

The Safe Food Enforcement, Assessment, Standards and Targeting Act

Section-by-Section

The *Safe Food Enforcement, Assessment, Standards and Targeting Act* (The Safe FEAST Act), will modernize our food safety net by placing new mandatory food safety requirements on farm and food companies, domestically and abroad, to identify and prevent potential sources of food-borne illness. This bill strengthens the relationship between federal and state agencies to better control food safety threats and also gives FDA new powers to recall contaminated food in the case of adulteration.

Section 1& 2 Title, Table of Contents, Findings and Purposes

Section 3 Inspections of Records during Food-Related Emergencies

- Gives FDA increased access to records related during food emergency

Section 4 Mandatory Hazard Analysis and Risk Based Preventative Controls Plan

- Requires domestic and foreign food companies selling food in U.S. to conduct a food safety risk analysis that identifies potential sources of contamination, outlines appropriate food safety controls, and documents in food safety plan subject to FDA review
- Requires verification that the food safety controls implemented after a risk analysis are adequate to address the risks of food-borne contamination.
- Requires plans to be updated at least biennially

Section 5 Mandatory Foreign Supplier Food Safety Assurance Plan

- Requires food importers to complete a foreign supplier food safety plan, documenting the food safety measures and controls implemented by their foreign suppliers and make plan and appropriate records available for FDA review.

Section 6 Certification of Certain Imports

- Allows FDA, as part of a memorandum of understanding with a foreign government that the foreign government certify that and/or food facility producing food for export to the U.S meets U.S. food safety requirements.
- If certification requirement has been agreed to in an MOU, U.S. officials may deny entry to food that is not certified

Section 7 Voluntary Qualified Importer Program

- Creates partnership between private sector and FDA to identify high and low risk imports
- Creates voluntary program to give expedited access to imports that pose no meaningful risk, as determined by FDA, directing greater resources to higher risk products.
- Eligibility for Qualified Importer Program shall be determined by nature and risk profile of the food or ingredient, the compliance history of the supplier, the regulatory system of the country-of-origin, and other factors.

Section 8 Recognition of Qualified Laboratories

- Directs FDA to create and maintain a registry of private laboratories that are recognized as capable of analyzing food products according to FDA standards.
- Sets forth the criteria FDA must use to recognize private laboratories, such as appropriate sampling and analytical procedures.

Section 9 Mandatory Standards for the Safety of Fruits and Vegetables

- Establishes new standards for fruits and vegetables and provides for issuance of regulation on safety standards, when risk and science demonstrate standards are needed.
- Updates Good Agricultural Practices guidance for safe production and
- Increases coordination between, federal, state and foreign governments to ensure that standards and allows for variances to meet local growing conditions.

Section 10 Targeted, Risk-Based Inspections

- Directs FDA to adopt a risk-based approach to inspections, giving greater scrutiny to facilities posing greater risk
- Subject all facilities producing high-risk products to a minimum of annual inspection and some domestic facilities more frequent inspection

Section 11 Accredited Third-Party Inspectors

- Allows for the Secretary to accredit certifying organization to provide third-party inspectors in facilities abroad
- Third party certifiers may be considered in evaluation of an importer's safety assurance plan, but are not a substitute for FDA inspection authority

Section 12 Fees

- The Secretary is authorized to assess a fee for participation in the Qualified Importer Program equivalent to the cost of the activity
- The Secretary is authorized to certify food and animal feed for export and charge a fee not to exceed \$175 for each certification
- The Secretary may waive fees if hardship/ special circumstances are demonstrated

Section 13 Biennial Registration Renewal

- Requires biennial renewal of registration for importation

Section 14 Giving FDA Mandatory Recall Authority

- Gives FDA mandatory recall authority if a company has refused to conduct a voluntary recall and the food poses a risk of severe adverse health consequences
- Companies ordered to conduct a recall will have the opportunity for a hearing.
- Failure to comply with a recall order would result in criminal penalties.

Section 15 Building the Capacity of Foreign Governments

- Directs FDA to build the capacity of foreign governments and develop a plan to help build the scientific and regulatory capacity of food exporters to the U.S.
- Directs FDA to accelerate efforts to harmonize international food safety standards.

Section 16 Food Safety Programs; Annual Reports

- Requires FDA to report to Congress annually on progress made under the food protection and import safety action plans issued on November 2007. Topics include modernizing implementing good manufacturing practice regulations; food laboratories resources; development of rapid detection methods; modernizing its information technology systems and improving agency coordination.
- FDA also must outline a plan for improvement in those areas.

Section 17 Authorization of Appropriations

- \$50 million

