

110TH CONGRESS  
2D SESSION

# S. 3358

To provide for enhanced food-borne illness surveillance and food safety capacity.

---

## IN THE SENATE OF THE UNITED STATES

JULY 29 (legislative day, JULY 28), 2008

Mr. REID (for Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To provide for enhanced food-borne illness surveillance and food safety capacity.

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 “Improving Food-borne  
5       Illness Surveillance and Response Act of 2008”.

6       **SEC. 2. ENHANCED FOOD-BORNE ILLNESS SURVEILLANCE.**

7       (a) IN GENERAL.—

8               (1) AUTHORITY.—The Secretary of Health and  
9       Human Services (referred to in this section as the

1 “Secretary”) shall strengthen and expand food-borne  
2 illness surveillance systems to—

3 (A) inform and evaluate efforts to prevent  
4 food-borne illness; and

5 (B) enhance the identification and inves-  
6 tigation of, and response to, food-borne illness  
7 outbreaks.

8 (2) FOOD-BORNE ILLNESS OUTBREAK.—For  
9 purposes of this section, the term “food-borne illness  
10 outbreak” means the occurrence of 2 or more cases  
11 of a similar illness resulting from the ingestion of a  
12 common food.

13 (b) FOOD-BORNE ILLNESS SURVEILLANCE SYS-  
14 TEMS.—The Secretary, acting through the Director of the  
15 Centers for Disease Control and Prevention, shall enhance  
16 food-borne illness surveillance systems to improve the col-  
17 lection, analysis, reporting, and usefulness of data on food-  
18 borne illnesses by—

19 (1) coordinating food-borne illness surveillance  
20 systems, including complaint systems, in order to—

21 (A) produce better information on illnesses  
22 associated with foods, including sources and  
23 risk factors for infections by emerging patho-  
24 gens; and

1 (B) facilitate sharing of data acquisition  
2 and findings on a more timely basis among gov-  
3 ernmental agencies, including the Food and  
4 Drug Administration, the Food Safety and In-  
5 spection Service, and State and local agencies,  
6 and with the public;

7 (2) augmenting such systems to improve attri-  
8 bution of a food-borne illness outbreak to a specific  
9 food;

10 (3) developing improved epidemiological tools  
11 for obtaining quality exposure data, microbiological  
12 methods for classifying cases and detecting clusters,  
13 and improved tracebacks to rapidly and specifically  
14 identify contaminated food products;

15 (4) expanding capacity of such systems for im-  
16 plementation of fingerprinting strategies for food-  
17 borne infectious agents, including parasites and hep-  
18 atitis A, in order to increase pathogen discovery ef-  
19 forts to identify new or rarely documented causes of  
20 food-borne illness;

21 (5) allowing timely public access to de-identi-  
22 fied, aggregate surveillance data;

23 (6) at least annually, publishing current reports  
24 on findings from such systems;

1           (7) exploring establishment of registries for  
2 long-term case follow-up to better characterize late  
3 complications of food-borne illness;

4           (8) increasing participation in national net-  
5 works of public health and food regulatory agencies  
6 and laboratories to—

7                 (A) allow public health officials at the Fed-  
8 eral, State, and local levels to share and accept  
9 laboratory analytic findings; and

10                (B) identify food-borne illness outbreaks  
11 and attribute such outbreaks to specific foods  
12 through submission of standardized molecular  
13 subtypes (also known as “fingerprints”) of  
14 food-borne illness pathogens to a centralized  
15 database; and

16           (9) establishing a flexible mechanism for rapidly  
17 supporting scientific research by academic centers of  
18 excellence, which may include staff representing aca-  
19 demic clinical researchers, food microbiologists, ani-  
20 mal and plant disease specialists, ecologists, and  
21 other allied disciplines.

22           (c) IMPROVING STATE SURVEILLANCE CAPACITY.—  
23 The Secretary, acting through the Director of the Centers  
24 for Disease Control and Prevention and the Commissioner

1 of Food and Drugs, shall improve capacity for surveillance  
2 in the States by—

3 (1) supporting outbreak investigations with  
4 needed specialty expertise, including epidemiological,  
5 microbiological, and environmental expertise, to as-  
6 sist identification of underlying common sources and  
7 contributing factors;

8 (2) identifying, disseminating, and supporting  
9 implementation of model practices at the State and  
10 local level for—

11 (A) facilitating rapid shipment of clinical  
12 isolates from clinical laboratories to State pub-  
13 lic health laboratories to avoid delays in testing;

14 (B) conducting rapid and more standard-  
15 ized interviewing of cases associated with major  
16 enteric pathogens, including prior to designa-  
17 tion of clusters as food-borne illness outbreaks;

18 (C) conducting and evaluating rapid and  
19 standardized interviews of healthy control per-  
20 sons;

21 (D) sharing information on a timely  
22 basis—

23 (i) within public health and food regu-  
24 latory agencies;

25 (ii) among such agencies;

1 (iii) with the food industry;

2 (iv) with healthcare providers; and

3 (v) with the public;

4 (3) developing, regularly updating, and disseminating training curricula on food-borne illness surveillance investigations, including standard sampling methods and laboratory procedures;

8 (4) integrating new molecular diagnostic tools for parasites into web-based consultation services for parasitic infections to accelerate the identification of these food-borne infectious agents;

12 (5) supporting research to develop and deploy new subtyping methods for salmonella, E. coli, campylobacter, and other pathogens, to increase the speed and accuracy of diagnoses;

16 (6) determining minimum core competencies for public health laboratories, and developing self-evaluation and proficiency-testing tools for such laboratories;

20 (7) facilitating regional public health laboratory partnerships to leverage resources, including equipment and physical space, and increase surge capacity;

24 (8) providing technical assistance, which may include the detailing of officers and employees of the

1 Secretary, to State and local public health and food  
2 regulatory agencies;

3 (9) partnering with the Food and Drug Admin-  
4 istration to increase communication, coordination,  
5 and integration of food-borne illness surveillance and  
6 outbreak investigation activities; and

7 (10) developing and periodically updating re-  
8 sponse and interview procedures so that such proce-  
9 dures are standardized and tested.

10 (d) PROGRAM ACTIVITIES.—The Secretary shall  
11 carry out activities to support core food safety functions  
12 of State and local public health laboratories, including—

13 (1) establishing fellowships, stipends, and schol-  
14 arships to address critical workforce shortages;

15 (2) training and coordination of State and local  
16 personnel;

17 (3) establishing partnerships between private  
18 and public laboratories to facilitate sharing of posi-  
19 tive enteric specimens and improve surge capacity;

20 (4) strengthening capacity to participate in ex-  
21 isting or new food-borne illness surveillance systems;  
22 and

23 (5) the purchase and maintenance of data sys-  
24 tems hardware and software and laboratory equip-  
25 ment.

1           (e) PARTNERSHIPS.—Not later than 180 days after  
2 the date of enactment of the Improving Food-borne Illness  
3 Surveillance and Response Act of 2008, the Secretary  
4 shall establish a diverse working group of experts and  
5 stakeholders from Federal, State, and local food safety  
6 and health agencies, the food industry, consumer organi-  
7 zations, and academia. Such working group shall provide  
8 the Secretary, through at least annual meetings of the  
9 working group and an annual public report, advice and  
10 recommendations on an ongoing and regular basis regard-  
11 ing the improvement of food-borne illness surveillance and  
12 implementation of this section, including advice and rec-  
13 ommendations on—

14           (1) the priority needs of regulatory agencies,  
15 the food industry, and consumers for information  
16 and analysis on food-borne illness and its causes  
17 that can be used to prevent food-borne illness;

18           (2) opportunities to improve the effectiveness of  
19 initiatives at the Federal, State, and local levels, in-  
20 cluding coordination and integration of activities  
21 among Federal agencies, and between the Federal,  
22 State, and local levels of government;

23           (3) improvement in the timeliness and depth of  
24 access by regulatory and health agencies, the food  
25 industry, academic researchers, and consumers to

1 food-borne illness surveillance data collected by gov-  
2 ernment agencies at all levels, including data com-  
3 piled by the Centers for Disease Control and Preven-  
4 tion;

5 (4) key barriers to improvement in food-borne  
6 illness surveillance and its utility for preventing  
7 food-borne illness at Federal, State, and local levels;  
8 and

9 (5) specific actions to reduce barriers to im-  
10 provement, implement the working group’s rec-  
11 ommendations, and achieve the purposes of this sec-  
12 tion, with measurable objectives and timelines, and  
13 identification of resource and staffing needs.

14 **SEC. 3. LEVERAGING AND ENHANCING STATE AND LOCAL**  
15 **ROLES.**

16 Title III of the Public Health Service Act (42 U.S.C.  
17 241 et seq.) is amended by adding at the end the fol-  
18 lowing:

19 **“PART S—PROGRAMS RELATING TO FOOD**  
20 **“SEC. 399JJ. PLAN TO IMPROVE FOOD SAFETY CAPACITY**  
21 **AT THE STATE AND LOCAL LEVEL.**

22 “(a) GOALS.—The Secretary shall leverage and en-  
23 hance the food safety capacity and roles of State and local  
24 agencies and integrate State and local agencies as fully

1 as possible into national food safety efforts, in order to  
2 achieve the following goals:

3           “(1) Improve food-borne illness outbreak re-  
4           sponse and containment.

5           “(2) Improve the contribution of food-borne ill-  
6           ness surveillance and investigation to the prevention  
7           of food-borne illness.

8           “(3) Strengthen oversight of food safety at the  
9           retail level.

10           “(4) Strengthen the capacity of State and local  
11           agencies to carry out inspections and enforce safety  
12           standards in food processing establishments, as part  
13           of a national strategy and plan to provide an ade-  
14           quate level of inspection and achieve compliance with  
15           safety standards in such establishments.

16           “(5) Make more effective use of the Nation’s  
17           combined food safety resources to reduce the burden  
18           of food-borne illness.

19           “(b) SURVEY.—In preparation for development of the  
20           plan required by subsection (c), the Secretary shall, not  
21           later than 1 year after the date of enactment of the Im-  
22           proving Food-borne Illness Surveillance and Response Act  
23           of 2008, complete a survey of State and local capacities,  
24           and needs for enhancement, with respect to—

1           “(1) staffing levels and expertise available to  
2 perform food safety functions;

3           “(2) laboratory capacity to support surveillance,  
4 outbreak response, inspection, and enforcement ac-  
5 tivities;

6           “(3) information systems to support data man-  
7 agement and sharing of food safety information  
8 among State and local agencies and with counter-  
9 parts at the Federal level;

10           “(4) legal authorities of State and local agen-  
11 cies to support the roles of such agencies in a na-  
12 tional food safety system; and

13           “(5) organizational arrangements for managing  
14 and coordinating food safety activities.

15           “(c) PLAN.—Taking into account the goals estab-  
16 lished in subsection (a), results from the survey required  
17 in subsection (b), and consultations with State and local  
18 agencies and other food safety stakeholders, the Secretary  
19 shall, not later than 2 years after the date of enactment  
20 of the Improving Food-borne Illness Surveillance and Re-  
21 sponse Act of 2008, develop, publish, and begin implemen-  
22 tation of a plan that includes the following elements:

23           “(1) Criteria for assessing the adequacy of  
24 State and local capacity to perform food safety func-  
25 tions as part of a national food safety system.

1           “(2) Priorities for enhancing the capacity of  
2 State and local agencies.

3           “(3) Action plans for meeting the highest pri-  
4 ority capacity needs, including budget requirements  
5 and financing plans that take into account Federal,  
6 State, and local resources.

7           “(4) Improved coordination and information  
8 flow among Federal, State, and local agencies to  
9 strengthen food-borne illness surveillance, outbreak  
10 response, and investigation and to ensure that agen-  
11 cies at all levels have the information on origins and  
12 causes of food-borne illness that such agencies need  
13 to plan preventive measures.

14           “(5) Integration of the inspection and compli-  
15 ance programs in food processing establishments of  
16 the Food and Drug Administration and State and  
17 local agencies, including—

18           “(A) joint planning and priority setting to  
19 ensure that the collective effort has the greatest  
20 possible impact on achieving compliance with  
21 food safety standards and reducing food-borne  
22 illness;

23           “(B) elimination of barriers to the free  
24 flow of information among the Food and Drug  
25 Administration and State and local agencies

1 with respect to inspection and compliance pro-  
2 grams and integration of State and Federal in-  
3 spection and laboratory data systems;

4 “(C) steps to expand, and ensure the vigor  
5 and consistency of, State inspection of proc-  
6 essing establishments under contract to the  
7 Food and Drug Administration; and

8 “(D) reliance by the Food and Drug Ad-  
9 ministration on State inspection and food sam-  
10 ple analyses in Federal enforcement activities.

11 “(d) FOOD SAFETY CAPACITY BUILDING GRANTS.—

12 “(1) IN GENERAL.—The Secretary shall make  
13 grants to State and local agencies to enhance State  
14 and local food safety capacity and programs and  
15 support achievement of the goals established in sub-  
16 section (a). In awarding such grants, the Secretary  
17 shall take into account the criteria and priorities es-  
18 tablished by the Secretary under subsection (c).

19 “(2) FUNDING.—There are authorized to be ap-  
20 propriated to carry out paragraph (1), \$25,000,000  
21 for each of the fiscal years 2010, 2011, and 2012.

22 “(e) REPORT TO CONGRESS.—Not later than 1 year  
23 after the date of enactment of the Improving Food-borne  
24 Illness Surveillance and Response Act of 2008, and on an

1 annual basis thereafter, the Secretary shall submit to Con-  
2 gress a report that describes—

3           “(1) progress made in implementing this sec-  
4 tion, including any obstacles to such implementation;  
5 and

6           “(2) any legislative recommendations or addi-  
7 tional resources needed for full implementation.”.

○