

S. 510, the FDA Food Safety Modernization Act

Recent outbreaks of food-borne illness and nationwide recalls of contaminated food from both domestic and foreign sources highlight the need to modernize and strengthen our nation's food safety system. The FDA Food Safety Modernization Act is a bipartisan plan that provides new food safety tools and updates food safety standards to ensure the safety of our food supply.

» **Improves Our Capacity to Prevent Food Safety Problems**

- **Hazard analysis and preventive controls:** Facilities must identify, evaluate, and address hazards and prevent adulteration via a food safety plan. In certain circumstances, gives FDA access to these plans and relevant documentation.
- **Access to facility records:** Expands FDA access to a registered facility's records in a food emergency.
- **3rd party testing:** Provides for laboratory accreditation bodies to ensure U.S. food testing labs meet high quality standards and, in certain circumstances, requires food testing performed by these labs to be reported to FDA. Allows FDA to enable qualified 3rd parties to certify that foreign food facilities comply with U.S. food safety standards.
- **Imports:** Requires importers to verify the safety of foreign suppliers and imported food. Allows FDA to require certification for high-risk foods, and to deny entry to a food that lacks certification or that is from a foreign facility that has refused U.S. inspectors.

» **Improves Our Capacity to Detect and Respond to Food-borne Illness Outbreaks**

- **Inspection** –Increases the number of FDA inspections at all food facilities.
- **Surveillance** – Enhances food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses.
- **Traceability** – Enhances tracking and tracing of high-risk foods and directs the Secretary to establish a pilot project to test and evaluate new methods for rapidly and effectively tracking and tracing food in the event of a food-borne illness outbreak.
- **Mandatory Recall** – Allows FDA to initiate a mandatory recall of a food product when a company fails to voluntarily recall the contaminated product upon FDA's request.
- **Suspension of Registration** – Allows FDA to suspend a food facility's registration if there is a reasonable probability that food from the facility will cause serious adverse health consequences or death.

» **Enhances U.S. Food Defense Capabilities** – Directs FDA to help food companies protect their products from intentional contamination, and calls for a national strategy to protect our food supply from terrorist threats and rapidly respond to food emergencies.

» **Increases FDA Resources** – Authorizes increased funding for FDA's food safety activities, such as hiring personnel, and includes targeted non-compliance fees for domestic and foreign facilities.

» **Regulatory Flexibility** – Modernizes our food safety system without being burdensome. Provides training for facilities to comply with the new safety requirements and includes special accommodations for small businesses and farms. Exempts small businesses from certain aspects of the produce standards and preventive control requirements.