

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5568 .....	49 App.:1653(i)(9).	Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §4(i)(9); added Oct. 28, 1974, Pub. L. 93-496, §§6, 15, 88 Stat. 1530, 1533; restated Feb. 5, 1976, Pub. L. 94-210, §707(3), (5), 90 Stat. 125; Oct. 19, 1976, Pub. L. 94-555, §219(a), 90 Stat. 2629; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412.

In subsection (a), before clause (1), the words “to the Secretary of Transportation” are added for clarity and consistency in this chapter.

In subsection (b), the words “to carry out” are substituted for “for the purpose set forth . . . in” for consistency in the revised title and with other titles of the United States Code.

**CHAPTER 57—SANITARY FOOD TRANSPORTATION**

Sec. 5701. Food transportation safety inspections.

**Editorial Notes**

AMENDMENTS

2008—Pub. L. 110-244, title III, §302(g), June 6, 2008, 122 Stat. 1618, substituted “transportation” for “Transportation” in item 5701.

2005—Pub. L. 109-59, title VII, §7203, Aug. 10, 2005, 119 Stat. 1913, reenacted chapter heading without change and amended table of sections generally, substituting item 5701 for former items 5701 “Findings”, 5702 “Definitions”, 5703 “General regulation”, 5704 “Tank trucks, rail tank cars, and cargo tanks”, 5705 “Motor and rail transportation of nonfood products”, 5706 “Dedicated vehicles”, 5707 “Waiver authority”, 5708 “Food transportation inspections”, 5709 “Consultation”, 5710 “Administrative”, 5711 “Enforcement and penalties”, 5712 “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.)

**Editorial Notes**

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.