



March 3, 2020

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Ms. Terri Nintemann, Assistant Administrator  
Office of Policy and Program Development  
Food Safety and Inspection Service  
United States Department of Agriculture  
350-E Jamie L. Whitten Building  
12<sup>th</sup> Street and Independence Avenue, SW  
Washington, DC 20250

Transmitted electronically to: [fsispetitions@usda.gov](mailto:fsispetitions@usda.gov)

Dear Ms. Nintemann:

This is in response to your letter of February 26, 2020 rejecting the petition filed by Food & Water Watch on December 6, 2017<sup>1</sup> requesting rulemaking to remove Brazil from the list of countries as being eligible to export meat products to the U.S. contained in 9 CFR 327.2 (b). We vehemently disagree with the agency's decision as you have turned the equivalency determination process into a mockery. Brazil has become the poster child for a distorted international food safety policy at USDA that is in dire need of reform.

Food & Water Watch felt compelled to file the petition because Brazil has been a habitual violator of U.S. food safety and inspection standards since 2001. Over the past two decades, the Food Safety and Inspection Service (FSIS) has conducted the most on-site audits of the Brazilian meat inspection system than of any other trading partner – including those with which we do our most trade in the North American Free Trade Agreement; Brazil is the only country on your website that has had 22 separate on-site audits conducted by (FSIS) personnel at U.S. taxpayer expense. Of those, we find that only 7 that can be characterized as being “routine audits;” the remaining 15 (or 68%) were either enforcement audits or verification audits that evaluated whether previous serious deficiencies were corrected, including the last two audits which were conducted in 2019 and 2020. Our petition was based on the audits FSIS conducted and it was not confined solely on Brazil's ability to meet our food safety and inspection standards for fresh beef products; our petition documented the on-going issues with Brazil's food safety program for all products exported to the U.S., including the processed products that it had been eligible to export for the past 20 years. As we pointed out in our petition, Brazilian meat imports have been suspended several times during the past two decades. And, we predict that it will happen once again because the Brazilian meat inspection system is weak and rife with corruption as that country's own law enforcement authorities have found.<sup>2</sup> But the USDA continues feel compelled to prop up a system that is not equivalent to ours.

<sup>1</sup> See FSIS Petition 17-08, <https://www.fsis.usda.gov/wps/wcm/connect/a592a1fa-1a95-4a73-91fc-c645e13ca2cd/17-08-Petition-Food-Water-Watch120617.pdf?MOD=AJPERES>

<sup>2</sup> See <https://www.reuters.com/article/us-brazil-corruption-food-exports/operation-weak-flesh-takes-bite-out-of-brazils-meat-exports-idUSKBN16V281>; <https://www.globalmeatnews.com/Article/2018/03/06/Brazil-meat-industry-under-further-investigation>; <https://www.wattagnet.com/articles/38854-brf-cooperating-with-latest-operation-weak-flesh-probe?v=preview>

Your letter indicated that all imported products under FSIS jurisdiction are subject to 100% reinspection at the ports-of-entry. That statement is misleading. While it is true that FSIS inspectors look at the physical condition of all imported product shipments and check the accompanying paperwork, more intensive inspection of products, such as microbiological and residue sampling, takes place on a small fraction of what is imported. For example, in the first quarter of FY 2020, FSIS conducted intensive inspections in 10.58% of the 1.011 billion pounds of meat and poultry products imported.<sup>3</sup> So, for imported products from Brazil since June 2017, how many pounds of meat products were imported, how many pounds of product were actually sampled, and how were the products sampled and tested for pathogens and residues? What was the cost to the agency to conduct this additional sampling and testing? What is the anticipated cost to the agency for intensified inspection of Brazilian fresh beef products and how long does the agency anticipate this intensified inspection protocol to occur?

You also stated that FSIS has reduced sampling for certain meat products from Brazil because Brazil has instituted corrective measures to its inspection system. This has occurred in the past after imports were suspended from Brazil only to have FSIS find that the Brazilian inspection system had been compromised once again and the agency was forced to reinstate intensified inspection of Brazilian meat imports. This is insanity.

We do not believe that Brazil's meat inspection system is equivalent to our system. It is baffling to us that FSIS continues to recognize Brazil's meat inspection system as being equivalent to ours even though the agency's own audits have continually found profound deficiencies, the agency has been compelled to halt imports from that country, and the agency has had to institute extraordinary measures at our ports-of-entry to ensure the safety of Brazilian meat products. The most current list of Brazilian meat establishments eligible to export to the U.S. is almost laughable since it shows the tortured path the agency has been forced to take to keep Brazil eligible for imports. We have attached it for your information.

We have to ask what has been the cost to U.S. taxpayers for the additional audits and intensified port-of-entry inspections over the past two decades to maintain this charade? We can only surmise that there are other forces within USDA that want this trade relationship to be maintained even though the health and welfare of U.S. consumers is being jeopardized. The continued recognition of Brazil's equivalency status surely cannot be based on food safety considerations. Furthermore, since meat products are not subject to country-of-origin labeling requirements, U.S. consumers will not be able to avoid purchasing meat products that contain Brazilian meat.

Finally, we would like to point out that when we filed our petition, we requested that FSIS institute rulemaking to remove Brazil from Section 9 CFR 327.2 (b) that listed the countries which were eligible to export meat products to the U.S. Since then, the agency has removed equivalency determinations from the rulemaking process and has turned this important decision into a website maintenance exercise.<sup>4</sup> We strongly believe that this has diminished the significance of equivalency determinations, and we think could make the process less transparent and more susceptible to political whims.

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<sup>3</sup> See Table 3a, <https://www.fsis.usda.gov/wps/wcm/connect/be97fcc1-cf7c-4297-a714-583fc27d56db/qer-q1-fy2020-tables.pdf?MOD=AJPERES>

<sup>4</sup> 84 FR 65265 - 65269

In anticipation of the next food safety disaster in Brazil, I am

Sincerely,

A handwritten signature in dark ink, appearing to read 'Wenonah Hauter', followed by a horizontal line.

Wenonah Hauter, Executive Director

Attachment

cc: Senator John Thune  
Senator John Barrasso  
Senator Cory Booker  
Senator Kevin Cramer  
Senator Steve Daines  
Senator Michael Enzi  
Senator Deb Fischer  
Senator John Hoeven  
Senator Cindy Hyde-Smith  
Senator Jerry Moran  
Senator Gary Peters  
Senator Mike Rounds  
Senator Ben Sasse  
Senator Debbie Stabenow  
Senator Jon Tester  
Congresswoman Rosa DeLauro  
Paul Kiecker  
Michelle Catlin  
Mary Porretta