



Overview of Pending FDA Food Safety Bills

David H. Dorsey, MA, JD

Deputy Commissioner (Acting)
Office of Policy, Planning & Budget
Food and Drug Administration

April 9, 2010

Food Safety Bills

- H.R. 2749 – Food Safety Enhancement Act of 2009 (passed the House in July 2009)
- S.510 – FDA Food Safety Modernization Act of 2009 (passed out of committee Nov. 18, 2009)
- If enacted, will give FDA significant new authorities for prevention, intervention and response



Status of H.R. 2749

- 01/28/09 – First introduced as H.R. 759; referred to House Committee on Energy and Commerce
- 06/03/09 – hearing by E&C Subcommittee on Health
- 06/08/09 - Revised bill, “Food Safety Enhancement Act of 2009 (HR 2749), introduced; 5 co-sponsors including Waxman and Stupak
- 06/10/09 – marked-up and approved by E&C Subcommittee on Health
- 06/17/09 – marked-up and approved by full E&C Committee
- 07/16/09 – House Agriculture Committee held hearing
- 07/30/09 – Approved by full House
- 08/03/09 - Received in the Senate; referred to Senate Health, Education, Labor, and Pensions (HELP) Committee

Status of S.510

- 03/03/09 – Introduced; referred to Senate HELP Committee; 13 cosponsors
- 10/22/09 – Senate HELP Committee held hearing
- 11/18/09 – Marked-up and approved with amendments by Senate HELP Committee
- Vote by full Senate not yet scheduled



Some Key Bill Provisions

- Enhanced Records Access
- Enhanced Food Facility Registration and fees
- Mandatory Inspection Frequencies
- Preventive Controls
- Produce safety
- Traceability
- Revised administrative detention
- Regulation of Importers
- Unique Facility Identifier
- Information Sharing

Follow progress of bills at www.House.gov and www.Senate.gov



<p>H.R. 2749</p> <p>Food Safety Enhancement Act of 2009</p> <p>John Dingell (MI)</p>	<p>S. 510</p> <p>Food Safety Modernization Act</p> <p>Richard Durbin (IL)</p>	<p style="text-align: center;">Similarities and Differences Between the H.R. 2749 and S.510 (as of 11/27/09)</p>
Yes	Yes	Expand the FDA's access to certain records to determine whether firms are complying with food safety laws.
Yes	Yes	Require facilities to have in effect preventive control plans that deal with hazards before they happen.
Yes	Yes	Establish produce safety standards.
Yes	Yes	Increase the number of FDA inspections.
Yes	Yes	Create a food testing laboratory accreditation process.
Yes	Yes	Mandatory recall authority.
Yes	Yes	Establish re-inspection and recall fees for food companies that are not complying with food safety laws.
Yes	No	A \$500 per facility registration fee, with an annual cap of \$175,000 for any individual owner.
Yes	Yes	Enhanced authorities to support food safety work of the States.
Yes	No	A requirement that companies submit to the FDA any positive test results for a finished food product.
Yes	No	Provisions that would require the FDA to create a system for tracing food along the food chain so that recalls can be implemented more quickly.
Yes	No	Civil monetary penalties through a tiered system for manufacturers who violate food safety laws.
Yes	No	Country of origin labeling requirements.

Current Efforts

Major focus is prevention:

- Work on produce safety standards, with broad engagement of the farming communities
- Work on updates to food good manufacturing practices
- Sanitary Transportation of Food ANPR
- Enhanced partnerships with USDA and CDC
- Work to bolster efforts with States