



Consumer Federation of America

May 16, 2017

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852
RE: Docket Number FDA-2016-N-4662

VIA ELECTRONIC SUBMISSION

Consumer Federation of America (CFA) appreciates the opportunity to submit these comments in response to the Food and Drug Administration's recent public hearing on "Strategic Partnerships to Enhance the Safety of Imported Foods: Capacity Building, Recognition of Commodity Food Control, and Systems Recognition." The need for adequate controls to ensure the safety of food imports has grown with the proportion of imported food in American diets. CFA has advocated for tighter controls on imported food, with greater reliance on government inspection and other safeguards to protect against systemic food safety deficiencies.¹ In addition to increased FDA inspections, however, we recognize the need to optimally target inspection resources.

During the public hearing, stakeholders shared many important insights about capacity building, learning from foreign inspection systems, leveraging partnerships with private entities and foreign governments (for example, to improve data analysis), and managing food safety risk. We write here to underscore the need for transparency in whatever systems recognition process that FDA undertakes, and to reiterate our support for robust Foreign Supplier Verification Program requirements for all importers.

As we expressed in previous [comments](#) on FDA's supplemental notice of proposed rulemaking on Foreign Supplier Verification Programs for Importers of Food for Humans and Animals, an importer should have to implement and maintain a Foreign Supplier Verification Program (FSVP), regardless of the source of the imported food. This is a best practice and an important way to assure the safety of the supply chain. Unfortunately, in its final FSVP rule, FDA has indicated that it will exempt importers from many FSVP requirements as they apply to foreign suppliers from countries with a "comparable or equivalent food safety system." As we noted in our previous comments, this determination does not signify that the "comparable" jurisdiction is inspecting each supplier on a regular basis, or as frequently as FDA is required to inspect facilities, and it is a far cry from the requirements of annual checks on foreign suppliers

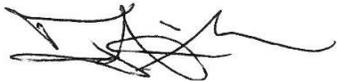
¹ See, e.g. http://consumerfed.org/press_release/safe-food-coalition-urges-agriculture-department-halt-meat-poultry-imports-brazil/; <http://consumerfed.org/testimonial/consumer-groups-urge-congress-not-rescind-catfish-inspection-program/>; http://consumerfed.org/archives/pdfs/CFA_comments_Foreign_Equivalence_Program_3-21-13.pdf.

that FDA first proposed. In light of these exemptions, however, FDA should reserve recognition of “comparable or equivalent food safety systems” to those instances where foreign governments satisfy a rigorous and open process that is responsive to public concerns.

Managing food safety is about managing risk, and we support FDA’s efforts to optimize how it uses its limited inspection resources to reduce risk. A cornerstone of any strategy to make FDA more efficient, however, should be transparency. A more transparent food system is a safer food system, in part because more transparent public policymaking harnesses more information from a broader range of stakeholders. For this reason, we recommend that FDA consider soliciting public comment prior to making food safety “systems recognition” determinations. The equivalency determination process of USDA’s Food Safety Inspection Service (FSIS), while imperfect, provides a model for soliciting public comment prior to finalizing an evaluation of whether to recognize a foreign government’s food safety inspection system. We also encourage FDA to fully disclose how it intends to rely on “systems recognition” and other comparability assessments in regulating food imports.

Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Gremillion', with a long horizontal flourish extending to the right.

Thomas Gremillion
Director of Food Policy