



United States Department of Agriculture

Food Safety and
Inspection Service

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20250

Stephen M. Sothmann J.D., M.B.A
Executive Director
Meat Import Council of America, Inc.
1150 Connecticut Ave NW, 12th Floor
Washington, D.C. 20036

December 13, 2024

Dear Mr. Sothmann:

The Food Safety and Inspection Service (“FSIS”) has completed its review of the petition you submitted on behalf of the Meat Import Council of America (“MICA”) and the Global Cold Chain Alliance (“GCCA”) on July 26, 2023. After careful consideration, FSIS has decided to grant your petition.

The petition requests that FSIS revise the policy that limits grants of inspection for official import inspection establishments to facilities that are located within a 50-mile geographic radius of a U.S. land or sea port of entry. Specifically, the petition requests that FSIS approve grants of inspection for official import inspection establishments beyond a 50-mile geographic radius of a U.S. land or sea port of entry where individual circumstances and conditions justify such action.

FSIS has reviewed your petition, and the two public comments received on your petition from an import inspection establishment and an organization representing import inspection establishments that argued the “50-mile rule” is still necessary to trace and control imported products.

As noted in your petition and the public comments, FSIS adopted the “50-mile rule” because of security and food defense concerns related to tracking imported meat, poultry, and egg products. While MICA and GCCA argued that these issues have been addressed through increased use of technology, the two public comments argued that the “50-mile rule,” is still necessary for timely identification and traceability of product. To support these claims, the organization representing import inspection establishments cited a July 1990 report from the Government Accountability Office (GAO) on FSIS’ streamlined inspection system for Canadian meat.¹ However, the organization representing import inspection establishments mischaracterized the purpose of the report and GAO’s recommendations. The report focused on FSIS’ streamlined inspection procedures for Canada in 1988 and 1989 and FSIS’ plan to conduct a 1-year experiment of an open border for trade. While GAO noted that most reinspection of Canadian product occurred near the border, it did not recommend that FSIS require import reinspections be performed near the U.S. border. The same commenter asserted that there were other GAO and Office of Inspector General reports recommending that FSIS exercise more control over imported products, but they did not cite specific reports.

¹ <https://www.gao.gov/assets/rced-90-176.pdf>.

FSIS agrees with MICA and GCCA that its security and food defense concerns related to tracking imported meat, poultry, and egg products have been addressed by advances in international trade data systems (e.g., U.S. Customs and Border Protection's Automated Commercial Environment), the implementation of the Public Health Information System electronic import component, import prior notification requirements (9 CFR 327.5, 381.198, 557.5, and 590.920), and the Agency's ability to track import shipments when they arrive in the U.S. Because FSIS can effectively track imported meat, poultry, and egg products, FSIS has the ability to safely conduct import reinspections at inland locations and ensure that all shipments are reinspected before they enter commerce. Please note, the Animal and Plant Health Inspection Service may continue to restrict the movement of certain meat products prior to FSIS import reinspection.

Additionally, your petition argued that conducting import inspection activities at more inland locations throughout the country may reduce transportation supply chain disruptions. FSIS agrees that providing importers with more options could help to relieve some congestion and delays. However, one comment from an import inspection establishment expressed concern that allowing inland inspection could put additional strain on FSIS' inspection resources. To provide more flexibilities to importers and domestic establishments, FSIS will consider, on a case-by-case basis, grants of inspection for official import inspection establishments outside the 50-mile geographic radius of a U.S. land or sea port of entry. In reviewing these applications to determine whether FSIS should issue a grant of inspection, FSIS will consider factors such as: 1) the availability of inspection program personnel to staff the establishment; 2) the expected volume of product; and 3) the hours the establishment would be operating. FSIS will assess these factors to help ensure that potential official import inspection establishments have a consistent work schedule that would provide for the efficient and effective use of FSIS import inspection personnel as outlined in 9 CFR 307.4(d)(1) and (2). If an application does not satisfy the factors listed above, FSIS may refuse the application.

Furthermore, your petition suggested that FSIS should train its inspectors to conduct both domestic export and import inspections to ensure that more inspectors could be assigned for import reinspection activities. In 2019, FSIS consolidated import inspection duties into the Consumer Safety Inspectors ("CSI") position description, and FSIS continues to train CSIs to perform all duties associated with their assignment including imports and exports when applicable.

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In accordance with FSIS regulations, your petition has been posted to the FSIS website (9 CFR 392.6). We intend to post this response as well. You may contact Mary Porretta, Petitions Manager, Regulations Development Staff, at mary.porretta@usda.gov if you have any questions regarding the status of your petition.

Sincerely,

A handwritten signature in black ink, reading "Rachel A. Edelstein". The signature is written in a cursive style with a large, stylized "R" and "E".

Rachel Edelstein
Assistant Administrator
Office of Policy and Program Development