



KEVIN'S LAW

***Kevin's Law* was first introduced in 2002 as the Meat and Poultry Pathogen Reduction and Enforcement Act by Senators Tom Harkin (Iowa), Dick Durbin (Illinois), and Hillary Clinton (New York). In 2005, it was re-named *Kevin's Law* in honor of Kevin Kowalczyk and his family's work to pass this legislation.**

***Kevin's Law* was a response to a federal court of appeals ruling that the U.S. Department of Agriculture (USDA) did not have the authority to shut down plants that repeatedly produced meat and poultry products that were contaminated with *Salmonella* (the *Supreme Beef* case of December 2001).**

***Kevin's Law* required USDA to work with the Centers for Disease Control (CDC) to:**

- identify foodborne pathogens that impact human health;
- set limits for those pathogens in meat and poultry products;
- decrease those limits over time to prevent fewer pathogens from entering the food supply; and,
- shut down producers that repeatedly fail to meet those limits.

Despite being introduced in 2002, 2003 and 2005, *Kevin's Law* never passed. However, key elements of *Kevin's Law* were included in the Food Safety Modernization Act, which President Obama signed into law in January 2011. But this law, with its proactive approach, applies only to FDA, not to USDA.

Currently, USDA takes action when a product is found, through microbial testing, to be adulterated with *E. coli* O157:H7 (raw meat/poultry) or with *Listeria monocytogenes* (ready-to-eat meat/poultry). USDA also acts if a large number of illnesses are linked to a product, such as during an outbreak investigation. These actions are reactive and have not been effective in controlling or preventing our country's largest foodborne killer, *Salmonella*.

If *Kevin's Law* had passed, major outbreaks – including the Cargill ground turkey recall of 2011 -- may have been avoided or, at the very least, USDA would have been able to take action sooner.

Recent Action:

- Senator Kirsten Gillibrand (New York) included *Kevin's Law* in the Foodborne Illness Reduction Act of 2011 (S. 1529), introduced on September 8, 2011.
- On September 13, 2011, USDA declared six disease-causing *E. coli* strains as adulterants in ground beef and some other beef products. Prior to this announcement, USDA listed *E. coli* O157:H7 as the only adulterant in raw meat and poultry products. With this new ruling, USDA will begin testing for a six additional strains of toxic *E. coli* on March 5, 2012.
- Senator Kirsten Gillibrand (New York) included *Kevin's Law* in the Safe Meat and Poultry Act of 2013 (S. 1502) introduced on September 12, 2013. [Read CFI's letter of support on CFI's website.](#)

To learn more about how adulterants are defined: <http://www.enotes.com/adulteration-food-reference/adulteration-food>