

“Relationship to other laws”, 5713 “Application of sections 5711 and 5712”, and 5714 “Coordination procedures”.

§ 5701. Food transportation safety inspections

(a) INSPECTION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Health and Human Services and the Secretary of Agriculture, shall establish procedures for transportation safety inspections for the purpose of identifying suspected incidents of contamination or adulteration of—

(A) food in violation of regulations promulgated under section 416 of the Federal Food, Drug, and Cosmetic Act;

(B) a carcass, part of a carcass, meat, meat food product, or animal subject to detention under section 402 of the Federal Meat Inspection Act (21 U.S.C. 672); and

(C) poultry products or poultry subject to detention under section 19 of the Poultry Products Inspection Act (21 U.S.C. 467a).

(2) TRAINING.—

(A) IN GENERAL.—The Secretary of Transportation shall develop and carry out a training program to conduct enforcement of this chapter and regulations prescribed under this chapter or compatible State laws and regulations.

(B) CONDUCT.—In carrying out this paragraph, the Secretary of Transportation shall train inspectors, including Department of Transportation personnel, State employees described under subsection (c), or personnel paid with funds authorized under sections 31102 and 31104, in the recognition of adulteration problems associated with the transportation of cosmetics, devices, drugs, food, and food additives and in the procedures for obtaining assistance of the appropriate departments, agencies, and instrumentalities of the Government and State authorities to support the enforcement.

(3) APPLICABILITY.—The procedures established under paragraph (1) shall apply, at a minimum, to Department of Transportation personnel that perform commercial motor vehicle or railroad safety inspections.

(b) NOTIFICATION OF SECRETARY OF HEALTH AND HUMAN SERVICES OR SECRETARY OF AGRICULTURE.—The Secretary of Transportation shall promptly notify the Secretary of Health and Human Services or the Secretary of Agriculture, as applicable, of any instances of potential food contamination or adulteration of a food identified during transportation safety inspections.

(c) USE OF STATE EMPLOYEES.—The means by which the Secretary of Transportation carries out subsection (b) may include inspections conducted by State employees using funds authorized to be appropriated under sections 31102 through 31104.

(Added Pub. L. 109–59, title VII, §7203, Aug. 10, 2005, 119 Stat. 1913.)

REFERENCES IN TEXT

Section 416 of the Federal Food, Drug, and Cosmetic Act, referred to in subsec. (a)(1)(A), is classified to section 350e of Title 21, Food and Drugs.

PRIOR PROVISIONS

Prior sections 5701 to 5714 were omitted in the general amendment of this chapter by Pub. L. 109–59, §7203.

Section 5701, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 854, related to findings.

Section 5702, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 854, defined terms.

Section 5703, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 855, directed Secretary to prescribe regulations.

Section 5704, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 856, related to prohibited use of tank trucks, rail tank cars, and cargo tanks.

Section 5705, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 857, related to prohibited motor and rail transportation of nonfood products.

Section 5706, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 857, related to dedication of vehicles to transport asbestos, extremely dangerous products, or refuse.

Section 5707, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 857, related to waiver of provisions.

Section 5708, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 858, related to food transportation inspections. See section 5701 of this title.

Section 5709, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 858, related to consultation with Secretaries of Agriculture and Health and Human Services and Administrator of the Environmental Protection Agency.

Section 5710, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 858, related to duties and powers of Secretary.

Section 5711, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 858, related to enforcement and penalties.

Section 5712, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 859, related to relationship to other laws.

Section 5713, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 859, related to application of sections 5711 and 5712.

Section 5714, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 859, related to coordination between departments, agencies, and instrumentalities.

EFFECTIVE DATE

Section effective Oct. 1, 2005, see section 7204 of Pub. L. 109–59, set out as an Effective Date of 2005 Amendment note under section 331 of Title 21, Food and Drugs.

CHAPTER 59—INTERMODAL SAFE CONTAINER TRANSPORTATION

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AMENDMENTS

1996—Pub. L. 104–291, title II, §§208(b), 209(b), Oct. 11, 1996, 110 Stat. 3457, 3458, substituted “Effective date” for “Regulations and effective date” in item 5907 and added item 5908.

§ 5901. Definitions

In this chapter—

(1) except as otherwise provided in this chapter, the definitions in sections 10102 and 13102 of this title apply.

(2) “beneficial owner” means a person not having title to property but having ownership rights in the property, including a trustee of property in transit from an overseas place of origin that is domiciled or doing business in the United States, except that a carrier, agent of a carrier, broker, customs broker, freight