

**TESTIMONY OF DR. RICHARD RAYMOND  
OFFICE OF FOOD SAFETY  
UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE  
U.S. HOUSE OF REPRESENTATIVES  
ENERGY AND COMMERCE SUBCOMMITTEE  
ON OVERSIGHT AND INVESTIGATIONS**

**October 11, 2007**

Mr. Chairman and Members of the Subcommittee, I am pleased to appear before you today. I am Dr. Richard Raymond, Under Secretary for Food Safety. I am here to discuss how the United States Department of Agriculture (USDA) regulates the importing of meat, poultry and egg products to protect American consumers.

As the Under Secretary for Food Safety, I oversee the Food Safety and Inspection Service (FSIS). FSIS 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, regardless of whether those products are sold in the United States or imported to, or exported from, the United States.

The amount of FSIS regulated meat and poultry imported products has remained approximately the same over the past five years, hovering around four billion pounds of meat and poultry from 29 of the 33 eligible countries. In addition, about six million

pounds of egg products from Canada was presented for import re-inspection at U.S. borders. However, egg product imports have increased in the past year.

FSIS employs a comprehensive three-part system for imports that helps to ensure the safety of imported product. This system consists of:

- Establishing the initial equivalence of the meat, poultry and egg product 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 food safety, even if those measures are different from those applied here at home.

FSIS has always required an assessment of foreign inspection systems before those nations can export to the United States. This prior review is mandated by our laws, which originally required that a foreign system be “equal to” our system before the foreign product could be admitted. That standard was changed in 1994, to one of

equivalency after the United States signed the Final Act of the Uruguay Round of Multilateral Trade Negotiations.

Any country can apply for equivalence by submitting a request to FSIS. An importing country maintains the sovereign right to maintain any level of protection that it deems appropriate to address food safety hazards within its borders. An exporting country has the burden of proving that its system is equivalent to our own if that country wishes to export to the United States.

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 the laws, regulations, and an infrastructure to support an equivalent system.

This 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 country has in place measures that encompass the standards, activities, resources, and enforcement mechanisms inherent in the US regulatory system for these five areas.

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. Through these evaluations we seek assurances that the country's inspection program is, in fact, what the documentation claims.

The process for announcing initial equivalence determinations for foreign countries is open and transparent. When FSIS makes an initial equivalence determination, a proposed rule is published in the Federal Register setting forth the determination and our reasoning for it. 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. This ensures an open and transparent process.

### **Verifying Continuing Equivalence through Audits**

The second part of our system is to verify continuing equivalence through audits. This means that once a country is determined to have a system equivalent to the United States, that country is then responsible for ensuring that the entire system exporting to the United States employ standards equivalent to those contained in the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA), and the Egg Products Inspection Act. FSIS conducts annual audits of foreign food safety systems and procedures to verify that this is taking place. This process includes on-site visits by FSIS personnel, including certified establishments, laboratories and a review of government controls. There is a particular focus on implementation of any new requirements we have put forth since the

last audit. For FY 2007, FSIS visited 145 establishments, 39 laboratories, and 86 government offices in the process of auditing all countries actively exporting to the United States. The final audit reports of these countries are posted on the FSIS Web site. If a country fails an audit, FSIS can, and has in the past, suspend imports from that country, from individual plants, or specific products.

### **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 of products 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. It is here that the initial checks for proper documentation, evidence of tampering, transportation damage, and proper labeling are conducted. This process is currently assisted by FSIS' Automated Import Information System (AIIS). AIIS is a database that schedules re-inspection tasks and stores the results of the re-inspection from each point in the process.

In addition to the initial re-inspection of product entering the United States, FSIS performs intensive random re-inspection on approximately 10 percent of the 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.

I would like to take a moment to discuss the laboratory system that FSIS relies on to carry out these more intensive inspections. Depending on where the samples are taken, they are shipped to the Eastern, Midwestern, or Western laboratories. These three laboratories are operated by FSIS and are staffed with FSIS personnel. We are constantly working to enhance the capacity of these labs so they are prepared to respond to food emergencies that can be caused by a vast array of contaminants. Indeed, in recognition of our interest in keeping these laboratories up-to-date, we requested \$2.5 million in FY 2008 to enhance these important labs.

The important work carried out by import re-inspection personnel I described earlier is supplemented by the twenty-three Import Surveillance Liaison Officers (ISLOs) currently employed by FSIS. These ISLOs are charged with identifying, tracking, and detaining ineligible, illegal, or smuggled product. Like our import re-inspection personnel, they work regularly 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 CBP’s Automated Commercial Environment

(ACE) database has provided FSIS a more targeted approach to identifying and controlling ineligible entries of FSIS-regulated product closer to the entry point, rather than after its release into commerce. In FY 2005, prior to FSIS' use of the ACE system, the amount of ineligible product removed from commerce that did not pass through import houses was a little over 36 thousand pounds. In FY 2006, this amount increased to 1.6 million pounds, and in FY 2007, 2.1 million pounds was identified, destroyed, or redirected to FSIS for re-inspection.

The Agency and other key Federal partners are working to become fully integrated with CBP's ACE system. This effort, as directed by OMB, will eventually lead to a linkage of all inspection and border control data systems, known as International Trade Data System (ITDS), across all Federal agencies involved in imports.

### **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 U.S. market. These vulnerability assessments help us to strengthen our food import system. Armed with these vulnerability assessments, the Agency conducts ongoing training to increase awareness of food defense issues among our international trading partners.

FSIS inspectors also engage in ongoing and comprehensive training and education efforts that assist them in preventing and responding to any potential threat to the food supply. Coordinated food defense awareness training is conducted in locations nationwide in conjunction with our food defense partners throughout government. They 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.

In addition, FSIS is participating in a consortium of lab networks developed by DHS. This integrated consortium will improve coordination among Federal and State partners that are focused on food and agriculture issues. In the process, it 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. These plans help the importers develop a personalized Food Defense Plan that takes into account the unique characteristics of the establishment.

Finally, while import inspectors conduct their regular re-inspection at import facilities, their activities also include efforts aimed at protecting consumers from intentional attacks on the food supply. These activities 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 according to the threat level.

### **Interagency Working Group on Import Safety**

Mr. Chairman, I have gone over how imported meat and poultry products are currently inspected through a systems approach, reviewed our re-inspection procedures at our border and detailed how our food defense efforts improve our effectiveness. USDA is also working closely with the recently formed Interagency Working Group on Import Safety to look at what we can do better. As the USDA representative for the working group, I am speaking from first hand experience.

The President formed this Working Group, which is chaired by Health and Human Services Secretary Michael Leavitt, to ensure that we are doing everything we can to promote the safety of imported products. The mission is critical – and that is to conduct an across-the-board review of import safety by U.S. importers, and by Federal, State, and local governments. It has also been given the task of providing recommendations to the President that will help to further improve the safety of imported products.

In September, the Working Group issued a strategic framework for doing more to ensure the safety of imported products. This framework outlines a risk-based approach that includes the principles of prevention, intervention, and response. The framework supports USDA's long-standing approach to evaluating and verifying the ability of foreign food safety systems to meet food safety requirements for 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 that was held on October 1 at USDA headquarters here in Washington.

### **Meat and Poultry Trade with China**

Much of the attention in regard to import safety has been focused on imports originating from China. That is why I would like to take the time to clarify the current status regarding the importation of FSIS-regulated poultry product from China.

As I mentioned earlier, any country can apply to be evaluated for equivalence by submitting a request to FSIS. This is exactly what happened when China requested the authority to export processed poultry from approved sources, which in this case, means the United States or Canada.

After careful study, China's poultry processing inspection system was determined to be equivalent to our own. In addition, Animal and Plant Health Inspection Service (APHIS) found no risk to U.S. animal health from importation of this type of product if it meets the cooking standards approved by APHIS. After the formal rulemaking process was concluded, China was then added to the list of countries eligible to export processed poultry originating from the United States or Canada to the United States. I remind you that the poultry they could process would have to come from either the United States or another country that is approved to export raw poultry products to the United States. Again, we are talking about processed poultry, not poultry raised and slaughtered in China.

Currently, no plants in China have sought to import processed poultry originating from the United States or another approved country to the United States. In fact, there are no products regulated by FSIS whatsoever currently imported to the United States from China.

A similar process was also begun when China requested the authority to export cooked domestic poultry products to the United States on April 20, 2004. This application was reviewed as any other application received by FSIS. In response, FSIS began a comprehensive analysis of the poultry slaughter inspection system in China to determine if it was equivalent to that of the United States. Our experts traveled to China on three

separate occasions and hosted multiple delegations in Washington, DC to ensure China met all of the requirements outlined in our import regulations for poultry.

While FSIS has determined the system in China to be equivalent to that in the United States, USDA has not yet published a rule permitting the importation to the United States of poultry that is raised and slaughtered in China. Prior to any such determination, the United States may conduct another onsite visit to confirm that China has the controls in place to ensure that those products would comply with U.S. domestic requirements for safety. Besides FSIS' requirements, products from China would also have to comply with all other U.S. requirements, including APHIS regulations that relate to the importation of poultry and poultry products from foreign countries into the United States.

Finally, if a rule were to be published, FSIS would continue to perform in-depth annual audits of China's poultry inspection system through document reviews, on-site audits, and port-of-entry reinspection, just as we do with any other country eligible to export meat, poultry, and egg products to the United States.

## **Conclusion**

I want to assure everyone that we have a strong system in place for imported products regulated by USDA. I believe that our approach to regulating the safety of imported meat, poultry, and egg products is the best system in the world. This is due to our rigorous three-part approach: determining initial equivalence; the continuous evaluation of that

equivalence to ensure that it is maintained; and our vigilant surveillance of meat, poultry and egg product entering the country. The safety of our food supply is also due in large part to the work of our food safety partners.

But the state of public health is constantly evolving, and we must be sure we're evolving with it. We cannot afford to let ourselves, our food safety partners, or our nation's food safety systems grow complacent. That is why the Import Safety Working Group is so important. It gives us an opportunity to step back and look at how we can improve our vital import inspection procedures. We all know that we can protect consumers with sensible policies, and together we will do just that.

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.