

111TH CONGRESS  
1ST SESSION

# S. 2792

To amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for *E. coli* O157:H7 in boneless beef manufacturing trimmings and other raw ground beef components, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2009

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for *E. coli* O157:H7 in boneless beef manufacturing trimmings and other raw ground beef components, and for other purposes.

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 “*E. Coli Eradication*  
5 *Act of 2009*”.

1 **SEC. 2. E. COLI ERADICATION IN GROUND BEEF.**

2 Title I of the Federal Meat Inspection Act (21 U.S.C.  
3 601 et seq.) is amended by adding at the end the fol-  
4 lowing:

5 **“SEC. 26. E. COLI ERADICATION IN GROUND BEEF.**

6 “(a) IN GENERAL.—Not later than 180 days after  
7 the date of enactment of this section, the Secretary shall  
8 require that slaughterhouses, processing establishments,  
9 and grinding facilities described in subsection (b) test for  
10 the presence of *E. coli* O157:H7 (referred to in this sec-  
11 tion as ‘*E. coli*’) at the following points:

12 “(1) One test at the slaughterhouse or proc-  
13 essing establishment at which source trim was pro-  
14 duced and 1 test of the source trim or bench trim  
15 at the receiving facility prior to combining with  
16 other lots from different sources.

17 “(2) If the source trim and grinding occurs at  
18 the same facility, 1 test of the source trim and 1  
19 test of the final ground product.

20 “(b) APPLICATION.—This section applies—

21 “(1) effective beginning on the date that is 180  
22 days after the date of enactment of this section, to—

23 “(A) all slaughterhouses or processing es-  
24 tablishments that produce more than 25,000  
25 pounds of trim per day; or

1           “(B) grinding facilities that grind more  
2           than 25,000 pounds of trim or bench trim per  
3           day; and

4           “(2) effective beginning on the date that is 3  
5           years after the date of enactment of this section, to  
6           all slaughterhouses, processing establishments, and  
7           grinding facilities that produce or grind trim or  
8           bench trim.

9           “(c) ADMINISTRATION.—To carry out this section,  
10          the Secretary shall—

11           “(1) approve definitions of lot sizes established  
12          by establishments, except that an establishment—

13           “(A) shall demonstrate to the Secretary  
14          scientific justification for the definition of the  
15          lot; and

16           “(B) shall not define a lot as more than  
17          2,000 pounds;

18           “(2) establish testing standards;

19           “(3) assist processors in establishing appro-  
20          priate sampling plans for establishments; and

21           “(4) in the case of a positive sample that indi-  
22          cates the presence of *E. coli* in a lot of an establish-  
23          ment—

24           “(A) verify that meat or meat food prod-  
25          ucts contaminated with the *E. coli*, and the en-

1           tire lot that is represented by the sample, are  
2           disposed of or treated to eradicate the E. coli  
3           (in accordance with guidelines of the Secretary)  
4           before entry into commerce; and

5                   “(B) promulgate regulations that require  
6           that the slaughterhouse or processing establish-  
7           ment takes corrective action and take measures  
8           to prevent reoccurrence.

9           “(d) TESTING.—

10                   “(1) IN GENERAL.—A slaughterhouse or proc-  
11           essing establishment producing or a grinding facility  
12           receiving trimmings shall test each lot using sam-  
13           pling standards and procedures determined by the  
14           Secretary.

15                   “(2) TESTING FACILITIES.—

16                   “(A) IN GENERAL.—An establishment  
17           shall use an independent testing facility that  
18           uses methods that are at least equivalent in  
19           specificity and sensitivity to the methods used  
20           by the Secretary to test beef trimmings.

21                   “(B) ADMINISTRATION.—In using an inde-  
22           pendent testing facility under subparagraph  
23           (A), the establishment—

24                   “(i) shall contract with the facility on  
25           an annual basis; and

1                   “(ii) shall not terminate the contract  
2                   on the basis of positive test results re-  
3                   ported by the facility.

4                   “(3) PROFICIENCY TESTING SERVICE.—A lab-  
5                   oratory that tests beef for E. coli shall contract with  
6                   a testing service to verify the proficiency of the lab-  
7                   oratory.

8                   “(4) TRANSMISSION OF TESTING RESULTS.—

9                   “(A) IN GENERAL.—Test results of any  
10                  testing conducted under this subsection shall be  
11                  sent to the applicable slaughterhouse, proc-  
12                  essing establishment, or grinding facility as  
13                  soon as results are ready.

14                  “(B) TRANSMISSION TO SECRETARY.—The  
15                  slaughterhouse, processing establishment, or  
16                  grinding facility shall report any positive or pre-  
17                  sumptive positive results directly to the Sec-  
18                  retary through electronic means not later than  
19                  24 hours after receipt of results from a testing  
20                  facility.

21                  “(5) HABITUAL VIOLATORS.—A slaughterhouse  
22                  or processing establishment that produces or distrib-  
23                  utes trim that receives positive results that exceed  
24                  the maximum allowable percentage of positive re-  
25                  sults for 3 consecutive days or more than 10 in-

1 stances per year shall be listed on the public website  
2 of the Secretary as a habitual violator.

3 “(6) COMPLIANCE.—The Secretary shall take  
4 necessary regulatory action with respect to an estab-  
5 lishment that fails to test, notify the Secretary of  
6 positive results, or otherwise comply with this sub-  
7 section.

8 “(e) IMPORTED GROUND BEEF.—

9 “(1) IN GENERAL.—Any trim, bench trim, and  
10 ground beef originating from outside the United  
11 States shall be subject to the same requirements as  
12 apply to domestic trim, bench trim, and ground beef  
13 under this section.

14 “(2) VERIFICATION.—

15 “(A) IN GENERAL.—To be eligible for im-  
16 portation into the United States, a foreign facil-  
17 ity shall provide a certification of compliance  
18 with paragraph (1) to a domestic slaughter-  
19 house, processing establishment, or grinding fa-  
20 cility.

21 “(B) SECONDARY TESTING.—The domestic  
22 slaughterhouse, processing establishment, or  
23 grinding facility shall verify the results of the  
24 certification by conducting secondary testing of

- 1 the trim, bench trim, or ground beef before
- 2 processing into a final ground beef product.”.

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