

106TH CONGRESS
1ST SESSION

H. R. 2581

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to ensure the safety of imported meat and poultry products.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1999

Mrs. MEEK of Florida introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to ensure the safety of imported meat and poultry products.

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 “Ensuring the Safety
5 of Imported Meat and Poultry Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Prior to 1994 the Federal Meat Inspection
9 Act and the Poultry Products Inspection Act re-
10 quired that imported meat and poultry be subject to

1 the same safety standards as domestically produced
2 meat and poultry.

3 (2) Article 4 of the World Trade Organization’s
4 Agreement on the Application of Sanitary and
5 Phytosanitary Measures (“SPS Agreement”)—which
6 was negotiated as part of the Uruguay Round of
7 Trade Agreements—requires that a country permit
8 imports of food if the country determines that the
9 foreign inspection system provides a level of safety
10 equivalent to the country’s domestic standards.

11 (3) Congress, when it ratified the SPS Agree-
12 ment in 1994, amended the Federal Meat Inspection
13 Act and the Poultry Products Inspection Act to pro-
14 vide that foreign meat and poultry may be imported
15 into this country if the Secretary of Agriculture de-
16 termines that the foreign inspection system provides
17 a level of protection equivalent to that achieved
18 under United States requirements.

19 (4) The Secretary of Agriculture then deter-
20 mined that those countries which had been per-
21 mitted to export meat and poultry to the United
22 States prior to 1994 had an equivalent inspection
23 system because prior to 1994 their inspection system
24 was the same as that used in the United States.

1 (5) In July 1996 the United States Department
2 of Agriculture issued its final regulations for a new
3 system of meat and poultry inspection called the
4 Hazard Analysis and Critical Control Point
5 (“HACCP”) program. This new program was de-
6 signed to improve the safety of meat and poultry
7 and for domestic plants was implemented in phases:
8 on January 27, 1997, all domestic meat and poultry
9 slaughter and process plants had to have in place
10 standard operating procedures for sanitation, and
11 the slaughter plants had to begin testing for generic
12 E. coli; beginning January 26, 1998, domestic meat
13 and poultry plants employing at least 500 persons
14 had to establish the entire HACCP system and meet
15 performance standards for salmonella, with govern-
16 ment inspectors taking samples and those samples
17 being analyzed for salmonella in government labora-
18 tories, beginning January 25, 1999, small domestic
19 plants had to implement the rest of the HACCP sys-
20 tem.

21 (6) In the summer of 1996 the Department of
22 Agriculture asked foreign governments to supply suf-
23 ficient information so that it could determine wheth-
24 er their inspection system is equivalent to the new
25 HACCP requirements.

1 (7) In 1999 the Department of Agriculture is
2 continuing to allow imports of meat and poultry
3 from 32 countries even though it has admitted it
4 does not yet have enough information from any of
5 these foreign countries to determine whether its in-
6 spection system is actually equivalent to the new
7 HACCP salmonella testing requirements that large
8 domestic plants have had to comply with since Janu-
9 ary 26, 1998, and small plants have had to comply
10 with since January 25, 1999.

11 (8) The Department of Agriculture publishes a
12 quarterly report, which it puts on its website, which
13 lists all the domestic plants that are not in compli-
14 ance with the HACCP program; however, the De-
15 partment of Agriculture does not publicly reveal any
16 foreign firm that it believes is not in compliance
17 even though the Department of Agriculture officials
18 conduct audits of foreign meat and poultry plants.

19 (9) At the United States border the Depart-
20 ment of Agriculture takes a “random” sample of
21 about 20 percent of all foreign meat and poultry,
22 and its public quarterly report shows the amount of
23 imported meat and poultry refused entry at the
24 United States border by the Department’s inspec-

1 1 year for those standards and regulations issued after
2 passage of this Act.

3 “(2) The Secretary may extend once for a period not
4 to exceed 1 year the date upon which the ban in paragraph
5 (1) shall take effect if the Secretary determines that this
6 extension poses no risk to the health of the public. The
7 Secretary shall transmit to Congress and publish in the
8 Federal Register at least 60 days prior to the Secretary’s
9 final decision all reasons for the Secretary’s proposed deci-
10 sion to extend the date. The Secretary shall not make a
11 final decision on this extension without taking into ac-
12 count the comments received.”.

13 (b) POULTRY PRODUCTS INSPECTION ACT.—Section
14 17 of the Poultry Products Inspection Act (21 U.S.C.
15 466) is amended by adding at the end the following:

16 “(e)(1) The Secretary shall ban all imports of poultry
17 or parts or products of poultry from any country for which
18 the Secretary has not yet determined, based on informa-
19 tion supplied by the exporting country, that the foreign
20 inspection system actually provides at least the same level
21 of sanitary or phytosanitary protection achieved under
22 United States requirements with regard to all inspection,
23 building construction standards, and all other provisions
24 of this Act and regulations issued under this Act (includ-
25 ing the requirement that salmonella samples be taken by

1 government officials and inspected in government labora-
2 tories). This ban shall take effect within 6 months of pas-
3 sage of this Act for those standards and regulations in
4 effect on the date of passage of this Act and within 1 year
5 for those standards and regulations issued after passage
6 of this Act.

7 “(2) The Secretary may extend once for a period not
8 to exceed 1 year the date upon which the ban in paragraph
9 (1) shall take effect if the Secretary determines that this
10 extension poses no risk to the health of the public. The
11 Secretary shall transmit to Congress and publish in the
12 Federal Register at least 60 days prior to the Secretary’s
13 final decision all reasons for the Secretary’s proposed deci-
14 sion to extend the date. The Secretary shall not make a
15 final decision on this extension without taking into ac-
16 count the comments received.”.

17 **SEC. 4. PUBLIC PARTICIPATION IN DECISIONS ON EQUIVA-**
18 **LENCY.**

19 In any determination by the Secretary of Agri-
20 culture—whether or not it is promulgated as a rule—
21 under either section 20 of the Federal Meat Inspection
22 Act (21 U.S.C. 620) or section 17 of the Poultry Products
23 Inspection Act (21 U.S.C. 466) on whether an inspection
24 system of any foreign country actually provides at least
25 the same level of sanitary or phytosanitary protection

1 achieved under United States requirements with regard to
2 all inspection, building construction standards, and regu-
3 lations issued by the Secretary of Agriculture, the Sec-
4 retary shall, at least 90 days before the Secretary's final
5 determination—

6 (1) publish a notice in the Federal Register
7 that identifies the basis for that proposed determina-
8 tion; and

9 (2) make available for public inspection the en-
10 tire justification provided by the foreign government
11 to the Secretary (translated into English if not origi-
12 nally in English), along with the scientific analysis
13 of that information that was conducted by the Sec-
14 retary.

15 The Secretary shall provide opportunity for the public to
16 comment on the proposed determination and shall not
17 issue a final determination without taking into account the
18 comments received.

19 **SEC. 5. PUBLIC DISCLOSURE OF INFORMATION ON SAFETY**
20 **OF IMPORTED MEAT AND POULTRY.**

21 Every 3 months the Secretary of Agriculture shall
22 publish in the Federal Register—

23 (1) the name and location of any plant export-
24 ing meat or poultry to the United States that the
25 Secretary believes is not in complete compliance with

1 a foreign inspection system that the Secretary has
2 determined provides a level of sanitary or
3 phytosanitary protection at least equal to that pro-
4 vided in the United States; and

5 (2) the rejection rate by country of origin of
6 foreign meat and poultry inspected by the Secretary
7 at the United States border.

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