



September 15, 2009

Senator Herb Kohl, Chairman
Senate Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies Appropriations
330 Hart Senate Office Building
Washington, DC 20510

Congresswoman Rosa DeLauro, Chairwoman
House Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies Appropriations
2413 Rayburn House Office Building
Washington, DC 20515

Senator Mark L. Pryor
255 Dirksen Senate Office Building
Washington, DC 20510

Secretary Tom Vilsack
United States Department of Agriculture
Room 200, Jamie L. Whitten Building
12th Street and Jefferson Drive, SW
Washington, DC 20250

Dear Chairman Kohl, Chairwoman DeLauro, Senator Pryor, and Secretary Vilsack:

Please find attached a petition signed by 17,113 citizens from all 50 states urging that the language contained in Section 723 of H.R. 2997 be retained when the conference committee convenes on the FY 2010 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations bill.

As you know, Section 723 prohibits the use of any funds by the United States Department of Agriculture (USDA) to implement or promulgate any regulations that would permit the importation of processed poultry products from the People's Republic of China (PRC). Food & Water Watch has opposed granting the PRC equivalency status for poultry products ever since the Bush Administration first proposed a rule on the issue in November 2005. We view this as a public health issue. We believe that the equivalency determination was flawed, as did a majority of other organizations and individuals who commented on the proposed regulation. In spite of that opposition, the Bush Administration rushed the proposed rule through the regulatory process and granted the PRC a restricted equivalency determination on April 24, 2006 (71 FR 20867 – 20871). That equivalency determination would permit the PRC to export cooked, shelf-stable poultry products to the United States provided that the raw poultry came from either the United States or Canada. The reason for this restriction was that USDA's Food Safety and Inspection Service (FSIS), the agency responsible for making equivalency determinations, stated: "China's slaughter establishments have not at this time been determined equivalent for the slaughtering of poultry intended to be processed in China as shelf-stable, fully cooked poultry" (71 FR 20868). USDA approved this rule even though FSIS auditors found squalid conditions in the poultry processing facilities that the PRC selected for review because it believed these plants met U.S. food safety standards and would be eligible to export to the U.S.¹

¹ See <http://www.fsis.usda.gov/OPPDE/FAR/China/China2004.pdf>

Ironically, the PRC never certified any of its poultry processing establishments under the final rule even though there was much fanfare by the Bush Administration over its approval.² We all know that the PRC's ultimate goal was to be permitted to export poultry products of domestic Chinese origin to the United States. Through an August 2008 USDA Office of Inspector General audit report,³ we learned that FSIS was prepared to grant the PRC equivalency status for its poultry slaughter facilities in June 2006 – less than two months after the same agency declared that the PRC slaughter facilities did not meet our food safety standards. FSIS never proposed a rule amending the PRC's equivalency status because there were animal health concerns expressed by USDA's Animal and Plant Health Inspection Service (APHIS) due to the repeated outbreaks of H1N5 avian influenza in the PRC's poultry flocks.⁴ Furthermore, the 2005 audits of the four PRC poultry slaughter facilities upon which FSIS was basing its equivalency recommendations revealed all of them to be deficient in meeting our inspection requirements.⁵

The PRC's food safety system is virtually non-existent. Officials of its own Health Ministry recently described food safety in that country as “grim, with high risks and contradictions.”⁶ The PRC has experienced some high profile food safety incidents in recent years, most notably the intentional contamination of wheat gluten and milk powder with the industrial chemical melamine that sickened and killed pets and humans. The U.S. Food and Drug Administration (FDA) which does not have the same regulatory regime that FSIS uses to regulate food imports has refused entry of some 651 shipments of food items from the PRC – ranging from seafood to candy – in the first seven months of this year alone. Among the reasons cited include **filth; illegal animal/veterinary drugs used; suspected contamination with melamine; unsafe food additives; unsafe color additives; lack of labeling; listeria contamination; salmonella contamination; packed in unsanitary conditions; unsafe pesticide residue; poisonous; unfit for food; and failure to register a food process** among others. In addition, over half of the FDA's Import Alerts for the PRC are for food products.

U.S. consumers are extremely concerned with the safety of imported food. In a recent national public opinion survey conducted by Hart Research and Public Opinion Strategies for the Pew Charitable Trusts, nearly two-thirds of the respondents stated that the Federal Government was doing too little to ensure the safety of imported food, while slightly less than half made the same assertion regarding domestic food items. More than nine in ten respondents favored requiring foreign countries to certify that their food safety systems were as strong as ours.⁷

To its credit, the government of the PRC has recognized that it has a very weak food safety system and is in the process of implementing a newly enacted food safety law that took effect on June 1, 2009. Before we allow any more food products to be imported from the PRC, we should allow enough time to assess whether the new law will actually address the food safety deficiencies in that country.

We realize that the PRC has made threats not to import agricultural goods from the United States in retaliation for the import ban that we currently have on its poultry products. There were

² See http://www.fsis.usda.gov/PDF/China_establishments.pdf

³ USDA Office of Inspector General. “Follow up Review of Food Safety and Inspection Service's Controls Over Imported Meat and Poultry Products,” Report No. 24601-08-Hy, August 2008, p. 14.

⁴ Ibid., p. 15.

⁵ See <http://www.fsis.usda.gov/OPPDE/FAR/China/China2005.pdf>

⁶ “New Law Fights Grim Situation in Food Safety,” Shanghai Daily, March 3, 2009.

⁷ See <http://www.makeourfoodsafesafe.org/tools/assets/files/ME9615a-pub.pdf>

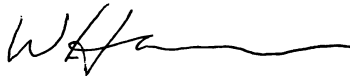
allegations earlier this summer claiming that the PRC had begun to cancel export permits for U.S. poultry products.⁸ To the contrary, Tyson Foods recently reported that its poultry exports to the PRC have not been curtailed.⁹ While the PRC has filed a charge against the United States at the World Trade Organization regarding the current ban, the U.S. position can easily be defended because of the PRC's lax enforcement of food safety standards.

Lastly, we would like to comment on Section 744 contained in the Senate version of the FY 2010 Agriculture Appropriations bill. While it has been described as putting food safety restrictions on the importation of processed poultry products from the PRC, it really describes what FSIS already does for all countries that export meat, poultry and egg products to the United States. Even the former Under Secretary for Food Safety, Dr. Richard Raymond, under whose watch the poultry equivalency determination for the PRC was approved and who has been a strong supporter of lifting the ban on the importation of processed poultry from the PRC, recently made a similar observation in a meat industry blog.¹⁰ If this language is ultimately accepted by the conference committee and enacted into law, it will simply lift the ban with no strings attached.

We strongly urge you to accept the provisions of Section 723 of the H.R. 2997 as passed by the House and so do thousands of U.S. consumers.

Should you have any questions about this matter, please feel free to contact Tony Corbo at (202) 683-2449.

Sincerely,



Wenonah Hauter
Executive Director

Attachment

cc w/o attachment:

Senator Daniel Inouye
Senator Tom Harkin
Senator Byron Dorgan
Senator Dianne Feinstein
Senator Richard Durbin
Senator Tim Johnson
Senator Ben Nelson
Senator Jack Reed
Senator Arlen Specter
Senator Thad Cochran

⁸ Lauren Etter and Stephen Power. "China is Expected to Block Imports of Chicken from U.S.," Wall Street Journal, July 1, 2009, p. A-10.

⁹ "Tyson's Chicken Business Weak; Beef, Pork Strong," Reuters, September 9, 2009.

¹⁰ Dr. Richard Raymond. "Food (Safety) Fight: What Exactly is it that the Senate Wants?," MeatingPlace.com, September 8, 2009.

Senator Sam Brownback
Senator Robert Bennett
Senator Christopher Bond
Senator Mitch McConnell
Senator Susan Collins
Congressman David Obey
Congressman Sam Farr
Congressman F. Allen Boyd
Congressman Sanford D. Bishop, Jr.
Congressman Lincoln Davis
Congresswoman Marcy Kaptur
Congressman Maurice Hinchey
Congressman Jesse L. Jackson, Jr.
Congressman Jerry Lewis
Congressman Jack Kingston
Congressman Tom Latham
Congresswoman Jo Ann Emerson
Congressman Rodney Alexander