

S 510

FDA Food Safety Modernization Act

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Agriculture and Food

Introduced: Mar 3, 2009

Current Status: Passed Senate with an amendment by Yea-Nay Vote. 73 - 25. Record Vote Number: 257.

Latest Action: Passed Senate with an amendment by Yea-Nay Vote. 73 - 25. Record Vote Number: 257. (Nov 30, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/510>

Sponsor

Name: Sen. Durbin, Richard J. [D-IL]

Party: Democratic • **State:** IL • **Chamber:** Senate

Cosponsors (21 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Alexander, Lamar [R-TN]	R · TN		Mar 3, 2009
Sen. Burr, Richard [R-NC]	R · NC		Mar 3, 2009
Sen. Dodd, Christopher J. [D-CT]	D · CT		Mar 3, 2009
Sen. Gregg, Judd [R-NH]	R · NH		Mar 3, 2009
Sen. Isakson, Johnny [R-GA]	R · GA		Mar 3, 2009
Sen. Kennedy, Edward M. [D-MA]	D · MA		Mar 3, 2009
Sen. Chambliss, Saxby [R-GA]	R · GA		Mar 4, 2009
Sen. Klobuchar, Amy [D-MN]	D · MN		Mar 4, 2009
Sen. Burris, Roland [D-IL]	D · IL		Jun 24, 2009
Sen. Udall, Tom [D-NM]	D · NM		Jul 28, 2009
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Oct 14, 2009
Sen. Hatch, Orrin G. [R-UT]	R · UT		Nov 9, 2009
Sen. Bingaman, Jeff [D-NM]	D · NM		Nov 18, 2009
Sen. Enzi, Michael B. [R-WY]	R · WY		Nov 30, 2009
Sen. Harkin, Tom [D-IA]	D · IA		Nov 30, 2009
Sen. Vitter, David [R-LA]	R · LA		May 27, 2010
Sen. Nelson, Ben [D-NE]	D · NE		Jun 16, 2010
Sen. Kaufman, Edward E. [D-DE]	D · DE		Sep 13, 2010
Sen. Menendez, Robert [D-NJ]	D · NJ		Sep 13, 2010
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Sep 21, 2010
Sen. Franken, Al [D-MN]	D · MN		Nov 29, 2010

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Reported By	Dec 19, 2009
Homeland Security Committee	House	Bills of Interest - Exchange of Letters	Sep 22, 2010

Subjects & Policy Tags

Policy Area:

Agriculture and Food

Related Bills

Bill	Relationship	Last Action
111 HR 2751	Related bill	Jan 4, 2011: Became Public Law No: 111-353.
111 HR 3082	Related bill	Dec 22, 2010: Became Public Law No: 111-322.
111 HR 1332	Related bill	Apr 23, 2009: Executive Comment Requested from HHS, USDA.

(This summary will be expanded.)

FDA Food Safety Modernization Act - **Title I: Improving Capacity to Prevent Food Safety Problems** - Amends the Federal Food, Drug, and Cosmetic Act (FFDCA) to expand the food safety activities of the Secretary of Health and Human Services (HHS), including to authorize the Secretary to inspect records related to food.

Exempts certain establishments that sell food directly to consumers, such as roadside stands, farmers markets or participants in a community supported agriculture program, from specified requirements of this Act.

Requires each owner, operator, or agent in charge of a food facility to identify and implement preventive controls to significantly minimize or prevent hazards that could affect food manufactured, processed, packed, or held by such facility. Sets forth provisions governing exemptions from such requirements for certain facilities.

Requires the Secretary to: (1) issue guidance documents to reduce the risk from the most significant foodborne contaminants; and (2) establish minimum standards for the safe production and harvesting of fruits and vegetables based on known safety risks. Authorizes the Secretary to issue exemptions and variances from such standards.

Directs the Secretary to assess and collect fees related to: (1) food facility reinspection; (2) food recalls; (3) the voluntary qualified importer program; and (4) importer reinspection.

Directs the Secretary to develop voluntary food allergy and anaphylaxis management guidelines for schools and early childhood education programs.

Title II: Improving Capacity to Detect and Respond to Food Safety Problems - Requires the Secretary to: (1) allocate resources to inspect facilities and imported food according to the known safety risks of the facilities or food; and (2) establish a product tracing system to track and trace food that is in the United States or offered for import into the United States.

Requires the Secretary, acting through the Director of the Centers for Disease Control and Prevention (CDC), to enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses.

Gives the Secretary the authority to order a recall of an article of food.

Title III: Improving the Safety of Imported Food - Requires U.S. importers to perform risk-based foreign supplier verification activities to verify that imported food is produced in compliance with applicable requirements related to hazard analysis and standards for produce safety and is not adulterated or misbranded.

Requires the Secretary to establish a program to expedite review and importation of food offered for importation by U.S. importers who have voluntarily agreed to participate in such program.

Authorizes the Secretary to: (1) require a certification that an article of food imported or offered for import complies with applicable requirements of this Act; and (2) enter into arrangements and agreements with foreign governments to facilitate the inspection of registered foreign facilities. Requires food to be refused admission into the United States if permission to inspect the food facility is denied by the facility owner, operator, or agent or the foreign country.

Sets forth provisions governing the establishment of a system to recognize bodies that accredit third-party auditors and audit agents to certify that foreign entities meet applicable FFDCA requirements for importation of food into the United States.

Title IV: Miscellaneous Provisions - Authorizes appropriations for FY2011-FY2015 for the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration (FDA). Directs the Secretary to increase the field staff of such Centers and Office.

Establishes whistleblower's protections for employees of entities involved in the manufacturing, processing, packing, transporting, distribution, reception, holding, or importation of food who provide information relating to any FFDCA violation.

Actions Timeline

- **Nov 30, 2010:** Considered by Senate. (consideration: CR S8259-8267)
- **Nov 30, 2010:** Cloture motion withdrawn by unanimous consent in Senate. (consideration: CR S8267)
- **Nov 30, 2010:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 73 - 25. Record Vote Number: 257.
- **Nov 30, 2010:** Passed Senate with an amendment by Yea-Nay Vote. 73 - 25. Record Vote Number: 257.
- **Nov 29, 2010:** Considered by Senate. (consideration: CR S8219-8226, S8227-8239)
- **Nov 18, 2010:** Motion to proceed to measure considered in Senate. (consideration: CR S8010-8014, S8014-1031)
- **Nov 18, 2010:** Motion to proceed to consideration of measure agreed to in Senate by Yea-Nay Vote. 57 - 27. Record Vote Number: 251. (consideration: CR S8031)
- **Nov 18, 2010:** Measure laid before Senate by motion. (consideration: CR S8031-8046, S8046-8048, S8049; text of measure as reported in Senate: CR S8031-8046)
- **Nov 18, 2010:** The committee reported substitute amendment was withdrawn by Unanimous Consent. (consideration: CR S8049)
- **Nov 18, 2010:** Cloture motion on the bill presented in Senate. (consideration: CR S8049; text: CR S8049)
- **Nov 17, 2010:** Motion to proceed to measure considered in Senate.
- **Nov 17, 2010:** Cloture on the motion to proceed to the bill invoked in Senate by Yea-Nay Vote. 74 - 25. Record Vote Number: 250. (consideration: CR S7929-7933, S7934-7942; text: CR S7929)
- **Sep 29, 2010:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S7730)
- **Sep 29, 2010:** Cloture motion on the motion to proceed to the bill presented in Senate. (consideration: CR S7730; text: CR S7730)
- **Dec 18, 2009:** Committee on Health, Education, Labor, and Pensions. Reported by Senator Harkin with an amendment in the nature of a substitute. Without written report.
- **Dec 18, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 247.
- **Nov 18, 2009:** Committee on Health, Education, Labor, and Pensions. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 3, 2009:** Introduced in Senate
- **Mar 3, 2009:** Sponsor introductory remarks on measure. (CR S2692-2693)
- **Mar 3, 2009:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure as introduced: CR S2693-2705)