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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
WAYS & MEANS SUBCOMMITTEES
ON TRADE AND OVERSIGHT**

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Mr. Chairman and Members of the Subcommittee, I am Dr. William James of the Office of International Affairs at the United States Department of Agriculture's Food Safety and Inspection Service.

The Food and Safety and Inspection Service is the USDA public health regulatory agency responsible for the administration of laws and regulations that are designed to ensure that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and properly labeled. I am here today to discuss FSIS' procedures for ensuring the safety of the imported food for which we have responsibility. In FY 2006, the imported food FSIS oversees accounts for nearly four billion pounds of meat and poultry from 29 of the 33 eligible countries; and about six million pounds of egg products from Canada presented for import re-inspection at US ports and borders.

FSIS employs a comprehensive three part system for imports. This system consists of:

- Establishing the initial equivalence of the meat inspection system of a country wishing to export to the United States;
- Verifying continuing equivalence of foreign systems through audits; and
- Providing 100 percent re-inspection, with a few exceptions, when products enter the country.

Establishing Equivalence

Equivalence is the foundation for our system of imports. It recognizes that an exporting country can provide an appropriate level of sanitary protection, even though the measures employed to achieve this protection may be different from the measures applied here at home.

FSIS has always insisted on the opportunity to assess foreign inspection systems before those nations can export to the United States. This prior review is mandated by Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), which provided that a foreign system be the same as the U.S. system before the foreign product could be admitted. Later, that standard was adjusted to one of equivalency when the United States adopted the *Agreement on the Application of Sanitary and Phytosanitary Measures*, or SPS Agreements, as part of the Final Act of the Uruguay Round of Multilateral Trade Negotiations, signed in 1994.

Any country may apply to be evaluated for equivalence by submitting a request to FSIS. While the importing country maintains the sovereign right to maintain any level of protection that it deems appropriate to diminish food safety hazards within its borders, a country wishing to export to the United States still has the burden of proving that its system is equivalent.

FSIS begins the process of determining equivalence by analyzing the country's meat or poultry regulatory system with a document analysis to assess whether the country has laws, regulations, and an infrastructure to support an equivalent system.

The document review focuses on a country's practices in five risk areas: sanitation, animal disease, slaughter and processing, residues, and enforcement. FSIS uses the document review to ensure that the critical points within these risk areas are addressed with respect to those standards, activities, resources, and enforcement mechanisms inherent in the US regulatory system.

If the document review is satisfactory, the process of determining equivalence then moves to on-site review. During an on-site review, an FSIS audit team evaluates all the aspects of a country's inspection program, from the headquarters of the inspection system to regional offices and local offices, and ultimately to individual establishments within the country and to laboratories that will be testing product destined for the United States. We are seeking to assure that the country's inspection program is, in fact, what the documentation claims.

The FSIS process for announcing initial equivalence determinations for foreign countries is transparent. When FSIS makes an initial equivalence determination, a proposed rule is published in the Federal Register setting forth the determination and the reasons for the determination. After a comment period, FSIS reviews all comments submitted on the proposal, and as appropriate, publishes a final rule to add the country as eligible to export meat, poultry or egg products to the United States

Verifying Continuing Equivalence through Audits

The second part of our system to ensure the safety of FSIS-regulated imports is to verify continuing equivalence through audits. Once a country is determined to have a system equivalent to the United States, that country is responsible for ensuring that all facilities exporting to the United States employ standards equivalent to those contained in the FMIA and PPIA. To verify that this is happening, FSIS conducts annual audits of foreign food safety systems and procedures through on-site visits by FSIS personnel, including certified establishments, laboratories and a review of government controls. In the fiscal year that has just concluded, FSIS' audit of all countries that are eligible to export and are actively exporting to the United States included 145 establishments, 39 laboratories, and 86 government offices. Final audits are posted on the FSIS Website.

Verifying Continuing Equivalence through Re-inspection at the Border

Finally, the last part of our system for ensuring the safety of FSIS-regulated imports is verifying the continuing equivalence of foreign systems through re-inspection at the border. Every shipment of meat, poultry, or egg products that enters the United States must be presented to an FSIS inspector at one of the approximately 140 official FSIS import establishments strategically located at major ocean ports of entry and land border crossings. These initial checks for such matters as documentation, evidence of tampering, transportation damage and proper labeling, are to ensure that the product originated in an approved country and was produced in an eligible establishment. This process is assisted by FSIS' Automated Import Information System (AIIS), a database that schedules re-inspection tasks and stores the results of the re-inspection from each point in the process.

FSIS also performs intensive random re-inspection on approximately 10 percent of shipments of meat, poultry, and egg products. These re-inspection tasks include product examinations, microbiological analysis for pathogens, and/or a test for chemical residues. Acceptable products are marked as "inspected and passed" and released into commerce. Non-compliant products are rejected, marked as "Refused Entry," and either destroyed or returned to the originating country. More intensive re-inspection is automatically applied to future shipments of product from the foreign establishment when product fails re-inspection.

In addition to import re-inspection personnel, FSIS currently employs twenty-three Import Surveillance Liaison Officers (ISLOs) who are charged with identifying, tracking, and detaining ineligible, illegal, or smuggled product. These ISLOs work with other agencies, including Customs and Border Protection (CBP), USDA's Animal and Plant Health Inspection Service (APHIS), the Food and Drug Administration (FDA), and the U.S. Fish and Wildlife Service, as well as brokers and importers at U.S. ports of entry. Access to Customs and Border Protection's Automated Commercial Environment (ACE) database has provided FSIS a more targeted approach to identifying and controlling ineligible entries of amenable product closer to the entry point, rather than after its release into commerce. In FY 2005, prior to the FSIS' use of the ACE system, the amount of ineligible product removed from commerce was just over 36 thousand pounds. In FY 2006, this amount increased to 1.6 million pounds, and so far in FY 2007, over 1.9 million pounds have been identified, destroyed, or redirected to FSIS for re-inspection.

While FSIS currently has limited access to CBP's ACE system, the Agency and other key Federal partners are working to become fully integrated with that system. This effort will eventually lead to a linkage of all inspection and border control data systems among all Federal agencies involved in imports.

In other areas, FSIS has also worked with CBP's National Targeting Center to develop rules for targeting high-risk FSIS-regulated shipments that enter the country. This

included a two-month pilot program in 2006 in which 3,229 shipments were screened at two separate ports using the proposed rule sets.

Food Defense

Our three-part approach to imports is supplemented by our critical food defense efforts to protect against accidental or intentional food contamination.

To this end, the Agency performs vulnerability assessments for imported food and, potentially, for food that has illegally entered the US market. These vulnerability assessments seek out ways to strengthen our food import system. Armed with these vulnerability assessments, the Agency conducts workshops to increase awareness of food defense issues among our international trading partners. These have included, in the past, the G-8 countries, Mexico, and the Asian Pacific Economic Council. Through the G-8 Working Group, FSIS is developing a joint exercise to prepare for the possibility of needing to respond to an intentional food contamination incident.

FSIS inspectors engage in comprehensive and ongoing training and education efforts in order to fulfill their role in preventing and responding to any potential threats to the food supply. Coordinated food defense awareness training is conducted in locations nationwide in conjunction with our food defense partners, which are government-wide but specifically include the Department of Homeland Security (DHS), the Department of

Health and Human Services (HHS), other USDA agencies, as well as state and local food defense partners.

FSIS is working jointly with FDA on the continued development of the Food Emergency Response Network (FERN) with other national, State, and local laboratories to provide ongoing surveillance and monitoring of food and to prepare for emergency response stemming from a food illness outbreak, intentional contamination, or even a hoax.

FSIS is participating in a consortium of lab networks developed by DHS. This integrated consortium ensures coordination among Federal and State partners focused on food and agriculture. This consortium will ensure consistency of methods development and the reporting and sharing of lab results between Federal and State partners.

FSIS has also developed and distributed model food security plans for use in import establishments to aid them in the development of a Food Defense Plan. Further, while Import Inspectors conduct their regular re-inspection at import facilities, their activities include efforts aimed at protecting consumers from intentional attacks on the food supply, and include facility checks to identify, among other things, suspicious activities in product re-inspection or port areas, evidence of product tampering, or signs that a facility's water supply may have been compromised. The specific procedures performed change by increasing and decreasing according to the threat level.

Interagency Working Group on Import Safety

Mr. Chairman and members of the committee, I have discussed how the imported food products USDA regulates are currently inspected. But USDA is also working closely with the Interagency Working Group on Import Safety established by the President in July.

The President formed this working group which is chaired by Health and Human Services Secretary Mike Leavitt to ensure that we are doing everything we can to promote the safety of imported products. The mission is simple but critical, and that is to conduct an across-the-board review of import safety, including reviewing safety procedures in exporting countries, by U.S. importers, and by Federal, State, and local governments, and to provide recommendations to the President to promote the safety of imported products.

In September, the Working Group issued a strategic framework for ensuring the safety of imported products. This framework outlines a risk-based approach that includes the principles of prevention (prevent harm in the first place); intervention (intervene when risks are identified); and response (respond rapidly after harm has occurred). The framework supports USDA's long-standing approach to evaluating and verifying the ability of foreign food safety systems to ensure the safety of meat, poultry, and egg products exported to the United States.

The next step in advancing the framework will be the Working Group's mid-November release of an implementation action plan. The action plan will provide specific short- and long-term recommendations for import safety improvements and will reflect stakeholder input received through several outreach activities conducted over the past two months, as well as from a public meeting held on October 1 at USDA headquarters here in Washington.

Conclusion

At FSIS, we believe that our approach to ensuring the safety of imported meat, poultry, and egg products is the best system in the world. This is due to our three-part rigorous approach of determining equivalence; the continuous evaluation of that equivalence to ensure that it is maintained; and our vigilant surveillance of food product entering the country.

Mr. Chairman and all Members of the Subcommittee, I would like to thank you for this opportunity to explain the important process that FSIS employs in protecting consumers by assuring the safety of imported food products.