

## House of Representatives Passes Food Safety Enhancement Act of 2009

On Thursday, July 30, the U.S. House of Representatives passed the Food Safety Enhancement Act of 2009 (FSEA) by a vote of 283–142. The House's passage of the [FSEA](#) represents a major step towards overhauling federal law regulating food industries in the U.S.

If the FSEA becomes law, it will impose new responsibilities on facilities that manufacture, process, package or hold food for consumption including:

- Annual registration of all food facilities and an annual fee (the fee in 2010 will be \$500 per facility);
- Requirement for a food safety plan (including a hazard analysis, preventative controls and recall procedures), which must be disclosed to FDA inspectors upon request; and
- Increased frequency of inspections, to be determined by a risk-based schedule.

The FSEA also would increase the enforcement authority of the FDA. New FDA powers include:

- Access to all records during inspections or with written notice;
- Mandatory recall of tainted food;
- The ability to quarantine food from an entire geographic location;
- Subpoena power; and
- Increased authority to administratively detain foods.

The Senate now will debate and vote on the FSEA, which may occur as soon as it returns from the August recess. Reinhart will monitor this legislation as it progresses.

For more information about the legislation or how it could affect your company, please contact your Reinhart attorney or a member of Reinhart's Product Liability Team.

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