24 hours after receipt of results from a testing
20 facility.

21 “(5) HABITUAL VIOLATORS.—A slaughterhouse
22 or processing establishment that produces or distrib-
23 utes trim that receives positive results that exceed
24 the maximum allowable percentage of positive re-
25 sults for 3 consecutive days or more than 10 in-

1 stances per year shall be listed on the public website
2 of the Secretary as a habitual violator.

3 “(6) COMPLIANCE.—The Secretary shall take
4 necessary regulatory action with respect to an estab-
5 lishment that fails to test, notify the Secretary of
6 positive results, or otherwise comply with this sub-
7 section.

8 “(e) IMPORTED GROUND BEEF.—

9 “(1) IN GENERAL.—Any trim, bench trim, and
10 ground beef originating from outside the United
11 States shall be subject to the same requirements as
12 apply to domestic trim, bench trim, and ground beef
13 under this section.

14 “(2) VERIFICATION.—

15 “(A) IN GENERAL.—To be eligible for im-
16 portation into the United States, a foreign facil-
17 ity shall provide a certification of compliance
18 with paragraph (1) to a domestic slaughter-
19 house, processing establishment, or grinding fa-
20 cility.

21 “(B) SECONDARY TESTING.—The domestic
22 slaughterhouse, processing establishment, or
23 grinding facility shall verify the results of the
24 certification by conducting secondary testing of

- 1 the trim, bench trim, or ground beef before
- 2 processing into a final ground beef product.”.

