

111TH CONGRESS
2^D SESSION

H. R. 6024

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

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Ms. DELAURO (for herself, Ms. SCHAKOWSKY, Mr. McDERMOTT, Mrs. LOWEY, Mr. GRIJALVA, Ms. LEE of California, Mr. MEEKS of New York, and Ms. RICHARDSON) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for *E. coli* 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* Traceability
5 and Eradication Act”.

1 **SEC. 2. SHIGA TOXIN-PRODUCING E. COLI ERADICATION IN**
2 **GROUND BEEF.**

3 (a) AMENDMENT.—Title I of the Federal Meat In-
4 spection Act (21 U.S.C. 601 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 26. SHIGA TOXIN-PRODUCING E. COLI ERADICATION**
7 **IN GROUND BEEF.**

8 “(a) IN GENERAL.—The Secretary of Agriculture
9 shall require that slaughterhouses, processing establish-
10 ments, and grinding facilities described in subsection (b)
11 test for and report on the presence of Shiga toxin-pro-
12 ducing E. coli at the following points:

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

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

21 “(b) ADMINISTRATION.—To carry out this section,
22 the Secretary shall—

23 “(1) publish peer-reviewed, science-based re-
24 quirements for sampling protocols that establish, for
25 each product type—

26 “(A) lot size limitations;

1 “(B) sample size and the methodology
2 used to calculate the sample size;

3 “(C) sample number;

4 “(D) the expected power of the sample;

5 “(E) in-field and laboratory sampling col-
6 lection methods; and

7 “(F) a standard for validating laboratory
8 test methods;

9 “(2) at least every two years, publish a peer re-
10 view of the sampling protocols referred to in para-
11 graph (1) and any necessary revisions of such proto-
12 cols;

13 “(3) approve establishment sampling protocols
14 consistent with the sampling protocols referred to in
15 paragraph (1); and

16 “(4) in the case of a positive sample that indi-
17 cates the presence of Shiga toxin-producing *E. coli*
18 in a lot of an establishment—

19 “(A) conduct an investigation sufficient to
20 identify the original source of contamination
21 using sampling protocols that include—

22 “(i) collecting documentary evidence;

23 and

24 “(ii) collecting and analyzing a suffi-
25 cient number of meat samples from the

1 source lots, as identified by the collection
2 of documentary evidence conducted under
3 clause (i), to determine the presence or ab-
4 sence of the pathogen in the source lots
5 and the identity of the establishment that
6 was the original source of contamination at
7 locations that may include—

8 “(I) the establishment that tested
9 the meat from the original product
10 lots;

11 “(II) an intermediary processor
12 or warehouse holding meat from the
13 same original product lots;

14 “(III) the establishment that pro-
15 duced the original product lots; or

16 “(IV) a Federally inspected or
17 retail establishment that received part
18 of the original product lots;

19 “(B) verify that meat or meat food prod-
20 ucts contaminated with Shiga toxin-producing
21 E. coli, and the entire lot that is represented by
22 the sample, are disposed of or treated to eradi-
23 cate Shiga toxin-producing E. coli (in accord-
24 ance with guidelines of the Secretary) before
25 entry into commerce; and

1 “(C) promulgate regulations that require
2 that the slaughterhouse or processing establish-
3 ment takes corrective action and takes meas-
4 ures to prevent reoccurrence.

5 “(c) TESTING.—

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

11 “(2) TESTING FACILITIES.—

12 “(A) IN GENERAL.—An establishment
13 shall use an independent testing facility accred-
14 ited by the Secretary that uses methods that
15 are at least equivalent in specificity and sensi-
16 tivity to the methods used by the Secretary to
17 test beef trimmings.

18 “(B) ADMINISTRATION.—In using an inde-
19 pendent testing facility under subparagraph
20 (A), the establishment—

21 “(i) shall contract with the facility on
22 an annual basis; and

23 “(ii) shall not terminate the contract
24 on the basis of positive test results re-
25 ported by the facility.

1 “(3) PROFICIENCY TESTING SERVICE.—A lab-
2 oratory that tests beef for Shiga toxin-producing E.
3 coli shall contract with a testing service to verify the
4 proficiency of the laboratory.

5 “(4) TRANSMISSION OF TESTING RESULTS.—

6 “(A) IN GENERAL.—Test results of any
7 testing conducted under this subsection shall be
8 delivered, not later than 24 hours after such re-
9 sults are obtained, to a specific individual des-
10 ignated by each slaughterhouse, processing es-
11 tablishment, or grinding facility.

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

19 “(5) HABITUAL VIOLATORS.—A slaughterhouse
20 or processing establishment that produces or distrib-
21 utes trim that receives positive results that exceed
22 the maximum allowable percentage of positive re-
23 >sults for 3 consecutive days or more than 10 in-
24 stances per year shall be listed on the public website
25 of the Secretary as a habitual violator.

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

6 “(d) IMPORTED GROUND BEEF.—

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

12 “(2) VERIFICATION.—

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

19 “(B) SECONDARY TESTING.—The domestic
20 slaughterhouse, processing establishment, or
21 grinding facility shall verify the results of the
22 certification by conducting secondary testing of
23 the trim, bench trim, or ground beef before
24 processing into a final ground beef product.”.

1 (b) APPLICATION.—Section 26 of the Federal Meat
2 Inspection Act, as amended by subsection (a), shall
3 apply—

4 (1) effective 180 days after the date of the en-
5 actment of this section, to—

6 (A) all slaughterhouses and processing es-
7 tablishments that produce more than 25,000
8 pounds of trim per day; and

9 (B) grinding facilities that grind more
10 than 25,000 pounds of trim or bench trim per
11 day;

12 (2) effective December 1, 2011, to—

13 (A) all slaughterhouses and processing es-
14 tablishments that produce more than 5,000 but
15 not more than 25,000 pounds of trim per day;
16 and

17 (B) grinding facilities that grind more
18 than 5,000 but not more than 25,000 pounds
19 of trim or bench trim per day;

20 (3) effective December 1, 2012, to—

21 (A) all slaughterhouses and processing es-
22 tablishments that produce more than 1,000 but
23 not more than 5,000 pounds of trim per day;
24 and

1 (B) grinding facilities that grind more
2 than 1,000 but not more than 5,000 pounds of
3 trim or bench trim per day; and

4 (4) effective December 1, 2013, to all slaugh-
5 terhouses, processing establishments, and grinding
6 facilities that produce or grind trim or bench trim.

7 (c) GRANTS.—

8 (1) IN GENERAL.—The Secretary of Agriculture
9 shall award grants to assist slaughterhouses, proc-
10 essing establishments, and grinding facilities in com-
11 plying with section 26 of the Federal Meat Inspec-
12 tion Act, as amended by subsection (a).

13 (2) ELIGIBLE ENTITIES.—Grants awarded
14 under this subsection are limited to—

15 (A) slaughterhouses and processing estab-
16 lishments that produce not more than 1,000
17 pounds of trim per day; and

18 (B) grinding facilities that grind not more
19 than 1,000 pounds of trim or bench trim per
20 day.

21 (3) GRANT FUNDING.—

22 (A) AMOUNT.—The amount of each grant
23 awarded under this subsection shall not exceed
24 \$10,000.

1 (B) PRIORITY.—The Secretary shall award
2 grants under this section on a first-come, first-
3 served basis.

4 (4) TERMINATION.—The grant program estab-
5 lished under this section shall terminate on Decem-
6 ber 1, 2013.

7 **SEC. 3. PROTECTION AGAINST ADULTERATED AND CON-**
8 **TAMINATED MEAT OR MEAT FOOD PROD-**
9 **UCTS.**

10 (a) FINDINGS.—Congress finds that it is essential
11 and in the public interest that—

12 (1) the health and welfare of consumers be pro-
13 tected by ensuring that meat and meat food prod-
14 ucts distributed to consumers are wholesome and not
15 adulterated or contaminated; and

16 (2) Federal meat inspection programs identify
17 all sources, including the slaughterhouse source, of
18 original adulteration and contamination of enteric
19 foodborne pathogens in meat in any case in which—

20 (A) lab samples test positive for enteric
21 pathogen adulteration or contamination; or

22 (B) adulterated or contaminated meat is
23 found in commerce, including foodborne out-
24 breaks.

1 (b) DEFINITIONS.—Section 1 of the Federal Meat In-
 2 spection Act (21 U.S.C. 601) is amended by adding at
 3 the end the following:

4 “(x) ENTERIC FOODBORNE PATHOGEN.—The term
 5 ‘enteric foodborne pathogen’ means live bacteriological
 6 matter that is commonly present in the digestive systems
 7 of animals for slaughter, including Shiga toxin-producing
 8 E. coli and salmonella, the presence of which in meat food
 9 products may indicate unsanitary conditions at the point
 10 of slaughter.

11 “(y) ESTABLISHMENT.—The term ‘establishment’
 12 means any person, firm, meat broker, renderer, or animal
 13 food manufacturer.”.

14 (c) PROTECTION AGAINST ADULTERATED AND CON-
 15 TAMINATED MEAT OR MEAT FOOD PRODUCTS.—Section
 16 8 of the Federal Meat Inspection Act (21 U.S.C. 608) is
 17 amended—

18 (1) by striking “SEC. 8. The Secretary” and in-
 19 serting the following:

20 **“SEC. 8. PROTECTION AGAINST ADULTERATED AND CON-**
 21 **TAMINATED MEAT OR MEAT FOOD PROD-**
 22 **UCTS.**

23 “(a) IN GENERAL.—The Secretary”;

24 (2) by inserting “or contaminated” after “adul-
 25 terated”; and

1 (3) by adding at the end the following:

2 “(b) SAMPLING PROTOCOLS.—

3 “(1) IN GENERAL.—In carrying out this Act,
4 the Secretary shall implement sampling protocols
5 using methods and technologies to enable personnel
6 of the Food Safety and Inspection Service to rapidly
7 trace potential adulteration and contamination of
8 meat and meat food products by enteric foodborne
9 pathogens to possible preceding sources of the adul-
10 teration and contamination, including preparation,
11 packaging, and slaughtering establishments, to de-
12 termine the original site source of the adulteration
13 or contamination.

14 “(2) REQUIREMENTS.—

15 “(A) IN GENERAL.—The sampling proto-
16 cols referred to in paragraph (1) shall enable
17 rapid tracing to the source of contamination,
18 through the—

19 “(i) collection of documentary evi-
20 dence; and

21 “(ii) collection and analyses of a suffi-
22 cient number of meat samples from the
23 source lots, as identified by collection of
24 documentary evidence conducted under
25 clause (i), to determine the presence or ab-

1 sence of the pathogen in the source lots
2 and the identity of the establishment that
3 was the original source of contamination at
4 locations that may include——

5 “(I) the establishment that tested
6 the meat from the original product
7 lot;

8 “(II) an intermediary processor
9 or warehouse holding meat from the
10 same original product lot;

11 “(III) the establishment that pro-
12 duced the original product lot; or

13 “(IV) a Federally inspected or
14 retail establishment that received part
15 of the original product lot.

16 “(B) TIMING.—The collection of documen-
17 tary and other relevant material to enable rapid
18 tracing under subparagraph (A) shall occur at
19 the time that samples of the relevant meat or
20 meat food product are collected.

21 “(C) CERTIFICATION.—The onsite inspec-
22 tor and a responsible establishment representa-
23 tive shall certify that the documentary and
24 other tracing material collected under subpara-
25 graph (A) is complete and accurate.

1 “(3) TRACING OF ADULTERATED AND CON-
2 TAMINATED MEAT AND MEAT FOOD PRODUCTS.—If
3 a meat or meat food product sample tests positive
4 or is indicated to test positive for adulteration or
5 contamination by enteric foodborne pathogens, the
6 Secretary shall immediately conduct a trace—

7 “(A) to identify all sites of adulteration
8 and contamination, including preparation, pack-
9 aging, and slaughtering establishments; and

10 “(B) to identify the original source of
11 adulteration or contamination.

12 “(4) SUBSEQUENT SAMPLING.—If a raw
13 ground meat sample tests positive or is indicated to
14 test positive for adulteration or contamination by en-
15 teric foodborne pathogens at a preparation, pack-
16 aging, or slaughtering establishment, the Secretary
17 shall require subsequent sampling at the establish-
18 ment, and any establishments supplying that estab-
19 lishment, each day for a minimum of 15 consecutive
20 days after the date on which the adulterated or con-
21 taminated sample is collected.”.

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