

## **S510 Title/Section references, from NICFA Talking Points, 10 March, 2010**

All page numbers refer to the S510 pdf on [www.Thomas.gov](http://www.Thomas.gov), #2, Reported in Senate (as of 7 March, 2010)

### **(1) FDA POWERS EXPANDED**

#### **p.212**

TITLE II, SEC. 208. (a) IN GENERAL. — Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by

- (1) striking ‘‘credible evidence or information indicating’’ and inserting ‘‘reason to believe’’ and
- (2) striking ‘‘presents a threat of serious adverse health consequences or death to humans or animals’’ and inserting ‘‘is adulterated or misbranded’’.

(1) Changing ‘‘credible evidence’’ to ‘‘reason to believe’’ means subjective criteria will be used as justification for quarantine or stoppage of business on a farm – or any other legal or agency action.

(2) Changing to ‘‘adulterated or misbranded’’, means an agent can decide, for instance that he has ‘‘reason to believe’’ that ‘‘raw’’ milk is adulterated and can shut down a farm that provides raw milk to consumers.

With S510, the phrase ‘‘reason to believe’’ or ‘‘reasonable belief’’ is inserted 14 times into the code, most of those for determination of legal action against an individual, farm or facility.

### **(2) INTERNATIONAL STANDARDS AND REGULATIONS**

#### **p.136**

Title I, SEC. 103

(4) REVIEW- In promulgating the regulations under paragraph (1), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of this Act to ensure that the program under such section 418 is consistent, to the extent practicable, with applicable domestic and **internationally-recognized standards** in existence on such date

#### **p.166**

TITLE 1, Part 6, Sec. 108(b)

(D) RECOVERY GOAL- Secure agriculture and food production after an agriculture or food emergency by (i) working with the private sector to develop business recovery plans to rapidly resume agriculture, food production, and **international trade**;

#### **p.200**

TITLE II--SEC. 204 (d) Traceback Performance Requirements-

(1) IN GENERAL- Not later than 3 years after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish standards for the type of information, format, and timeframe for persons to submit records to aid the Secretary in effectively and rapidly tracking and tracing, in the event of a foodborne illness outbreak, fruits and vegetables that are raw agricultural commodities. In promulgating the regulations under this paragraph, the Secretary shall consider--

**(C) existing international trade obligations.**

#### **p.265**

TITLE IV SEC. 404. **COMPLIANCE WITH INTERNATIONAL AGREEMENTS.**

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

Further information: National Independent Consumers and Farmers Association (NICFA)

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