

112TH CONGRESS
1ST SESSION

H. R. 254

To amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2011

Mr. SERRANO introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied.

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 “Sewage Sludge in Food
5 Production Consumer Notification Act”.

1 **SEC. 2. NOTIFICATION TO CONSUMERS OF FOOD PROD-**
2 **UCTS PRODUCED ON LAND ON WHICH SEW-**
3 **AGE SLUDGE HAS BEEN APPLIED.**

4 (a) ADULTERATED FOOD UNDER FEDERAL FOOD,
5 DRUG, AND COSMETIC ACT.—Section 402 of the Federal
6 Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amend-
7 ed by adding at the end the following:

8 “(j)(1) Effective one year after the date of the enact-
9 ment of the Sewage Sludge in Food Production Consumer
10 Notification Act, if it is a food (intended for human con-
11 sumption and offered for sale) that was produced, or con-
12 tains any ingredient that was produced, on land on which
13 sewage sludge was applied, unless—

14 “(A) the application of sewage sludge to
15 the land terminated more than one year before
16 the date on which the production of the food or
17 ingredient on the land commenced;

18 “(B) the food bears a label that clearly in-
19 dicates that the food, or an ingredient of the
20 food, was produced on land on which sewage
21 sludge was applied; or

22 “(C) in the case of a raw agricultural com-
23 modity or other food generally offered for sale
24 without labeling, a sign is posted within close
25 proximity of the food to notify consumers that
26 the food, or an ingredient of the food, was pro-

1 duced on land on which sewage sludge was ap-
2 plied.

3 “(2) In this paragraph, the term ‘sewage sludge’ has
4 the meaning given to such term in section 503.9(w) of title
5 40, Code of Federal Regulations (or any successor regula-
6 tions).”.

7 (b) ADULTERATED FOOD UNDER EGG PRODUCTS
8 INSPECTION ACT.—Section 4 of the Egg Products Inspec-
9 tion Act (21 U.S.C. 1033) is amended—

10 (1) in paragraph (a)—

11 (A) by striking “or” at the end of para-
12 graph (7);

13 (B) by striking the period at the end of
14 paragraph (8) and inserting “; or”; and

15 (C) by adding at the end the following:

16 “(9) effective one year after the date of the en-
17 actment of the Sewage Sludge in Food Production
18 Consumer Notification Act, if it is derived from
19 poultry that were raised, or that consumed animal
20 feed produced, on land on which sewage sludge was
21 applied, unless—

22 “(A) the application of sewage sludge to
23 the land terminated more than one year before
24 the date on which the poultry began to be
25 raised on the land or the date on which the pro-

1 duction of the animal feed on the land com-
2 menced; or

3 “(B) the container bears a label that clear-
4 ly indicates that the egg or egg product was de-
5 rived from poultry that—

6 “(i) were raised on land on which sew-
7 age sludge was applied; or

8 “(ii) consumed animal feed produced
9 on land on which sewage sludge was ap-
10 plied.”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(aa) The term ‘sewage sludge’ has the meaning
14 given to such term in section 402(j)(2) of the Federal
15 Food, Drug, and Cosmetic Act (21 U.S.C. 342(j)(2)).”.

16 (c) ADULTERATED FOOD UNDER FEDERAL MEAT
17 INSPECTION ACT.—Section 1 of the Federal Meat Inspec-
18 tion Act (21 U.S.C. 601) is amended—

19 (1) in paragraph (m)—

20 (A) by striking “or” at the end of para-
21 graph (8);

22 (B) by striking the period at the end of
23 paragraph (9) and inserting “; or”; and

24 (C) by adding at the end the following:

1 “(10) effective one year after the date of the
2 enactment of the Sewage Sludge in Food Production
3 Consumer Notification Act, if it is derived from live-
4 stock that grazed, or consumed animal feed pro-
5 duced, on land on which sewage sludge was applied,
6 unless—

7 “(A) the application of sewage sludge to
8 the land terminated more than one year before
9 the date on which the livestock began grazing
10 on the land or the date on which the production
11 of the animal feed on the land commenced;

12 “(B) the carcass, part thereof, meat or
13 meat food product bears a label that clearly in-
14 dicates that the livestock—

15 “(i) grazed on land on which sewage
16 sludge was applied; or

17 “(ii) consumed animal feed produced
18 on land on which sewage sludge was ap-
19 plied; or

20 “(C) in the case of a carcass, part thereof,
21 meat or meat food product generally offered for
22 sale without labeling, a sign is posted within
23 close proximity of the item to notify consumers
24 that the livestock—

1 “(i) grazed on land on which sewage
2 sludge was applied; or

3 “(ii) consumed animal feed produced
4 on land on which sewage sludge was ap-
5 plied.”; and

6 (2) by adding at the end the following new
7 paragraph:

8 “(x) The term ‘sewage sludge’ has the meaning given
9 to such term in section 402(j)(2) of the Federal Food,
10 Drug, and Cosmetic Act (21 U.S.C. 342(j)(2)).”.

11 (d) ADULTERATED FOOD UNDER POULTRY PROD-
12 UCTS INSPECTION ACT.—Section 4 of the Poultry Prod-
13 ucts Inspection Act (21 U.S.C. 453) is amended—

14 (1) in paragraph (g)—

15 (A) by striking “or” at the end of para-
16 graph (7);

17 (B) by striking the period at the end of
18 paragraph (8) and inserting “; or”; and

19 (C) by adding at the end the following new
20 paragraph:

21 “(9) effective one year after the date of the en-
22 actment of the Sewage Sludge in Food Production
23 Consumer Notification Act, if it is derived from
24 poultry that were raised, or that consumed animal

1 feed produced, on land on which sewage sludge was
2 applied, unless—

3 “(A) the application of sewage sludge to
4 the land terminated more than one year before
5 the date on which the poultry began to be
6 raised on the land or the date on which the pro-
7 duction of the animal feed on the land com-
8 menced;

9 “(B) the poultry product bears a label that
10 clearly indicates that the poultry contained in
11 the product—

12 “(i) were raised on land on which sew-
13 age sludge was applied; or

14 “(ii) consumed animal feed produced
15 on land on which sewage sludge was ap-
16 plied; or

17 “(C) in the case of a poultry product gen-
18 erally offered for sale without labeling, a sign is
19 posted within close proximity of the item to no-
20 tify consumers that the poultry contained in the
21 product—

22 “(i) were raised on land on which sew-
23 age sludge was applied; or

1 “(ii) consumed animal feed produced
2 on land on which sewage sludge was ap-
3 plied.”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(cc) The term ‘sewage sludge’ has the meaning
7 given to such term in section 402(j)(2) of the Federal
8 Food, Drug, and Cosmetic Act (21 U.S.C. 342(j)(2)).”.

9 (e) RELATION TO NATIONAL ORGANIC PROGRAM.—

10 (1) IN GENERAL.—Nothing in this section or
11 the amendments made by this section shall be con-
12 strued to modify the prohibition contained in part
13 205 of title 7, Code of Federal Regulations, on the
14 use of sewage sludge, including ash, grit, or
15 screenings from the production of sewage sludge, in
16 organic food production under the National Organic
17 Program of the Department of Agriculture.

18 (2) DEFINITION.—In this subsection, the term
19 “sewage sludge” has the meaning given to such term
20 in section 503.9(w) of title 40, Code of Federal Reg-
21 ulations (or any successor regulations), except that
22 such term includes ash generated during the firing
23 of sewage sludge in a sewage sludge incinerator or

- 1 grit and screenings generated during preliminary
- 2 treatment of domestic sewage in a treatment works.

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