

Alabama Contract Poultry Growers Association ♦ Campaign for Contract Agriculture Reform
Center for Food Safety ♦ Consumer Federation of America
Contract Poultry Growers Association of the Virginias ♦ Family Farm Defenders
Farm and Ranch Freedom Alliance ♦ Food & Water Watch ♦ Friends of the Earth
Government Accountability Project ♦ Iowa Citizens for Community Improvement
Land Stewardship Project ♦ Missouri Rural Crisis Center ♦ National Family Farm Coalition
National Farmers Union ♦ Nebraska Farmers Union ♦ Organization for Competitive Markets
R-CALF USA ♦ Rural Advancement Foundation International
Southeast Asian American Farming Association

May 15, 2009

Dear President Obama:

We are writing to urge you to safeguard Americans' health and the safety of the U.S. food supply by keeping in place the existing ban on the importation of processed poultry products from the People's Republic of China (PRC).

We are aware that you received a letter on April 30, 2009 from major agribusiness trade associations opposed to the continuation of the ban on the importation of processed poultry products from the PRC that has been part of the FY 2008 and FY 2009 Appropriations Acts for the United States Department of Agriculture (USDA). We are not convinced that the food safety standards in the PRC are adequate or that they can be enforced properly. We are also concerned that the process used by the Food Safety and Inspection Service (FSIS) at USDA to grant equivalency status to the PRC in 2006 for processed poultry products was flawed.

China's Weak Food Safety System is Putting U.S. Consumers at Risk

The PRC has a regulatory system that has had difficulty enforcing food safety standards for both domestic and exported products. What is even more troubling is the lack of transparency in the PRC about its food safety regulatory system and its suppression of news of major food borne illness outbreaks that do occur. The PRC has acknowledged some of these problems and it is in the process of implementing a new food safety law that is scheduled to take effect on June 1, 2009. However, there is no evidence that the PRC's ability to regulate food safety will change appreciably, or make their system more transparent to public scrutiny.

Last year's melamine scandal in the PRC is a perfect example of how the PRC's food safety system is unable to prevent even intentional contamination of the food supply. The PRC government took extraordinary steps to prevent news of illnesses and deaths caused by the food adulteration from being made public because it would have conflicted with the staging of the Beijing Olympics in August 2008.

The veil of secrecy that surrounded the early H5N1 avian influenza outbreaks in the PRC and the associated human illnesses and deaths from those outbreaks also points to a government that is less than transparent with its own citizens and the world at large.

As you know, the PRC has been one of the epicenters for H5N1 avian influenza that has impacted both poultry and humans. According to the World Health Organization, there have been twenty-three H5N1 avian influenza outbreaks in the PRC that have afflicted birds and poultry since 1996,¹ with 38 reported human cases and 25 deaths.² This is an important animal health issue that also impacts public health and must be addressed before the U.S. should entertain any imports from the PRC of any poultry products.

Furthermore, a number of food products under the jurisdiction of the Food and Drug Administration (FDA) that are permitted to be imported from the PRC are under Import Alert. Twelve of the 18 current Import Alerts listed for the PRC are for food items, the most recent for products that contain dairy powder that might be adulterated with melamine.³ In just the past four months, shipments of 467 different human food items imported from the PRC – from seafood to candy – were refused entry by the FDA. The reasons cited included filth; illegal animal/veterinary drugs used; suspected contamination with melamine; unsafe food additives; unsafe color additives; lack of labeling; salmonella contamination; packed in unsanitary conditions; unsafe pesticide residue; poisonous; unfit for food; and failure to register a process.

Unlike the FDA, FSIS is required to have a system in place that evaluates an exporting country's food safety regulatory system before it is allowed to ship meat, poultry and egg products to the U.S. We do not believe that FSIS exercised due diligence when it conducted its equivalency evaluation of the PRC food safety system for processed poultry products:

The FSIS Equivalency Determination for China was Flawed

In 2004, the PRC had requested that it be allowed to export processed poultry products of domestic Chinese origin to the United States. After it conducted a document review of the PRC food safety system, FSIS dispatched auditors in December 2004 to visit PRC food safety government offices, laboratories and a sample of poultry plants (three slaughter and four processing facilities) that could be eligible to export to the United States. The deficiencies that the auditors found included:

- 1) The PRC's food safety agency, the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ), did not exercise control over all of the food processing establishments under its jurisdiction;
- 2) AQSIQ veterinarians did not consistently enforce FSIS food safety standards;
- 3) Residue testing methodologies differed from those used by FSIS and in one laboratory, the sampling procedures could lead to cross-contamination;

¹ http://www.who.int/csr/disease/avian_influenza/ai_timeline/en/index.html

² http://www.who.int/csr/disease/avian_influenza/country/cases_table_2009_04_23/en/index.html

³ http://www.fda.gov/ora/fiars/ora_import_country.html

- 4) Testing for salmonella was not being consistently performed;
- 5) Not all documents had been translated into English;
- 6) Food safety deficiencies were found in five of the seven food establishments visited. The sanitation issues were so egregious in two of the facilities that FSIS auditors would have recommended that they be delisted or made ineligible to export to the United States.⁴

FSIS auditors returned to the PRC in July 2005 to visit four slaughter facilities. In all cases, the FSIS auditors found that the PRC had not stationed government veterinarians to perform ante-mortem and post-mortem inspections of poultry. In one establishment, FSIS not only discovered a deficient Hazard Analysis Critical Control Point (HACCP) plan, but also encountered serious sanitation issues. The FSIS auditors remarked that had these four plants been eligible to export to the United States, they would have been delisted for failing to meet critical requirements of U.S. food safety standards.

On November 23, 2005, FSIS proposed a rule that would grant the PRC partial equivalency to export processed poultry products to the U.S. provided that the raw poultry came from either the United States or Canada (70 FR 70746-70749). The comment period closed on January 23, 2006, and the overwhelming majority of the 34 comments the agency received were in opposition to the proposed regulation. In fact, the only positive comments came from entrepreneurs from the PRC who stood to benefit from this rule.

The process that ensued subsequent to the closing of the comment period was astonishing. The final regulation was transmitted by USDA to the Office of Management and Budget (OMB) for review on April 18, 2006. OMB cleared the rule after only one day's analysis. On April 20, 2006, PRC President Hu Jintao visited President George W. Bush at the White House where it was announced that the rule had been finalized. The final rule was eventually published in the April 24, 2006 Federal Register (71 FR 20867-20871).

According to an audit report published by the USDA Office of the Inspector General in August 2008, FSIS was prepared to grant the PRC equivalency status for slaughtered poultry.⁵ That determination had not been made public until the release of this particular audit report. For the PRC to be able to export processed poultry products of domestic Chinese origin would require a new rule.

It should be noted that the PRC never certified any plants to export processed poultry products to the United States under the April 24, 2006 rule.⁶ Instead, the PRC government renewed its effort to be able to export processed poultry of domestic Chinese origin.⁷

⁴ <http://www.fsis.usda.gov/OPPDE/FAR/China/China2004.pdf>

⁵ <http://www.usda.gov/oig/webdocs/24601-08-Hy.pdf>, see p. 14.

⁶ http://www.fsis.usda.gov/PDF/China_establishments.pdf

⁷ USDA Foreign Agricultural Service. GAIN Report: China, People's Republic of, Poultry and Products, Semi-Annual Report 2007, March 1, 2007, pp. 6-7.

In December 2006, then-Under Secretary for Food Safety Richard Raymond reportedly pledged to PRC officials that he would begin the regulatory process to amend the equivalency status for the PRC so that it could start exporting processed poultry of domestic Chinese origin to the United States.⁸

This rule never was proposed formally and then the Congress passed a prohibition against the expenditure of any funds to implement regulations that would permit the importation of processed poultry products from the PRC.⁹

Nothing has Changed to Justify Lifting the Ban

We believe that the importation of food products from the PRC is a public health issue that should not be entangled in trade discussions. PRC officials have tried in the past to make the exportation of poultry products to the United States a quid pro quo for re-opening U.S. beef exports to the PRC.¹⁰ Those talks should be separate and distinct.

Furthermore, the recent comments from the PRC's own Health Ministry that described the food safety situation in the country as "grim, with high risks and contradictions"¹¹ does not provide assurances that the PRC regulatory system can adequately enforce food safety standards for domestic or exported food products. In his last official trip to the PRC in September 2008, former Under Secretary for Food Safety Richard Raymond conceded that the 2008 melamine scandal was going to foster a continuation of the ban on importation of processed poultry products from the PRC.¹² We agree.

Our Domestic Poultry Industry Should Not Be Sacrificed for Unsafe Imports

Lastly, we are concerned that the importation of cheap processed poultry products from the PRC will have a negative impact on domestic processors and producers. Our domestic poultry industry is already under severe duress with some processors reducing hours of operation, shuttering entire plants, and even declaring bankruptcy. With the reduction in demand for poultry products, some producers have reduced their poultry flocks or have stopped raising poultry altogether. We ask that you resist further burdening our poultry industry by permitting cheap and unsafe imports to enter our food supply.

⁸ Newswiretoday.com, New Delhi, India, "United States to Allow Imports of Chinese Processed Chicken, January 4, 2007.

⁹ See Section 733, Division A, Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations, P.L.110-161; Section 727 Division A, Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations, P.L. 111-8.

¹⁰ Sally Schuff, "U.S.-China Talks Raise Hope for Beef Trade," Feedstuffs, April 17, 2006.

¹¹ Shanghai Daily, "New Law Fights Grim Situation in Food Safety," March 3, 2009, http://www.shanghaidaily.com/sp/article/2009/200903/20090303/article_392914.htm

¹² Dune Lawrence and Stephen Engle, "China Milk Crisis May Delay U.S. Meat Import Approval," Bloomberg News Service, September 24, 2008, <http://www.bloomberg.com/apps/news?pid=20601080&sid=azjwzAw2IQAA&refer=asia>

We stand ready to help you in your efforts to improve our food safety system so that it can effectively regulate both domestic and imported food products. Please contact Tony Corbo at Food & Water Watch at (202) 683-2500 if you have any questions or need more information on this issue.

Sincerely,

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R-CALF USA

Rural Advancement Foundation International

Southeast Asian American Farming Association

Cc:

The Honorable Ronald Kirk

The Honorable Hillary Rodham Clinton

The Honorable Thomas J. Vilsack

The Honorable Timothy F. Geithner

The Honorable Gary F. Locke

The Honorable Lawrence H. Summers

Gen. James L. Jones, Jr., USMC (Ret.)

The Honorable Daniel K. Inouye

The Honorable Thad Cochran

The Honorable Herbert H. Kohl

The Honorable Sam Brownback

The Honorable Max Baucus

The Honorable Charles E. Grassley

The Honorable Ron Wyden

The Honorable Mike Crapo

The Honorable David R. Obey

The Honorable Jerry Lewis

The Honorable Rosa DeLauro

The Honorable Jack Kingston

The Honorable Charles B. Rangel

The Honorable Dave Camp