

**Campaign for Contract Agriculture Reform • Catholic Committee of Appalachia  
Catholic Committee of the South • Center for Food Safety  
Center for Foodborne Illness Research & Prevention  
Center for Science in the Public Interest • Consumer Federation of America  
Consumers Union • The Cornucopia Institute • Family Farm Defenders  
Farm and Ranch Freedom Alliance • Food & Water Watch  
Government Accountability Project • Mt. Tabor Benedictine Ecumenical Community  
National Family Farm Coalition • National Farmers Union • National Organic Coalition  
National Poultry Justice Alliance • Oregon Livestock Producers Association • RAFI-USA  
Regional Farm & Food Project**

April 25, 2008

Honorable Rosa DeLauro, Chair  
House Subcommittee on Agriculture, Rural Development,  
Food and Drug Administration, and Related Agencies Appropriations  
2362-A Rayburn House Office Building  
Washington, DC 20515

Dear Chairwoman DeLauro:

We, the undersigned organizations, urge a continuation of the prohibition on the expenditure of funds to implement any regulations by USDA's Food Safety and Inspection Service (FSIS) that would permit the importation of processed poultry from the People's Republic of China (PRC). As you know, Section 733 of Title I (Agriculture Programs) of the Consolidated Appropriations Act of 2008 (P.L. 110-161) contained such a prohibition and we believe it should be included in the FY 2009 appropriations act for USDA.

We applaud your leadership on this issue. We are concerned, as you are, about the integrity of the food safety system in the PRC. The 2007 recalls that were precipitated by the melamine contamination of imported wheat flour from China used in the production of some U.S. pet foods are still fresh in consumers' minds. And the damage did not stop with pet food since hogs and chickens were also fed contaminated feed. There are currently sixteen different "Import Alerts" listed on the Food and Drug Administration (FDA) website for unsafe products from the PRC, nine of which are for food products.

Unlike FDA, FSIS has a system in place to evaluate the food safety systems of countries interested in exporting food products to the United States. Before any country is eligible to export meat, poultry or egg products to the U.S., the FSIS equivalency determination is subject to rulemaking and public comment. As you know, on November 23, 2005 FSIS published a proposed regulation to permit the PRC to export processed poultry to the United States, provided the slaughtered poultry originated from countries that were already eligible to export those products to the United States. (70 FR 70746-70749). In reality that meant that only U.S. or

Canadian poultry could be processed in China under this rule. FSIS received forty-seven comments on the proposed regulation and 75 percent of the commenters were opposed to it.<sup>1</sup> In fact, the only comments submitted completely in favor of granting the PRC equivalency status were from entrepreneurs located in the PRC. The commenters opposed to the proposed rule included representatives from the U.S. poultry industry, a U.S. consumer organization, Members of Congress, the South Dakota Agriculture Commissioner, veterinarians, and FSIS inspection personnel.

The reasons cited for their opposition to the proposed rule included:

- 1) The incidence of avian influenza in the PRC;
- 2) On-site visits by FSIS auditors to poultry processing plants in the PRC that might be eligible to export product to the United States which found:
  - filthy and unsanitary conditions in the facilities;
  - incomplete HACCP plans;
  - inadequate lighting;
  - defective equipment;
  - improper employee hygiene;
  - lack of pre-shipment review procedures;
  - and the lack of microbial testing for *Salmonella* and generic *E. coli*;<sup>2</sup>
- 3) The potential damage to domestic producers and processors caused by cheap imports from the PRC;
- 4) The various incidents of smuggled poultry products from the PRC that were intercepted by U.S. public health authorities.

The comment period to the proposed rule closed on January 23, 2006. The final rule was sent to the Office of Information of Regulatory Affairs at the Office of Management and Budget on April 18, 2006 for review. After an astounding one-day review, the final rule was approved and on April 20, 2006, USDA announced the approval of the final rule to coincide with the visit by PRC President Hu Jintao to the White House. Ironically, right after the approval of the rule was announced, FSIS posted the results of audits its staff conducted in 2005 of four slaughter facilities in the PRC. The audit staff concluded that had each of these establishments been eligible to export to the United States, they would have all been delisted because of problems found during the audits.<sup>3</sup> No other audits have been posted on the FSIS website since those conducted in 2005.

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<sup>1</sup> See

[www.usda.gov/wps/portal/!ut/p/\\_s.7\\_0\\_A/7\\_0\\_1OB?as\\_sitesearch=www.fsis.usda.gov/OPPDE/Comments/05-012P&sort=date%3AD%3AL%3Ad1&ie=UTF-8&mode=advanced&num=10&site=usda&oe=UTF-8&as\\_q=05-012P&as\\_occt=url&navid=SEARCH](http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_1OB?as_sitesearch=www.fsis.usda.gov/OPPDE/Comments/05-012P&sort=date%3AD%3AL%3Ad1&ie=UTF-8&mode=advanced&num=10&site=usda&oe=UTF-8&as_q=05-012P&as_occt=url&navid=SEARCH)

<sup>2</sup> See [www.fsis.usda.gov/OPPDE/FAR/China/China2004.pdf](http://www.fsis.usda.gov/OPPDE/FAR/China/China2004.pdf)

<sup>3</sup> See [www.fsis.usda.gov/OPPDE/FAR/China/China2005.pdf](http://www.fsis.usda.gov/OPPDE/FAR/China/China2005.pdf)

Not surprisingly, no U.S. or Canadian poultry processor was interested in shipping raw carcasses to the PRC to be cooked and sent back to the United States. As a consequence, the PRC began to press the United States to permit the importation of processed poultry of domestic origin. In December 2006, USDA officials, in meetings with representatives from the PRC, agreed to pursue a new regulation that would permit the PRC to export processed poultry of domestic Chinese origin.<sup>4</sup> As you know, that new rule was never proposed and the process was effectively halted due to the language in Section 733 of the Consolidated Appropriations Act of 2008.

Has anything changed since last year that would warrant lifting the ban on imports of Chinese poultry products? We do not believe so for several reasons:

- 1) There are currently no food establishments in the PRC that have been certified to export poultry products to the United States – even under the 2006 rule using U.S. or Canadian origin poultry;<sup>5</sup>
- 2) According to the latest report from the World Health Organization, since January 2007 there have been eight outbreaks of the H5N1 strain of avian influenza in the PRC and Hong Kong among birds and poultry, with eight reported human cases of the disease. Five of the outbreaks have occurred in 2008 alone;<sup>6</sup>
- 3) The PRC continues to have difficulty ensuring that their exports are safe for human use. In the last year, the FDA has issued “Import Alerts” for Chinese seafood, toothpaste, medical devices, pharmaceuticals and nutritional supplements. Given this recent track record, the United States should not allow imports of processed poultry, a product that carries a high risk for bacterial contamination, from a country whose regulatory system does not provide adequate consumer protection;
- 4) Domestically, the PRC food safety agency, the General Administration of Quality Supervision, Inspection and Quarantine, reported crackdowns in 2007 on counterfeit foods being produced. Some of the cases involved the use of illegal food additives in processed meat.<sup>7</sup>

For all of these reasons, we strongly urge you to continue the prohibition on processed poultry products from the PRC. There is no compelling reason to import poultry from the People’s Republic of China at this time, especially since our domestic poultry processors are curtailing production. And there is no reason that we should import products from a country that still has such serious food safety problems.

We thank you for your consideration.

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<sup>4</sup> Sugarman, Carole “FSIS Mulls Rule on Chinese Processed Chicken,” *Food Chemical News*, January 8, 2007.

<sup>5</sup> See [www.fsis.usda.gov/PDF/China\\_establishments.pdf](http://www.fsis.usda.gov/PDF/China_establishments.pdf)

<sup>6</sup> See [www.who.int/csr/disease/avian\\_influenza/Timeline\\_08%2003%2025.pdf](http://www.who.int/csr/disease/avian_influenza/Timeline_08%2003%2025.pdf)

<sup>7</sup> See <http://nc.people.com.cn/GB/5922375.html> (translation provided by Landico Hiu-Ting Wong)

Sincerely,

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