

§ 2104. State and Federal cooperation**(a) In general**

The Secretary shall work with the States in undertaking activities and programs that assist in improving the safety of food, including fresh and processed produce, so that State food safety programs and activities conducted by the Secretary function in a coordinated and cost-effective manner. With the assistance provided under subsection (b), the Secretary shall encourage States to—

- (1) establish, continue, or strengthen State food safety programs, especially with respect to the regulation of retail commercial food establishments; and
- (2) establish procedures and requirements for ensuring that processed produce under the jurisdiction of State food safety programs is not unsafe for human consumption.

(b) Assistance

The Secretary may provide to a State, for planning, developing, and implementing such a food safety program—

- (1) advisory assistance;
- (2) technical assistance, training, and laboratory assistance (including necessary materials and equipment); and
- (3) financial and other assistance.

(c) Service agreements

The Secretary may, under an agreement entered into with a Federal, State, or local agency, use, on a reimbursable basis or otherwise, the personnel, services, and facilities of the agency to carry out the responsibilities of the agency under this section. An agreement entered into with a State agency under this subsection may provide for training of State employees.

(Pub. L. 110–85, title X, §1004, Sept. 27, 2007, 121 Stat. 964.)

§ 2105. Enhanced aquaculture and seafood inspection**(a) Findings**

Congress finds the following:

- (1) In 2007, there has been an overwhelming increase in the volume of aquaculture and seafood that has been found to contain substances that are not approved for use in food in the United States.
- (2) As of May 2007, inspection programs are not able to satisfactorily accomplish the goals of ensuring the food safety of the United States.
- (3) To protect the health and safety of consumers in the United States, the ability of the Secretary to perform inspection functions must be enhanced.

(b) Heightened inspections

The Secretary is authorized to enhance, as necessary, the inspection regime of the Food and Drug Administration for aquaculture and seafood, consistent with obligations of the United States under international agreements and United States law.

(c) Report to Congress

Not later than 180 days after September 27, 2007, the Secretary shall submit to Congress a report that—

- (1) describes the specifics of the aquaculture and seafood inspection program;
- (2) describes the feasibility of developing a traceability system for all catfish and seafood products, both domestic and imported, for the purpose of identifying the processing plant of origin of such products; and
- (3) provides for an assessment of the risks associated with particular contaminants and banned substances.

(d) Partnerships with States

Upon the request by any State, the Secretary may enter into partnership agreements, as soon as practicable after the request is made, to implement inspection programs to Federal standards regarding the importation of aquaculture and seafood.

(Pub. L. 110–85, title X, §1006, Sept. 27, 2007, 121 Stat. 969.)

§ 2106. Consultation regarding genetically engineered seafood products

The Commissioner of Food and Drugs shall consult with the Assistant Administrator of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration to produce a report on any environmental risks associated with genetically engineered seafood products, including the impact on wild fish stocks.

(Pub. L. 110–85, title X, §1007, Sept. 27, 2007, 121 Stat. 969.)

§ 2107. Sense of Congress

It is the sense of Congress that—

- (1) it is vital for Congress to provide the Food and Drug Administration with additional resources, authorities, and direction with respect to ensuring the safety of the food supply of the United States;
- (2) additional inspectors are required to improve the Food and Drug Administration's ability to safeguard the food supply of the United States;
- (3) because of the increasing volume of international trade in food products the Secretary should make it a priority to enter into agreements with the trading partners of the United States with respect to food safety; and
- (4) Congress should work to develop a comprehensive response to the issue of food safety.

(Pub. L. 110–85, title X, §1008, Sept. 27, 2007, 121 Stat. 970.)

§ 2108. Annual report to Congress

The Secretary shall, on an annual basis, submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report that includes, with respect to the preceding 1-year period—

- (1) the number and amount of food products regulated by the Food and Drug Administration imported into the United States, aggregated by country and type of food;
- (2) a listing of the number of Food and Drug Administration inspectors of imported food