



United States Department of Agriculture

Food Safety and
Inspection Service

1400 Independence
Avenue, SW,
Washington, D.C.
20250

Leonard Lang
Import Export Associates Inc.
103 Potomac Hills Drive
Stafford, VA 22554

July 23, 2020

Dear Mr. Lang,

The Food Safety and Inspection Service (FSIS) has completed its review of your petition. The petition requests a consistent national export policy regarding supporting documentation. In addition, the petition asks FSIS to update its Export Library to identify all establishments that are not eligible to export to Canada. For the following reasons, FSIS is denying the petition.

The petition states that in March 2012, an FSIS establishment exported several poultry shipments to Canada from an ID warehouse in Detroit, Michigan, that were refused entry due to defects found by the competent authority of Canada. The petition further states that after the shipments were rejected, FSIS began requiring supporting documentation for all shipments exported from Detroit identifying the producing establishment's status and the eligibility of the products for export. The petition states that this requirement only existed in the area around Detroit and that ineligible products from other locations could be exported absent supporting documentation.

As described in FSIS Directive 9000.1, *Export Certification*¹ and Directive 13,000.5, *Public Health Inspection System Export Certification*², FSIS inspection program personnel (IPP) have the authority to issue export certificates for meat and poultry products, provided an application has been submitted by the export applicant. Using documentation and evidence provided by the applicant, as needed, IPP review the application to verify that it is complete, correct, and meets the requirements of the receiving country. FSIS consistently requires that supporting documentation be available to IPP when reviewing export certificate applications. If IPP find the supporting documentation inadequate, they are to raise their concerns with the exporter, document their findings in a memorandum of interview, and provide a copy to the applicant. The exporter may correct the problems identified by IPP or forward a copy of the export documentation to the

¹ Directive 9000.1, Export Certification, 8/1/2018; available at:
<https://www.fsis.usda.gov/wps/wcm/connect/c4f9a0f5-d337-4dc9-9201-89e611762c89/9000.1Rev2.pdf?MOD=AJPERES>

² Directive 13,000.5, Public Health Inspection System Export Certification, 5/29/18; available at:
<https://www.fsis.usda.gov/wps/wcm/connect/54df4d6b-a324-4afd-af80-79e33fca484a/13000.5.pdf?MOD=AJPERES>.

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next-line supervisor to determine whether the information provided by the exporter is adequate to justify signing the export certificate.

The petition does not provide any documentation showing that FSIS maintained a different policy in the area around Detroit. In any event, exporters must have supporting documentation available for each exported shipment. Directing FSIS certifying officials to review supporting documentation when necessary represents the most efficient use of Agency resources. Exporters should always be prepared to support their eligibility to export and the statements on their export certificate applications.

With regard to the petitioner's request that FSIS update its Export Library to identify all establishments that are not eligible to export to Canada, ineligibility determinations are based on communications with Canada's competent authority. The Export Library already lists all of the establishments that the Canadian competent authority has identified to the United States as ineligible to export.

For these reasons, FSIS is denying your petition. In accordance with our petition regulations, we have posted your petition on the FSIS website (9 CFR 392.6). We intend to post this response as well.

Sincerely,

A handwritten signature in black ink that reads "Rachel A. Edelstein". The signature is written in a cursive style with a large initial "R".

Rachel Edelstein
Assistant Administrator
Office of Policy and Program Development