

Import-Export Associates, Incorporated for CKF Foods, Chicago. IL

VIA FEDERAL EXPRESS

U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS)
Docket Clerk, Patriots Plaza III
1400 Independence Avenue, S.W.
Room 8-163 A, mailstop 3782
Washington, DC 20250-3700

Re: "Uniform Rules and Regulations Governing the Inspection of Imported and Domestic Chitterlings."

Dear Sir or Madam:

Enclosed please find a Petition for Rulemaking, directed to the Food Safety and Inspection Service (FSIS) and United States Department of Agriculture (USDA). As detailed in the Petition, Petitioner request that the agency review the current policies and directives related to the inspection of imported and domestic chitterlings. Currently import inspectors use FSIS Directive 9900.2 IMPORT REINSPECTION OF MEAT, POULTRY, AND EGG PRODUCTS (<http://www.fsis.usda.gov/wps/wcm/connect/e262834a-80f7-4502-bf1d-1a79b03899cd/9900.2.pdf?MOD=AJPERES>) when reinspecting imported chitterlings. Domestic chitterlings are verified using FSIS Directive 7000.1 VERIFICATION OF NON-FOOD SAFETY CONSUMER PROTECTION REGULATORY REQUIREMENTS (<http://www.fsis.usda.gov/wps/wcm/connect/aa15d83f-cd09-4553-a705-2e3a0eb94e5d/7000.1.pdf?MOD=AJPERES>).

As per 9900.2 -This directive provides import inspection personnel with instructions on how to conduct import reinspection on shipments of imported meat, poultry, and egg products. There are specific defects identified for scoring.

As per 7000.1 - Inspection personnel need only examine product when they have reason to believe that product does not meet regulatory requirements. However, there are no designated sampling plans or sample sizes that inspection program personnel are to use when examining products to assure that they meet non-food safety regulatory requirements; nor are inspection program personnel to examine all products.

Currently there is an unequal balance created by a more intense defined inspection of imported chitterlings. The imported product, when independently reviewed against domestic products has minimal to no defects but falls under a more defect scrutiny. Please see the attached photos of current domestic offerings for further support. Also take a moment to read the attached feedback from retail consumers further supporting Petitioner's mission to produce the cleanest product in the marketplace.

Petitioners also maintain the failures noted in the inspection were incorrectly categorized as fecal matter and require further review. Until this recent inspection failure, Petitioners have experienced a 99.9%+ successful inspection record.

Please note that Petitioner request expedited review of this Petition, because the action requested by Petitioner is intended to provide uniform rules and regulations governing the reassessment of imported product. Based on the foregoing, Petitioners request that FSIS review this Petition ahead of other pending petition.

Sincerely,
Leonard Lang
Leonard Lang
Import-Export Associates, Inc./CKF Foods

PETITION

Uniform Rules and Regulations Governing the Inspection of Imported and Domestic Chitterlings."
Before the United States Department of Agriculture, Food Safety Inspection Service

To:

U.S. Department of Agriculture (USDA) , Food Safety and Inspection Service (FSIS), Docket Clerk, Patriots
Plaza III, 1400 Independence Avenue, S.W., Room 8-163A, Mailstop 3782, Washington, DC 20250-3700

DATE: 2/23/2016

Ref : "Uniform Rules and Regulations Governing the Inspection of Imported and Domestic Chitterlings."

I. Introduction

Meat, poultry and egg products exported from another nation must meet all safety standards applied to foods produced in the U.S. However, under international law, food regulatory systems in exporting countries may employ sanitary measures that differ from those applied domestically by the importing country. The U.S. makes determinations of equivalence by evaluating whether foreign food regulatory systems attain the appropriate level of protection provided by our domestic system. Thus, while foreign food regulatory systems need not be identical to the U.S. system, they must employ equivalent sanitary measures that provide the same level of protection against food hazards as is achieved domestically.

II. FSIS Policy

USDA official import establishment's work with FSIS on the reinspection of imported products. After an incoming shipment has met U.S. Customs and Border Protection and APHIS requirements, the product must be reinspected by FSIS at an approved FSIS import establishment. FSIS import inspectors assure the shipment is properly certified by the foreign country. Inspectors then examine each shipment for general condition and labeling before conducting inspection assignments that are assigned by the PHIS. It is at this point import inspection personnel identify any further Types of Inspection when statistically assigned by the Public Health Inspection System (PHIS).

As per FSIS Directive 9900.2 inspections of imported meat, poultry, and egg products are assigned by the PHIS. The PHIS at times randomly inspects shipments using may assign one or more TOI's to a lot. The tables in 9900.2 that define whether the product is accepted or rejected are explicit. These tables are used for all products imported into the United States and are generic by identification and out come.

III. Background

In the past, defect tables were more specific to a type of product. They mirrored domestic inspection. The new PHIS Directives lump all products and defects into one category. This model does not work in all instances. The outcome is that some imported products (Chitterlings) are refused entry for having less defects then domestic product.

This unfair identification and refusal causes a non-equivalent environment between foreign countries and the United States. This causes a trade imbalance against imported product. As referenced above, Petitioners have imported 65 million pounds of Danish Chitterlings and had a inspection success rate greater than 99.9%+ until this recent episode. That is the identification of no fecal or ingesta defects. While the imported product is cleaned domestic products have visible ingesta and fecal. Domestic products are on the store shelves with these defects (see pictures below) while imported, which are cleaner are refused entry.

IV. Regulatory References

Federal Meat Inspection Act

§620. Imports

(a) Adulteration or misbranding prohibition; compliance with inspection, building construction standards, and other provisions; humane methods of slaughter; treatment as domestic articles subject to this chapter and food, drug, and cosmetic provisions; marking and labeling; personal consumption exemption

No carcasses, parts of carcasses, meat or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines which are capable of use as human food, shall be imported into the United States if such articles are adulterated or misbranded and unless they comply with all the inspection, building, construction standards, and all other provisions of this chapter and regulations issued thereunder applicable to such articles in commerce within the United States

9 CFR 327

327.2 Eligibility of foreign countries for importation of products into the United States.(a)(1) Whenever it shall be determined by the Administrator that the system of meat inspection maintained by any foreign country, with respect to establishments preparing products in such country for export to the United States, insures compliance of such establishments and their products with requirements equivalent.....

FSIS Directive 9900.2

Verification of the intended use of pork skins change made

Attached askfsis question

Proposal

Import Export Associates, Inc. And CKF Foods is requesting a review of this current FSIS procedure for reinspection of chitterlings. The current requirements do not provide for an equivalent standard to be applied. Imported Chitterlings are scrutinized at a higher degree of inspection. As per the Act and Regulations the data shows that imported chitterlings receive higher scrutiny, have less defects, and meet the provisions of the United States. Import-Export Associates, Inc. would like to request the following new procedures /requirements:

- The selection of samples and inspection such as the requirements are equivalent for all of the same for domestic and imported product. Re-evaluate the import tables and redefine what is acceptable for this type of product. USDA just made changes to the directive in question for pork skins. We are asking for a similar re-evaluation be conducted for chitterlings.

We appreciate USDA FSIS looking into this matter. We look forward to your response.

Sincerely,

Leonard Lang/Leonard Lang

Import Export Associates Inc. For CKF Foods



ATTACHMENT 1

[FSIS Policy Development Staff <pdd@custhelp.com>](mailto:pdd@custhelp.com)

2/8/2016 12:30 PM

Recently you requested personal assistance from our on-line support center. Below is a summary of your request and our response.

If this issue is not resolved to your satisfaction, you may reopen it within the next 14 days.

Thank you for allowing us to be of service to you.

To update this question by email, please reply to this message or to [access your question from our support site, click here](#).

Subject

chitterlings

Response By Email (askFSIS) (02/08/2016 12:30 PM)

Thank you for submitting your questions through askFSIS. If chitterlings are manufactured as an edible product the FSIS inspector would follow the instructions in FSIS Directive 7000.1 for non-food safety conditions. FSIS regulations do not contain specific finished products standards.

Fecal, milk and ingesta zero tolerance standards only apply to head meat, cheek meat, weasand meat and carcasses; chitterlings are not subject to zero tolerance. The intestines are expected to be clean at the time they are labeled with the marks of inspection.

I hope this information answers your questions. If this information does not answer your question, please update this incident with additional information either using the "My Questions" tab clicking on the subject to open a text box or by replying as indicated. You are also welcome to call PDS at 1-800-233-3935  1-800-233-3935 FREE to speak to a Staff Officer. Please have your incident reference number [160208-000029](#) handy when you call so that the Staff Officer can review the incident with you.

Auto-Response By (Administrator) (02/08/2016 11:27 AM)

Your message has been received by the Policy Development Staff (PDS) and will be assigned to a staff specialist for response.

Our goal is to provide an accurate response as quickly as possible—in most instances, this will be within two working days. Some questions, however, require extensive research and will take longer to answer. If you would like to know the status of your question, you can telephone PDS for additional discussion at 1-800-233-3935  1-800-233-3935 FREE between the hours of 6:00 a.m. and 4:30 p.m. CT, Monday through Friday. Please refer to the incident reference number below when calling for clarification.

The reference number for your question is 160208-000029

[You may update your incident here.](#)

Thank you.

Policy Development Staff

Customer By CSS Web (Leonard Lang) (02/08/2016 11:27 AM)

Is there any domestic criteria used to reinspect pork chitterlings?

I fecal is found is it an automatic failure?

Press Esc or click anywhere to return to Mail.











There are domestic “cleaned” and Aunt Bessie’s “Hand Cleaned” Chitterlings, and consumers know the difference.

What consumers are saying on Facebook:

“I have purchased these chitterlings before and they are the absolute cleanest I've ever had. Thanks for taking the time to produce a quality product, please don't ever change.” Karen - 5 star review on Facebook

“Your brand is all I buy...” Dorothy - 5 star review on Facebook

“Best on the market... definitely get your money’s worth... got to buy them early. Stores can’t keep them!”
Elizabeth - 5 star review on Facebook

“Aunt Bessie's Hand Cleaned Chitterlings are the BEST once you try these you will not want any other brand...”
Tammie - 5 star review on Facebook

“I own a restaurant and serve them every Sunday. I love them because it’s less time being consumed preparing them as to other products I have tried.” Sarah - 5 star review on Facebook

“I am sold on Aunt Bessie's!” Julie - 5 star review on Facebook

“By far the cleanest chitterlings in the WORLD!!! I will never go back to the bucket.”
Henrietta - 5 star review on Facebook

“The absolute best!” Karen - 5 star review on Facebook

“Aunt Bessie’s chitterlings are the cleanest I ever seen. I called the company to find out where they are sold as I had to drive 35 minutes away but it was worth it... and I will continue to get them. Yes!!!” Doris - 5 star review on Facebook

“Did the red bucket thing last year, and it took me forever to clean. I did some online researching and saw this brand. I cooked some during Thanksgiving and Christmas and will NEVER go back to those red buckets! Excellent product! Tony - 5 star review on Facebook

“I swear these are the cleanest chitterlings I have ever cooked. They don't even smell while cooking. They taste great too.” Michelle - 5 star review on Facebook

“They are the cleanist ones I have ever seen and you don't have a lot of fat either”
Thelma - 5 star review on Facebook