



January 20, 2015

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

Transmitted via facsimile: (202) 720-6314

Dear Secretary Vilsack:

I am writing once again to express concern over the increased number of recalls of imported meat products that have occurred in recent years due to lack of port-of-entry reinspection. We last wrote to you on this matter in March 2014,¹ but the problem seems to be getting worse. While USDA's Food Safety and Inspection Service (FSIS) continues to claim that the Public Health Information System (PHIS) has improved coordination with Customs and Border Protection on imported meat, poultry and egg products with the intention of facilitating inspection, it seems that there has been a deterioration in surveillance since PHIS was implemented in May 2012 to cover imported products. The latest two recalls of such products were announced in the wee hours of Saturday, January 17, 2015.

Since 2013, there have been ten recalls announced by FSIS due to imported products that entered into commerce without the benefit of reinspection at ports-of-entry.

- "California Importer Recalls Salami Products that were not Presented to USDA for Reinspection," FSIS Recall 063-2013, October 26, 2013;
- "Canadian Firm Recalls Various Meat Products Without Import Inspection," FSIS Recall 016-2014, February 26, 2014;
- "California Firm Recalls Canadian Liver Pate Products Without Import Inspection," FSIS Recall 017-2014, February 26, 2014;
- "Ontario Firm Recalls Baby Back Ribs Produced Without Import Inspection," FSIS Recall 025-2014, April 24, 2014;
- "Maryland Firm Recalls Lamb Products Produced Without Import Inspection," FSIS Recall 071-2014, October 17, 2014;
- "Nebraska Firm Recalls Pork Belly Products Without Import Inspection," FSIS Recall 083-2014, December 4, 2014;

¹ Food & Water Watch. "Food & Water Watch Calls for Investigation Into Import Inspection Program at USDA's Food Safety and Inspection Service," March 3, 2014.

- “Texas Firm Recalls Lamb Products Imported Without the Benefit of Inspection,” FSIS Recall 001-2015, January 2, 2015;
- “California Firm Recalls Boneless Beef Products Imported Without Benefit of Inspection,” FSIS Recall 002-2015, January 7, 2015;
- “California Firm Recalls Pork Products Without Benefit of Inspection,” FSIS Recall 013-2015, January 17, 2015;
- “Illinois Firm Recalls Pork Products Without Benefit of Inspection,” FSIS Recall 015-2015, January 17, 2015.

These public announcements do not include the many incidents of “failure-to-present” that have been caught by FSIS inspection personnel of Canadian meat and poultry imports that we have reported to you in the past.

By contrast, there were only four such recalls during the eight years of the two George W. Bush Administrations.² What is especially alarming about some of the recent recalls is the fact that some of the products were in U.S. commerce for over a year before FSIS discovered that there was a problem and recalls were initiated.³ Furthermore, one of the January 17, 2015 recalls involved nearly 170,000 pounds of product.⁴

According to the document entitled, “FSIS’s Public Health Information System: Improving the Safety of Imported and Exported Meat, Poultry, and Processed Egg Products,” there are certain procedures that importers and Customs and Border Protection personnel are supposed to initiate so that FSIS can conduct port-of-entry inspection. Specifically, the document outlines the following:

“Import Reinspection

When PHIS is implemented, U.S. port of entry verification activities will continue to be performed on imported meat, poultry, and processed egg products that have already been inspected and passed by an equivalent foreign inspection system. Eligibility of the foreign country, foreign establishment, and product will be determined by the system when the application for FSIS import inspection is filed by the U.S. Importer of Record or U.S. Customs Broker. These applications will be entered directly into PHIS in advance of the shipment arrival. The information will be verified by the import inspector when the shipment is presented at the official import establishment, using the official certificate issued by the foreign inspection system. In addition, the inspector will verify that every shipment is properly

² “USDA Detains Products from Brazil,” April 12, 2002; “USDA Detains Products from Brazil,” April 15, 2002; “USDA Detains Canned Meat and Poultry Products from Ukraine,” October 6, 2004; “New York Firm Recalls Meat and Poultry Products Imported from an Ineligible German Establishment,” November 30, 2004.

³ See FSIS Recall 071-2014.

⁴ See FSIS Recall 015-2015.

certified, product is accurately labeled, and any product damaged during transportation is separated and refused entry...

“PHIS will also establish an electronic interface with the U.S. Customs and Border Protection's Automated Commercial Environment (ACE), thereby enabling greater information sharing between FSIS and other U.S. federal agencies involved with tracking the cross-border movement of import and export shipments of meat, poultry, and processed egg products.”⁵

In light of the recalls for imported products since PHIS was implemented, I have the following questions:

1. Why has there been an increase in the number of recalls due to failure-to-present imported meat and poultry products for reinspection at ports-of-entry since PHIS was implemented for imports?
2. Is the PHIS and Customs and Border Protection's Automated Commercial Environment (ACE) electronic interface actually working? Has the new system impeded the ability of the import inspection establishments (I-houses) to keep abreast of what is actually being imported into the United States?
3. Have importers and customs brokers been properly trained to use PHIS? How many of the recalls have been caused by importers and customs brokers not entering the correct Harmonized Tariff Codes into ACE and PHIS?
4. Does FSIS still employ Import Surveillance Liaison Officers? If not, who is coordinating with Customs and Border Protection personnel at ports-of-entry regarding imported food products that fall under FSIS jurisdiction?
5. When FSIS moves entirely to the electronic import inspection application system in March 2015 (FSIS Notice 70-14), will import inspection establishments be provided that information prior to shipments arriving on U.S. soil?
6. PHIS was to have established a procedure to communicate with importers and customs brokers when “failure-to-present” incidents occurred. Is that procedure working? If it is, how quickly is that information being communicated to those who violate import inspection procedures?
7. When FSIS recall press releases contain the statement, “the problem was discovered using the Public Health Information System (PHIS) during a routine review of import shipment data,” at what point is the discovery being made? Is FSIS staff

⁵ United States Department of Agriculture Food Safety and Inspection Service. “FSIS's Public Health Information System: Improving the Safety of Imported and Exported Meat, Poultry, and Processed Egg Products,” June 2010, last modified August 9, 2013, see http://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/fsis-programs-and-workforce/fsiss-phs-improving-the-safety-of-imported-and-exported-meat-poultry-and-processed-egg-products/ct_index.

manually reviewing Customs ACE data and comparing it with what is missing in PHIS, or is the discovery being made at the destination establishment in the U.S. using PHIS?

We find the surge in recalls related to imported products that have failed to be presented for reinspection to be disconcerting. The Obama Administration is currently engaged in negotiations for two major free trade agreements – the Trans-Pacific Partnership and the Transatlantic Trade and Investment Partnership – that would inevitably lead to increased food exports to the United States should the agreements be successfully consummated. It seems that FSIS cannot handle what is being exported to the United States now, especially with a new information technology system that does not appear to be working properly. Expanding the volume of meat, poultry, and egg products would put further strain on an import inspection program that is already under much stress.

I look forward to your response.

Sincerely,



Wenonah Hauter
Executive Director

cc: Senator Pat Roberts
Senator Debbie Stabenow
Senator Kirsten Gillibrand
Senator Jerry Moran
Senator Jeff Merkley
Representative Mike Conaway
Representative Collin Peterson
Representative Harold Rogers
Representative Nita Lowey
Representative Robert Aderholt
Representative Sam Farr
Representative Rosa DeLauro