



July 2009

SUMMARY OF H.R. 2749, THE FOOD SAFETY ENHANCEMENT ACT OF 2009

Committee on Energy and Commerce

Food Safety

1. **Creates an up-to-date registry of all food facilities serving American consumers:** Requires all facilities operating within the U.S. or importing food to the U.S. to register with FDA annually.
2. **Generates resources to support FDA oversight of food safety:** Requires payment of an annual registration fee of \$500 per facility that would generate revenue for food safety activities at FDA.
3. **Prevents food safety problems before they occur:** Requires foreign and domestic food facilities to have safety plans in place to identify and mitigate hazards. Safety plans and food facility records would be subject to review by FDA inspectors and third-party certifiers.
4. **Increases inspections:** Sets a minimum inspection frequency for foreign and domestic facilities. Each high risk facility would be inspected at least once every six to 12 months; each low risk facility would be inspected at least once every 18 months to three years; and each warehouse would be inspected at least once every five years. Refusing, impeding or delaying an inspection is prohibited.
5. **Requires food imports to demonstrate safety:** Directs the Secretary to require certain foreign food to be certified as meeting all U.S. food safety requirements by third parties accredited by FDA.
6. **Creates fast-track import process for food meeting security standards:** Directs FDA to develop voluntary safety and security guidelines for imported foods. Importers meeting the guidelines would receive expedited processing.
7. **Requires safety plans for fresh produce and certain other raw agricultural commodities:** Directs FDA, in coordination with USDA, to issue regulations for ensuring the safe production and harvesting of fruits and vegetables and other raw agricultural commodities, like mushrooms.
8. **Improves traceability:** Significantly expands FDA traceback capabilities in the event of a foodborne illness outbreak. Directs the Secretary to issue traceback regulations that enable the Secretary to identify the history of the food in as short a timeframe as practicable, but no longer than two business days. Prior to issuing such regulations, the Secretary would be required to conduct a feasibility study, public meetings, and one or more pilot projects before issuing traceback regulations. There are exemptions for certain foods or facilities.
9. **Requires country-of-origin labeling:** Requires all processed food labels to indicate the country in which final processing occurred. Requires country-of-origin labeling for all produce.

10. **Expands laboratory testing capacity:** Requires FDA to establish a program to recognize laboratory accreditation bodies and to accept test results only from duly accredited laboratories. Requires laboratories to send certain test results directly to FDA.
11. **Provides strong, flexible enforcement tools:** Provides FDA new authority to issue mandatory recalls of tainted foods. Strengthens penalties imposed on food facilities that fail to comply with safety requirements.
12. **Advances the science of food safety:** Directs the Secretary to enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses. Requires the Secretary to provide greater coordination between federal, state, and local agencies.
13. **Enhances transparency of GRAS program:** Requires posting on FDA’s website of documentation submitted to FDA in support of a “generally recognized as safe” (GRAS) notification.
14. **Allows FDA to charge a fee to cover the cost of additional inspections of facilities that previously committed a violation of the Act related to food.**
15. **Infant Formula:** Requires that a manufacturer of a new infant formula submit certain safety information regarding new ingredients. Grants FDA additional time to review such new ingredient.
16. **Enhances FDA’s ability to administratively detain tainted food products.**
17. **Allows the Secretary to prohibit or restrict movement of harmful food products:** If the Secretary, after consultation with the Governor, determines there is credible evidence that an article of food presents an imminent threat, he or she would be able to prohibit or restrict movement of food in a state or portion of a state.
18. **Creates an up-to-date registry of importers:** Requires all importers of foods to register with FDA annually and pay a registration fee.
19. **Requires unique identification numbers for facilities and importers:** To improve the accuracy of data and the ability of FDA to more quickly identify involved parties in a crisis situation, creates unique identification numbers for all food facilities and importers.
20. **Provides protection for whistleblowers that bring attention to important safety information:** Prohibits entities regulated by FDA from discriminating against an employee in retaliation for assisting in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of federal law.
21. **Grants FDA new authority to subpoena records related to possible violations.**