

Summary of Interstate Meat Sales Legislation S. 1149 and S. 1150

Under current law, Title III of the Federal Meat Inspection Act (FMIA) and Section 5 of the Poultry Products Inspection Act (PPIA), establish the federal-state cooperative inspection programs. USDA is responsible for administering and overseeing these programs in cooperation with the states. Two bills have been introduced in the Senate which take different approaches to allowing interstate sales of state-inspected meat and poultry.

Sens. Orrin Hatch (UT) and Michael Enzi (WY) have introduced legislation (S. 1150) to allow interstate sales of state-inspected meat and poultry. The bill is similar to legislation introduced last year (S. 3519).

S. 1150 eliminates the prohibition on interstate shipment of state-inspected meat and poultry products. *The Hatch bill re-writes Title III and Section 5 and outlines several detailed requirements to “harmonize” state and federal inspection programs.* Specifically, states would be required to: (1) enter into new cooperative agreements with USDA to administer their inspection programs; (2) adopt laws and regulations which are identical to the federal inspection program; and (3) comply with USDA labeling requirements, but retain use of their official state inspection mark. Other requirements are: (4) USDA will reimburse states for not less than 50 percent of the state costs for operating the inspection program; (5) the size of plants that can be accepted into a state inspection program is limited to 50 employees (to control potential costs of administering state inspection programs); (6) USDA will continue to sample both federal and state-inspected products to confirm enforcement of food safety requirements; (7) USDA will continue to conduct annual reviews of state inspection programs to ensure compliance with the new cooperative agreement; (8) outlines procedures for USDA to take control of state inspection programs if a state fails to comply with the new cooperative agreement.

S. 1150 has two parts—the first part amends Title III of the Meat Inspection Act. The second part uses the same corresponding language to amend Section 5 of the Poultry Inspection Act.

Sens. Herb Kohl (WI), Max Baucus (MT) and Kent Conrad (ND) have introduced legislation (S. 1149) which takes a different approach to allow interstate sales of state-inspected meat and poultry.

S.1149 simply removes the statutory prohibition on interstate shipment of state-inspected meat poultry. *The Kohl bill leaves Title III and Section 5 in place, and strikes out the interstate prohibition—but the bill does not spell out any new or additional conditions or requirements for the state inspection programs.* This means that states will continue to maintain their current cooperative agreements with USDA (which require state inspection programs to be “at least equal to” the federal inspection program). USDA will continue their oversight of state programs which includes an annual review of nine detailed components. States will still be required to implement any directives and guidance issued by USDA.