

September 18, 2012

Secretary Tom Vilsack
United States Department of Agriculture
Room 200, Jamie L. Whitten Building
12th Street and Jefferson Drive SW
Washington, DC 20250

Hand delivered

Dear Secretary Vilsack,

We, the undersigned members of the Safe Food Coalition, request that you halt the implementation of any pilot program under the “Beyond the Border Initiative” (BTB) that would eliminate border inspection of fresh meat product imports from Canada. We are making this request because we fear that undertaking such a pilot would compromise food safety and there are too many unanswered questions about how this pilot is being structured.

As you know, BTB has been devised by the White House and the Harper Government in Canada to review, among other things, regulatory requirements that could be impeding trade between Canada and the United States and to propose changes to such regulations. Apparently, these discussions have been going on for quite some time. There was a joint declaration on this initiative on February 4, 2011.¹ That joint declaration did not provide much detail as to the issues that would be covered by the initiative. On March 3, 2011, the International Trade Administration of the U.S. Department of Commerce posted a Federal Register Notice that solicited suggestions for the elimination of regulatory barriers with both Canada and Mexico that were impeding trade.² We did not comment on that notice because we did not believe that food safety regulatory requirements were going to be on the table. Much to our chagrin, we learned in December 2011 that the United States had agreed to deregulate food safety inspection requirements for imported meat products from Canada.³

Specifically, it appears that the United States has entered into a pilot project with Canada that would allow certain Canadian companies to transport their fresh meat products

¹ The White House. “Declaration by President Obama and Prime Minister Harper of Canada – Beyond the Border,” press release, February 4, 2011.

² “Request for Public Comments Concerning Regulatory Cooperation Activities That Would Help Eliminate or Reduce Regulatory Divergences in North America That Disrupt U.S. Exports,” 76 Fed. Reg. 11760-11762. March 3, 2011.

³ The White House. “United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness Action Plan” December 7, 2011, p. 14.

directly to food processing facilities in the United States without the need to have those products inspected by USDA Food Safety and Inspection Service (FSIS) inspectors at the ten border inspection stations located along the U.S.-Canada border. We did not learn of the specifics of this proposal until we were hastily invited to a series of stakeholders' briefings on January 30 and 31, 2012 at the U.S. Chamber of Commerce headquarters and the U.S. Department of Commerce headquarters.

Because of another public meeting being conducted at USDA on the issue of attribution of food borne illness, only two members of the Safe Food Coalition were able to attend the BTB stakeholders briefing. Those of us who attended the session on meat inspection were astonished at the admonition we received by U.S. Department of Commerce staff who stated that the attendees could not divulge the substance of what was being discussed in the meeting to anyone on the outside. Even representatives of meat industry trade associations – who seemed to be very informed about the substance of the proposals that were being discussed even before the breakout session got underway – were taken aback by what amounted to be a “gag order” being placed on us. To add insult to injury, we were informed that if we were interested in filing written comments on the proposals, we had one week to submit them by February 8, 2012. Those of us who did comment vehemently opposed the pilot project being proposed.

We are concerned about loosening any food safety requirements on the importation of food products from Canada for the following reasons:

- 1) Canada has a higher incidence of food borne illness than we do in the United States. According to the Canadian Food Inspection Agency (CFIA), 11 million Canadians suffer from food borne illnesses every year.⁴ With a population of nearly 35 million people, that means about 31 percent of Canadians get sick from food related causes. That compares to one in six consumers in the United States.⁵
- 2) Canada experienced a deadly *Listeria* outbreak in 2008 that killed 22 consumers who ate tainted deli-meats.⁶ In response to that outbreak, CFIA hired additional inspectors to ensure that daily inspections were being conducted in Canadian meat processing facilities. However, in late 2011, the Harper Government announced that it was eliminating those additional inspection personnel.⁷
- 3) Canada has historically encountered problems abiding by its equivalency agreement with USDA. This was the subject of a 2005 USDA Inspector General Audit report that found numerous violations, including not maintaining daily inspection of meat products destined for the U.S.⁸

⁴ See <http://www.inspection.gc.ca/food/consumer-centre/food-safety-tips/causes-of-food-borne-illness/eng/1331151916451/1331152055552>

⁵ See <http://www.cdc.gov/foodborneburden/>

⁶ See <http://www.phac-aspc.gc.ca/fs-sa/listeria/2008-lessons-lecons-eng.php>

⁷ See <http://www.reuters.com/article/2012/04/11/canada-food-inspection-idUSL2E8FB94T20120411>

⁸ U.S. Department of Agriculture Office of the Inspector General. “Audit Report: Food Safety and Inspection Service Assessment of the Equivalence of the Canadian Inspection System, Report No. 24601-05-Hy, December 2005.

- 4) A 2008 audit performed by the USDA Office of Inspector General recommended that the port-of-entry reinspection program for imported meat products be strengthened – not weakened or eliminated.⁹
- 5) The most recent audit of the Canadian inspection system posted by FSIS revealed some deficiencies that included “the inability of inspection personnel to implement consistent sanitation and HACCP verification procedures, and more significantly, the lack/loss of consistent supervisory reviews to identify weaknesses in inspection personnel performance when it occurred. Many of the deficiencies encountered were repetitive, both from a historical perspective and within the context of the current audit.”¹⁰
- 6) We have attached photographs taken at the Niagara Falls, New York border inspection station of recent meat shipments that were rejected by FSIS inspection personnel. These photos reveal damaged meat shipments, visible fecal contamination, and toxic chemicals that were comingled with meat products. These were all returned to Canada and prevented from entering into U.S. commerce by the border inspection system.
- 7) We learned that Canadian Establishment 0038 – an XL Foods Plant – was delisted by FSIS on September 13, 2012¹¹ because the microbiological testing conducted at the FSIS import inspection station in Sweetgrass, Montana revealed several positive test results for the deadly pathogen *E. coli* 0157:H7. On September 16, 2012, the Canadian Food Inspection Agency announced a massive recall of products from this same plant. That recall was expanded early this morning.¹²

We have also been frustrated by the bureaucratic maze created by BTB. We have encountered difficulty in determining who is really in charge of the initiative. The process has not been transparent and we cannot seem to get straight answers from anyone at USDA.

For all of the reasons cited above, we respectfully request that the border inspection pilot be halted. We cannot discern any serious rationale for its implementation. The current border inspection system works and provides a high level of protection for U.S. consumers from tainted imported meat.

Should you have any questions regarding this matter, please feel free to contact Tony Corbo at Food & Water Watch.

⁹ U.S. Department of Agriculture Office of Inspector General. “Follow up Review of Food Safety and Inspection Service’s Controls Over Imported Meat and Poultry Products.” Report No. 24601-08-Hy, August 2008, p. iv.

¹⁰ U.S. Department of Agriculture Food Safety and Inspection Service. “Final Report of an Audit Conducted In Canada, August 25 through October 1, 2009: Evaluating the Food Safety Systems Governing the Production of Meat and Poultry Products Intended for Export to the United States of America.” p.2.

¹¹ See Eligible Foreign Establishments, Canada

http://www.fsis.usda.gov/regulations_&_policies/Eligible_Foreign_Establishments/index.asp

¹² Canadian Food Inspection Agency, see

<http://www.inspection.gc.ca/english/corpaffr/reocarapp/2012/20120916e.shtml>;

<http://www.inspection.gc.ca/english/corpaffr/reocarapp/2012/20120917be.shtml>

Sincerely,

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Food & Water Watch

Christopher Waldrop
Consumer Federation of America

Sally Greenberg
National Consumers League

Attachments