

# Food Safety Legislation in the 111<sup>th</sup> Congress

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# **New Proposed Food Safety Standards Extending to the Farm Level**

- Federal Legislation – (FDA)
- New Obama Food Safety Working Group
  - Update guidance to FDA/USDA GAPs
- National LGMA – (USDA)

# HR 2749 – “Food Safety Enhancement Act of 2009”

- New on-farm produce safety standards
- Updated FDA GAPs
- Farm facilities exclude 50.1% direct market facilities and ground grain sold to another farm for feed/food
- Flat annual fee of \$500 for all food facilities with more than half of gross sales in wholesale markets
- New tracing system for all FDA-regulated foods
  - Food sold direct-to-consumer are exempt
  - Grain, oilseeds, sugar, hay, honey, cacao limited to one up, one down

# S 510 – “Food Safety Modernization Act of 2009”

- New on-farm safety standards
- Updated FDA GAPs
- No statutory revision to farm facilities definition
- No fee, but farmers doing processing have to register with FDA
- New traceability system – only for fresh fruits and vegetables
  - No exemption for direct-to-consumer sales

# NSAC Position

NSAC applauds Congress and the Administration for taking steps to decrease foodborne illnesses by strengthening federal food safety oversight and enforcement. In respect to farms it urges decision-makers to ensure that...

# NSAC Position

- Measures are risk-based, focus on risk reduction, and are justified by scientific research;
- FDA coordinates with other state and federal agencies and community-based organizations with food safety expertise or pre-existing standards or training programs for standard development and enforcement;
- Standards do not discriminate against, but encourage, diversified farming operations and conservation practices;
- Standards are appropriate to the scale of the enterprise;
- Standards and enforcement for organic produce closely coordinated with USDA's National Organic Program
- Marketing Agreements and Orders are not used to regulate food safety.

# NSAC Position – Facilities, Fees, Traceability, and Training

Farm facility definition include grain provision from HR 2749 and also exclude farms with less than \$1 million in adjusted gross income from farming that participate in training program;

Fees of any kind, if they are imposed, are equitable to reflect different scales of production and ability to pay;

Traceability rules for all farmers should not require more than good, well organized one up/one down recordkeeping of all sales;

National on-farm food safety and sustainability training, education, extension, and outreach competitive grants program established and funded, targeting small and mid-sized farms and very small processors.

# Timeline for Legislation

- House bill (2749) passed in July
- Senate bill (510) expected to come up late this year or early next year, depending on HELP committee/health care reform
- NSAC working with NOC on legislative language changes to 510 and on new bill by Senator Stabenow (D-MI) regarding training/education