

June 20, 2012

Dr. Elisabeth Hagen, Under Secretary for Food Safety
U.S. Department of Agriculture 1400 Independence Ave., Suite 224E Washington, DC 20250

Ref: Petition regarding the application of a consistent nationwide export policy

Dear Dr. Hagen,

Import Export Associates is an organization that represents establishments across North America. Our members strive to handle export activities under FSIS guidelines and we are committed to food safety. The members of our group have a long history of working with FSIS to achieve this mutually beneficial goal.

Our members conduct exports as prescribed by the FSIS' guidelines of exporting, including following the certification regulations for red meat (beef, pork, sheep, and equine) found in 9 CFR 322 and for poultry, the pertinent certification regulations found in 9 CFR 381.105. This includes the regulations pertinent to exports identified in 9 CFR 312.8 or 381.104, export marks, 9 CFR 351, and if needed, 9 CFR 317.7, 9 CFR 9 CFR 381.133 or 381.128, "for export only" labeling requirements.

Our members also follow the prescribed requirements as stated on the FSIS' export checklist posted at http://www.fsis.usda.gov/Regulations_&Policies/Export_Checklist/index.asp . We rely on the FSIS export library for accurate and up-to-date information regarding a country and its export requirements.

This includes verifying:

1. The establishment that produced the product to be exported versus the FSIS export library requirements for plants that are eligible or ineligible, as per specific foreign countries' requirements.
2. That the producing establishment meets specific export requirements for the products that we export (e.g. Canadian approval of organic acid sprays on carcasses and sterilizers/chemical sanitizers used in poultry evisceration and boning areas).

During March of this year, several shipments of poultry from P-1201 (a plant approved to export poultry to Canada then and now) were refused entry into Canada for defects found by the Canadian Department of Agriculture. These shipments were exported from ID warehouses in Detroit. Verification that the plant was approved to export was conducted as per FSIS requirements.

It was after the rejections of the product produced by P-1201 that FSIS enforced a policy that one-hundred percent of the poultry exports that originate in Detroit at ID warehouses are to have supporting documentation that identifies the producing establishment's status and product as eligible to export to that foreign country. This is also being extended to red meat exports as well in Detroit only.

The actions taken in Detroit do not prohibit products from P-1201 or any other FSIS establishment that do not meet a country's requirements to be exported from the United States. The requirement of one-

hundred percent of supporting documentation per export only stops the problem from occurring in Detroit.

Our members in Detroit believe that the enforcement of this export policy should be nationwide and not just in one specific locality. A product that is ineligible to be exported to Canada or any other country can still be exported from an ID warehouse anywhere else because the supporting documentation for one-hundred percent of export shipments is not required. Enforcing a policy in a thirty mile area does not solve the problem.

The Office of International Affairs (OIA) was made aware of the situation on May 3, 2012 as well as the unapproved establishment that is still listed as approved to export to Canada. In short, OIA did nothing regarding a national incident except refer us to the following, "Since export certification is conducted by OFO, please address your letter of appeal to the OFO chain of command indicated in the guidelines. Additional information to the appeal process can also be found in FSIS Directive 9000.1 Section V under B and C".

As the District Office stated, "FSIS expects and strives to consistently enforce policies among all Districts at all times. However, I (Madison District Office) am not in a position to direct what is taking place in other Districts."

We hereby petition the USDA FSIS to review the following requirements and resolve issues so that a consistent export policy with accurate information is enforced nationwide:

1. The Poultry Processed Inspection Act prohibits the misbranding of poultry products. As provided in 9 CFR 322.1(a) and 381.105(a), each shipping container is marked with the official export stamp bearing the serial number on the export certificate. Both 9 CFR 312.8(a) and 381.104 provide for an official device to apply the official export stamp after the product is identified as inspected and passed for exporting. We feel that by **not** enforcing the supporting documentation requirement nationwide, as well as not maintaining the eligible plant list (P-1201 is still listed eligible to export) FSIS is allowing product to be potentially misbranded at the time of export in violation of the PPIA and shipped out of the country (not meeting the final country of destination requirements) not meeting the foreign countries specifications. We petition FSIS update the export library identifying plants that are ineligible to export so that 9 CFR 312.8 (a) and 381.104 are enforceable for all applicants of exports?

2. We would like a definition for the enforcement of "supporting documentation for an export" as a nationwide policy, not just a policy that is enforced in a specific locality. We petition FSIS to evaluate the reason for one-hundred percent verification of documentation and to review FSIS Directive 9000.1 so that it is consistently enforced across the United States with a distinct, valid and statistical verification plan laid out, as is done in HACCP plans, Import Sampling, FSIS Microbial Sampling, etc. for all ID warehouses supporting the PPIA and regulations.

For all the reasons listed above Import Export Associates Inc. is requesting USDA FSIS to develop and enforce a consistent policy across the country. We are requesting implementation of an enforcement policy that is equal amongst all ID warehouses. This plan may consist of one hundred percent supporting documentation for each export or a periodic statistical based request.

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

Sincerely,

Leonard Lang/Leonard Lang

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