

Ensuring Greater Food Safety Act of 2010

Section-by-Section

Sec. 1. Short title; table of contents. The legislation is titled, “Ensuring Greater Food Safety Act of 2010,” and the purpose of the bill is explained, “to modernize federal food safety efforts without placing unnecessary burdens on food producers, increasing food prices, or saddling taxpayers with additional debt.”

Sec. 2. Ensuring Federal agencies effectively communicate to ensure greater food safety. Requires FDA and USDA to immediately establish a comprehensive plan to share information and clarify existing efforts related to products and facilities in which the agencies have overlapping, joint, or similar authority; issue a joint report to Congress summarizing the effectiveness of the new arrangement; and subject the arrangement to GAO audits.

Sec. 3. Strategic plan for health information technology. Requires FDA to submit a strategic plan for updating FDA’s health information technology systems in order to more effectively address food safety issues and develop communications systems between FDA, USDA, Customs and Border Protection, and CDC.

Sec. 4. Expediting New Food Safety Technologies. Requires FDA to submit a plan to Congress for a more expeditious process for approving new technologies used to keep food safe. The report must also suggest how the agency plans to provide more effective risk-communication regarding new technologies.

Sec. 5 Limited access to records in public health emergencies. Provides the Department of Health and Human Services access to food records only in a declared public health emergency. The article of food must present a threat of serious adverse health consequences or death and must be related to the emergency. This is a limited authority in contrast to S.510’s more expansive access to records in any case of adulteration.

Sec 6. Registration of food facilities. Reiterates a requirement already required by the Bioterrorism Act and allows for expedited updates to a facility’s registration.

Sec. 7. Clarifying FDA authority to require preventive controls. Clarifies FDA’s existing authority to require Hazard Analysis and Preventive Control Plans (HACCP) for high-risk foods, as they do now for seafood and juices, exempting small producers who would be adversely impacted.

Sec. 8. Export certification fees for foods and animal feed. Allows FDA to issue export certificates and collect fees to provide foreign governments and importers confidence in American food products.

Sec. 9. Leveraging third party inspections. Allows for the accreditation of third party inspectors to increase FDA’s inspection capacity without increasing costs and allows FDA to consider accredited third-party inspections and private food safety contracts when setting inspection schedules.

Sec. 10. Entry of food from facilities inspected by an accredited third party. Provides a benefit to food imports that have voluntarily subjected themselves to accredited third-party inspections.

Sec. 11. Activities with other governments. Requires FDA to regularly participate in meetings with representatives of foreign governments to harmonize regulatory requirements and facilitate food commerce.

Sec. 12. Compliance with International Agreements. Ensures the provisions in this bill will be consistent with World Trade Organization standards and all other international agreements.