

Calendar No. 785

90TH CONGRESS }
1st Session }

SENATE }

REPORT
No. 799

FEDERAL MEAT INSPECTION ACT

NOVEMBER 21, 1967.—Ordered to be printed

Mr. MONTOYA, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 2147]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 2147) to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

SHORT EXPLANATION

This bill would amend the Federal Meat Inspection Act to—

(1) Add a new title III (i) authorizing Federal assistance (including grants) to State meat inspection programs, such assistance not to exceed 50 percent of the cost of the cooperative program; (ii) extending the Federal program to intrastate transactions in States which request such extension or fail to develop adequate State systems; and (iii) providing immediate authority to cover intrastate plants producing adulterated products which endanger the public where the State does not remove such danger.

(2) Extend the Federal program to commerce wholly within the District of Columbia or within any territory not having a legislative body (new sec. 1(h));

(3) Add a new title II (A) prohibiting commerce in animal products not intended for human use unless denatured, properly identified as not intended for human use, or naturally inedible; (B) providing for recordkeeping by certain slaughterers and handlers; registration of certain handlers; and regulation of certain handlers of dead, dying, disabled, or diseased animals and their products (including in each case those engaged in intrastate commerce if not regulated by State law);

(s) *Official mark*, (t) *official inspection legend*, (u) *official certificate*, (v) *official device*.—These terms are used in the provisions prohibiting forgery and similar offenses (sec. 8 of the bill) and the definitions would require them to be prescribed by regulation. These terms are not used in the present act.

New section 2 contains the legislative finding of the propriety of regulation and cooperation as provided in the bill to prevent and eliminate burdens on interstate and foreign commerce. This section supports the provisions of the bill which affect intrastate commerce.

Section 3. Mandatory ante mortem inspection

This section would not result in any change in the program. It would make a nonsubstantive drafting change by deleting "interstate or foreign" before "commerce" in sections 3 through 23 of title I of the Federal Meat Inspection Act, in view of the definition of "commerce" in section 1 of this bill. It also would make ante mortem inspection mandatory and change the reference to "Secretary of Agriculture" throughout title I of the act to "Secretary," in view of the definition of "Secretary" in section 1 of this bill. While under the existing law ante mortem inspection is discretionary insofar as the Secretary is concerned, it is mandatory insofar as the industry is concerned. The Secretary has exercised his discretion to require ante mortem inspection. Removing the Secretary's discretion therefore makes no change in the existing program.

(Sec. 3 of the act, which would be amended by this section of the bill, would also be amended by secs. 1, 12(a), and 12(b) of the bill. Those sections give it a section number, extend it to equines, and substitute "adulterated" for "unsound, unhealthful, unwholesome, or otherwise unfit for human food".)

Section 4. "Capable of use as human food"

This section would make it clear that the post mortem inspection provisions of the act apply to articles "capable of use as human food" rather than merely to those intended for transportation or sale for such use. This would make enforcement easier by eliminating any need to prove intention as to use for human food. The term "capable of use as human food" would be defined by section 1(k) of the act, as amended by section 2 of the bill to exclude denatured or naturally inedible articles or articles properly identified as not for human food.

(Sec. 4 of the act, which would be amended by this section of the bill, would also be amended by sections 1, 3, and 12. Those sections would give it a section number, omit "of Agriculture" in the phrase "Secretary of Agriculture", omit "interstate or foreign" in the phrase "interstate or foreign commerce", extend the section to equines and substitute "adulterated" for language having generally similar meaning.)

Section 5. Entry of materials into inspected plants

This section would clarify the authority of the Secretary of Agriculture to restrict entry of carcasses, parts thereof, meat and meat food products, and other materials into establishments that are federally inspected under title I to assure that such entry will be allowed only when consistent with the purposes of the act. This would clarify his authority to exclude uninspected carcasses or other meats or meat products not in clear compliance with the act (including

(r) The terms "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(s) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article or animal under this Act.

(t) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that an article was inspected and passed in accordance with this Act.

(u) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

(v) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

SEC. 2. Meat and meat food products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products impair the effective regulation of meat and meat food products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that all articles and animals which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

SEC. 3. That hereafter, for the purpose of preventing the use in [interstate or foreign] commerce, as hereinafter provided, of meat and meat food products which are [unsound, unhealthful, unwholesome, or otherwise unfit for human food] adulterated, [the Secretary of Agriculture, at his discretion, may] the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all [cattle, sheep, swine, and goats] cattle, sheep, swine, goats, horses, mules, and other equines before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in [interstate or foreign] commerce; and all [cattle, swine, sheep, and goats] cattle, sheep, swine, goats, horses, mules, and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other [cattle, sheep, swine, or goats] cattle, sheep, swine, goats, horses, mules, or other equines, and when so slaughtered, the carcasses of said [cattle, sheep, swine, or goats] cattle, sheep, swine, goats, horses, mules, or other equines shall be subject to a careful exami-

nation and inspection, all as provided by the rules and regulations to be prescribed by the Secretary [of Agriculture] as herein provided for.

SEC. 4. That for the purposes hereinbefore set forth the Secretary [of Agriculture] shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all [cattle, sheep, swine, and goats] *cattle, sheep, swine, goats, horses, mules, and other equines* to be prepared [for human consumption] at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia [for transportation or sale] as articles of [interstate or foreign] commerce *which are capable of use as human food*; and the carcasses and parts thereof of all such animals found to be [sound, healthful, wholesome, and fit for human food] *not adulterated* shall be marked, stamped, tagged, or labeled as "Inspected and Passed;" and said inspectors shall label, mark, stamp, or tag as "Inspected and Condemned," all carcasses and parts thereof of animals found to be [unsound, unhealthful, unwholesome, or otherwise unfit for human food] *adulterated*; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary [of Agriculture] may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become [unsound, unhealthful, unwholesome, or in any way unfit for human food] *adulterated* and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be [unsound, unhealthful, unwholesome, or otherwise unfit for human food] *adulterated*, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary [of Agriculture] may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

SEC. 5. The foregoing provisions shall apply to all carcasses or parts of carcasses of [cattle, sheep, swine, and goats] *cattle, sheep, swine, goats, horses, mules, and other equines* or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. *The Secretary may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any establishment at which inspection under this title is maintained, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act.*

SEC. 6. That for the purposes hereinbefore set forth the Secretary [of Agriculture] shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products