
This section is being referred to FAS.

This section is being referred to FSIS.

From: [Christine A Zakarka](#)
To: [Michael R Doerrer](#)
cc: [Amy R Spillman](#); [Christopher C Robinson](#); [Jere L Dick](#); [Karen A James-Preston](#); [Stephen Kidd](#); [Michelle W Wenberg](#)
Subject: Conversation with Tom Walsh
Date: 01/28/2009 02:11 PM

I just spoke with Tom Walsh who said the narrow interpretation of Section 733 would not allow us to use appropriated funding to issue permits.

He would need additional information about the use of user fees for these activities and he surmised that there would be additional funding from appropriated funds that would be used in permitting activities. He also questioned how poultry products are entering the country without going through the FSIS import houses.

Christine Zakarka
Deputy Administrator
Policy and Program Development
Phone: 301-734-5658
Fax: 301-734-5899
▼ [Michelle W Wenberg/MD/APHIS/USDA](#)

**Michelle W Wenberg/
MD/APHIS/USDA**

01/28/2009 01:49 PM

To Amy R Spillman/MD/APHIS/USDA@USDA
cc Jere L Dick/MD/APHIS/USDA@USDA, Michael R Doerrer/MD/APHIS/USDA@USDA, Stephen Kidd/MD/APHIS/USDA@USDA, Karen A James-Preston/MD/APHIS/USDA@USDA, Christopher C Robinson/MD/APHIS/USDA@USDA, "Ms. Christine Zakarka" <Christine.A.Zakarka@aphis.usda.gov>

Subject Re: User Fee Activity: Poultry Imports from China - document review draft comments - Dr. Robinson & Elshafie please review

Yes, Chris Z. will pass that tidbit along to OGC.

▼ [Amy R Spillman](#)

----- Original Message -----

From: Amy R Spillman

Sent: 01/28/2009 01:37 PM EST

To: Michelle Wenberg

Cc: Jere Dick; Michael Doerrler; Stephen Kidd; Karen James-Preston; Christopher Robinson

Subject: User Fee Activity: Poultry Imports from China - document review draft comments - Dr. Robinson & Elshafie please review
Hi,

I just talked to Karen James-Preston, and this is a user fee activity. NCIE collects user fees in order to issue the permits. Does that help?

Thanks,
Amy

Amy Spillman
Management Analyst
National Animal Health Policy and Programs
USDA-APHIS-Veterinary Services
4700 River Road, 4A-03.62
Riverdale, MD 20737

Tel: 301-734-5288
Fax: 301-734-8818
amy.r.spillman@aphis.usda.gov

▼ Michelle W Wenberg/MD/APHIS/USDA

**Michelle W Wenberg/MD/
APHIS/USDA**

To Amy R Spillman/MD/APHIS/USDA@USDA, Michael
R Doerrler/MD/APHIS/USDA@USDA

01/28/2009 01:27 PM

cc Stephen Kidd/MD/APHIS/USDA@USDA, Jere L
Dick/MD/APHIS/USDA@USDA

Subject Re: Other questions: Poultry Imports from China -
document review draft comments - Dr. Robinson
& Elshafie please review

This is a very good point ... Please let us know asap how this work is funded because user fee funded activities technically should not regulated by this provision.

▼ Amy R Spillman

----- Original Message -----

From: Amy R Spillman

Sent: 01/28/2009 01:08 PM EST

To: Michael Doerrer

Cc: Michelle Wenberg; Stephen Kidd; Jere Dick

Subject: Other questions: Poultry Imports from China - document review draft comments - Dr. Robinson & Elshafie please review Michael and all,

If OGC determines that "implements" includes not just new rules but also carrying out operations associated with rules/regs that were already published before 2008, and the work we did to "implement" the rule/reg was in issuing 42 permits---is it possible that this permitting work could be identified as a user fee activity? If so, then we could state that the work was covered by our user fee collections. If we receive user fee collections outside of the Appropriations Act, then Sec 733 wouldn't apply, would it? I guess it depends on who issued the permits, though, and whether they were charged to Fund 52/Appropriated or Fund 75/User Fees. Anyway, just a thought.

Thanks,
Amy

Amy Spillman
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▼ Amy R Spillman/MD/APHIS/USDA

**Amy R Spillman/MD/
APHIS/USDA**

01/28/2009 12:43 PM

To Stephen Kidd/MD/APHIS/USDA

cc Michelle W Wenberg/MD/APHIS/USDA@USDA,
Michael R Doerrerr/MD/APHIS/USDA@USDA

Subject FYI: Poultry Imports from China - document
review draft comments - Dr. Robinson & Elshafie
please review

Hi Steve,

Per our discussion, we have a few questions/issues to be addressed:

1. The Consolidated Appropriations Act of 2008 referenced below---was that the actual bill that gave us our money last year and did the language included in the general provisions apply to us? If so, did VS receive guidance on Sec 733 (the China language) from PPD [SEC. 733. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China"]?

2. If the Sec 733 language was valid, would that impact us (APHIS)? We didn't actually publish any rules, we were just carrying out our duties as usual.

Background: We just found out that FSIS delisted previously certified poultry establishments in China in 2008. However, APHIS was still issuing permits to the China poultry exporters because they met our (APHIS) requirements. I think we issued 42 permits during this gray area time.

Thanks,
A.

Amy Spillman
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amy.r.spillman@aphis.usda.gov

----- Forwarded by Amy R Spillman/MD/APHIS/USDA on 01/28/2009 12:35 PM -----

**Michael R Doerrler/MD/
APHIS/USDA**

To Amy R Spillman/MD/APHIS/USDA@USDA

cc

01/28/2009 12:24 PM

Subject Fw: Poultry Imports from China - document
review draft comments - Dr. Robinson & Elshafie
please review

Michael Doerrler
Chief of Staff
National Animal Health Policy & Programs
USDA-APHIS-Veterinary Services
Telephone: 301-734-5034
Facsimile: 301-734-8818

----- Forwarded by Michael R Doerrler/MD/APHIS/USDA on 01/28/2009 12:24 PM -----

**Karen A James-Preston/
MD/APHIS/USDA**

To Jere L Dick/MD/APHIS/USDA@USDA, Larry M
Granger/CO/APHIS/USDA@USDA, Michael R
Doerrler/MD/APHIS/USDA@USDA

01/28/2009 11:34 AM

cc Tracye R Butler/MD/APHIS/USDA@USDA,
Christopher C Robinson/MD/APHIS/USDA@USDA,
Teresa M Martinez/MD/APHIS/USDA@USDA,
Magde Elshafie/MD/APHIS/USDA@USDA, Bambi A
Gutierrez/MD/APHIS/USDA@USDA, Pamela A
Simpson/MD/APHIS/USDA@USDA, Simone J
Dedrick/MD/APHIS/USDA@USDA

Subject Fw: Poultry Imports from China - document
review draft comments - Dr. Robinson & Elshafie
please review

Jere, Attached is the information requested regarding the number of shipments. The final column (number of shipments) has been left blank due to no information available at this time. As soon as I get the information I will resent the entire chart again.



FSIS Poultry Query.xls

Also regarding the Bill you requested NCIE review. This what NCIE found when we reviewed the referenced documents:

The full text of H.R. 2764 (Consolidated Appropriations Act, 2008) is located at: <http://www.opencongress.org/bill/110-h2764/text>.

- It is a massive appropriations bill, which allocates funds to APHIS for various programs. However, it does stipulate in Title VII, General Provisions:

"SEC. 733. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China".

- On April, 20, 2006 FSIS posted the following on their News & Events website: http://www.fsis.usda.gov/News_&_Events/NR_042006_01/index.asp:

"The U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) today announced a final rule making the People's Republic of China eligible to export processed poultry products from approved sources to the United States...."

- Lastly, this is the publication of the final rule in the federal register: <http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/05-012F.pdf>:

All poultry products exported from China must comply with all other U.S. requirements, including the restrictions under the Animal and Plant Health Inspection Service (APHIS).

- Jere, All products entering with a valid VS Permit and proper health

certifications regarding mitigations do meet APHIS requirements and are enterable based on APHIS requirements. .

All poultry products exported from the People's Republic of China to the United States will be subject to reinspection at the U.S. ports of entry by FSIS inspectors as required by law.

Products from a country eligible to export poultry products must also comply with all other U. S. requirements, including ... and the restrictions under Title 9, part 94 of the (APHIS) regulations that relate to the importation of poultry and poultry products from foreign countries into the United States. APHIS has classified China as a region where the highly pathogenic avian influenza (HPAI) subtype H5N1 is considered to exist (9 CFR 94.6(d)). Those products that APHIS has restricted from entering the United States because of animal disease conditions in the country of origin will be refused entry before reaching an FSIS import inspection facility. FSIS and APHIS work closely to ensure that poultry and poultry products imported into the United States comply with the regulatory requirements of both agencies. APHIS and FSIS communicate regularly to ensure that the products APHIS has restricted from entering the United States because of animal disease concerns are not imported into the United States.

Note: Please note that FSIS and APHIS communicate regularly (Monthly conference calls) and it has been a standard policy in which all parties agreed that APHIS would continue to maintain the language on our permits referring importer to FSIS in which they are responsible for obtaining required authorization from FSIS and that we provide FSIS will copies of each permit for product amenable to them.

One issue we discussed with FSIS is that if these products are to meet their requirements then they should require these shipments to be accompanied by FSIS certification language. This is not the case as we understand. If FSIS did this, it would solve this issues. By doing this CPB would know that they would be able to hold any shipment from any country if not accompanied by the FSIS certificate. Again this was brought up during one of our monthly meeting with FSIS and they did not want to do this.

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

▼ Karen A James-Preston/MD/APHIS/USDA

▼ Jere L Dick

----- Original Message -----

From: Jere L Dick

Sent: 01/27/2009 05:02 PM EST

To: Karen James-Preston

Cc: Christopher Robinson; Larry Granger; Lynette Williams; Michael Doerrer; Tracye Butler

Subject: Re: Fw: Imports of Poultry Products from China

Thanks, It is his point in #2 that may be problematic, depending upon the actual language.

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

This section is being referred to FAS.

This section is being referred to FAS.

From: [Michael R Doerrer](#)
To: [Jane E Levy](#); [Andrea C McNally](#); [Sharon M Coursey](#); [Jere L Dick](#); [John Clifford](#);
[Ed C Curlett](#)
Subject: Daily meat import update, 2/13
Date: 02/13/2009 04:36 PM
Attachments: [Meat imports update 2-13-09.doc](#)

Here is today's meat imports update.

Michael Doerrer
Chief of Staff
National Animal Health Policy & Programs
USDA-APHIS-Veterinary Services
Telephone: 301-734-5034
Facsimile: 301-734-8818



[Meat imports update 2-13-09.doc](#)

From: [Michael R Doerrer](#)
To: [Jere L Dick](#); [Catherine S Fulton](#)
cc: [Thomas J Myers](#); [Larry M Granger](#)
Subject: Daily Meat Update
Date: 02/06/2009 08:57 AM
Attachments: [Meat imports update 2-6-09 v1.doc](#)



Meat imports update 2-6-09 v1.doc

----- “-----

----- ”

----- This section is being referred to FAS. -----

From: [Jere L Dick](#)
To: [Michael J David](#)
cc: [Thomas J Myers](#); [Michael R Doerrer](#)
Subject: Did we get the OIE Notification done for the permitting issue? EOM
Date: 03/24/2009 12:08 PM

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

From: [Karen A James-Preston](#)
To: [Jere L Dick](#)
Subject: Disc is ready for CBP
Date: 02/17/2009 07:47 PM

Maurine will pick it up tomorrow morning.
Dr. Karen A. James-Preston

From: [Maurine F Bell](#)
To: [Jere L Dick](#)
cc: [Alan S Green](#)
Subject: Disposition for on hold shipments
Date: 03/04/2009 03:40 PM

Dr. Dick

I am writing ask if a decision has been made and can I send the "Disposition Document for the Cancelled Permits On Hold Shipments" to CBP. I know you stated nothing in writing until the decision came down but I really need to get this over to CBP as soon as possible.

Maurine

" If you make one person smile today it has been worth living"

Maurine F. W. Bell D.V.M.
USDA, APHIS
PPQ, Director Veterinary Regulatory Support
4700 River Rd Unit #129
Riverdale, Maryland 20737
Office: 301-734-7633
Desk: 301-734-5292

----- (b)(6) -----

Email: Maurine.F.Bell@aphis.usda.gov

From: [Ed C Curlett](#)
To: [APHIS OA](#)
cc: [Cindy home](#); [Bethany X Jones](#); [Cindy MRP](#); [Kevin.A.Shea@aphis.usda.gov](#); [James.C.Ivy@aphis.usda.gov](#); [Meghan.K.Klingel@aphis.usda.gov](#); [Jere.L.Dick@aphis.usda.gov](#); [John.Clifford@aphis.usda.gov](#); [Michael R Doerr](#); [Larry M Granger](#)
Subject: Draft comm plan, Q and A, and taking points
Date: 02/16/2009 01:12 PM
Attachments: [Communication Plan - Cancelled Import Permits95.doc](#)
[Q&A on Import Permit Action16.doc](#)
[Talkers on Permit Issue65.doc](#)
[Copy of APHIS Permits5.xls](#)

Hello all,

Please find a draft communications plan, a Q and A, and a talking points document attached. Talking points pasted as well. Carol Blake with FSIS has incorporated our Q/As and talking points into the documents. These documents are making their way through FSIS leadership for review. Carol plans to incorporate final comments from FSIS leadership tonight as she is going to be away from a computer this afternoon and evening. I will send along whatever I get. Also attached is a spreadsheet of potentially affected permits. Let me know if you have comments.

Ed

DRAFT 2/16/2009 11:40 AM

**Cancellation of Import Permits from Non-equivalent Countries
Talking Points**

- The U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) regulates domestic and imported meat, poultry, and egg products under statutory authority of the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA), and the Egg Products Inspection Act (EPIA). All products for human consumption made using meat, poultry or processed egg products that are not prepared under the U.S. inspection system or an equivalent foreign food regulatory system are not eligible to enter the United States, even if they were made with only a relatively small amount of meat, poultry, or egg ingredients. USDA's Animal and Plant Health Inspection Service (APHIS) regulates imports under statutory authority of the Animal Health Protection Act (AHPA) to ensure they do not pose a risk to U.S. animal health. Although some products containing meat or poultry may not pose a threat to animal health and would be eligible for an APHIS-issued permit, they remain ineligible for entry into the United States.
- In an effort to further ensure that all meat and poultry products comply with all U.S. import requirements, APHIS, in collaboration with FSIS, is cancelling a number of permits for imports containing meat, poultry, or egg products.
 - APHIS is taking this action following the recent discovery that a shipment from China of granulated chicken bouillon containing less than 2 percent poultry product entered the United States with a valid APHIS Veterinary Service (VS) import permit. This shipment was not prepared under the U.S. inspection system or an equivalent foreign food regulatory system and, therefore, was not eligible to enter the United States.
- APHIS is cancelling import permits for products containing any meat, poultry or egg products, regardless of amount, from countries that do not have U.S. equivalent slaughter and inspection procedures. APHIS VS will notify those permit holders whose permits have been cancelled.
- At this time, APHIS and FSIS are working together to determine which permits should be cancelled based on current FSIS regulations and in light of a pending Notice of Increased Enforcement that FSIS will publish in the Federal Register.
- APHIS and FSIS are working more closely to ensure regulations regarding the importation of products containing meat, poultry, or egg products are properly followed. APHIS and FSIS will begin to issue permits jointly to ensure requirements designed to protect both animal and human health are met.
- APHIS and FSIS are working closely with the Department of Homeland Security's (DHS) Customs and Border Protection

(CBP) to ensure products with cancelled permits do not enter the United States.

This section is being referred to FSIS.

From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Michael R Doerrer](#); [Larry M Granger](#)
cc: [Christopher C Robinson](#); [Tracye R Butler](#); [Lynette D Williams](#)
Subject: Emailing: Chinese_chicken_group_letter_final
Date: 01/27/2009 05:07 PM
Attachments: [Chinese_chicken_group_letter_final.url](#)

I am getting ready to go home but I found this letter on the web that I wanted to share. It can help jump start us tomorrow morning.

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax



[- Chinese_chicken_group_letter_final.url](#)

From: [Jere L Dick](#)
To: [Michael J David](#)
cc: [Thomas J Myers](#); [Michael R Doerrer](#)
Subject: E-permits Question
Date: 03/04/2009 10:57 AM

Michael,

I believe it was last week that the question came up regarding FSIS ability to access e-permits, and if they actually needed to embed a person physically at NCIE or if it would work just as well to do it electronically. Has that question been answered?

I am ready to push them for a contact but want to be sure we really need someone (technical contact) locally in Riverdale, or if that person could work from their own desk here downtown.

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

This section is being referred to FSIS.

This section is being referred to FSIS.

From: [Karen A James-Preston](#)
To: [Jere L Dick](#)
cc: [Thomas J Myers](#); [Michael J David](#)
Subject: FDA contacts
Date: 03/05/2009 01:57 PM

Jere,

Within FDA I have spoken with 3 individuals:

- Domenic Veneziano, CDR US Public Health Service, Director, Division of Import Operations and Policy, FDA. He was referred to APHIS by FSIS and our first FDA point of contact. .
- Janice Oliver, Deputy Director of the Center for Food Safety and Applied Nutrition. She was referred by Dan Engeljohn. I contacted her office and left a message
- Donald Kraemer, Deputy Director office of Food Safety, FDA. On Friday, February 27th after 5:40pm, I was contacted by Mr. Kaermer regarding our permitting process . He wanted to know what was going on. He was slightly aware of this issue and understood that this was some how related to the Del Lauro Amendment. That was all he knew. Chris and I explained the situation based on our memories of how we arrived at this point. We were very transparent in letting him know that what started this "situation" was FSIS's interpretation of the De Lauro Amendment with respect to Chicken from China and did FDA share the same interpretation. From there the conversation led to the history of our permitting process and FSIS's interpretation of their regulations with respect to 2% meat. We shared with him as part of our permitting process, we cc FSIS and FDA when permits are issued and we also let the permittee know that FDA and FSIS may have other regulatory authority relating to the product and provide them with contact information. Throughout this history, we related that FSIS has never provided us with clear instructions on what products they regulate. He agreed and stated that the line between FDA and FSIS was not clear and this matter needed to be addressed between FDA and FSIS. The reason we shared this information was to give him background. On the following Monday I received an email from Mr. Kraemer asking for "a copy of a permit for products containing small quantities of meat, poultry and egg that we would have sent a cc to FDA". His office was provide copies of 3

permits which have FDA as a cc.

- Carie Jasperse, Attorney, Office of Chief Counsel, FDA contacted me to gain a better understanding of our permitting process. She was on the email I received from Mr. Kraemer. I explained to her APHIS regulations relating to animal products. She thanked me.

If any of my conversations were interpreted as placing blame on FSIS it was not my intent.

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
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(301) 734-8172 Desk
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From: [Michael R Doerrer](#)
To: [Jere L Dick](#)
cc: [Thomas J Myers](#); [Karen A James-Preston](#); [Michael J David](#)
Subject: Follow-up to conference call PENDING APPROVAL BY SECRETARY
Date: 02/27/2009 02:44 PM

Dear Maureen:

I'd like to provide the most current information at my disposal regarding the disposition of the 30 permits that APHIS recently cancelled at the request of FSIS. Veterinary Services and FSIS have carefully reviewed the 30 cancelled permits to determine if any of the imports that shipped on those permits could be allowed entry into the United States. Based on that review, we have determined that 2 permits (C-3916 and C-8678) were for products sourced from poultry of U.S. origin. The Administrators of FSIS and APHIS are currently reviewing the eligibility of these products; once they reach a final determination, APHIS is prepared to reissue these 2 permits. In the top right corner of each permit, the same permit number will appear with the word "renewed" under it. There will also be a statement under "Restrictions" in the body of the permit indicating that this permit was reinstated. No other permits are being considered for reissuance at this time.

Moving forward, APHIS and FSIS have developed new procedures to ensure that products issued permits to enter the United States meet both APHIS and FSIS requirements. First, all APHIS permits will include, under "Restrictions", the following language:

***Importer is also responsible for obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). Meat, poultry, or egg product ingredients used in FSIS-exempted products must be prepared under USDA, FSIS inspection or under a foreign inspection system approved by FSIS. Contact FSIS via e-mail at: permits@fsis.usda.gov or by telephone at: **888 287 7194** for information regarding approved foreign inspection systems and foreign establishments approved by FSIS to export to the United States. A list of countries eligible to import meat, poultry or egg products

is published on the FSIS web site at the following address:
http://www.fsis.usda.gov/PDF/Countries_Products_Eligible_for_Export.pdf

Finally, APHIS and FSIS are instituting the following procedures to ensure that APHIS, VS import permits for commodities that contain meat, poultry, or egg products used in FSIS-exempted products (i.e., less than 2%), are prepared under USDA, FSIS inspection or under a foreign inspection system approved by FSIS.

1. NCIE will review new import permit applications and renewals to determine if the application/renewal is for any commodity that contains any type of meat, poultry or egg product that is for human consumption.
2. If a determination is made that the application or renewal request is for such a product, the applicant will be entered into the ePermits system and assigned a reference number.
3. All processing of the application will stop by NCIE
4. NCIE will forward to that applicant a letter informing them that they must first contact FSIS.
5. NCIE will at the same time will forward a copy of that letter to FSIS with the aforementioned reference number.
6. Once FSIS makes a determination on the eligibility of the FSIS regulated product, FSIS will email to NCIE the results of that determination using the reference number issued by ePermits
7. If approved by FSIS, NCIE will continue to process the import permit application or its renewal.
8. If not approved, NCIE will issue a letter, stating the reasons why the import permit cannot be approved or renewed
9. NCIE will continue to forward to FSIS copies of all approved import permits, new and renewals, containing FSIS regulated products.

APHIS and FSIS are in the process of preparing a more comprehensive overview of these issues, including the disposition of shipments refused entry. That overview is currently under APHIS and FSIS review; once that review is complete, I will forward the overview to you.

Sincerely,

Jere. L. Dick
Associate Deputy Administrator
Veterinary Services

This section is being referred to FSIS.

From: [Thomas J Myers](#)
To: [John Clifford](#); [Catherine S Fulton](#); [Jere L Dick](#)
cc: [Elizabeth M Brown](#); [Alisa D Robinson](#); [Michael R Doerrer](#); [Karen A James-Preston](#)
Subject: FSIS Meat imports daily update and Revised heparin document
Date: 02/09/2009 05:52 PM
Attachments: [Heparin 2-9-09 v2.doc](#)
[Meat imports update 2-9-09.doc](#)

Hi John/Catherine -

Below is the daily update - nothing to report really - Karen is just preparing for tomorrow's FSIS-APHIS meeting, which Jere will open.

The Heparin document has been revised. We prepared the original document quickly on Friday morning after collecting information by phone from FDA and FSIS (OA wanted something by 10:30). The revised version below is based on comments to Friday's document from FDA. The only critical change is the following: On the phone Friday, FDA told us that there may be some poultry-origin material in the Chinese heparin preparations. That turned out to not be true. Therefore, the DeLauro amendment has no impact on these imports.

TJ

Dr. T.J. Myers, Deputy Director for Science and Technology

National Animal Health Policy and Programs
USDA, APHIS, Veterinary Services
4700 River Road; Unit 33
Riverdale, MD 20737

Desk: 301-734-7677

----- (b)(6) -----

▼ [Elizabeth M Brown/MD/APHIS/USDA](#)

**Elizabeth M Brown/MD/
APHIS/USDA**

To Thomas J Myers/MD/APHIS/USDA@USDA

cc Michael R Doerrler/MD/APHIS/USDA@USDA, Alisa D
Robinson/MD/APHIS/USDA@USDA

02/09/2009 04:05 PM

Subject Revised heparin doc and daily update

TJ,

Got your corrections on the heparin paper. Here's the revised version, plus
the daily update.



Heparin 2-9-09 v2.doc



Meat imports update 2-9-09.doc

From: [Jere L Dick](#)
To: [aphis oa](#); [Catherine S Fulton](#); [Jere L Dick](#); [John Clifford](#); [Jose R Diez](#); [Michael R Doerr](#); [Sharon S Fisher](#); [Thomas J Myers](#); [Dan J Sheesley](#); [John K Greifer](#)
cc: [Thomas J Myers](#); [Michael R Doerr](#); [Catherine S Fulton](#); [Sharon S Fisher](#); [Michael J David](#)
Subject: FSIS/APHIS Meeting Notes - April 13, 2009
Date: 04/15/2009 08:02 AM
Attachments: [APHIS-FSIS Meeting Summary 13Apr2009.doc](#)

All,

Attached is a copy of the meeting notes between FSIS and APHIS on April 13, 2009. Please let me know if you have any corrections or additions.

Thanks to Michael David for putting these together!



[APHIS-FSIS Meeting Summary 13Apr2009.doc](#)

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

From: [Jere L Dick](#)
To: [Thomas J Myers](#)
Subject: FSIS/APHIS Meeting Notes
Date: 03/10/2009 09:39 AM
Attachments: [APHIS-FSIS Meeting Summary 03-09-2009.doc](#)

Just a couple of minor spelling changes for names. Good to go!



[APHIS-FSIS Meeting Summary 03-09-2009.doc](#)

Jere L. Dick, DVM
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Chief of Field Operations
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Telephone: 202-720-5193
Facsimile: 202-690-4171

From: [Thomas J Myers](#)
To: [Jere L Dick](#)
cc: [Karen A James-Preston](#); [Christopher C Robinson](#); [Michael R Doerrer](#); [Elizabeth M Brown](#); [John Clifford](#); [Catherine S Fulton](#)
Subject: FSIS-APHIS meeting tomorrow
Date: 02/09/2009 05:35 PM

Jere -

It looks like the agenda for tomorrow is still somewhat in flux on the FSIS side. I think Karen has covered below the critical issues for us: understanding the scope of FSIS' enforcement actions; establishing a mechanism for reviewing and rescinding permits that do not meet FSIS requirements; and establishing a permitting and e-communication mechanism for the future.

Thanks again for being there to open the meeting and to reiterate the above.
TJ

Dr. T.J. Myers, Deputy Director for Science and Technology

National Animal Health Policy and Programs
USDA, APHIS, Veterinary Services
4700 River Road; Unit 33
Riverdale, MD 20737

Desk: 301-734-7677

------(b)(6)-----

▼ [Karen A James-Preston/MD/APHIS/USDA](#)

**Karen A James-Preston/
MD/APHIS/USDA**

To Thomas J Myers/MD/APHIS/USDA@USDA, Michael
R Doerrer/MD/APHIS/USDA@USDA

02/09/2009 04:24 PM

cc Christopher C Robinson/MD/APHIS/USDA@USDA

Subject Fw: Heparin doc revised

TJ,

It appears that Steve is "...having a difficult time getting direction as to what the total Scope/Role of the Working Group. That said, he is still working on the Agenda based on my input below.

I vision the objective to the working group as a work in progress with FSIS and APHIS working together on issues (i.e., products) that both agencies regulate. addressing the issue of how best communications can improve between the two agencies and how data can be transferred/shared with respect to the importation of products regulated by both agencies.

As you know the immediate priority is for FSIS to identify the import permits issued by VS that need to be cancelled.

Below are topics that need to be discussed:

- Explain each agency's regulatory authority over products (meat, eggs, etc).
- FSIS needs to explain so that VS understands what regulatory authority FSIS has over human food stuffs (products) containing less than 2% meat product and containing greater than 2% product
- How does FSIS enforce their regulatory authority (abroad, at the ports, etc).
- Does FSIS want to issue their own permits for these food stuffs containing less than 2% meat. Would FSIS prefer the product to be imported with an FSIS certificate (containing all their requirements, including approved sourcing) and the FSIS certificate would also contain animal health certification statements for APHIS...just like the meat certificates.
- Develop a mechanism by which FSIS must give approval for the product prior to APHIS issuing the permit.
- Discuss FSIS having an MOU with CBP to perform inspections for FSIS at ports of arrival.
- Updating the MOU between APHIS and FSIS so each agency understands what is expected of them.

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS

(301) 734-8172 Desk

(301) 734-6354 Fax

From: [Michael R Doerrer](#)
To: [Catherine S Fulton](#)
cc: [Jere L Dick](#); [Thomas J Myers](#); [Karen A James-Preston](#)
Subject: FSIS-APHIS steps
Date: 02/26/2009 02:10 PM
Attachments: [APHIS-FSIS approval steps.doc](#)



APHIS-FSIS approval steps.doc

Michael Doerrer
Chief of Staff
National Animal Health Policy & Programs
USDA-APHIS-Veterinary Services
Telephone: 301-734-5034
Facsimile: 301-734-8818

From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Larry M Granger](#); [Michael R Doerrer](#)
cc: [Tracye R Butler](#); [Christopher C Robinson](#); [Teresa M Martinez](#); [Magde Elshafie](#); [Bambi A Gutierrez](#); [Pamela A Simpson](#); [Simone J Dedrick](#)
Subject: Fw: Poultry Imports from China - document review draft comments - Dr. Robinson & Elshafie please review
Date: 01/28/2009 11:35 AM
Attachments: [FSIS Poultry Query.xls](#)

Jere, Attached is the information requested regarding the number of shipments. The final column (number of shipments) has been left blank due to no information available at this time. As soon as I get the information I will resent the entire chart again.



FSIS Poultry Query.xls

Also regarding the Bill you requested NCIE review. This what NCIE found when we reviewed the referenced documents:

The full text of H.R. 2764 (Consolidated Appropriations Act, 2008) is located at: <http://www.opencongress.org/bill/110-h2764/text>.

- It is a massive appropriations bill, which allocates funds to APHIS for various programs. However, it does stipulate in Title VII, General Provisions:

"SEC. 733. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China".

- On April, 20, 2006 FSIS posted the following on their News & Events website: http://www.fsis.usda.gov/News_&_Events/NR_042006_01/index.asp:

"The U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) today announced a final rule making the People's Republic of China eligible to export processed poultry products from approved sources to the United States...."

- Lastly, this is the publication of the final rule in the federal register:

<http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/05-012F.pdf>:

All poultry products exported from China must comply with all other U.S. requirements, including the restrictions under the Animal and Plant Health Inspection Service (APHIS).

- Jere, All products entering with a valid VS Permit and proper health certifications regarding mitigations do meet APHIS requirements and are enterable based on APHIS requirements. .

All poultry products exported from the People's Republic of China to the United States will be subject to reinspection at the U.S. ports of entry by FSIS inspectors as required by law.

Products from a country eligible to export poultry products must also comply with all other U. S. requirements, including ... and the restrictions under Title 9, part 94 of the (APHIS) regulations that relate to the importation of poultry and poultry products from foreign countries into the United States. APHIS has classified China as a region where the highly pathogenic avian influenza (HPAI) subtype H5N1 is considered to exist (9 CFR 94.6(d)). Those products that APHIS has restricted from entering the United States because of animal disease conditions in the country of origin will be refused entry before reaching an FSIS import inspection facility. FSIS and APHIS work closely to ensure that poultry and poultry products imported into the United States comply with the regulatory requirements of both agencies. APHIS and FSIS communicate regularly to ensure that the products APHIS has restricted from entering the United States because of animal disease concerns are not imported into the United States.

Note: Please note that FSIS and APHIS communicate regularly (Monthly conference calls) and it has been a standard policy in which all parties agreed that APHIS would continue to maintain the language on our permits referring importer to FSIS in which they are responsible for obtaining required authorization from FSIS and that we provide FSIS will copies of each permit for product amenable to them.

One issue we discussed with FSIS is that if these products are to meet their requirements then they should require these shipments to be accompanied by FSIS certification language. This is not the case as we understand. If FSIS did this, it would solve this issues. By doing this CPB would know that they would be able to hold any shipment from any country if not accompanied by the FSIS certificate. Again this was brought up during one of our monthly meeting with FSIS and they did not want to do this.

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products

National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

▼ [Karen A James-Preston/MD/APHIS/USDA](#)

▼ [Jere L Dick](#)

----- Original Message -----

From: Jere L Dick

Sent: 01/27/2009 05:02 PM EST

To: Karen James-Preston

Cc: Christopher Robinson; Larry Granger; Lynette Williams; Michael Doerr; Tracye Butler

Subject: Re: Fw: Imports of Poultry Products from China

Thanks, It is his point in #2 that may be problematic, depending upon the actual language.

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

From: [Jere L Dick](#)
To: [David F Zimmerman](#); [Carol A Payne](#)
Subject: Fw: Poultry Imports from China - document review draft comments - Dr. Robinson & Elshafie please review
Date: 01/29/2009 08:30 AM
Attachments: [FSIS Poultry Query.xls](#)

Could one of you please print two copies of the top Excel Spreadsheet.
Thanks

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 01/29/2009 08:29 AM -----

**Karen A James-Preston/
MD/APHIS/USDA**

01/28/2009 11:34 AM

To Jere L Dick/MD/APHIS/USDA@USDA, Larry M Granger/CO/APHIS/USDA@USDA, Michael R Doerrer/MD/APHIS/USDA@USDA

cc Tracye R Butler/MD/APHIS/USDA@USDA, Christopher C Robinson/MD/APHIS/USDA@USDA, Teresa M Martinez/MD/APHIS/USDA@USDA, Magde Elshafie/MD/APHIS/USDA@USDA, Bambi A Gutierrez/MD/APHIS/USDA@USDA, Pamela A Simpson/MD/APHIS/USDA@USDA, Simone J Dedrick/MD/APHIS/USDA@USDA

Subject Fw: Poultry Imports from China - document review draft comments - Dr. Robinson & Elshafie please review

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pathogenic avian influenza (HPAI) subtype H5N1 is considered to exist (9 CFR 94.6(d)). Those products that APHIS has restricted from entering the United States because of animal disease conditions in the country of origin will be refused entry before reaching an FSIS import inspection facility. FSIS and APHIS work closely to ensure that poultry and poultry products imported into the United States comply with the regulatory requirements of both agencies. APHIS and FSIS communicate regularly to ensure that the products APHIS has restricted from entering the United States because of animal disease concerns are not imported into the United States.

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Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

▼ [Karen A James-Preston/MD/APHIS/USDA](#)

▼ [Jere L Dick](#)

----- Original Message -----

From: Jere L Dick

Sent: 01/27/2009 05:02 PM EST

To: Karen James-Preston

Cc: Christopher Robinson; Larry Granger; Lynette Williams; Michael Doerrer; Tracye Butler

Subject: Re: Fw: Imports of Poultry Products from China
Thanks, It is his point in #2 that may be problematic, depending upon the actual language.

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

From: [Thomas J Myers](#)
To: [Karen A James-Preston](#)
cc: [Michael R Doerr](#); [Larry M Granger](#); [Christopher C Robinson](#); [Tracye R Butler](#); [Joyce W Bowling-Heyward](#); [Jere L Dick](#)
Subject: Fw: 2 6 09 10 04 Fw: Permits issued for all products containing less than 2% meat from all countries.
Date: 02/06/2009 05:26 PM

Hi Karen -

Please see Jere's message below to Bill Smith at FSIS when he sent the spreadsheet to them earlier today. Jere's expectation is that we are reviewing each permit with FSIS for them to determine what may or may not need to be cancelled. I know that you will be meeting with them to discuss this next week, and that until the Secretary and the FSIS Administrator make a final decision on what scope and timeline this decision will take, we cannot be certain what permits we may be asked to rescind. However, just be aware that when this gets rolling next week, there will be an expectation that we keep track of which permits, how many and from what countries, are being rescinded.

Also, based on your conversation with Steve earlier today, you indicated that he thought some of the permits in the spreadsheet were under FDA and not FSIS jurisdiction. That begs the question, are there permits we did not include in the spreadsheet because we thought they were FDA items, but might also be FSIS items? When you meet with FSIS you will need to decide whether or not you need to do additional queries of the database.

Thanks
TJ

Dr. T.J. Myers, Deputy Director for Science and Technology

National Animal Health Policy and Programs
USDA, APHIS, Veterinary Services
4700 River Road; Unit 33
Riverdale, MD 20737

Desk: 301-734-7677

----- (b)(6) -----

----- Forwarded by Thomas J Myers/MD/APHIS/USDA on 02/06/2009 05:08 PM -----

**Jere L Dick/MD/APHIS/
USDA**

To Thomas J Myers/MD/APHIS/USDA@USDA

cc Michael R Doerrler/MD/APHIS/USDA@USDA,
Catherine S Fulton/MD/APHIS/USDA@USDA

02/06/2009 12:52 PM

Subject Fw: 2 6 09 10 04 Fw: Permits issued for all products
containing less than 2% meat from all countries.

FYI

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/06/2009 12:51 PM -----

This section is being referred to FSIS.

This section is being referred to FSIS.

From: Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]
Sent: Friday, February 06, 2009 10:04 AM
To: Smith, William C.
Cc: Thomas.J.Myers@aphis.usda.gov; Michael.R.Doerrer@aphis.usda.gov;
John.Clifford@aphis.usda.gov; Catherine.S.Fulton@aphis.usda.gov
Subject: 2 6 09 10 04 Fw: Permits issued for all products containing less than 2% meat from all countries.

Hi Bill,

Here is the preliminary data from yesterday. Our folks (FSIS/APHIS) are going through these closely now to insure that each either meets or does not meet the criteria. Stay tuned for updated figures. I explained to them yesterday that it is very important that we are both using the same spreadsheets and numbers.

Thanks

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/06/2009 10:01 AM -----

**Thomas J Myers/MD/APHIS/
USDA**

To Jere L Dick/MD/APHIS/USDA@USDA, Catherine S Fulton/
MD/APHIS/USDA@USDA

02/05/2009 12:18 PM

cc Karen A James-Preston/MD/APHIS/USDA@USDA, Larry M
Granger/CO/APHIS/USDA@USDA, Michael R Doerrler/MD/
APHIS/USDA@USDA

Subject Re: Permits issued for all products containing less than 2%
meat from all countries. [Link](#)

Jere/Catherine -

Here is the list of permits that are affected by the new FSIS enforcement decision. There are a total of 346 permits for products containing less than 2% meat (any type, not just poultry) from any country. 37 permits are from countries that FSIS considers equivalent; 309 permits are from countries that are not equivalent.

I will send this information to FSIS after you have had a chance to see it first. Please let me know if you have any questions.

BTW - the NCIE folks did an outstanding job pulling this information together over the past 24 hours. This has not been an easy task because the e-permits system does not yet have a report-generating function that will allow for easy queries of this type. Consequently, the information below was generated by doing multiple keyword searches of the text contained in the database.

TJ

Dr. T.J. Myers, Deputy Director for Science and Technology

National Animal Health Policy and Programs
USDA, APHIS, Veterinary Services

4700 River Road; Unit 33
Riverdale, MD 20737

Desk: 301-734-7677

----- (b)(6) -----

**Karen A James-Preston/MD/
APHIS/USDA**

02/05/2009 11:45 AM

To Thomas J Myers/MD/APHIS/USDA@USDA, Larry M Granger/
CO/APHIS/USDA@USDA, Michael R Doerrler/MD/APHIS/
USDA@USDA

cc Christopher C Robinson/MD/APHIS/USDA@USDA, Tracye R
Butler/MD/APHIS/USDA@USDA, Teresa M Martinez/MD/
APHIS/USDA@USDA, Lynette D Williams/MD/APHIS/
USDA@USDA, Magde Elshafie/MD/APHIS/USDA@USDA

Subject Permits issued for all products containing less than 2%
meat from all countries.

Attached is a spreadsheet identifying 346 Permits issued for products
containing less than 2% meat from all countries:

37 Permits issued for products containing less than 2% meat from countries
approved by FSIS:

FSIS approved countries	# of permits
Australia	2
Canada	15
France	1
Hong Kong	4
Israel	6
Mexico	5
United Kingdom	4
Grand Total	37

309 Permits issued for products containing less than 2% meat from countries not approved by FSIS:

Countries not approved by FSIS	# of permits
Argentina	5
Brazil	4
China	7
Costa Rica	1
Croatia	3
Dominican Republic	2
Egypt	2
El Salvador	1
Germany	1
Guatemala	5
India	1
Jamaica	1
Japan	67

Jordan	1
Peru	4
Philippines	7
Poland	2
Saudi Arabia	1
Singapore	8
South Korea	170
Switzerland	1
Taiwan	9
Thailand	5
Venezuela	1
Grand Total	309

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Michael R Doerr](#); [Catherine S Fulton](#)
Subject: Fw: 2 6 09 10 04 Fw: Permits issued for all products containing less than 2% meat from all countries.
Date: 02/06/2009 12:52 PM

FYI

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/06/2009 12:51 PM -----

----- This section is being referred to FSIS. -----

From: Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]
Sent: Friday, February 06, 2009 10:04 AM
To: Smith, William C.
Cc: Thomas.J.Myers@aphis.usda.gov; Michael.R.Doerrerr@aphis.usda.gov;
John.Clifford@aphis.usda.gov; Catherine.S.Fulton@aphis.usda.gov
Subject: 2 6 09 10 04 Fw: Permits issued for all products containing less than 2% meat from all countries.

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Thanks

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/06/2009 10:01 AM -----

**Thomas J Myers/MD/APHIS/
USDA**

To Jere L Dick/MD/APHIS/USDA@USDA, Catherine S Fulton/
MD/APHIS/USDA@USDA

02/05/2009 12:18 PM

cc Karen A James-Preston/MD/APHIS/USDA@USDA, Larry M
Granger/CO/APHIS/USDA@USDA, Michael R Doerrler/MD/
APHIS/USDA@USDA

Subject Re: Permits issued for all products containing less than 2%
meat from all countries. [Link](#)

Jere/Catherine -

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TJ

Dr. T.J. Myers, Deputy Director for Science and Technology

National Animal Health Policy and Programs
USDA, APHIS, Veterinary Services

4700 River Road; Unit 33
Riverdale, MD 20737

----- (b)(6) -----

**Karen A James-Preston/MD/
APHIS/USDA**

02/05/2009 11:45 AM

To Thomas J Myers/MD/APHIS/USDA@USDA, Larry M Granger/
CO/APHIS/USDA@USDA, Michael R Doerrler/MD/APHIS/
USDA@USDA

cc Christopher C Robinson/MD/APHIS/USDA@USDA, Tracye R
Butler/MD/APHIS/USDA@USDA, Teresa M Martinez/MD/
APHIS/USDA@USDA, Lynette D Williams/MD/APHIS/
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Dominican Republic	2
Egypt	2
El Salvador	1
Germany	1
Guatemala	5
India	1
Jamaica	1
Japan	67

Jordan	1
Peru	4
Philippines	7
Poland	2
Saudi Arabia	1
Singapore	8
South Korea	170
Switzerland	1
Taiwan	9
Thailand	5
Venezuela	1
Grand Total	309

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

----- This section is being referred to FAS. -----

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to wait until after consultation with NSC and USTR.

- I tried to read this as a layman so most of my edits were for clarity for a non-expert.

- David explicitly asked for an estimate of the trade impact from these actions. I added some draft language but it will need to be reviewed based on your expectations.

- in using the talking points with non-governmental groups, we need to be careful how we use the term adulterated as it can easily be misconstrued.

I would still like to see the letters to CBP and the countries, as well as the trade figures CBP provided.

This section is being referred to FAS.

This section is being referred to FSIS.

This section is being referred to FSIS.

From: [Jere L Dick](#)
To: Daniel.Engeljohn@fsis.usda.gov
Subject: Fw: ACTION- call on permits
Date: 02/27/2009 09:00 AM

Hi Dan,

Didn't see you copied.

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/27/2009 08:58 AM -----

**John Clifford/MD/APHIS/
USDA**

Sent by: Catherine S Fulton

02/27/2009 08:53 AM

To "Jones, Ronald" <Ronald.Jones@fsis.usda.gov>, "Quick, Bryce" <Bryce.Quick@fsis.usda.gov>, Bill Clay/MD/APHIS/USDA@USDA

cc Jere.L.Dick@aphis.usda.gov, John Clifford/MD/APHIS/USDA@USDA, Kevin A Shea/MD/APHIS/USDA@USDA, Jane E Levy/MD/APHIS/USDA@USDA

Subject ACTION- call on permits

Ron-

Per your request, my staff has checked with CBP and we're all available at 9:30 am this morning. My COS checked with your assistant and was given the following call information-

number 1-866-871-1016
participant code: 7919076

The CBP participants will be Vernon Fouray, Patrina Evans, and Cathy from Dan Baldwin's office. Jere Dick and I also plan to be on the call.

John

--

This section is being referred to FSIS.

This section is being referred to FSIS.

From: [Jere L Dick](#)
To: [Michael R Doerr](#)
cc: [Thomas J Myers](#); [Larry M Granger](#); [Maurine F Bell](#)
Subject: Fw: ACTION- call on permits
Date: 02/27/2009 08:55 AM

Michael,

Would you please insure our CBP colleagues get the call-in information.
Thanks!

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/27/2009 08:53 AM -----

**John Clifford/MD/APHIS/
USDA**

Sent by: Catherine S Fulton

To "Jones, Ronald" <Ronald.Jones@fsis.usda.gov>, "Quick, Bryce" <Bryce.Quick@fsis.usda.gov>, Bill Clay/MD/APHIS/USDA@USDA

cc Jere.L.Dick@aphis.usda.gov, John Clifford/MD/APHIS/USDA@USDA, Kevin A Shea/MD/APHIS/USDA@USDA, Jane E Levy/MD/APHIS/USDA@USDA

02/27/2009 08:53 AM

Subject ACTION- call on permits

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Per your request, my staff has checked with CBP and we're all available at 9:30 am this morning. My COS checked with your assistant and was given the following call information-

number 1-866-871-1016

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The CBP participants will be Vernon Fouray, Patrina Evans, and Cathy from Dan Baldwin's office. Jere Dick and I also plan to be on the call.

John

This section is being referred to FSIS.

This section is being referred to FSIS.

From: [Jere L Dick](#)
To: Carol.Blake@fsis.usda.gov
cc: Ronald.Jones@fsis.usda.gov; Clay.Hamilton@fas.usda.gov
Subject: Fw: ACTION: update on import permit briefing
Date: 03/20/2009 03:30 PM

Carol,

Here is confirmation of the number of countries. I've asked them to try to divide out the number of total permits if possible. As you can see, there are quite a few that are still being studied by the FSIS staff at this time.

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/20/2009 03:26 PM -----

**Michael J David/MD/
APHIS/USDA**

03/20/2009 03:18 PM

To Jere L Dick/MD/APHIS/USDA@USDA

cc Catherine S Fulton/MD/APHIS/USDA@USDA, Larry M Granger/CO/APHIS/USDA@USDA, Michael R Doerrer/MD/APHIS/USDA@USDA, Thomas J Myers/MD/APHIS/USDA@USDA, Karen A James-Preston/MD/APHIS/USDA

Subject Re: ACTION: update on import permit briefing

Jere,

The number 27 is based on the spreadsheet of permits we've been working on from day 1 ... and these were sorted by country based on the FSIS regulated product ...

That spreadsheet had been color coded by agency regulating the commodity of interest (There are 296 blue= FSIS knows they regulate;

422 white = we have not received a decision from FSIS regarding these commodities; 70 yellow = FSIS said they don't regulate these commodities and 94 green = APHIS regulates).

One question I have ... the number 14,000 + refers to the estimated number of total permits issued by all of NCIE, correct?

Michael

27 Countries with permits in blue :

Argentina
Brazil
China
Costa Rica
Croatia
Dominican Republic
Ecuador
Egypt
El Salvador
Germany
Guatemala
Hong Kong
India
Jamaica
Japan
Mexico
Peru
Philippines
Poland
Saudi Arabia
Singapore
South Korea
Switzerland
Taiwan
Thailand
United Kingdom
Venezuela

45 Countries in total:

Argentina
Australia
Austria
Azerbaijan
Belgium
Bosnia and Herzegovina
Brazil
Canada
Chile
China
Colombia
Costa Rica
Croatia
Denmark
Dominican Republic
Ecuador
Egypt
El Salvador
France
Germany
Guatemala
Hong Kong
India
Indonesia
Israel
Jamaica
Japan
Jordan
Malaysia
Mexico
Netherlands
New Zealand
Peru
Philippines
Poland
Saudi Arabia
Singapore
South Korea
Switzerland
Taiwan
Thailand
United Kingdom
Uruguay
Venezuela
Vietnam

Michael David, MS, VMD, MPH
Director
National Center for Import and Export
International Animal Health Standards Team

Veterinary Services
4700 River Rd Unit 33
Riverdale, MD 20737

301-734-5324 (tel)
301-734-6402 (fax)
michael.j.david@aphis.usda.gov
usa.oie@aphis.usda.gov

▼ Jere L Dick/MD/APHIS/USDA

**Jere L Dick/MD/APHIS/
USDA**

03/20/2009 12:49 PM

To Larry M Granger/CO/APHIS/USDA@USDA
cc Thomas J Myers/MD/APHIS/USDA@USDA, Michael J
R Doerrerr/MD/APHIS/USDA@USDA, Michael J
David/MD/APHIS/USDA@USDA, Catherine S
Fulton/MD/APHIS/USDA@USDA

Subject ACTION: update on import permit briefing

Larry,

I just returned from the hill briefing. First of all, thanks to all who had a hand in putting together my talking points on short notice.

Early on in the "china permit" issue, I believe we did some sorting of permits and identification of countries. Please have staff confirm that it is 27 countries that we are sending permits to for trace amounts of meat, poultry, and egg products. Also, if we could get a rough breakdown of the number of permits that are issued for these types of products out of 14,000+ it would be helpful. I tried to explain that the entire 14,000 were for a variety of items in addition to meat, poultry, and egg products (such as pet food, nutraceuticals, etc.) but was not sure of the percentage.

If I could get that information by noon on Monday, it would be nice.

Thanks

Jere L. Dick, DVM
Associate Deputy Administrator

Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/20/2009 12:39 PM -----

----- This section is being referred to FSIS. -----

From: [Jere L Dick](#)
To: carol.blake@fsis.usda.gov; Ronald.Jones@fsis.usda.gov
cc: [Catherine S Fulton](#)
Subject: Fw: ACTION: update on import permit briefing
Date: 03/23/2009 07:53 AM

Carol,

See below. Here are the rest of the numbers that you requested. We will not be able to break them out further without a lot of extra time. We would essentially have to look at all 7,000 individually.....

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/23/2009 07:49 AM -----

**Michael J David/MD/
APHIS/USDA**

03/21/2009 04:13 PM

To Jere L Dick/MD/APHIS/USDA@USDA

cc Catherine S Fulton/MD/APHIS/USDA@USDA,
Karen A James-Preston/MD/APHIS/USDA@USDA,
Larry M Granger/CO/APHIS/USDA@USDA, Michael
R Doerrer/MD/APHIS/USDA@USDA, Thomas J
Myers/MD/APHIS/USDA@USDA

Subject Re: ACTION: update on import permit briefing

Jere,

Late Friday afternoon, NCIE went back and looked for the number of permits issued in FY 2008 (10/01/07 to 09/30/08) . In FY 2008 APHIS received 14,254 permit applications and issued 13,475 import permits. (Every year we have several hundred more applications than permits issued due to lack of interest, failure to follow-up etc). Of those 13,475 permits issued, 7,423 (or 55% of the total issued) were for animal products. The

remaining 45% of permits issued were for live animals, germplasm, organisms and vectors and select agents.

A breakdown of the 7,432 animal product permits into the meat, poultry, eggs/ pet food/pharmaceuticals/nutraceuticals/serum/blood and blood-products/chondroitin sulfate/etc categories will be close to impossible. Our current system is not set up to do it that simply ... but if you want it, we will need a lot more time than noon Monday.

Michael

Michael David, MS, VMD, MPH
Director
National Center for Import and Export
International Animal Health Standards Team
Veterinary Services
4700 River Rd Unit 33
Riverdale, MD 20737

301-734-5324 (tel)
301-734-6402 (fax)
michael.j.david@aphis.usda.gov
usa.oie@aphis.usda.gov

▼ Jere L Dick/MD/APHIS/USDA

**Jere L Dick/MD/APHIS/
USDA**

03/20/2009 03:27 PM

To Michael J David/MD/APHIS/USDA@USDA
cc Catherine S Fulton/MD/APHIS/USDA@USDA,
Karen A James-Preston/MD/APHIS/USDA@USDA,
Larry M Granger/CO/APHIS/USDA@USDA, Michael
R Doerr/MD/APHIS/USDA@USDA, Thomas J
Myers/MD/APHIS/USDA@USDA

Subject Re: ACTION: update on import permit briefing

Correct.

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

▼ Michael J David/MD/APHIS/USDA

**Michael J David/MD/
APHIS/USDA**

03/20/2009 03:18 PM

To Jere L Dick/MD/APHIS/USDA@USDA

cc Catherine S Fulton/MD/APHIS/USDA@USDA, Larry
M Granger/CO/APHIS/USDA@USDA, Michael R
Doerr/MD/APHIS/USDA@USDA, Thomas J
Myers/MD/APHIS/USDA@USDA, Karen A James-
Preston/MD/APHIS/USDA

Subject Re: ACTION: update on import permit briefing

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Saudi Arabia
Singapore
South Korea
Switzerland
Taiwan
Thailand
United Kingdom
Venezuela

45 Countries in total:

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Azerbaijan
Belgium
Bosnia and Herzegovina
Brazil
Canada
Chile
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Colombia
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Ecuador
Egypt
El Salvador
France
Germany
Guatemala
Hong Kong
India
Indonesia
Israel
Jamaica
Japan
Jordan
Malaysia
Mexico
Netherlands
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Saudi Arabia
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▼ Jere L Dick/MD/APHIS/USDA

**Jere L Dick/MD/APHIS/
USDA**

03/20/2009 12:49 PM

To Larry M Granger/CO/APHIS/USDA@USDA
cc Thomas J Myers/MD/APHIS/USDA@USDA, Michael
R Doerr/MD/APHIS/USDA@USDA, Michael J
David/MD/APHIS/USDA@USDA, Catherine S
Fulton/MD/APHIS/USDA@USDA

Subject ACTION: update on import permit briefing

Larry,

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If I could get that information by noon on Monday, it would be nice.

Thanks

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations

This section is being referred to FSIS.

From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Larry M Granger](#); [Jacek Taniewski](#)
cc: robert.fasulo@fsis.usda.gov; [Stull, Josh](#); [McDermott, Steve](#); [Steven McDermott](#); [Stanley, Mary](#); [Tracye R Butler](#); [Christopher C Robinson](#); [Teresa M Martinez](#); [Lynette D Williams](#)
Subject: Fw: Alert to CBP - Poultry Products form China
Date: 01/30/2009 04:49 PM

FYI,

As promised, below is a copy of an email indicating that the APHIS Alert regarding poultry products from China has been forwarded to CBP.

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

----- Forwarded by Karen A James-Preston/MD/APHIS/USDA on 01/30/2009 04:33 PM -----

Maurine F Bell/MD/APHIS/USDA

To: Vernon.T.Foret@dhs.gov, John.Giannini@dhs.gov, Kevin.Harriger@dhs.gov
cc: Alan S Green/MD/APHIS/USDA@USDA, Karen A James-Preston/MD/APHIS/USDA@USDA
01/30/2009 03:54 PM
Subject: Fw: Alert to CBP

Vernon

Per our conversation here is the alert that has been sent to me by Veterinary Services for the cancellation of certain VS import permits listed below. Please feel free to comment or edit the alert as needed for distribution and procedural actions at the ports of entry. Please feel free to contact me with any question concerning this alert.

----- Forwarded by Maurine F Bell/MD/APHIS/USDA on 01/30/2009 03:47 PM -----

Karen A James-Preston

To: Maurine F Bell/MD/APHIS/USDA@USDA
cc: Christopher C Robinson/MD/APHIS/USDA@USDA, Tracye R Butler/MD/APHIS/USDA@USDA
bcc:
01/30/2009 03:34 PM
Subject: Fw: Alert to CBP

Effective immediately CBP is to refuse entry on all imports of shipments from China that contain any amount of poultry meat and byproducts for human consumption. Although these shipments may be accompanied by a Veterinary Services (VS) import permit they still need to be refused entry and re-exported or destroyed. If there are any concerns or questions, they should be directed to the Food Safety and Inspection Service, FSIS, Office of International Affairs at the number (202) 720-9904.

Though FSIS published a final rule on April 26, 2006 in the *Federal Register* to add China to the list of countries eligible to export processed poultry and poultry products to the United States, no poultry products exported from China, regardless of the origin of the poultry ingredients, should enter the United States based on Section 733 of H.R. 2764, the Consolidated Appropriations Act which was signed into law by President Bush on December 26, 2007 and making appropriations for FY 2008. Section 733 states: "*None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China.*" This provision was extended when H.R. 2368, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, was signed into law by President Bush on September 30, 2008 and expires on March 6, 2009.

Subsequently, all APHIS veterinary permits issued to importers for products containing poultry for human consumption will be canceled immediately. Those permits are listed below

This alert does not apply to products for animal use such as pet food or those products that contain eggs or egg material.

1	C-105793	4/7/2008	4/7/2009	Haemock Chung	Charm Creations Inc.	Chicken feather pad	FSIS
2	C-6157	6/20/2008	6/20/09	Toshiaki Wada	Japan Food Hawaii Inc.	Soup stock, fried noodles, and rice condiments	FSIS
3	C-6444	6/6/2008	6/6/2009	David Cheung	Kwok Shing Hong	Chicken soup containing chicken extracts	FSIS
4	C-102930	5/24/2008	5/24/2009	Qishu Lin	Northern Food I/E Inc.	Seasoning sauce or soup containing chicken extract	FSIS
5	C-106837	7/29/2008	7/29/2008	Darryl Gee	Sui Rong Tan d/b/a T&H Trading Company	Cooked/marinated chicken eggs AND Cooked duck egg yolk	FSIS
6	C-106965	8/9/2008	8/9/2009	Hidehito Uki	H&U, Inc d/b/a Sun Noodle	Soup base containing chicken and/or pork extract	FSIS
7	C-103915	9/5/2008	9/5/2009	David Cheung	Kwok Shing Hong	Essence of chicken with swallow's nest and cordyceps	FSIS
8	C-101003	9/9/2008	9/9/2009	Masaki Mizuhashi	JMAC TRADING, INC	Dry cup noodle (dry noodle & freeze dried soup block that contained vegetables & meat product of : "Chicken/Pork/Beef Extract", "Lactose", "Pork Extract Powder", "Gelatin", "Lard" and "Egg")	FSIS
9	C-101009	9/10/2008	9/10/2009	Vivian Wang	WEI-CHUAN USA INC.	Various extracts, powders and flavors containing chicken and egg ingredients	FSIS
10	C-101546	12/19/2008	12/19/2009	Jann Futrell	GREENBRIAR INTERNATIONAL, INC	Noodle soup containing beef and/or chicken flavored ingredients	FSIS
11	C-101909	1/23/2009	1/23/2010	Qishu Lin	Northern Food I/E Inc.	Dried noodles containing chicken flavor extract	FSIS
12	C-102418	12/3/2008	12/3/2009	Brian Han	HANSAI, INC.	1) Mellow Garlic Soup containing chicken extract powder and/or pork extract powder 2) Royal Jelly/Yamato Reishi containing egg shell powder	FSIS
13	C-103832	8/30/2008	8/30/2009	Joong Hee Yoo	CJ CHEILJEDANG CORPORATION	Abalone porridge containing beef, milk, and chicken ingredients	FSIS
14	C-105333	2/14/2008	2/14/2009	May Hu	XZ-21 INC.	GRANULATED CHICKEN FLAVOR BOUILLON	FSIS
15	C-105447	2/27/2008	2/27/2009	Wina Tran	MADISON ONE ACME, INC D/B/A SOLSTICE MEDICINE COMPANY	Wuji Baifeng Wan supplement containing processed taihe black boned chicken	FSIS
16	C-105466	2/28/2008	2/28/2009	Ray Guh	WELL LUCK COMPANY, INC.	Instant noodles with soup and sauce mix containing beef, pork, chicken or shrimp extract	FSIS
17	C-105639	3/17/2008	3/17/2009	Cong Wu	JJQ INTERNATIONAL TRADING CO., LTD.	SOUP BASE CHICKEN FLAVOR (containing chicken and egg ingredients)	FSIS
18	C-105814	4/10/2008	4/10/2009	Lauren Berdy	(null)	Freeze dried soup with chicken powder and egg powder	FSIS
19	C-106389	6/12/2008	6/12/2009	Frank Wang	Lee Kum Kee (USA) Foods, Inc	Food flavor containing chicken ingredients	FSIS
20	C-107535	10/9/2008	10/9/2009	Kathy Burkard	Designpac Gifts LLC	Dehydrated chicken soup mixes containing chicken	FSIS
21	C-107801	11/7/2008	11/7/2009	HING KONG	ACC FOODS LLC	CHINESE SEAFOOD PRODUCTS CONTAINING CHICKEN EXTRACT	FSIS
22	C-108377	1/21/2009	1/21/2010	Jia Wu	Golden Sword Trading Co., Ltd	Instant noodles, macaroni or vermicelli (containing beef, pork, chicken, egg and/or milk ingredients)	FSIS
23	C-1150	2/23/2008	2/23/2009	William Cheung	Herba Natural Products, Inc.	Chicken extract, chicken bone meal extract, and deer tail extract	FSIS
24	C-3916	9/18/2008	9/18/2009	Linda Jamison	NESTLE USA, INC.	Powdered soup mix and/or bouillon containing dehydrated chicken meat ingredients	FSIS
25	C-6145	4/30/2008	4/30/2009	Kan Zhang	America T ohkin Enterprises, Inc.	1) Soup base mix containing chicken ingredients 2) Powder mix containing chicken ingredients	FSIS
26	C-6256	5/28/2008	5/28/2009	Jiayang Tsai	KIM SENG COMPANY	Granulated chicken bouillon	FSIS
27	C-6289	6/10/2008	6/10/2009	Phillip Chu	CHEVALIER INTERNATIONAL (USA) INC.	Instant noodles soup base containing pork, chicken and/or beef ingredients	FSIS
28	C-6878	10/24/2008	10/24/2009	Cindy Yip	Khong Guan Corporation	Drinks containing chicken ingredients	FSIS
29	C-6954	10/2/2008	10/2/2009	Richard Ng	Golden Fortune Import & Export Corp	Drinks containing chicken ingredients	FSIS
30	C-7177	1/31/2008	1/31/2009	Yao Tang Kuang	STARWAY INC.	Instant noodles or Macaroni or Rice Vermicelli with beef, porcine, chicken, eggs or milk ingredients	FSIS
31	C-7359	2/11/2009	2/11/2010	Lan Ong	WING HOP FUNG GINSENG, INC	Chicken Essence with Cordyceps Chicken Essence with Cordyceps and Lingzhi	FSIS
32	C-8506	4/26/2008	4/26/2009	Jeanie Wong	RICHIN TRADING, INC.	Crackers (Chicken Flavor) containing chicken extract powder as one of the ingredients to enhance flavor	FSIS
33	C-8555	2/20/2008	2/20/2009	Paul Epstein	PERK UP INC. D/B/A KARI-OUT COMPANY	Granulated Chicken Bouillon	FSIS
34	C-8568	3/25/2008	3/25/2009	Joong Yoo	CJ AMERICA, INC. D/B/A CJ FOODS, INC.	Porridge with Matsutake mushroom containing beef and chicken ingredients	FSIS
35	C-8678	5/9/2008	5/9/2009	Frank Wang	LEE KUM KEE (USA), INC.	Chicken soup base for hot pot	FSIS

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
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To: Maurine F Bell/MD/APHIS/USDA@USDA
 cc: Christopher C Robinson/MD/APHIS/USDA@USDA, Tracye R Butler/MD/APHIS/USDA@USDA
 bcc:
 Subject: Fw: Alert to CBP

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11	C-101909	1/23/2009	1/23/2010	Qishu Lin	Northern Food I/E Inc.	Dried noodles containing chicken flavor extract	FSIS
12	C-102418	12/3/2008	12/3/2009	Brian Han	HANSAI, INC.	1) Mellow Garlic Soup containing chicken extract powder and/or pork extract powder 2) Royal Jelly/Yamato Reishi containing egg shell powder	FSIS
13	C-103832	8/30/2008	8/30/2009	Joong Hee Yoo	CJ CHEILJEDANG CORPORATION	Abalone porridge containing beef, milk, and chicken ingredients	FSIS
14	C-105333	2/14/2008	2/14/2009	MayHu	XZ-21 INC.	GRANULATED CHICKEN FLAVOR BOUILLON	FSIS
15	C-105447	2/27/2008	2/27/2009	Wina Tran	MADISON ONE ACME, INC D/B/A SOLSTICE MEDICINE COMPANY	Wuji Baifeng Wan supplement containing processed taihe black boned chicken	FSIS
16	C-105466	2/28/2008	2/28/2009	Ray Guh	WELL LUCK COMPANY, INC.	Instant noodles with soup and sauce mix containing beef, pork, chicken or shrimp extract	FSIS
17	C-105639	3/17/2008	3/17/2009	Cong Wu	JJQ INTERNATIONAL TRADING CO., LTD	SOUP BASE CHICKEN FLAVOR (containing chicken and egg ingredients)	FSIS
18	C-105814	4/10/2008	4/10/2009	Lauren Berdy	(null)	Freeze dried soup with chicken powder and egg powder	FSIS
19	C-106389	6/12/2008	6/12/2009	Frank Wang	Lee Kum Kee (USA) Foods, Inc	Food flavor containing chicken ingredients	FSIS
20	C-107535	10/9/2008	10/9/2009	Kathy Burkard	Designpac Gifts LLC	Dehydrated chicken soup mixes containing chicken	FSIS
21	C-107801	11/7/2008	11/7/2009	HING KONG	ACC FOODS LLC	CHINESE SEAFOOD PRODUCTS CONTAINING CHICKEN EXTRACT	FSIS
22	C-108377	1/21/2009	1/21/2010	Jia Wu	Golden Sword Trading Co., Ltd	Instant noodles, macaroni or vermicelli (containing beef, pork, chicken, egg and/or milk ingredients)	FSIS
23	C-1150	2/23/2008	2/23/2009	William Cheung	Herba Natural Products, Inc.	Chicken extract, chicken bone meal extract, and deer tail extract	FSIS
24	C-3916	9/18/2008	9/18/2009	Linda Jamison	NESTLE USA, INC.	Powdered soup mix and/or bouillon containing dehydrated chicken meat ingredients	FSIS
25	C-6145	4/30/2008	4/30/2009	Kan Zhang	America Tohkin Enterprises, Inc.	1) Soup base mix containing chicken ingredients 2) Powder mix containing chicken ingredients	FSIS

22						beef, pork, chicken, egg and/or milk ingredients)	
23	C-1150	2/23/2008	2/23/2009	William Cheung	Herba Natural Products, Inc.	Chicken extract, chicken bone meal extract, and deer tail extract	FSIS
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25	C-6145	4/30/2008	4/30/2009	Kan Zhang	America Tohkin Enterprises, Inc.	1) Soup base mix containing chicken ingredients 2) Powder mix containing chicken ingredients	FSIS
26	C-6256	5/28/2008	5/28/2009	Jiayang Tsai	KIM SENG COMPANY	Granulated chicken bouillon	FSIS
27	C-6289	6/10/2008	6/10/2009	Phillip Chu	CHEVALIER INTERNATIONAL (USA) INC.	Instant noodles soup base containing pork, chicken and/or beef ingredients.	FSIS
28	C-6878	10/24/2008	10/24/2009	Cindy Yip	Khong Guan Corporation	Drinks containing chicken ingredients	FSIS
29	C-6954	10/2/2008	10/2/2009	Richard Ng	Golden Fortune Import & Export Corp.	Drinks containing chicken ingredients	FSIS
30	C-7177	1/31/2008	1/31/2009	Yao Tang Kuang	STARWAY INC.	Instant noodles or Macaroni or Rice Vermicelli with beef, porcine, chicken, eggs or milk ingredients	FSIS
31	C-7359	2/11/2009	2/11/2010	Lan Ong	WING HOP FUNG GINSENG, INC.	Chicken Essence with Cordyceps Chicken Essence with Cordyceps and Lingzhi	FSIS
32	C-8506	4/26/2008	4/26/2009	Jeanie Wong	RICHIN TRADING, INC.	Crackers (Chicken Flavor) containing chicken extract powder as one of the ingredients to enhance flavor	FSIS
33	C-8555	2/20/2008	2/20/2009	Paul Epstein	PERK UP INC. D/B/A KARI-OUT COMPANY	Granulated Chicken Bouillon	FSIS
34	C-8568	3/25/2008	3/25/2009	Joong Yoo	CJ AMERICA, INC. D/B/A CJ FOODS, INC.	Porridge with Matsutake mushroom containing beef and chicken ingredients	FSIS
35	C-8678	5/9/2008	5/9/2009	Frank Wang	LEE KUM KEE (USA), INC.	Chicken soup base for hot pot	FSIS

Karen A. James-Preston, DVM, MPA
 Director, TTST, Animal Products
 National Center for Import and Export
 Veterinary Services, APHIS
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 (301) 734-6354 Fax



From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Larry M Granger](#); [Jacek Taniewski](#)
cc: [Jones, Ronald](#); [McDermott, Steve](#); [Steven McDermott](#); [Stanley, Mary](#); [Tracye R Butler](#); [Christopher C Robinson](#); [Teresa M Martinez](#); [Lynette D Williams](#); robert.fasulo@fsis.usda.gov; [Stull, Josh](#); [Maurine F Bell](#); [Magde Elshafie](#)
Subject: Fw: Alert to CBP - Poultry Products from China
Date: 01/30/2009 05:42 PM

FYI, to keep everyone abreast of what is occurring. APHIS has sent letters to the permittees below informing them that their VS Import Permits for products containing poultry for human consumption have been cancelled.

1	C-105793	4/7/2008	4/7/2009	Haemock Chung	Charm Creations Inc.	Chicken feather pad	FSIS
2	C-6157	6/20/2008	6/20/09	Toshiaki Wada	Japan Food Hawaii Inc	Soup stock, fried noodles, and rice condiments	FSIS
3	C-6444	6/6/2008	6/6/2009	David Cheung	Kwok Shing Hong	Chicken soup containing chicken extracts	FSIS
4	C-102930	5/24/2008	5/24/2009	Qishu Lin	Northern Food I/E Inc.	Seasoning sauce or soup containing chicken extract	FSIS
5	C-106837	7/29/2008	7/29/2008	Darryl Gee	Sui Rong Tan d/b/a T&H Trading Company	Cooked/marinated chicken eggs AND Cooked duck egg yolk	FSIS
6	C-106965	8/9/2008	8/9/2009	Hidehito Uki	H&U, Inc d/b/a Sun Noodle	Soup base containing chicken and/or pork extract	FSIS
7	C-103915	9/5/2008	9/5/2009	David Cheung	Kwok Shing Hong	Essence of chicken with swallow's nest and cordyceps	FSIS
8	C-101003	9/9/2008	9/9/2009	Masaki Mizuhashi	JMAC TRADING, INC	Dry cup noodle (dry noodle & freeze dried soup block that contained vegetables & meat product of : "Chicken/Pork/Beef Extract", "Lactose", "Pork Extract Powder", "Gelatin", "Lard" and "Egg")	FSIS
9	C-101009	9/10/2008	9/10/2009	Vivian Wang	WEI-CHUAN USA INC.	Various extracts, powders and flavors containing chicken and egg ingredients	FSIS
10	C-101546	12/19/2008	12/19/2009	Jann Futrell	GREENBRIAR INTERNATIONAL, INC	Noodle soup containing beef and/or chicken flavored ingredients	FSIS
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18	C-105814	4/10/2008	4/10/2009	Lauren Berdy	(null)	Freeze dried soup with chicken powder and egg powder	FSIS
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34	C-8568	3/25/2008	3/25/2009	Joong Yoo	CJ AMERICA, INC. D/B/A CJ FOODS, INC.	Porridge with Matsutake mushroom containing beef and chicken ingredients	FSIS
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Karen A. James-Preston, DVM, MPA
 Director, TTST, Animal Products
 National Center for Import and Export
 Veterinary Services, APHIS
 (301) 734-8172 Desk
 (301) 734-6354 Fax

From: [Jere L Dick](#)
 To: [Catherine S Fulton](#)
 cc: [Michael R Doerr](#)
 Subject: Fw: Alert to CBP - Poultry Products form China
 Date: 02/02/2009 07:54 AM

Catherine, A piece for the China briefing today.

Jere L. Dick, DVM
 Associate Deputy Administrator
 Chief of Field Operations
 USDA-APHIS-Veterinary Services
 Washington DC, 20250
 Telephone: 202-720-5193
 Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/02/2009 07:53 AM -----

Karen A James-Preston/MD/APHIS/USDA

To Jere L Dick/MD/APHIS/USDA@USDA, Larry M Granger/CO/APHIS/USDA@USDA, Jacek Taniewski/MD/APHIS/USDA@USDA

01/30/2009 05:41 PM

cc "Jones, Ronald" <Ronald.Jones@fsis.usda.gov>, "McDermott, Steve" <Steve.McDermott@fsis.usda.gov>, "Steven McDermott" <samcder@hotmail.com>, "Stanley, Mary" <Mary.Stanley@fsis.usda.gov>, Tracye R Butler/MD/APHIS/USDA@USDA, Christopher C Robinson/MD/APHIS/USDA@USDA, Teresa M Martinez/MD/APHIS/USDA@USDA, Lynette D Williams/MD/APHIS/USDA@USDA, robert.fasulo@fsis.usda.gov, "Stull, Josh" <Josh.Stull@fsis.usda.gov>, Maurine F Bell/MD/APHIS/USDA@USDA, Magde Elshafie/MD/APHIS/USDA@USDA

Subject Fw: Alert to CBP - Poultry Products form China

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Karen A. James-Preston, DVM, MPA
 Director, TTST, Animal Products
 National Center for Import and Export
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 (301) 734-6354 Fax

From: [Jere L Dick](#)
To: [John Clifford](#)
cc: [Catherine S Fulton](#)
Subject: Fw: Alert! Be prepared to cancel permits on Tuesday.
Date: 02/13/2009 05:47 PM

FYI

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/13/2009 05:45 PM -----

**Karen A James-Preston/
MD/APHIS/USDA**

02/13/2009 04:11 PM

To Tracye R Butler/MD/APHIS/USDA@USDA, Joyce W Bowling-Heyward/MD/APHIS/USDA@USDA, Christopher C Robinson/MD/APHIS/USDA@USDA, Thomas W Burleson/MD/APHIS/USDA@USDA, Pamela A Simpson/MD/APHIS/USDA@USDA, Reed T Rollo/MD/APHIS/USDA@USDA, Kristin L Schmitz/MD/APHIS/USDA@USDA, Shearon Smith/MD/APHIS/USDA@USDA, Lynette D Williams/MD/APHIS/USDA@USDA, Bob H Bokma/MD/APHIS/USDA@USDA, Bambi A Gutierrez/MD/APHIS/USDA@USDA, Magde Elshafie/MD/APHIS/USDA@USDA, Teresa M Martinez/MD/APHIS/USDA@USDA, Kristen R Rohde/MD/APHIS/USDA@USDA, Linda Kahn-Tobin/MD/APHIS/USDA@USDA, Raquel S Boyce/MD/APHIS/USDA@USDA, Karen F Minter/MD/APHIS/USDA@USDA, Valerie D Smith/MD/APHIS/USDA@USDA, Darla J Brown/MD/APHIS/USDA@USDA, Cathy J Chisley/MD/APHIS/USDA@USDA, Geoffrey C Pleasant/MD/APHIS/USDA@USDA, Simone J Dedrick/MD/APHIS/USDA@USDA, Chiquita W Fonville-Caruth/MD/APHIS/USDA@USDA, Mildred Bundy/MD/APHIS/USDA@USDA, Sakina D Watts/MD/APHIS/USDA@USDA, Chante N Tabron/MD/APHIS/USDA@USDA, Shanelle Ford/MD/APHIS/

USDA@USDA, Nicole Stephenson/MD/APHIS/
USDA@USDA, Nekeia Mackey/MD/APHIS/
USDA@USDA

cc Sherylyn R Roberson/MD/APHIS/USDA@USDA,
Freedra E Isaac/MD/APHIS/USDA@USDA, Michael
R Doerrerr/MD/APHIS/USDA@USDA, Gary S
Colgrove/MD/APHIS/USDA@USDA, Michael J
David/MD/APHIS/USDA@USDA, Thomas J Myers/
MD/APHIS/USDA@USDA, Larry M Granger/CO/
APHIS/USDA@USDA, Jere L Dick/MD/APHIS/
USDA@USDA, Waleid I Muhmed/MD/APHIS/
USDA@USDA

Subject Alert! Be prepared to cancel permits on Tuesday.



Staff:

Based on a decision from the Administrator regarding VS permits issued for products containing less than 2% meat (excluding petfood) it appears that a large number of these permits will need to be cancelled because they do not meet FSIS regulations.

Please be sure to come into the office on Tuesday, February 17, 2009, so that we can start the process of cancelling permits. Dr. Butler will be available for all Import Products staff personnel that do not know how to cancel a permit. It looks like there will be approx 300 permits that need to be cancelled and another 200 that will need to receive a letter requesting further information from the permittee. The permits will need to be divided between the individuals in the office on Tuesday. As we know, some cancellation notices will need to be faxed or mailed to the permittees, so those support staff employees (excluding the Export Products Staff due to the Trilateral meeting being held next week) who do not know how to access ePermits can still help by faxing and mailing permit cancellation notice.

I will provide more information on Tuesday,

PS. Freeda, I might need the assistance of some of your employees who are familiar with ePermits.

Sincerely,

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

This section is being referred to FAS.

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From: [Jere L Dick](#)
To: Ronald.jones@fsis.usda.gov; Ron.Hicks@fsis.usda.gov
cc: [John Clifford](#); [Catherine S Fulton](#); [Michael R Doerrer](#)
Subject: Fw: animal products from disease free regions for human consumption
Date: 02/23/2009 04:55 PM

Ron,

I confirmed after our discussion earlier today that we do not issue permits for countries of equivalent status.

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/23/2009 04:52 PM -----

**Thomas J Myers/MD/
APHIS/USDA**

To Christopher C Robinson/MD/APHIS/USDA@USDA,
Jere L Dick/MD/APHIS/USDA@USDA

02/23/2009 04:45 PM

cc karen.a.james-preston@aphis.usda.gov

Subject Re: animal products from disease free regions for
human consumption

Thanks Chris.

Jere, here is confirmation of the information you provided verbally to FSIS earlier today - We have no permit requirements if the country/region has no diseases of concern. If FSIS recognizes the country as equivalent, then the meat/poultry/egg products would be allowed entry.

TJ

Dr. T.J. Myers, Deputy Director for Science and Technology

National Animal Health Policy and Programs
USDA, APHIS, Veterinary Services

4700 River Road; Unit 33
Riverdale, MD 20737

Desk: 301-734-7677

----- (b)(6) -----

▼ Christopher C Robinson/MD/APHIS/USDA

**Christopher C Robinson/
MD/APHIS/USDA**

To Thomas J Myers/MD/APHIS/USDA@USDA

cc karen.a.james-preston@aphis.usda.gov

02/23/2009 04:21 PM

Subject animal products from disease free regions for
human consumption

TJ

As we discussed we do not require import permits from regions we do not have any animal disease concerns with that are for human consumption.

Ex:

1. Poultry from Canada would not need an import from us and this would include eggs, egg products and poultry by-products for human consumption along with pork and beef (we worked out the beef issues with MRR)
2. This would also apply to regions such as Australia and New Zealand. All that would be needed is for the CBP officer to be able to identify that the product originated from those regions upon importation into the US. They would have to be imported directly from those regions (no 3rd party sourcing...i.e South Korea could not export meat or poultry with a certificate just saying the meat/poultry by product was sourced from Australia or NZ)
3. France is another example of a FSIS equivalent region for poultry where we have no poultry disease issues with as they are free of END and now H5N1.
4. However we recognize Spain as free of END and H5N1 so if on importation the CBP officer could see that the poultry material was a product of Spain, Spain is the region of origin, no permit is allowed.

Christopher Robinson, DVM
Assistant Director, Import Products
USDA, APHIS, VS, NCIE
4700 River Road Unit 40
Riverdale, MD 20737
Office 301-734-3277
Fax 301-734-8226
E-mail - Christopher.C.Robinson@aphis.usda.gov

----- This section is being referred to FSIS.

From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Michael J David](#); [Gary S Colgrove](#)
cc: [Karen A James-Preston](#); [Tracye R Butler](#); [Christopher C Robinson](#)
Subject: Fw: APHIS Permits
Date: 03/30/2009 02:30 PM

Before I send this (with a cc to all the usual suspects) I want to run it by you.....

Dear Mr. Shulman,

Thank you for your e-mail concerning the confusion in the trade community related to the differences between the US Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) and the USDA, Food Safety and Inspection Service (FSIS) regarding the importation of food stuffs containing small amounts of meat, poultry and/or egg product ingredients for human consumption. Your email was forwarded to me for response and I appreciate this opportunity to alleviate the confusion.

As you are now aware, both APHIS and FSIS regulate the importation of meat, poultry and/or egg products. APHIS regulates the importation of these products for animal health concerns and FSIS regulates the importation of these products for public health concerns. While certain meat, poultry and/or egg products may be considered FSIS exempted products, they must still meet FSIS' approved sourcing requirements.

When APHIS issues an import permit "Veterinary Services (VS) Form 16-6", "UNITED STATES VETERINARY PERMIT FOR IMPORTATION AND TRANSPORTATION OF CONTROLLED MATERIALS AND ORGANISMS AND VECTORS", it is not an unconditional permit. The permit outlines conditions "restrictions and precautions" that the importer needs to meet in order to import the product. On the permit below the material description there is a bold heading that reads "Restrictions and Precautions for Transporting and Handling Materials and All Derivatives." The first restriction/precaution is the permittee's certification that the imported material will be used in accordance with all the restrictions and precautions specified on the permit. This certified by the permittee's signature. We disagree that changing the title of the import permit may

alleviate confusion. The permittee is responsible for meeting all restrictions and precautions contained on the permit.

Previously, APHIS issued import permits for meat, poultry and/or egg ingredients with a precaution that read: *“The importer is responsible for obtaining any required authorization from the USDA, FSIS. FSIS may have specific public health requirements apart from USDA animal health requirements. Importer to contact (202) 720-9904.”* Often times this precaution was printed on the second page of the import permit. Restrictions and precautions are placed in a specific order on import permits. The first precaution is the signature of the permittee; the second precaution is foreign government documents that must accompany each import and that the Department of Homeland Security, Customs and Border Protection port inspectors are required to inspect, then the rest of the precautions are listed. While no precaution is more important than another, the port inspectors have requested that what they need to inspect be placed first after the permittee’s signature. With regard to using red ink, our ePermits system allows us to e-mail completed permits to importers and they print them out. Our system does not generate the color used by permittees.

APHIS and FSIS agreed that the more conditional FSIS language should be placed on import permits. Therefore, APHIS currently (effective March 09) issues import permits for meat, poultry and/or egg product ingredients with the precaution that reads, *“Importer is also responsible for obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). Meat, poultry, or egg product ingredients used in FSIS-exempted products must be prepared under USDA, FSIS inspection or under a foreign inspection system approved by FSIS. Contact FSIS via e-mail at: permits@fsis.usda.gov or by telephone at: (888) 287-7194 for information regarding approved foreign inspection systems and foreign establishments approved by FSIS to export to the United States. A list of countries eligible to export meat, poultry or egg products to the U.S. is published on the FSIS web site at the following address: http://www.fsis.usda.gov/PDF/Countries_Products_Eligible_for_Export.pdf”* This precaution is usually located on the top of page two of the APHIS import permit.

APHIS and FSIS both believe this language will assist importers of meat,

poultry and/or egg products to meet both APHIS and FSIS import requirements. As you can see, it provides the importer with an FSIS contact telephone and e-mail address.

In addition, those importers who have had their permit renewal requests placed on hold, are having their permits issued with a 90 day “grace period” to come into compliance with FSIS regulations. Please be advised that after June 19, 2009, FSIS will evaluate all applications for FSIS exempted food products containing small amounts of meat, poultry and/or egg product ingredients to determine if the product meets FSIS requirements prior to APHIS issuance.

Once again, APHIS appreciates this opportunity to clear up confusion and we believe that our joint efforts with FSIS will accomplish this. If you have further questions or concerns, please feel free to contact me.

Sincerely,

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

▼ [Jere L Dick/MD/APHIS/USDA](#)

From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Friday, March 27, 2009 10:49 AM
To: Jones, Ronald
Cc: Elon A Pollack; 'Brian Soo Hoo'
Subject: RE: APHIS Permits

Dr. Jones:

We greatly appreciate the willingness of FSIS to conduct outreach for importers. It is something which me and Mr. Uptain have discussed on several occasions. In fact, I am planning on being in Los Angeles towards the end of April to participate in several seminars for importers, possibly including one on FSIS requirements. Accordingly, I am sending a copy of your inquiry and this response to Mr. Brian Soo Hoo, who is a customhouse broker in Los Angeles and who is a member of the L.A. Asian Food Importers Association. Mr. Soo Hoo may be able to arrange a seminar with the Food Importers and/or the LA Customhouse Brokers Association. By this response, I am asking Mr. Soo Hoo to contact you directly to arrange for FSIS participation.

Notwithstanding the outreach effort which FSIS is making, it is still not a substitute for making the necessary changes to the APHIS permits which are the subject of my prior emails to you. FSIS simply cannot expect to reach out to and teach each and every current and future importer about its requirements. So, at any seminar which is conducted, hopefully FSIS will be able to successfully report that it and APHIS have made the necessary changes and corrections to the APHIS permits to avoid future confusion.

Thank you for your continued interest in this matter. Please contact me again if you have any questions or you require additional information.

Bruce N. Shulman, Esq.
Stein Shostak Shostak Pollack & O'Hara
1020 19th Street, N.W., Suite 400
Washington, D.C. 20036

Phone (202) 331-1876

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This section is being referred to FSIS.

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From: [Karen A James-Preston](mailto:Karen.A.James-Preston)
To: bruce@steinshostak.com
cc: Ronald.Jones@fsis.usda.gov; elon@steinshostak.com; KimSeng88@aol.com; brians@soohooob.com; [Jere L Dick](mailto:Jere.L.Dick); [Thomas J Myers](mailto:Thomas.J.Myers); [Michael J David](mailto:Michael.J.David); [Christopher C Robinson](mailto:Christopher.C.Robinson); [Tracye R Butler](mailto:Tracye.R.Butler)
Subject: Fw: APHIS Permits
Date: 03/31/2009 08:34 AM

Dear Mr. Shulman,

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Sincerely,

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

▼ [Jere L Dick/MD/APHIS/USDA](#)

From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Friday, March 27, 2009 10:49 AM
To: Jones, Ronald
Cc: Elon A Pollack; 'Brian Soo Hoo'
Subject: RE: APHIS Permits

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Thank you for your continued interest in this matter. Please contact me again if you have any questions or you require additional information.

Bruce N. Shulman, Esq.
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bshulman@steinshostak.com, and delete the message.

This section is being referred to FSIS.

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From: [Christopher C Robinson](#)
To: [Jere L Dick](#); [Thomas J Myers](#); [Jacek Taniewski](#); [Larry M Granger](#); [Michael J David](#)
cc: [Michael R Doerrer](#); [Karen A James-Preston](#); [Lynette D Williams](#); [Magde Elshafie](#); [Teresa M Martinez](#); Tracye.R.Butler@aphis.usda.gov @ USDA; [Joyce W Bowling-Heyward](#)
Subject: Fw: APHIS Permits
Date: 02/11/2009 09:52 AM

Jere, TJ

Karen is out today. Below is what came in last night from Steve McDermott, our main FSIS contact on this permit issue of FSIS regulated products.

I've not sanitized this email but I did highlight what I thought to be the pertinent points in red.

Below he's basically saying FSIS has decided

1. that all of Asia is not eligible to export meat and poultry to the US based on FSIS equivalence
2. they want us to cancel these permits
3. this will also include egg products HOWEVER FSIS still needs to clarify which products contain a processed egg product before cancelling that permit
4. who from FSIS should contact APHIS to request cancellation of these permits and who should that APHIS contact be.
5. meat/poultry/egg products from FSIS equivalent regions are OK.

We'll get back to Steve on the other particulars of email.

Chris

Christopher Robinson, DVM
Assistant Director, Import Products
USDA, APHIS, VS,NCIE
4700 River Road Unit 40
Riverdale, MD 20737
Office 301-734-3277
Fax 301-734-8226
E-mail - Christopher.C.Robinson@aphis.usda.gov

----- Forwarded by Christopher C Robinson/MD/APHIS/USDA on 02/11/2009 09:33 AM -----

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This section is being referred to FSIS.

----- TM -----

From: [Jere L Dick](#)
To: [Karen A James-Preston](#)
cc: [Michael R Doerrer](#); [Catherine S Fulton](#); [Jack A Shere](#); [Thomas J Myers](#)
Subject: Fw: APHIS Permits
Date: 03/31/2009 01:00 PM

Karen,

Since this individual is a lawyer, we need to proceed cautiously. It would be good to visit with Jack Shere when he gets there and include OGC in some discussion before responding further.

Thanks

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/31/2009 12:57 PM -----

Bruce Shulman
<bruce@steinshostak.com>

03/31/2009 12:08 PM

To "Karen.A.James-Preston@aphis.usda.gov" <Karen.A.James-Preston@aphis.usda.gov>

cc "Ronald.Jones@fsis.usda.gov" <Ronald.Jones@fsis.usda.gov>, Elon A Pollack <elon@steinshostak.com>, "KimSeng88@aol.com" <KimSeng88@aol.com>, "brians@soohoocb.com" <brians@soohoocb.com>, "Jere.L. Dick@aphis.usda.gov" <Jere.L. Dick@aphis.usda.gov>, "Thomas.J. Myers@aphis.usda.gov" <Thomas.J. Myers@aphis.usda.gov>, "Michael.J. David@aphis.usda.gov" <Michael.J. David@aphis.usda.gov>, "Christopher.C.Robinson@aphis.usda.gov" <Christopher.C.Robinson@aphis.usda.gov>, "Tracye.R.Butler@aphis.usda.gov" <Tracye.R.Butler@aphis.usda.gov>

gov" <Tracye.R.Butler@aphis.usda.gov>

Subject RE: APHIS Permits

Dear Dr. James-Preston:

I really do appreciate the attention which FSIS and APHIS have given to this matter. However, what I am asking from the bureaucracy is to try to put yourselves in the place of both importers and U.S. Customs and Border Protection [CBP]. In my position as a lawyer who has worked for both CBP, who now represents importers, and who has over 30 years of experience, I know better than most how both of these groups think and work.

First, when importers, and especially those originally from other countries whose native language is not English, see a document which states, in part, that it is a "Permit for Importation," it makes little difference to them what the rest of this "Permit" states. The word "permit" connotes that the document provides permission to import. That is why the use of that term is confusing and MUST be changed. Your note to me simply provides no rationale or reason for maintaining the use of that word.

Second, while APHIS cannot control the color used by recipients of documents when they are downloaded and printed, APHIS can and should TRANSMIT the cautionary or warning portions in them in red or a similar contrasting color, so those portions will be noticed. Please do not advise me that this cannot be done. It can be done and any responsible information technology person can assist APHIS in accomplishing this task. This cautionary language MUST also be placed somewhere on the first page of the APHIS documents, either at the top or bottom, in either bold, all capital letters, italics or some other method calculated to draw the reader's attention to it.

Third, I appreciate that APHIS has recently made changes in the

cautionary or warning language in the documents it issues. I particularly appreciate the reference to the chart of approved countries on the FSIS website, as well as the identification of the FSIS website and telephone number. Unfortunately, the actual warning language is still not clear and will result in importers continuing to be confused. It is not at all clear to me why the language cannot be simpler. Instead of using the passive voice in the phrase, "Importer is also responsible for," the warning language should consist of short sentences written in the active voice clearly alerting importers to the specific responsibilities they must exercise. I continue to suggest something similar to the following: "This document does not provide an unconditional right to import the products named therein. Before importing the named products, importers must first check with the Food Safety and Inspection Service [FSIS] at USDA to insure that it has approved both the country and manufacturing plant for exports to the United States." Then provide the information on the chart and how to reach FSIS.

Finally, with respect to the responsibilities exercised by CBP, the client I am currently representing was bringing chicken bouillon into the U.S. for five years on valid APHIS permits and having it released by CBP without either China and/or the manufacturing plant involved being approved by FSIS. Certainly, any reasonable person must conclude that there is a problem with CBP's ability to administer the APHIS and FSIS requirements. The "bottom line" is that, given CBP's current priorities and increased responsibilities, it simply does not have the resources to properly administer and enforce most of the laws for which it has responsibility. I will try to be concise in explaining this problem further below.

Starting approximately 20 years ago, imports into the U.S. and exports from the U.S. started to increase exponentially, to the point where CBP was unable to have its inspectors and import specialists physically examine or sample each container or even look at the entry documents. They were forced to adopt completely different systems to inspect and clear goods, including but not limited to risk analysis, and the increased use of computers. Today, the vast majority of Customs entries are filed electronically and most are

judged to be low-risk and are put on "bypass," which results in the duty being finalized or liquidated without them EVER being scrutinized for compliance with laws administered by other agencies.

Further complicating CBP's mission is the fact that since September 11, 2001, the major function of the agency has nothing to do with duty-assessment and collection or the enforcement of laws administered by other agencies. Rather, almost anyone at CBP will advise you that the agency's major function is now the protection of homeland security and the prevention of terrorism. Increasingly, this function consumes a disproportionate amount of CBP's resources.

On top of all of the above, over the last several years, various interest groups have lobbied Congress, and it has acquiesced, in passing laws which CBP is expected to enforce. The policy considerations supporting the passage of the vast majority of these laws clearly warrant enactment of enforcement measures. However, even with an increase in resources, which has not been forthcoming, these laws are so complicated that Customs [or any other agency] cannot properly administer them. These laws include those relating to patents, trademarks and copyrights, those relating to consumer protection [e.g. the Consumer Product Safety Improvement Act], and the new additions to the Lacey Act requiring importers to report on the origin and species of all plant products contained in imported products.

In sum, what I am telling you honestly and candidly, is that no agency should rely mostly or entirely on CBP to enforce its laws at the border because it just can't do the job. Nor will most people at CBP admit to this conclusion, because: First, they are proud of their heritage of enforcing laws at the border, and; second, because it is embarrassing to admit that they cannot properly perform a function which, previously, they performed with relative ease. Is it not better for the lead agency involved [in this case APHIS] to take proper preventative measures, rather than to have CBP catch only a small fraction of violations at the border? The answer is obvious.

So, in closing, I again ask APHIS to do everything in its power to halt

the confusion by doing the following:

1. Cease using the phrase "Permit for Importation" in its documents
2. Make the warning or cautionary language simple and easy to understand
3. Place the warning or cautionary language in a conspicuous place in a manner which is designed to actually alert the reader to its presence

The confusion caused by the APHIS documents has been occurring for many years and, shockingly, I was advised by personnel at FSIS that they have known about this problem for at least 15 years. Yet, until recently little or no corrective action has taken place. Now, I receive a letter advising that some action has been taken, but which, in my considered judgment, will not completely resolve this matter. Accordingly, I ask again that APHIS take the final step by agreeing to the above three suggestions.

Thank you for your consideration and courtesy in the above matter.

Sincerely,

Bruce N. Shulman, Esq.
Stein Shostak Shostak Pollack & O'Hara
1020 19th Street, N.W., Suite 400
Washington, D.C. 20036

Phone (202) 331-1876

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From: Karen.A.James-Preston@aphis.usda.gov [mailto:Karen.A.James-Preston@aphis.usda.gov]
Sent: Tuesday, March 31, 2009 8:33 AM
To: Bruce Shulman
Cc: Ronald.Jones@fsis.usda.gov; Elon A Pollack; KimSeng88@aol.com; brians@soohoo.cb.com; Jere.L.Dick@aphis.usda.gov; Thomas.J.Myers@aphis.usda.gov; Michael.J.David@aphis.usda.gov; Christopher.C.Robinson@aphis.usda.gov; Tracye.R.Butler@aphis.usda.gov
Subject: Fw: APHIS Permits

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gov/PDF/Countries_Products_Eligible_for_Export.pdf” This precaution is usually located on the top of page two of the APHIS import permit.

APHIS and FSIS both believe this language will assist importers of meat, poultry and/or egg products to meet both APHIS and FSIS import requirements. As you can see, it provides the importer with an FSIS contact telephone and e-mail address.

In addition, those importers who have had their permit renewal requests placed on hold, are having their permits issued with a 90 day “grace period” to come into compliance with FSIS regulations. Please be advised that after June 19, 2009, FSIS will evaluate all applications for FSIS exempted food products containing small amounts of meat, poultry and/or egg product ingredients to determine if the product meets FSIS requirements prior to APHIS issuance.

Once again, APHIS appreciates this opportunity to clear up confusion and we believe that our joint efforts with FSIS will accomplish this. If you have further questions or concerns, please feel free to contact me.

Sincerely,

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Friday, March 27, 2009 10:49 AM
To: Jones, Ronald
Cc: Elon A Pollack; 'Brian Soo Hoo'
Subject: RE: APHIS Permits

Dr. Jones:

We greatly appreciate the willingness of FSIS to conduct outreach for importers. It is something which me and Mr. Uptain have discussed on several occasions. In fact, I am planning on being in Los Angeles towards the end of April to participate in several seminars for importers, possibly including one on FSIS requirements. Accordingly, I am sending a copy of your inquiry and this response to Mr. Brian Soo Hoo, who is a customhouse broker in Los Angeles and who is a member of the L.A. Asian Food Importers Association. Mr. Soo Hoo may be able to arrange a seminar with the Food Importers and/or the LA Customhouse Brokers Association. By this response, I am asking Mr. Soo Hoo to contact you directly to arrange for FSIS participation.

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Thank you for your continued interest in this matter. Please contact me again if you have any questions or you require additional information.

Bruce N. Shulman, Esq.
Stein Shostak Shostak Pollack & O'Hara
1020 19th Street, N.W., Suite 400
Washington, D.C. 20036

Phone (202) 331-1876
Fax (202) 331-1877

----- (b)(6) -----

----- inshostak.com -----

This section is being referred to FSIS.

From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Thomas J Myers](#); [Michael J David](#)
cc: [Michael R Doerrer](#); [Christopher C Robinson](#); [Tracye R Butler](#)
Subject: Fw: APHIS Permits
Date: 03/31/2009 02:48 PM

Jere, I spoke with Sheila. She is familiar with this lawyer and is in agreement that we need to put a stop to the continuous emails between APHIS and this lawyer. Since this is not a legal issue, she did not think OGC needed to get involve other than provide guidance. Let me know if the short sweet sentence below works for you.

=====

Mr. Shulman,

Thank you for your concerns and comments, they will be will be taken into consideration as our work progresses.

Sincerely,

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

----- Forwarded by Karen A James-Preston/MD/APHIS/USDA on 03/31/2009 02:24 PM -----

Bruce Shulman
<bruce@steinshostak.com>

03/31/2009 12:08 PM

To "Karen.A.James-Preston@aphis.usda.gov" <Karen.A.James-Preston@aphis.usda.gov>

cc "Ronald.Jones@fsis.usda.gov" <Ronald.Jones@fsis.usda.gov>, Elon A Pollack <elon@steinshostak.com>, "KimSeng88@aol.com" <KimSeng88@aol.com>, "brians@soohoo.com" <brians@soohoo.com>, "Jere.L. Dick@aphis.usda.gov" <Jere.L. Dick@aphis.usda.gov>, "Thomas.J. Myers@aphis.usda.gov" <Thomas.J. Myers@aphis.usda.gov>, "Michael.J. David@aphis.usda.gov" <Michael.J. David@aphis.usda.gov>, "Christopher.C.Robinson@aphis.usda.gov" <Christopher.C.Robinson@aphis.usda.gov>, "Tracye.R.Butler@aphis.usda.gov" <Tracye.R.Butler@aphis.usda.gov>

Subject RE: APHIS Permits

Dear Dr. James-Preston:

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First, when importers, and especially those originally from other countries whose native language is not English, see a document which states, in part, that it is a "Permit for Importation," it makes little difference to them what the rest of this "Permit" states. The word "permit" connotes that the document provides permission to import. That is why the use of that term is confusing and MUST be changed. Your note to me simply provides no rationale or reason for maintaining the use of that word.

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Finally, with respect to the responsibilities exercised by CBP, the client I am currently representing was bringing chicken bouillon into the U.S. for five years on valid APHIS permits and having it released by CBP without either China and/or the manufacturing plant involved being approved by FSIS. Certainly, any reasonable person must conclude that there is a problem with CBP's ability to administer the APHIS and FSIS requirements. The "bottom line" is that, given CBP's current priorities and increased responsibilities, it simply does not have the resources to properly

administer and enforce most of the laws for which it has responsibility. I will try to be concise in explaining this problem further below.

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conclusion, because: First, they are proud of their heritage of enforcing laws at the border, and; second, because it is embarrassing to admit that they cannot properly perform a function which, previously, they performed with relative ease. Is it not better for the lead agency involved [in this case APHIS] to take proper preventative measures, rather than to have CBP catch only a small fraction of violations at the border? The answer is obvious.

So, in closing, I again ask APHIS to do everything in its power to halt the confusion by doing the following:

1. Cease using the phrase "Permit for Importation" in its documents
2. Make the warning or cautionary language simple and easy to understand
3. Place the warning or cautionary language in a conspicuous place in a manner which is designed to actually alert the reader to its presence

The confusion caused by the APHIS documents has been occurring for many years and, shockingly, I was advised by personnel at FSIS that they have known about this problem for at least 15 years. Yet, until recently little or no corrective action has taken place. Now, I receive a letter advising that some action has been taken, but which, in my considered judgment, will not completely resolve this matter. Accordingly, I ask again that APHIS take the final step by agreeing to the above three suggestions.

Thank you for your consideration and courtesy in the above matter.

Sincerely,

Bruce N. Shulman, Esq.
Stein Shostak Shostak Pollack & O'Hara
1020 19th Street, N.W., Suite 400
Washington, D.C. 20036

Phone (202) 331-1876

Fax (202) 331-1877

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From: Karen.A.James-Preston@aphis.usda.gov [mailto:Karen.A.James-Preston@aphis.usda.gov]

Sent: Tuesday, March 31, 2009 8:33 AM

To: Bruce Shulman

Cc: Ronald.Jones@fsis.usda.gov; Elon A Pollack; KimSeng88@aol.com; brians@soohocb.com; Jere.L.Dick@aphis.usda.gov; Thomas.J.Myers@aphis.usda.gov; Michael.J.David@aphis.usda.gov; Christopher.C.Robinson@aphis.usda.gov; Tracye.R.Butler@aphis.usda.gov

Subject: Fw: APHIS Permits

Dear Mr. Shulman,

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As you are now aware, both APHIS and FSIS regulate the importation of meat, poultry and/or egg products. APHIS regulates the importation of these products for animal health concerns and FSIS regulates the importation of these products for public health concerns. While certain meat, poultry and/or egg products may be considered FSIS exempted products, they must still meet FSIS' approved sourcing requirements.

When APHIS issues an import permit "Veterinary Services (VS) Form 16-

6", "UNITED STATES VETERINARY PERMIT FOR IMPORTATION AND TRANSPORTATION OF CONTROLLED MATERIALS AND ORGANISMS AND VECTORS", it is not an unconditional permit. The permit outlines conditions "restrictions and precautions" that the importer needs to meet in order to import the product. On the permit below the material description there is a bold heading that reads "Restrictions and Precautions for Transporting and Handling Materials and All Derivatives." The first restriction/precaution is the permittee's certification that the imported material will be used in accordance with all the restrictions and precautions specified on the permit. This certified by the permittee's signature. We disagree that changing the title of the import permit may alleviate confusion. The permittee is responsible for meeting all restrictions and precautions contained on the permit.

Previously, APHIS issued import permits for meat, poultry and/or egg ingredients with a precaution that read: *"The importer is responsible for obtaining any required authorization from the USDA, FSIS. FSIS may have specific public health requirements apart from USDA animal health requirements. Importer to contact (202) 720-9904."* Often times this precaution was printed on the second page of the import permit. Restrictions and precautions are placed in a specific order on import permits. The first precaution is the signature of the permittee; the second precaution is foreign government documents that must accompany each import and that the Department of Homeland Security, Customs and Border Protection port inspectors are required to inspect, then the rest of the precautions are listed. While no precaution is more important than another, the port inspectors have requested that what they need to inspect be placed first after the permittee's signature. With regard to using red ink, our ePermits system allows us to e-mail completed permits to importers and they print them out. Our system does not generate the color used by permittees.

APHIS and FSIS agreed that the more conditional FSIS language should be placed on import permits. Therefore, APHIS currently (effective March 09) issues import permits for small amounts of meat, poultry and/or egg product ingredients with the precaution that reads, *"Importer is also responsible for obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). Meat, poultry, or egg product ingredients used in FSIS-exempted products must be prepared under USDA, FSIS inspection or*

under a foreign inspection system approved by FSIS. Contact FSIS via e-mail at: permits@fsis.usda.gov or by telephone at: (888) 287-7194 for information regarding approved foreign inspection systems and foreign establishments approved by FSIS to export to the United States. A list of countries eligible to export meat, poultry or egg products to the U.S. is published on the FSIS web site at the following address: http://www.fsis.usda.gov/PDF/Countries_Products_Eligible_for_Export.pdf” This precaution is usually located on the top of page two of the APHIS import permit.

APHIS and FSIS both believe this language will assist importers of meat, poultry and/or egg products to meet both APHIS and FSIS import requirements. As you can see, it provides the importer with an FSIS contact telephone and e-mail address.

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Sincerely,

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Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Friday, March 27, 2009 10:49 AM
To: Jones, Ronald
Cc: Elon A Pollack; 'Brian Soo Hoo'
Subject: RE: APHIS Permits

Dr. Jones:

We greatly appreciate the willingness of FSIS to conduct outreach for importers. It is something which me and Mr. Uptain have discussed on several occasions. In fact, I am planning on being in Los Angeles towards the end of April to participate in several seminars for importers, possibly including one on FSIS requirements. Accordingly, I am sending a copy of your inquiry and this response to Mr. Brian Soo Hoo, who is a customhouse broker in Los Angeles and who is a member of the L.A. Asian Food Importers Association. Mr. Soo Hoo may be able to arrange a seminar with the Food Importers and/or the LA Customhouse Brokers Association. By this response, I am asking Mr. Soo Hoo to contact you directly to arrange for FSIS participation.

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Stein Shostak Shostak Pollack & O'Hara
1020 19th Street, N.W., Suite 400
Washington, D.C. 20036

Phone (202) 331-1876

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----- inshostak.com

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-

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From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Thomas J Myers](#); [Michael J David](#)
cc: [Tracye R Butler](#); [Christopher C Robinson](#)
Subject: Fw: APHIS Permits
Date: 03/31/2009 01:05 PM
Importance: High
Mood Stamp: Confidential

Jere,

This is ridiculous and verging on insanity. I am not sure if this lawyer gets paid by the hour or by the word. I am not sure how you want to handle this but it is apparent that this lawyer wants to dictate to USDA what he thinks we should and should not do. I do not think I need to waste my or my staffs' time and energy responding "tid for tat" on each point Mr. Shulman makes when he is just going to send another email. I hate so say this but is there any way we can get Tom and Sheila, OGC involved?

With respect to the FSIS language, it is funny that Ron Jones is silent. I agree that the language can be simplified, but it is the language FSIS provided to APHIS. I also agree that this overall FSIS involvement with APHIS import permits is confusing. As you know, APHIS is still trying to figure out what FSIS's intent is and what they want to do with respect to regulating small amounts of animal origin products. (meeting scheduled for Friday with FSIS here in Riverdale). That said, there is nothing APHIS can do except work with FSIS. If I had my druthers, FSIS would be drafting their own import permits or as the lawyer wants "certifications" and the language on our permits would be changed to reflect that imports of small amounts of animal origin products can only enter if they are accompanied by 2 permits, one for FSIS and one for APHIS (similar to CITES permits). However, we both know this is not going to happen.

Sincerely,

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk

(301) 734-6354 Fax

----- Forwarded by Karen A James-Preston/MD/APHIS/USDA on 03/31/2009 12:03 PM -----

Bruce Shulman
<bruce@steinshostak.com>

03/31/2009 12:08 PM

To "Karen.A.James-Preston@aphis.usda.gov" <Karen.A.James-Preston@aphis.usda.gov>

cc "Ronald.Jones@fsis.usda.gov" <Ronald.Jones@fsis.usda.gov>, Elon A Pollack <elon@steinshostak.com>, "KimSeng88@aol.com" <KimSeng88@aol.com>, "brians@soohoo.cb.com" <brians@soohoo.cb.com>, "Jere.L.Dick@aphis.usda.gov" <Jere.L.Dick@aphis.usda.gov>, "Thomas.J.Myers@aphis.usda.gov" <Thomas.J.Myers@aphis.usda.gov>, "Michael.J.David@aphis.usda.gov" <Michael.J.David@aphis.usda.gov>, "Christopher.C.Robinson@aphis.usda.gov" <Christopher.C.Robinson@aphis.usda.gov>, "Tracye.R.Butler@aphis.usda.gov" <Tracye.R.Butler@aphis.usda.gov>

Subject RE: APHIS Permits

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Phone (202) 331-1876

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Sent: Tuesday, March 31, 2009 8:33 AM

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Subject: Fw: APHIS Permits

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meet FSIS' approved sourcing requirements.

When APHIS issues an import permit "Veterinary Services (VS) Form 16-6", "UNITED STATES VETERINARY PERMIT FOR IMPORTATION AND TRANSPORTATION OF CONTROLLED MATERIALS AND ORGANISMS AND VECTORS", it is not an unconditional permit. The permit outlines conditions "restrictions and precautions" that the importer needs to meet in order to import the product. On the permit below the material description there is a bold heading that reads "Restrictions and Precautions for Transporting and Handling Materials and All Derivatives." The first restriction/precaution is the permittee's certification that the imported material will be used in accordance with all the restrictions and precautions specified on the permit. This certified by the permittee's signature. We disagree that changing the title of the import permit may alleviate confusion. The permittee is responsible for meeting all restrictions and precautions contained on the permit.

Previously, APHIS issued import permits for meat, poultry and/or egg ingredients with a precaution that read: "*The importer is responsible for obtaining any required authorization from the USDA, FSIS. FSIS may have specific public health requirements apart from USDA animal health requirements. Importer to contact (202) 720-9904.*" Often times this precaution was printed on the second page of the import permit. Restrictions and precautions are placed in a specific order on import permits. The first precaution is the signature of the permittee; the second precaution is foreign government documents that must accompany each import and that the Department of Homeland Security, Customs and Border Protection port inspectors are required to inspect, then the rest of the precautions are listed. While no precaution is more important than another, the port inspectors have requested that what they need to inspect be placed first after the permittee's signature. With regard to using red ink, our ePermits system allows us to e-mail completed permits to importers and they print them out. Our system does not generate the color used by permittees.

APHIS and FSIS agreed that the more conditional FSIS language should be placed on import permits. Therefore, APHIS currently (effective March 09) issues import permits for small amounts of meat, poultry and/or egg product ingredients with the precaution that reads, "*Importer is also responsible for*

obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). Meat, poultry, or egg product ingredients used in FSIS-exempted products must be prepared under USDA, FSIS inspection or under a foreign inspection system approved by FSIS. Contact FSIS via e-mail at: permits@fsis.usda.gov or by telephone at: (888) 287-7194 for information regarding approved foreign inspection systems and foreign establishments approved by FSIS to export to the United States. A list of countries eligible to export meat, poultry or egg products to the U.S. is published on the FSIS web site at the following address: http://www.fsis.usda.gov/PDF/Countries_Products_Eligible_for_Export.pdf” This precaution is usually located on the top of page two of the APHIS import permit.

APHIS and FSIS both believe this language will assist importers of meat, poultry and/or egg products to meet both APHIS and FSIS import requirements. As you can see, it provides the importer with an FSIS contact telephone and e-mail address.

In addition, those importers who have had their permit renewal requests placed on hold, are having their permits issued with a 90 day “grace period” to come into compliance with FSIS regulations. Please be advised that after June 19, 2009, FSIS will evaluate all applications for FSIS exempted food products containing small amounts of meat, poultry and/or egg product ingredients to determine if the product meets FSIS requirements prior to APHIS issuance.

Once again, APHIS appreciates this opportunity to clear up confusion and we believe that our joint efforts with FSIS will accomplish this. If you have further questions or concerns, please feel free to contact me.

Sincerely,

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Friday, March 27, 2009 10:49 AM
To: Jones, Ronald
Cc: Elon A Pollack; 'Brian Soo Hoo'
Subject: RE: APHIS Permits

Dr. Jones:

We greatly appreciate the willingness of FSIS to conduct outreach for importers. It is something which me and Mr. Uptain have discussed on several occasions. In fact, I am planning on being in Los Angeles towards the end of April to participate in several seminars for importers, possibly including one on FSIS requirements. Accordingly, I am sending a copy of your inquiry and this response to Mr. Brian Soo Hoo, who is a customhouse broker in Los Angeles and who is a member of the L.A. Asian Food Importers Association. Mr. Soo Hoo may be able to arrange a seminar with the Food Importers and/or the LA Customhouse Brokers Association. By this response, I am asking Mr. Soo Hoo to contact you directly to arrange for FSIS participation.

Notwithstanding the outreach effort which FSIS is making, it is still not a substitute for making the necessary changes to the APHIS permits which are the subject of my prior emails to you. FSIS simply cannot expect to reach out to and teach each and every current and future importer about its requirements. So, at any seminar which is conducted, hopefully FSIS will be able to successfully report that it and APHIS have made the necessary changes and corrections to the APHIS permits to avoid future confusion.

Thank you for your continued interest in this matter. Please contact me again if you have any questions or you require additional information.

Bruce N. Shulman, Esq.
Stein Shostak Shostak Pollack & O'Hara
1020 19th Street, N.W., Suite 400

Washington, D.C. 20036

Phone (202) 331-1876

----- (b)(6) -----

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-

----- This section is being referred to FSIS. -----

This section is being referred to FSIS.

From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Michael R Doerrer](#); [Michael J David](#); [Jack A Shere](#)
Subject: Fw: APHIS Permits
Date: 03/25/2009 10:42 AM

FYI

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/25/2009 10:40 AM -----

Bruce Shulman

<bruce@steinshostak.com>

03/25/2009 10:39 AM

To "Jones, Ronald" <Ronald.Jones@fsis.usda.gov>

cc Elon A Pollack <elon@steinshostak.com>, "KimSeng88@aol.com" <KimSeng88@aol.com>, Brian Soo Hoo <brians@soohoo.com>, "Jere.L. Dick@aphis.usda.gov" <Jere.L. Dick@aphis.usda.gov>

Subject RE: APHIS Permits

Thanks again. I will advise all in the importing community that USDA is working on changes. But please, try hard not to disappoint us.

Bruce N. Shulman, Esq.
Stein Shostak Shostak Pollack & O'Hara
1020 19th Street, N.W., Suite 400
Washington, D.C. 20036

Phone (202) 331-1876

Fax (202) 331-1877

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This section is being referred to FSIS.

From: Bruce Shulman [mailto:bruce@steinshostak.com]

Sent: Wednesday, March 25, 2009 10:24 AM
To: Jones, Ronald
Cc: Elon A Pollack; KimSeng88@aol.com; Brian Soo Hoo; Jere.L. Dick@aphis.usda.gov
Subject: RE: APHIS Permits

Dr. Jones:

Thank you for your continued interest and your prompt response. APHIS needs to understand the confusion caused by the documents it is issuing. It should have been apparent to someone at USDA long before now that changes needed to be made. All I can tell you and the other folks at USDA is that there is a very simple solution, and that if the bureaucracy fails to move on this, I will. Hopefully, I will hear from someone at one of the agencies involved that my suggestions have been adopted and that the confusion will thereby be minimized. I do not want to find myself testifying at a Congressional hearing about a problem which can and should be resolved at a relatively low level in government. Let's make government work for us and not against us.

Thanks again,

Bruce N. Shulman, Esq.
Stein Shostak Shostak Pollack & O'Hara
1020 19th Street, N.W., Suite 400
Washington, D.C. 20036

Phone (202) 331-1876

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This section is being referred to FSIS.

From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Tuesday, March 24, 2009 7:12 PM
To: Jones, Ronald
Cc: Elon A Pollack; KimSeng88@aol.com; 'Brian Soo Hoo'
Subject: RE: APHIS Permits

Mr. Jones:

It is a pleasure to finally hear from someone who appears to be working to alleviate the confusion in the trade community caused by the lack of understanding which importers (and particularly those who were born overseas) have concerning the differences between

APHIS and FSIS. This confusion has been considerably exacerbated by two things:

First, the phrase "Import Permit" is in the title of the APHIS documents issued to importers. The presence of this phrase induces importers into believing that the document purports to grant what it states – i.e., an unconditional permit to import the goods named therein from the vendor named therein. This first source of confusion can be entirely eliminated by changing the title of these documents to delete the phrase "Import Permit." Something else, such as "APHIS Certification" can and should be substituted in place of the phrase "Import Permit."

Second, while the APHIS documents being issued do have language which attempts to alert importers that FSIS requirements must be met, IN ADDITION to those enforced by APHIS, the language is neither clear nor is it prominent. The language needs to be placed not towards the end of the document in the same size and color ink as is used in the remainder of the document but, instead, towards the front of the document, in a larger font and preferably in red ink. Additionally, the document must contain a clear warning such as: "This document does not provide the party to whom it is issued with an unconditional right to import the product named therein. The Food Safety and Inspection Service (FSIS), another USDA agency, must first have approved as equivalent to those used in the US, the processing operations generally used in the country of origin, AS WELL as those used by the vendor or manufacturer named in this document. For a chart of approved products from particular countries and vendors, contact FSIS's website at _____ or call FSIS at _____."

I agree that requiring applicants to attest to the source of their imports when applying for APHIS approval will be a big step forward. However, as I understand things, APHIS has always issued these "Permits," without first checking to see if they were for products from an FSIS approved country and vendor. If APHIS is now of the view that they WILL NOT issue these documents without first ascertaining that the products are from approved FSIS countries and vendors, that

would certainly also cure the problem. However, if this is the method used to cure the confusion, then in any permit denial, APHIS would be required to explain that while the proposed import met its requirements, it did not meet those administered by FSIS.

I am informed that FSIS has known about the above confusion for many years but, thus far, has not taken steps to alleviate it. Additionally, I have been personally advised that many in the import community are importing prohibited products not because they are attempting to intentionally violate the law, but because they are genuinely confused into believing that what purports to be an "Import Permit" does not actually grant them the right to import anything. Obviously, taking care of this matter now will alleviate the strain on FSIS's and Customs' resources which are being used to recall and to destroy products which are entered illegally. It will also put innocent importers on notice and, more importantly, should result in those who are caught being the truly "bad guys" who are intentionally flaunting government requirements. Finally, what could be better than being able to report to Congress at a time that food safety is under a legislative microscope, that USDA has taken care of a problem which has been causing confusion? I think fixing this matter is a win-win situation for everyone involved. Hopefully, you agree.

Please contact me if you have any questions or you require additional information.

Bruce N. Shulman, Esq.
Stein Shostak Shostak Pollack & O'Hara
1020 19th Street, N.W., Suite 400
Washington, D.C. 20036

Phone (202) 331-1876
Fax (202) 331-1877

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This section is being referred to FSIS. ,

This section is being referred to FSIS.

From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Michael J David](#); [Jill B Rolland](#); Ronald.Jones@fsis.usda.gov
Subject: Fw: APHIS Permits
Date: 03/27/2009 12:07 PM

TJ/Michael,

Could you assist Ron with his questions today. I am tied up in meetings.
Thanks!

(We understand that the form is an OMB form and would take a long time to change)

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/27/2009 12:03 PM -----

This section is being referred to FSIS.

This section is being referred to FSIS.

From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Friday, March 27, 2009 10:49 AM
To: Jones, Ronald
Cc: Elon A Pollack; 'Brian Soo Hoo'
Subject: RE: APHIS Permits

Dr. Jones:

We greatly appreciate the willingness of FSIS to conduct outreach for importers. It is something which me and Mr. Uptain have discussed on several occasions. In fact, I am planning on being in Los Angeles towards the end of April to participate in several seminars for importers, possibly including one on FSIS requirements. Accordingly, I am sending a copy of your inquiry and this response to Mr. Brian Soo Hoo, who is a customhouse broker in Los Angeles and who is a member of the L.A. Asian Food Importers Association. Mr. Soo Hoo may be able to arrange a seminar with the Food Importers and/or the LA Customhouse Brokers Association. By this response, I am asking Mr. Soo Hoo to contact you directly to arrange for FSIS participation.

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From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Michael R Doerr](#); [Michael J David](#); [Jack A Shere](#); Ronald.Jones@fsis.usda.gov;
[John Clifford](#); [Catherine S Fulton](#)
Subject: Fw: APHIS Permits
Date: 03/25/2009 10:33 AM

Tj,

We will need to take this gentlemen's thoughts into consideration as we work through the changes that will occur in the next 90 days with FSIS. I have copied Jack S as an FYI since he is coming in next week, and will continue to do so on other issues just as an FYI for him.

Please address as you work with the technical folks in NCIE and FSIS.
Thanks

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/25/2009 10:26 AM -----

Bruce Shulman
<bruce@steinshostak.com>

03/25/2009 10:24 AM

To "Jones, Ronald" <Ronald.Jones@fsis.usda.gov>

cc [Elon A Pollack <Elon.A.Pollack@steinshostak.com>](mailto:Elon.A.Pollack@steinshostak.com), "KimSeng88@aol.com" <KimSeng88@aol.com>, [Brian Soo Hoo <Brian.SooHoo@soohoo.com>](mailto:Brian.SooHoo@soohoo.com), "[Jere.L. Dick@aphis.usda.gov](mailto:Jere.L.Dick@aphis.usda.gov)" <[Jere.L. Dick@aphis.usda.gov](mailto:Jere.L.Dick@aphis.usda.gov)>

Subject RE: APHIS Permits

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Thanks again,

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From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Tuesday, March 24, 2009 7:12 PM
To: Jones, Ronald
Cc: Elon A Pollack; KimSeng88@aol.com; 'Brian Soo Hoo'
Subject: RE: APHIS Permits

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Please contact me if you have any questions or you require additional information.

Bruce N. Shulman, Esq.
Stein Shostak Shostak Pollack & O'Hara
1020 19th Street, N.W., Suite 400
Washington, D.C. 20036

Phone (202) 331-1876
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----- This section is being referred to FSIS. -----

This section is being referred to FSIS.

From: [Jere L Dick](#)
To: [John Clifford](#); [Catherine S Fulton](#)
cc: [Byron E Rippke](#)
Subject: Fw: APHIS Permits
Date: 03/31/2009 08:38 AM

Just FYI.....this is the only blip we have seen from customers for the Trace Amounts Permits.....

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/31/2009 08:36 AM -----

**Karen A James-
Preston/MD/APHIS/
USDA**

03/31/2009 08:33 AM

To bruce@steinshostak.com

cc Ronald.Jones@fsis.usda.gov, elon@steinshostak.com,
KimSeng88@aol.com, brians@soohoo.com, Jere L
Dick/MD/APHIS/USDA@USDA, Thomas J Myers/MD/
APHIS/USDA@USDA, Michael J David/MD/APHIS/
USDA@USDA, Christopher C Robinson/MD/APHIS/
USDA@USDA, Tracye R Butler/MD/APHIS/USDA@USDA

Subject Fw: APHIS Permits

Dear Mr. Shulman,

Thank you for your e-mail concerning the confusion in the trade community related to the differences between the US Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) and the USDA, Food Safety and Inspection Service (FSIS) regarding the importation of food stuffs containing small amounts of meat, poultry and/or egg product ingredients for human consumption. Your email was forwarded to me for response and I appreciate this opportunity to alleviate the confusion.

As you are now aware, both APHIS and FSIS regulate the importation of meat, poultry and/or egg products. APHIS regulates the importation of these products for animal health concerns and FSIS regulates the importation of these products for public health concerns. While certain meat, poultry and/or egg products may be considered FSIS exempted products, they must still meet FSIS' approved sourcing requirements.

When APHIS issues an import permit "Veterinary Services (VS) Form 16-6", "UNITED STATES VETERINARY PERMIT FOR IMPORTATION AND TRANSPORTATION OF CONTROLLED MATERIALS AND ORGANISMS AND VECTORS", it is not an unconditional permit. The permit outlines conditions "restrictions and precautions" that the importer needs to meet in order to import the product. On the permit below the material description there is a bold heading that reads "Restrictions and Precautions for Transporting and Handling Materials and All Derivatives." The first restriction/precaution is the permittee's certification that the imported material will be used in accordance with all the restrictions and precautions specified on the permit. This is certified by the permittee's signature. We disagree that changing the title of the import permit may alleviate confusion. The permittee is responsible for meeting all restrictions and precautions contained on the permit.

Previously, APHIS issued import permits for meat, poultry and/or egg ingredients with a precaution that read: "*The importer is responsible for obtaining any required authorization from the USDA, FSIS. FSIS may have specific public health requirements apart from USDA animal health requirements. Importer to contact (202) 720-9904.*" Often times this precaution was printed on the second page of the import permit. Restrictions and precautions are placed in a specific order on import permits. The first precaution is the signature of the permittee; the second precaution is foreign government documents that must accompany each import and that the Department of Homeland Security, Customs and Border Protection port inspectors are required to inspect, then the rest of the precautions are listed. While no precaution is more important than another, the port inspectors have requested that what they need to inspect be placed first after the permittee's signature. With regard to using red ink, our ePermits system allows us to e-mail completed permits to importers and they print them out. Our system

does not generate the color used by permittees.

APHIS and FSIS agreed that the more conditional FSIS language should be placed on import permits. Therefore, APHIS currently (effective March 09) issues import permits for small amounts of meat, poultry and/or egg product ingredients with the precaution that reads, *“Importer is also responsible for obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). Meat, poultry, or egg product ingredients used in FSIS-exempted products must be prepared under USDA, FSIS inspection or under a foreign inspection system approved by FSIS. Contact FSIS via e-mail at: permits@fsis.usda.gov or by telephone at: (888) 287-7194 for information regarding approved foreign inspection systems and foreign establishments approved by FSIS to export to the United States. A list of countries eligible to export meat, poultry or egg products to the U.S. is published on the FSIS web site at the following address: http://www.fsis.usda.gov/PDF/Countries_Products_Eligible_for_Export.pdf”* This precaution is usually located on the top of page two of the APHIS import permit.

APHIS and FSIS both believe this language will assist importers of meat, poultry and/or egg products to meet both APHIS and FSIS import requirements. As you can see, it provides the importer with an FSIS contact telephone and e-mail address.

In addition, those importers who have had their permit renewal requests placed on hold, are having their permits issued with a 90 day “grace period” to come into compliance with FSIS regulations. Please be advised that after June 19, 2009, FSIS will evaluate all applications for FSIS exempted food products containing small amounts of meat, poultry and/or egg product ingredients to determine if the product meets FSIS requirements prior to APHIS issuance.

Once again, APHIS appreciates this opportunity to clear up confusion and we believe that our joint efforts with FSIS will accomplish this. If you have further questions or concerns, please feel free to contact me.

Sincerely,

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
(301) 734-8172 Desk
(301) 734-6354 Fax

▼ Jere L Dick/MD/APHIS/USDA

From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Friday, March 27, 2009 10:49 AM
To: Jones, Ronald
Cc: Elon A Pollack; 'Brian Soo Hoo'
Subject: RE: APHIS Permits

Dr. Jones:

We greatly appreciate the willingness of FSIS to conduct outreach for importers. It is something which me and Mr. Uptain have discussed on several occasions. In fact, I am planning on being in Los Angeles towards the end of April to participate in several seminars for importers, possibly including one on FSIS requirements. Accordingly, I am sending a copy of your inquiry and this response to Mr. Brian Soo Hoo, who is a customhouse broker in Los Angeles and who is a member of the L.A. Asian Food Importers Association. Mr. Soo Hoo may be able to arrange a seminar with the Food Importers and/or the LA Customhouse Brokers Association. By this response, I am asking Mr. Soo Hoo to contact you directly to arrange for FSIS participation.

Notwithstanding the outreach effort which FSIS is making, it is still not a substitute for making the necessary changes to the APHIS permits which are the subject of my prior emails to you. FSIS simply cannot expect to reach out to and teach each and every current and future importer about its requirements. So, at any seminar which is conducted, hopefully FSIS will be able to successfully report that it and APHIS have made the necessary changes and corrections to the