

118TH CONGRESS  
2D SESSION

# S. 5084

To amend the Richard B. Russell National School Lunch Act to ban foods with contaminants above safe levels in or on final products served in school meals, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2024

Mr. BOOKER 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 Richard B. Russell National School Lunch Act to ban foods with contaminants above safe levels in or on final products served in school meals, 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 “Safe School Meals Act  
5 of 2024”.

6 **SEC. 2. REGULATIONS RELATING TO CERTAIN SUBSTANCES**

7 **IN FINAL SCHOOL MEAL PRODUCTS.**

8 (a) **DEFINITIONS.**—In this section:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) COMMISSIONER.—The term “Commis-  
5           sioner” means the Commissioner of Food and  
6           Drugs.

7           (3) FINAL SCHOOL MEAL PRODUCT.—The term  
8           “final school meal product” means a food in the  
9           form in which the food would be consumed by stu-  
10          dents at schools participating in 1 or more school  
11          meal programs under—

12                   (A) the Richard B. Russell National School  
13                   Lunch Act (42 U.S.C. 1751 et seq.); or

14                   (B) the Child Nutrition Act of 1966 (42  
15                   U.S.C. 1771 et seq.).

16          (4) HEAVY METAL OR TOXIC METALLOID.—The  
17          term “heavy metal or toxic metalloid” means—

18                   (A) arsenic;

19                   (B) cadmium;

20                   (C) lead; and

21                   (D) mercury.

22          (5) PESTICIDE RESIDUE.—The term “pesticide  
23          residue” means the total quantity of  
24          organophosphate, glyphosate, paraquat, and such  
25          other pesticides as the Commissioner may require,

1 based on evidence of harm received by the Commis-  
2 sioner that, after application to an agricultural prod-  
3 uct, remains in or on the agricultural product.

4 (6) PFAS.—The term “PFAS” means any  
5 member of the class of fluorinated organic chemicals  
6 that contains at least 1 fully fluorinated carbon  
7 atom.

8 (b) ENVIRONMENTAL PROTECTION AGENCY.—

9 (1) IN GENERAL.—Not later than 5 years after  
10 the date of enactment of this Act, the level of pes-  
11 ticide residue found in or on final school meal prod-  
12 ucts shall be nondetectable when using the most sen-  
13 sitive commercially available test.

14 (2) PHASE-IN.—Not later than 1 year after the  
15 date of enactment of this Act, the Administrator  
16 shall promulgate a final rule that establishes a  
17 schedule for decreasing the level of pesticide residue  
18 found in or on final school meal products to ensure  
19 the level described in paragraph (1) is achieved by  
20 the date described in that paragraph.

21 (3) AUTHORIZATION OF APPROPRIATIONS.—  
22 There are authorized to be appropriated to the Ad-  
23 ministrator such sums as are necessary to carry out  
24 this subsection.

25 (c) FOOD AND DRUG ADMINISTRATION.—

1 (1) HEAVY METALS AND TOXIC METALLOIDS.—

2 (A) IN GENERAL.—Not later than 2 years  
3 after the date of enactment of this Act, the  
4 Commissioner shall promulgate a final rule that  
5 establishes, for each heavy metal and toxic  
6 metalloid, a maximum permissible level found in  
7 or on final school meal products that poses a  
8 reasonable certainty of no harm to school-age  
9 children from aggregate exposure, including all  
10 anticipated dietary exposures.

11 (B) REQUIREMENTS.—

12 (i) FACTORS FOR CONSIDERATION.—

13 The rule under subparagraph (A) shall  
14 take into consideration the factors de-  
15 scribed in section 409(c)(5) of the Federal  
16 Food, Drug, and Cosmetic Act (21 U.S.C.  
17 348(c)(5)).

18 (ii) IMPLEMENTATION PERIOD.—The  
19 maximum permissible levels established  
20 under the rule under subparagraph (A)  
21 shall be implemented in phases during the  
22 5-year period beginning on the date of pro-  
23 mulgation of the rule.

24 (C) ABSENCE OF REGULATION.—If a max-  
25 imum permissible level is not established pursu-

1 ant to subparagraph (A) with respect to a  
2 heavy metal or toxic metalloid by the date that  
3 is 2 years after the date of enactment of this  
4 Act, the maximum permissible level for that  
5 heavy metal or toxic metalloid shall be non-  
6 detectable when using the most sensitive com-  
7 mercially available test until a maximum per-  
8 missible level is established by the Commis-  
9 sioner in accordance with this paragraph.

10 (D) REVIEW.—Not less frequently than  
11 once every 5 years, the Commissioner shall—

12 (i) review relevant data; and

13 (ii) determine potential adjustments  
14 to the maximum permissible levels of heavy  
15 metals and toxic metalloids established  
16 under this paragraph.

17 (2) PACKAGING.—The Commissioner shall pro-  
18 hibit the use of PFAS, phthalates, lead, and  
19 bisphenols in product packaging of final school meal  
20 products.

21 (3) CERTAIN FOOD CHEMICALS.—

22 (A) REASSESSMENTS.—Not later than 5  
23 years after the date of enactment of this Act,  
24 and not less frequently than once every 5 years  
25 thereafter, the Secretary of Health and Human

1 Services, acting through the Commissioner (re-  
2 ferred to in this paragraph as the “Secretary”),  
3 shall—

4 (i) subject to subparagraphs (C) and  
5 (D), reassess the safety of not fewer than  
6 10 food additives, substances generally rec-  
7 ognized as safe, or classes of those sub-  
8 stances found in or on final school meal  
9 products; and

10 (ii) promulgate final regulations  
11 that—

12 (I) establish conditions of use for  
13 each substance determined to be safe  
14 (within the meaning of section 409 of  
15 the Federal Food, Drug, and Cos-  
16 metic Act (21 U.S.C. 348) and this  
17 paragraph); and

18 (II) determine to be unsafe any  
19 substance that has been found, when  
20 ingested by humans or animals, to in-  
21 duce—

22 (aa) reproductive, develop-  
23 mental, or endocrine toxicity; or

24 (bb) cancer.

1 (B) FACTORS FOR CONSIDERATION.—In  
2 determining, for the purposes of this para-  
3 graph, whether a substance is unsafe, the Sec-  
4 retary shall take into consideration, among  
5 other relevant factors—

6 (i) the cumulative effects of the sub-  
7 stance, and any chemically or biologically  
8 related substances, as described in section  
9 409 of the Federal Food, Drug, and Cos-  
10 metic Act (21 U.S.C. 348); and

11 (ii) an adequately protective use of  
12 safety factors, as described in that section,  
13 to account for the particular sensitivities of  
14 vulnerable human populations, including  
15 children and adolescents.

16 (C) SUBSTANCES INITIALLY SUBJECT TO  
17 REASSESSMENT.—

18 (i) IN GENERAL.—The substances ini-  
19 tially reassessed by the Secretary under  
20 subparagraph (A) shall be the following:

21 (I) Butylated hydroxyanisole.

22 (II) Butylated hydroxytoluene.

23 (III) Tert-butylhydroquinone.

24 (IV) Sodium benzoate.

25 (V) Propyl gallate.

- 1 (VI) Titanium dioxide.
- 2 (VII) FD&C Red 3.
- 3 (VIII) FD&C Red 40.
- 4 (IX) FD&C Yellow 5.
- 5 (X) FD&C Yellow 6.
- 6 (XI) FD&C Green 3.
- 7 (XII) FD&C Blue 1.
- 8 (XIII) FD&C Blue 2.
- 9 (XIV) Azodicarbonamide.
- 10 (XV) Potassium bromate.
- 11 (XVI) Propyl paraben.

12 (ii) STATUS PRIOR TO REASSESS-  
13 MENT.—Each substance described in  
14 clause (i) shall be considered to be unsafe,  
15 and use of the substance as a food additive  
16 or food ingredient in a final school meal  
17 product purchased after the date of enact-  
18 ment of this Act shall be prohibited, until  
19 the date on which the Secretary—

20 (I) completes a reassessment of  
21 the substance under this paragraph;  
22 and

23 (II) establishes that the sub-  
24 stance is safe for purposes of section  
25 409 of the Federal Food, Drug, and



1                   Cosmetic Act (21 U.S.C. 348) and  
2                   this paragraph.

3                   (D) SUBSEQUENT ASSESSMENTS.—

4                   (i) IN GENERAL.—After each sub-  
5                   stance described in subparagraph (C)(i) is  
6                   reassessed in accordance with this para-  
7                   graph, the Secretary shall publish in the  
8                   Federal Register a notice requesting infor-  
9                   mation and recommendations with respect  
10                  to additional substances to be reassessed  
11                  under this paragraph, including—

12                               (I) the substance name or class  
13                               name;

14                               (II) uses of the substance; and

15                               (III) data relating to the actual  
16                               and potential hazards and impact on  
17                               public health of the substance.

18                   (ii) PRIORITY.—The Secretary shall  
19                   prioritize the reassessment under this sub-  
20                   paragraph of any substances contained in  
21                   or on final school meal products that have  
22                   been found—

23                               (I) to be associated with—

24                                       (aa) cancer; or

- 1 (bb) reproductive or develop-  
2 mental toxicity; or  
3 (II) to present other potential  
4 hazards to public health.

5 (4) AUTHORIZATION OF APPROPRIATIONS.—  
6 There are authorized to be appropriated to the Sec-  
7 retary of Health and Human Services and the Com-  
8 missioner such sums as are necessary to carry out  
9 this subsection.

10 (d) DEPARTMENT OF AGRICULTURE.—

11 (1) ASSESSMENT AND INCREASE.—

12 (A) IN GENERAL.—As soon as practicable  
13 after the effective date of the regulations pro-  
14 mulgated pursuant to subsections (b) and (c),  
15 and not less frequently than once every 5 years  
16 thereafter, the Secretary of Agriculture (re-  
17 ferred to in this subsection as the “Secretary”)  
18 shall—

19 (i) assess the difference between—

20 (I) the cost of carrying out the  
21 school meal programs under the Rich-  
22 ard B. Russell National School Lunch  
23 Act (42 U.S.C. 1751 et seq.) and the  
24 Child Nutrition Act of 1966 (42

1 U.S.C. 1771 et seq.) in accordance  
2 with those regulations; and

3 (II) the cost of carrying out  
4 those school meal programs on the  
5 date of enactment of this Act; and

6 (ii) increase the amounts provided to  
7 schools participating in those school meal  
8 programs as the Secretary determines to  
9 be necessary to account for the difference  
10 described in clause (i).

11 (B) AUTHORIZATION OF APPROPRIA-  
12 TIONS.—There are authorized to be appro-  
13 priated to the Secretary such sums as are nec-  
14 essary to carry out this paragraph.

15 (2) SOIL AND WATER REMEDIATION METH-  
16 ODS.—

17 (A) IN GENERAL.—The Secretary shall—

18 (i) partner with land-grant univer-  
19 sities and nonprofit entities with relevant  
20 expertise to carry out research relating to  
21 soil and water remediation to remove heavy  
22 metals and toxic metalloids, PFAS, and  
23 other contaminants, including research on  
24 making remediation methods cheaper to  
25 implement and more effective;

1 (ii) distribute the results of the re-  
2 search carried out under clause (i) to  
3 farmers, with priority given to any farmer  
4 that—

5 (I) submitted to the Secretary an  
6 application for certification as a clean  
7 supplier under subsection (c)(4) of  
8 section 29 of the Richard B. Russell  
9 National School Lunch Act (42  
10 U.S.C. 1769j) (as added by section  
11 3(a)); but

12 (II) did not receive that certifi-  
13 cation; and

14 (iii) conduct research relating to—

15 (I) the presence of microplastics  
16 and PFAS in soil, water, and food;  
17 and

18 (II) methods to remediate agri-  
19 cultural soil, water, and food from  
20 microplastics and PFAS.

21 (B) AUTHORIZATION OF APPROPRIA-  
22 TIONS.—There is authorized to be appropriated  
23 to the Secretary \$500,000,000 to carry out this  
24 paragraph.

1 **SEC. 3. TESTING AND CERTIFICATION OF FOODS, PRO-**  
 2 **DUCERS, AND SUPPLIERS USED FOR SCHOOL**  
 3 **MEAL PROGRAMS.**

4 (a) IN GENERAL.—Section 29 of the Richard B. Rus-  
 5 sell National School Lunch Act (42 U.S.C. 1769j) is  
 6 amended by adding at the end the following:

7 “(c) FOOD CONTAMINANT TESTING AND CERTIFI-  
 8 CATION.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) CERTIFIED ORGANIC FARM.—The  
 11 term ‘certified organic farm’ has the meaning  
 12 given the term in section 2103 of the Organic  
 13 Foods Production Act of 1990 (7 U.S.C. 6502).

14 “(B) HEAVY METAL OR TOXIC  
 15 METALLOID.—The term ‘heavy metal or toxic  
 16 metalloid’ means—

17 “(i) arsenic;

18 “(ii) cadmium;

19 “(iii) lead; and

20 “(iv) mercury.

21 “(C) PERMISSIBLE LEVEL.—The term  
 22 ‘permissible level’ means—

23 “(i) with respect to a heavy metal or  
 24 toxic metalloid, the maximum permissible  
 25 level for the heavy metal or toxic metalloid

1 under subsection (c)(1) of section 2 of the  
2 Safe School Meals Act of 2024; and

3 “(ii) with respect to a pesticide res-  
4 idue, the applicable permissible level for  
5 the pesticide residue described in the  
6 schedule under subsection (b)(2) of that  
7 section.

8 “(D) PESTICIDE RESIDUE.—The term  
9 ‘pesticide residue’ means the total quantity of  
10 organophosphate, glyphosate, paraquat, and  
11 such other pesticides as the Commissioner of  
12 Food and Drugs may require, based on evi-  
13 dence of harm received by the Commissioner of  
14 Food and Drugs that, after application to an  
15 agricultural product, remains in or on the agri-  
16 cultural product.

17 “(E) PFAS.—The term ‘PFAS’ means  
18 any member of the class of fluorinated organic  
19 chemicals that contains at least 1 fully  
20 fluorinated carbon atom.

21 “(F) SCHOOL MEAL PROGRAM.—The term  
22 ‘school meal program’ means any school meal  
23 program under—

24 “(i) this Act; or

1                   “(ii) the Child Nutrition Act of 1966  
2                   (42 U.S.C. 1771 et seq.).

3                   “(2) SAMPLING AND TESTING OF FOODS USED  
4                   IN SCHOOL MEAL PROGRAMS.—

5                   “(A) IN GENERAL.—Not later than 2 years  
6                   after the date of enactment of this subsection,  
7                   and not less frequently than annually there-  
8                   after, the Secretary shall conduct representative  
9                   sampling and testing of foods prepared to be  
10                  purchased for, and consumed in, each school  
11                  meal program—

12                  “(i) to determine the levels of pes-  
13                  ticide residue and heavy metals and toxic  
14                  metalloids in or on those foods; and

15                  “(ii) to ensure PFAS, phthalates,  
16                  lead, and bisphenols are not used in any  
17                  packaging of those foods.

18                  “(B) REQUIREMENTS.—The samples col-  
19                  lected by the Secretary pursuant to this para-  
20                  graph shall be collected from foods that are in  
21                  their final state prior to consumption.

22                  “(C) REPORT.—The Secretary shall make  
23                  publicly available a report that describes the re-  
24                  sults of the sampling and testing conducted  
25                  under this paragraph.

1           “(3) CLEAN SUPPLIER REQUIREMENT.—Not-  
2 withstanding any other provision of law, effective be-  
3 ginning on the date that is 5 years after the date  
4 of enactment of this subsection, for purposes of the  
5 school meal programs—

6           “(A) subject to paragraph (4)(F)(ii), no  
7 agricultural producer or processed food supplier  
8 may supply food to a school meal program un-  
9 less the producer or supplier—

10           “(i) is certified as a clean supplier in  
11 accordance with paragraph (4) by—

12           “(I) the Secretary; or

13           “(II) a third party approved by  
14 the Secretary; or

15           “(ii) self-certifies that the producer or  
16 supplier—

17           “(I) conducts testing and meets  
18 the other applicable requirements  
19 under paragraph (4) for certification  
20 as a clean supplier; and

21           “(II) submits to the Secretary  
22 those test results; and

23           “(B) each school participating in a school  
24 meal program shall procure food for the school  
25 meal program only from an agricultural pro-



1           ducer or processed food supplier described in  
2           subparagraph (A).

3           “(4) TESTING AND CERTIFICATION OF PRO-  
4           DUCERS AND SUPPLIERS.—

5                   “(A) IN GENERAL.—Not later than 2 years  
6           after the date of enactment of this subsection,  
7           the Secretary shall, for purposes of this sub-  
8           section—

9                           “(i) offer testing to agricultural pro-  
10           ducers and processed food suppliers who  
11           seek to be certified as clean suppliers;

12                           “(ii) provide for the certification of  
13           those producers and suppliers as clean sup-  
14           pliers in accordance with this paragraph;  
15           and

16                           “(iii) approve third parties to certify  
17           those producers and suppliers as clean sup-  
18           pliers in accordance with this paragraph.

19                   “(B) OFFICE OF TECHNICAL ASSIST-  
20           ANCE.—The Secretary shall establish within the  
21           Department of Agriculture an office, to be  
22           known as the ‘Office of Technical Assistance’,  
23           which shall provide information and a point of  
24           contact (including availability via telephone) for  
25           agricultural producers and processed food sup-

1 pliers to receive assistance with the testing and  
2 certification processes under this paragraph.

3 “(C) APPLICATION.—An agricultural pro-  
4 ducer or processed food supplier seeking certifi-  
5 cation as a clean supplier under this paragraph  
6 shall submit to the Secretary or an approved  
7 third-party certifier an application at such time,  
8 in such manner, and containing such informa-  
9 tion as the Secretary may require.

10 “(D) CERTIFICATION AS CLEAN SUP-  
11 PLIER.—

12 “(i) IN GENERAL.—An agricultural  
13 producer or processed food supplier shall  
14 be certified as a clean supplier for pur-  
15 poses of this subsection if annual testing,  
16 using validated, representative sampling  
17 and testing models, demonstrates that—

18 “(I) the heavy metals and toxic  
19 metalloids and pesticide residues in or  
20 on the food products sold by the agri-  
21 cultural producer or processed food  
22 supplier are within the permissible  
23 levels; and

24 “(II) the packaging of the food  
25 products sold by the agricultural pro-

1 ducer or processed food supplier does  
2 not use any PFAS, phthalates, lead,  
3 or bisphenols.

4 “(ii) REQUIREMENTS AND PROCE-  
5 DURES.—Subject to subparagraph (F), the  
6 Secretary may establish such requirements  
7 and procedures as the Secretary deter-  
8 mines to be appropriate for—

9 “(I) testing the food products of  
10 agricultural producers and processed  
11 food suppliers under clause (i); and

12 “(II) certifying agricultural pro-  
13 ducers and processed food suppliers as  
14 clean suppliers for purposes of this  
15 subsection.

16 “(E) COST.—A small agricultural producer  
17 or small processed food supplier, as determined  
18 by the Secretary, shall not be responsible for  
19 any costs relating to certification under this  
20 paragraph.

21 “(F) CERTIFICATION AND TREATMENT OF  
22 CERTIFIED ORGANIC FARMS.—

23 “(i) CERTIFICATION.—A certified or-  
24 ganic farm—

1           “(I) shall not be required to sub-  
2           mit to testing under this paragraph  
3           with respect to pesticide residue; and

4           “(II) may be certified as a clean  
5           supplier for purposes of this sub-  
6           section on—

7                   “(aa) demonstration that—

8                           “(AA) the quantity of  
9                           heavy metals and toxic  
10                          metalloids in or on the food  
11                          products sold by the cer-  
12                          tified organic farm is within  
13                          permissible levels; and

14                          “(BB) the packaging of  
15                          the food products sold by  
16                          the certified organic farm  
17                          does not use any PFAS,  
18                          phthalates, lead, or  
19                          bisphenols; and

20                          “(bb) submission of an ap-  
21                          plication under subparagraph  
22                          (C).

23                          “(ii) SERVICE PENDING CERTIFI-  
24                          CATION.—

1           “(I) DEFINITION OF PENDING  
2 SCHOOL YEAR.—In this clause, the  
3 term ‘pending school year’, with re-  
4 spect to a certified organic farm,  
5 means a school year during which the  
6 certified organic farm—

7           “(aa) failed to achieve cer-  
8 tification as a clean supplier  
9 under clause (i)(II); but

10           “(bb) has submitted, or in-  
11 tends to submit, to the Secretary  
12 an application under subpara-  
13 graph (C) for certification as a  
14 clean supplier under clause (i)(II)  
15 for the following school year.

16           “(II) TREATMENT.—For pur-  
17 poses of paragraph (3), a certified or-  
18 ganic farm may supply food to a  
19 school meal program for not more  
20 than 1 pending school year, if the cer-  
21 tified organic farm supplied food to a  
22 school meal program during the pre-  
23 ceding school year.

24           “(III) LIMITATION.—A certified  
25 organic farm the application described

1 in subclause (I)(bb) of which is dis-  
 2 approved may not supply food to a  
 3 school meal program during the pe-  
 4 riod—

5 “(aa) beginning on the first  
 6 day of the first school year begin-  
 7 ning after the date of dis-  
 8 approval; and

9 “(bb) ending on the date on  
 10 which an application of the cer-  
 11 tified organic farm under sub-  
 12 paragraph (C) is approved.

13 “(5) GRANT PROGRAM.—

14 “(A) ESTABLISHMENT.—The Secretary  
 15 shall establish a program under which the Sec-  
 16 retary shall provide grants to agricultural pro-  
 17 ducers, processed food suppliers, and schools—

18 “(i) in the case of agricultural pro-  
 19 ducers, to assist with reducing heavy met-  
 20 als and toxic metalloids and pesticide resi-  
 21 dues in food;

22 “(ii) in the case of processed food  
 23 suppliers, to assist with eliminating PFAS,  
 24 phthalates, lead, or bisphenols from food  
 25 packaging or other heavy metal or toxic

1 metalloid contamination from the proc-  
2 essing process;

3 “(iii) in the case of schools, to pur-  
4 chase—

5 “(I) reusable or compostable food  
6 serving utensils (including trays) that  
7 do not contain or release unsafe sub-  
8 stances during the full lifecycle; and

9 “(II) dishwashing equipment to  
10 support the use of such reusable food  
11 serving utensils; and

12 “(iv) to carry out any other activity  
13 described in subparagraph (D), as applica-  
14 ble.

15 “(B) APPLICATION.—To be eligible to re-  
16 ceive a grant under this paragraph, an agricul-  
17 tural producer or processed food supplier shall  
18 submit to the Secretary an application at such  
19 time, in such manner, and containing such in-  
20 formation as the Secretary may require.

21 “(C) AUTOMATIC ELIGIBILITY.—On sub-  
22 mission of an application under subparagraph  
23 (B), an agricultural producer shall be automati-  
24 cally eligible to receive a grant under this para-  
25 graph if—

1           “(i)(I) the agricultural producer is a  
2 certified organic farm; or

3           “(II) the food products of the agricul-  
4 tural producer are within permissible levels  
5 for pesticide residues; but

6           “(ii) the food products of the agricul-  
7 tural producer are not within permissible  
8 levels for heavy metals or toxic metalloids.

9           “(D) USE OF GRANTS.—

10           “(i) AGRICULTURAL PRODUCERS.—An  
11 agricultural producer may use a grant pro-  
12 vided under this paragraph for—

13                   “(I) soil remediation;

14                   “(II) elevation of beds;

15                   “(III) water quality or soil test-  
16 ing;

17                   “(IV) a project—

18                           “(aa) to reduce or eliminate  
19 pesticide drift or other contami-  
20 nation sources from neighboring  
21 land; or

22                           “(bb) to filter or eliminate  
23 contaminants from a water  
24 source; and



1                   “(V) any other project that the  
2                   Secretary determines will sustainably  
3                   reduce or remove the risk of heavy  
4                   metals and toxic metalloids or PFAS,  
5                   phthalate, lead, or bisphenol contami-  
6                   nation in the food products of the ag-  
7                   ricultural producer.

8                   “(ii) MANUFACTURERS.—A processed  
9                   food supplier may use a grant provided  
10                  under this paragraph to change their man-  
11                  ufacturing and processing equipment—

12                   “(I) to switch to PFAS-, phthal-  
13                   ate-, lead-, and bisphenol-free pack-  
14                   aging; or

15                   “(II) to otherwise eliminate  
16                   heavy metal or toxic metalloid con-  
17                   tamination from the processing of the  
18                   processed food supplier.

19                   “(iii) SCHOOLS.—A school may use a  
20                   grant provided under this paragraph to  
21                   purchase—

22                   “(I) reusable or compostable food  
23                   serving utensils (including trays) that  
24                   do not release unsafe substances dur-  
25                   ing the full lifecycle for use in lieu of

1                   utensils or trays that are not reusable  
2                   or compostable, or that release unsafe  
3                   substances; and

4                   “(II) dishwashing equipment to  
5                   support the use of such reusable food  
6                   serving utensils.

7                   “(E) FUNDING.—Of the funds of the Com-  
8                   modity Credit Corporation, the Secretary shall  
9                   use such sums as are necessary to carry out the  
10                  grant program under this paragraph.

11                  “(6) ENFORCEMENT AND COMPLIANCE.—

12                  “(A) IDENTIFICATION.—If, pursuant to  
13                  testing under paragraph (2), the Secretary de-  
14                  termines that a food used in a school meal pro-  
15                  gram contains a quantity of heavy metal or  
16                  toxic metalloid, or pesticide residue, that is not  
17                  within the permissible levels, or is packaged in  
18                  packaging that uses PFAS, phthalates, lead, or  
19                  bisphenols, the Secretary shall identify the agri-  
20                  cultural producer or processed food supplier  
21                  from which the contamination originated.

22                  “(B) PENALTY.—

23                  “(i) CERTIFIED CLEAN SUPPLIERS.—  
24                  If an agricultural producer or processed  
25                  food supplier identified under subpara-

1 graph (A) is certified as a clean supplier  
2 for purposes of this subsection—

3 “(I) the producer or supplier  
4 shall be subject to a fine in such  
5 amount as the Secretary may estab-  
6 lish; and

7 “(II) for the 3 school-year period  
8 beginning on the date of identifica-  
9 tion—

10 “(aa) the certification of the  
11 producer or supplier under para-  
12 graph (4) shall be revoked; and

13 “(bb) the producer or sup-  
14 plier shall be prohibited from  
15 supplying any food for use in a  
16 school meal program.

17 “(ii) THIRD-PARTY CERTIFIERS.—If  
18 an agricultural producer or processed food  
19 supplier identified under subparagraph (A)  
20 was certified as a clean supplier for pur-  
21 poses of this subsection by a third party  
22 approved by the Secretary under para-  
23 graph (4)(A)(iii)—

1           “(I) the producer or supplier  
2 shall be subject to the fine and other  
3 penalties described in clause (i); and

4           “(II) as the Secretary determines  
5 to be appropriate—

6           “(aa) the certifying third  
7 party shall be subject to a fine in  
8 such amount as the Secretary  
9 may establish; and

10           “(bb) the approval of the  
11 third party to certify clean sup-  
12 pliers for purposes of this sub-  
13 section may be revoked.

14           “(iii) SELF-CERTIFIED PRODUCERS  
15 AND SUPPLIERS.—If an agricultural pro-  
16 ducer or processed food supplier identified  
17 under subparagraph (A) is self-certified as  
18 described in paragraph (3)(A)(ii), the pro-  
19 ducer or supplier shall be—

20           “(I) subject to a fine in such  
21 amount as the Secretary may estab-  
22 lish; and

23           “(II) prohibited from supplying  
24 any food for use in a school meal pro-  
25 gram during the 3 school-year period

1 beginning on the date of identifica-  
2 tion.

3 “(7) COORDINATION REQUIRED.—In conducting  
4 any testing or certification activity under this sub-  
5 section, the Secretary shall ensure coordination, to  
6 the maximum extent practicable, with similar activi-  
7 ties carried out by the Secretary of Health and  
8 Human Services under—

9 “(A) the Federal Food, Drug, and Cos-  
10 metic Act (21 U.S.C. 301 et seq.); or

11 “(B) the FDA Food Safety Modernization  
12 Act (Public Law 111–353; 124 Stat. 3885) (in-  
13 cluding the amendments made by that Act).

14 “(8) AUTHORIZATION OF APPROPRIATIONS.—  
15 There are authorized to be appropriated to the Sec-  
16 retary such sums as are necessary to carry out this  
17 subsection, other than paragraph (5).”.

18 (b) NATIONAL ORGANIC CERTIFICATION COST-  
19 SHARE PROGRAM.—Section 10606 of the Farm Security  
20 and Rural Investment Act of 2002 (7 U.S.C. 6523) is  
21 amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1), by striking “not  
24 more than 75” and inserting “up to 100”; and

1 (B) by striking paragraph (2) and insert-  
2 ing the following:

3 “(2) MAXIMUM AMOUNT.—

4 “(A) IN GENERAL.—Subject to subpara-  
5 graph (B), the maximum amount of a payment  
6 made to a producer or handler under this sec-  
7 tion shall be \$3,000.

8 “(B) ADJUSTMENT.—Not later than Octo-  
9 ber 1, 2029, and every 5 years thereafter, the  
10 Secretary shall adjust the maximum amount de-  
11 scribed in subparagraph (A) to reflect changes  
12 in the Consumer Price Index for All Urban  
13 Consumers published by the Bureau of Labor  
14 Statistics of the Department of Labor for the  
15 preceding 5 fiscal-year period.”;

16 (2) in subsection (c)—

17 (A) by striking “program during” and in-  
18 sserting “program under this section during”;  
19 and

20 (B) by striking “fiscal year,” and inserting  
21 “fiscal years,”; and

22 (3) by striking subsection (d) and inserting the  
23 following:

24 “(d) MANDATORY FUNDING.—Of the funds of the  
25 Commodity Credit Corporation, the Secretary shall use

- 1 such sums as are necessary to carry out this section, to
- 2 remain available until expended.”.

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