

From: [Karen A James-Preston](#)
To: [Larry M Granger](#); [Jere L Dick](#)
cc: [Jacek Taniewski](#); [Christopher C Robinson](#); [Tracye R Butler](#); [Teresa M Martinez](#);
[Maurine F Bell](#); [Magde Elshafie](#); [Lynette D Williams](#); [Michael R Doerrer](#)
Subject: 8 companies total 160 shipments from China
Date: 01/30/2009 01:04 PM

1. Nissin Foods, USA Co. Inc.
2. T and H Trading Company, Inc.
3. American Tohkin Enterprise
4. Nestles USA, Inc.
5. Golden Int. Import & Export
6. Wei-Chuan, USA, Inc
7. Madison one Acme, Inc
8. Designpac Gifts LLC

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: [Karen A James-Preston](#)
To: [Jere L Dick](#)
cc: [Larry M Granger](#); [Christopher C Robinson](#); [Tracye R Butler](#)
Subject: Can you have someone from FSIS that knows what is going on to contact me...
Date: 01/30/2009 01:23 PM

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](#); [Michael R Doerrer](#); [Lynn Alfalla](#)
cc: [Tracye R Butler](#); [Christopher C Robinson](#); [Lynn Alfalla](#); [Theresa Boyle](#); [Teresa M Martinez](#); [Kristin L Schmitz](#); [Jacek Taniewski](#); [Maurine F Bell](#); [Joyce W Bowling-Heyward](#)
Subject: China
Date: 01/30/2009 12:57 PM

1. Question: Total number of shipments under the permits?

Answer: At this time we can not tell you the exact number of shipments that have cleared our ports ...but so far this is what we know... approximately 160 shipments have come in under 7 companies identified on the permits this is for Sept 2007 thru January 29, 2009. If you want the company names...we will sent them in another email.

2. Question: Any Shipments Stopped?

Answer: NO.....not at this time....APHIS has not stopped any shipments... CBP will not take any actions until Maurine tells them. Below is the language we drafted for Maurine to forward to CBP.

We need to let the importers know that we are cancelling their permits... Tracye is drafting language for cover letters to the permittees.

We need to let the Chinese government know that we are "refusing entry of poultry products from China that are for human consumption. Kristin is contacting Dr. Osvaldo Perez, Foreign Service National, China. Please note that this is the Chinese Lunar New Year so the government is closed in China.

I have been trying to get in touch with FSIS to determine if they have gotten to their ports to stop products.....no one is responding to voice messages or email....I am continuing to contact FSIS...Maurine does not know what FSIS is doing at the ports either.

Below is the language we will send Maurine to sent to CBP...I need your approval:

Maurine

*Please let CBP
know the following:*

*Effective
immediately CBP is
to refuse entry
(reexport or
destroy) 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 referred to
FSIS personnel at
the ports of
entry.*

*VS is in the
process of
canceling these
permits.*

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

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From: [Michael R Doerrer](#)
To: [Jere L Dick](#)
Subject: China Poultry Briefing
Date: 01/28/2009 01:58 PM
Attachments: [China poultry briefing.doc](#)

Jere,

Attached is the final briefing paper. I placed the permit directly into this file.



[China poultry briefing.doc](#)

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

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

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amy.r.spillman@aphis.usda.gov

▼ 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 Doerrrer/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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National Animal Health Policy and Programs
USDA-APHIS-Veterinary Services
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Riverdale, MD 20737

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Fax: 301-734-8818

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.

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Director, TTST, Animal Products
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▼ 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: [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
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[- Chinese_chicken_group_letter_final.url](#)

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](#)

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▼ 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

----- "-----

----- "-----

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

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 form 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
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 C hu	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
 (301) 734-8172 Desk
 (301) 734-6354 Fax

From: [Karen A James-Preston](#)
To: [Theresa Boyle](#)
cc: [Jere L Dick](#); [Larry M Granger](#); [Christopher C Robinson](#); [Tracye R Butler](#)
Subject: Fw: Alert to CBP - Poultry Products form China
Date: 01/30/2009 05:06 PM

Theresa,

Below refers to the previous email I just sent regarding APHIS notifying our people in Beijing.

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 04:56 PM -----

This section is being referred to FSIS.

Karen A James-Preston/MD/APHIS/USDA

01/30/2009 04:49 PM

To: Jere L Dick/MD/APHIS/USDA, Larry M Granger/CO/APHIS/USDA, Jacek Taniewski/MD/APHIS/USDA
cc: robert.fasulo@fsis.usda.gov, "Stull, Josh" <Josh.Stull@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
Subject: Fw: Alert to CBP - Poultry Products form China

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
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(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

01/30/2009 03:54 PM

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
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:
 Subject: Fw: Alert to CBP

01/30/2009 03:34 PM

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
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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	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

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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
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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) 734-8172 Desk
 (301) 734-6354 Fax



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,

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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

----- 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.

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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

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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: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Larry M Granger](#); [John Clifford](#)
cc: [Christopher C Robinson](#); [Tracye R Butler](#); [Jacek Taniewski](#); [Maurine F Bell](#)
Subject: Fw: chicken
Date: 01/30/2009 10:16 AM

Larry, John, Jere,

Based on our conversation today, NCIE will cancel the 35 Import Permits that are for human consumption (extracts, bouillons, soups...) which are amenable to FSIS. It is my understanding that we can cancel the permits without receiving a letter from FSIS. Once the cancellation language has been drafted I will forward it to your office for approval. Once approved the cancellation Alert will go to PPQ, VRS (Maurine Bell) who will then forward it to CBP for action. We will make sure that FSIS also receives a copy. We will also draft language for a "Dear Import Letter" to go to each permittee to make sure they are aware of the action we are taking.

At this time we will not take any action on the remaining 787 permits for petfood/pet treats, nutraceuticals (chondroitin sulfate), and egg products which are amenable to FDA .

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 01/30/2009 09:51 AM -----

**Larry M Granger/CO/APHIS/
USDA**

To Karen A James-Preston/MD/APHIS/USDA@USDA
cc

01/30/2009 09:04 AM

Subject Fw: chicken

Larry M Granger, D.V.M.
Director, Centers for Epidemiology and Animal Health
USDA, APHIS, Veterinary Services
2150 Centre Ave, Bldg. B-2E121
Fort Collins, Colorado 80526-8117
Desk: 970.494.7201
fax: 970.472.2668

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

-----anger/CO/APHIS/USDA on 01/30/2009 09:02 AM -----

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

To "Jere Dick" <Jere.L.Dick@aphis.usda.gov>,
Larry M Granger/CO/APHIS/USDA

01/29/2009 07:11 PM

cc

Subject Fw: chicken

Larry and Jere we will discuss first thing tomorrow

This section is being referred to OSEC.

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

From: [John Clifford](#)
To: [Jere Dick](#); [Larry M Granger](#)
Subject: Fw: chicken
Date: 01/29/2009 07:11 PM

Larry and Jere we will discuss first thing tomorrow

This section is being referred to OSEC.

From: [Karen A James-Preston](#)
To: [Jere L Dick](#)
cc: [Larry M Granger](#); [Christopher C Robinson](#); [Tracye R Butler](#); [Teresa M Martinez](#);
[Lynette D Williams](#)
Subject: Fw: China
Date: 01/30/2009 01:26 PM

Jere,

Sending info as I receive it relating to what is being stopped.

Just got word that one of our AQI VMOs called from the West Coast, the FSIS ISLOs (their closest equivalent is SITC) are seizing products from retail locations (in commerce not at the ports), but we cannot get CBP to stop allowing the importation until we send the alert. Please get back with me on an approval or edits to the language I sent

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: [John Clifford](#)
To: [APHIS OA](#); [Bill Clay](#); [Jere Dick](#)
Subject: Fw: draft talking points
Date: 01/29/2009 07:09 PM
Attachments: [poultry from china talking points draft.doc](#)

Fyi

From: James C Ivy
Sent: 01/29/2009 06:42 PM EST
To: Sharon Coursey; John Clifford
Subject: Fw: draft talking points

Here are the current points from FSIS. I don't have Bill, Jane and Jere in my bberry addresses.

James

This section is being referred to FSIS.

From: [Karen A James-Preston](#)
To: [Larry M Granger](#); [Jere L Dick](#); [Jacek Taniewski](#)
cc: [Christopher C Robinson](#); [Tracye R Butler](#); [Lynette D Williams](#); [Magde Elshafie](#); [Teresa M Martinez](#); [Michael R Doerrer](#)
Subject: Fw: Follow-up on APHIS Permits for Poultry from China
Date: 01/29/2009 12:37 PM

FYI regard the conf. call between FSIS and APHIS regarding action items.

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 01/29/2009 12:25 PM -----

This section is being referred to FSIS.

This section is being referred to FSIS.

From: [Karen A James-Preston](#)
To: [Jere L Dick](#)
Subject: Fw: FYI: China Poultry Briefing
Date: 01/28/2009 09:08 PM
Attachments: [China poultry briefing.doc](#)

Jere

When you get the time I would like to discuss the contents of the attached document. Some of the language in the document is incorrect and not feasible. I feel as a manager I am depicted as being incompetent by failing to know something which was never relayed to my staff. My staff is being blamed for FSIS not enforcing their own regulations. I can go on further about this issue and the language in the document but I am on my BlackBerry. I feel that the letter basically defames my character as the manager of NCIE. I also was never asked to review the document prior to it being sent to other. If it just went to John I would not be too worried, I could talk with him... but it was sent to others who have the ability to affect my career in VS. I did speak with Larry G about my concerns. I also called Michael Doerrler as soon as I read the document. The response I received from Michael was this is what Kevin wanted. I guess my staff and I are the scape goats again.

Sincerely

I did not bcc any one on this email. I feel comfortable speaking with you, this is why I am addressing my concerns to you.

Dr. Karen A. James-Preston

▼ [Michael R Doerrler](#)

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

From: Michael R Doerrler

Sent: 01/28/2009 02:06 PM EST

To: Karen James-Preston

Subject: Fw: FYI: China Poultry Briefing

FYI

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 Doerrerr/MD/APHIS/USDA on 01/28/2009 02:07 PM -----

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

01/28/2009 02:05 PM

To Andrea C McNally/MD/APHIS/USDA@USDA, Bill Clay/MD/APHIS/USDA@USDA, Cindy J Smith/MD/APHIS/USDA@USDA, Jane E Levy/MD/APHIS/USDA@USDA, Kevin A Shea/MD/APHIS/USDA@USDA, Sharon M Coursey/MD/APHIS/USDA@USDA

cc John Clifford/MD/APHIS/USDA@USDA, Michael R Doerrerr/MD/APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/USDA@USDA, Larry M Granger/CO/APHIS/USDA@USDA

Subject FYI: China Poultry Briefing

Kevin,

Bill and I started working on this yesterday. I understand he is out this afternoon. This is a summary of the situation.

I have a national conference call with the State Animal Health Officials scheduled from 3pm to 4 pm. Otherwise, I am available. I would like to find some time on your schedule to visit this afternoon, if possible.

Thanks,



China poultry briefing.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: [Karen A James-Preston](#)
To: [Jere L Dick](#)
cc: [Michael R Doerrer](#); [Larry M Granger](#); [Tracye R Butler](#); [Lynette D Williams](#); [Christopher C Robinson](#)
Subject: Fw: Imports of Poultry Products from China
Date: 01/27/2009 04:55 PM

Jere, I will see if I can find the entire document on the FSIS web site.

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 01/27/2009 04:45 PM -----

This section is being referred to FSIS.

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----- "-----"

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

----- '-----'

This section is being referred to FSIS.

From: [Michael R Doerrer](#)
To: [Jere L Dick](#)
Subject: Fw: Information you requested.
Date: 01/28/2009 02:08 PM
Attachments: [Countries_Products_Eligible_for_Export.url](#)

Think she meant to cc you.

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

----- Forwarded by Michael R Doerrer/MD/APHIS/USDA on 01/28/2009 02:09 PM -----

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

01/28/2009 02:04 PM

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

Subject Information you requested.

Michael

I just spoke with Mary Stanley, Policy Senior Import Advisor, FSIS regarding scheduling a meeting between FSIS and APHIS policy people to discuss this particular issue as well as other communication issues between both agencies. The meeting is tentatively scheduled for 9:00am on Thursday the 29th.

I also spoke with Mary about the effective date FSIS implemented the Rosa DeLoura Bill. She informed me that she is in the process of "reaching out to others in FSIS for the specific language and dates of the restrictions for poultry from China". In the chart below there is a sentence that states that "FY2008 appropriation legislation bars

FSIS from spending funds on import of poultry from China."...this has nothing to do with prohibiting product from China.

This Bill restricts all poultry and poultry products from China for human consumption. It is my understanding that this is a Universal Appropriations Bill...no one told us this Bill applied to APHIS activities from the standpoint of issuing permits from China. After speaking with Amy, she said PPD agrees with her..and so do I...this Bill does not apply to our permitting process because it is paid for from userfees.

Previously poultry product for human consumption could enter from China based on both FSIS (human health) and APHIS (animal health) regulations.....apparently this Bill stopped poultry product from entering from China.

Regarding how these poultry products (soup mixes, etc) have been cleared at the ports:

CBP reviews the appropriate documentation (valid VS Import permits and accompanying documentation) if they feel it meets all requirements outlined on the VS Permit then the product is either released or referred to FSIS for reinspection based on human health concerns.

VS and PPQ VRS were informed by FSIS that they did not want to have to reinspect soup mixes/bouillon/flavored seasoning containing poultry which contain less than 2% raw and 3% cooked product. This has been the policy at the ports for years. VS, PPQ, VRS, and CBP were not aware of the change to the FSIS policy to not to allow such products from China to enter the US based on the language in the Appropriation Bill.

Even still, had CBP understood that they were to refer these products to FSIS, then the even this particular shipment would have been refused by FSIS and not entered into commerce. Michael, Jere, I only bring this up because everyone seems to be focused on the fact that a permit was issued...but this issue involves many more players which involves enforcement activities for FSIS, CBP, VRS, FDA, and VS. As noted we are having a meeting tomorrow with FSIS. I will forward you the email from Mary Stanley inviting everyone.



[- Countries_Products_Eligible_for_Export.url](#)

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

From: [Karen A James-Preston](#)
To: [Larry M Granger](#); [Jere L Dick](#); [Christopher C Robinson](#); [Tracye R Butler](#)
Subject: Fw: Poultry - China
Date: 01/30/2009 02:06 PM

FYI only regarding the Team USDA meeting

Karen A. James-Preston, DVM, MPA
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----- Forwarded by Karen A James-Preston/MD/APHIS/USDA on 01/30/2009 01:57 PM -----

This section is being referred to FSIS.

-

From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Larry M Granger](#)
cc: [Christopher C Robinson](#); [Theresa Boyle](#); [Kristin L Schmitz](#); [Jacek Taniewski](#);
[Michael R Doerrer](#)
Subject: Fw: Poultry - China
Date: 01/30/2009 02:05 PM

Jere,

I just spoke with Ron Jones, Asst. Adm. FSIS he informed me that FSIS is not contacting China. They are contacting USTR and FAS and taking the lead from them. He told me not to cancel permits immediately and that FSIS wants to contact Rosa DeLauro's office to let them know USDA's plans (i.e., repercussions based on trade)...I informed him that my Deputy told me to cancel the permits immediately. I am in the process of doing this now..... That said, below is language FSIS developed in the event that APHS is going to cancel the permits.

I know that USTR will work with FAS to relay what FSIS is planning to do... However, if we are cancelling permits now, I really think we need to let China know through our APHIS office in Beijing since APHIS issued the permits and now we are canceling them...I hate for our Beijing office to be blindsided. I will work with Theresa Boyle on this issue. If anything, we still need to make sure our IS Beijing office know what we are doing.

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
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----- Forwarded by Karen A James-Preston/MD/APHIS/USDA on 01/30/2009 01:40 PM -----

This section is being referred to FSIS.

----- “-----

----- ’-----” -----

From: [Larry M Granger](#)
To: [Jere L Dick](#)
cc: [John Clifford](#); [Michael R Doerrer](#); [Catherine S Fulton](#); [Carol A Payne](#)
Subject: Fw: Poultry ePermits query - China
Date: 01/29/2009 02:28 PM
Attachments: [China Poultry Permits 1-29-09.xls](#)

See how this suits you, and let me know if you have printer problems and it needs to be reformatted.

Larry M Granger, D.V.M.
Director, Centers for Epidemiology and Animal Health
USDA, APHIS, Veterinary Services
2150 Centre Ave, Bldg. B-2E121
Fort Collins, Colorado 80526-8117
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------(b)(6)-----

-----ranger/CO/APHIS/USDA on 01/29/2009 02:26 PM -----

**Tracye R Butler/MD/
APHIS/USDA**

01/29/2009 02:26 PM

To Karen A James-Preston/MD/APHIS/USDA@USDA,
Jacek Taniewski/MD/APHIS/USDA@USDA, Larry M
Granger/CO/APHIS/USDA@USDA

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

Subject Poultry ePermits query - China

Karen, Jacek, Larry

The Attached Excel Spreadsheet contains a list of permits issued since September 1, 2007, whose permit materials are poultry products from China. There are a total of 822 permits of which 35 are for human consumption (extracts, bouillons, soups...) which are amenable to FSIS (as noted on the spreadsheet in yellow). The rest of the permits are for

petfood/pet treats, nutraceuticals (chondroitin sulfate), and egg products which are amenable to FDA. Also included on another tab "Permit Restrictions" are permits issued advising the permittee to contact FDA or FSIS.

Based on what we could ascertain, there is only one shipment currently on the water. The importer is Wei-Chuan, USA, Inc.



China Poultry Permits 1-29-09.xls

Tracye R. Butler, DVM
Assistant Director
Import Animal Products
National Center for Import-Export
USDA, APHIS, Veterinary Services
Phone: (301) 734-3277
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----- Forwarded by Tracye R Butler/MD/APHIS/USDA on 01/29/2009 01:10 PM -----

From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Larry M Granger](#)
Subject: Fw: Query results for Imported Poultry Products From China
Date: 01/27/2009 04:35 PM

Jere, Larry is in my office as I type....See info below

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
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----- Forwarded by Karen A James-Preston/MD/APHIS/USDA on 01/27/2009 04:26 PM -----

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

01/27/2009 04:33 PM

To Michael R Doerrer/MD/APHIS/USDA

cc Tracye R Butler/MD/APHIS/USDA@USDA,
Christopher C Robinson/MD/APHIS/USDA@USDA,
Lynette D Williams/MD/APHIS/USDA@USDA

Subject Fw: Query results for Imported Poultry Products
From China

Michael,

The results of querying ePermits (thanks to Tracye)

- 40 permits are active for "chicken" (including bouillon). They have been identified and we have copies.
- 0 permits for "poultry, bird and avian food stuffs"
- Many permits were for pet food/treats containing chicken as well as bird's nest drinks and chondroitin sulfate. These were not counted because they are outside the scope of FSIS.

Sincerely,

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
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----- Forwarded by Tracye R Butler/MD/APHIS/USDA on 01/27/2009 04:25 PM -----

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

01/27/2009 02:17 PM

To Michael R Doerrler/MD/APHIS/USDA@USDA

cc Lynette D Williams/MD/APHIS/USDA@USDA,
Christopher C Robinson/MD/APHIS/USDA@USDA,
Tracye R Butler/MD/APHIS/USDA@USDA

Subject Fw: Meeting with Foley & Larder Law Firm -
Imported Poultry Products From China

Michael,

- NCIE was contacted by Steve McDermott, FSIS regarding VS Permit #C-8555 issued for Granulated Chicken Bouillon from China. The shipment entered with a valid VS Permit and an export veterinary health certificate meeting APHIS regulations. All commercial VS permits for meat products have the following language: "*Importer is responsible for obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). FSIS may have specific public health requirements apart from USDA's animal health requirements. Importer to contact [(202) 720-6400]*".
- FSIS refused entry of the shipment of chicken bouillon because did not meet their import requirements outlined in FSIS regulation [9 CFR 381.15 (a)(3)], that both FDA and FSIS amenable imported poultry products must be sourced from poultry slaughtered in the U.S. or in another country having an equivalent poultry slaughter inspection program. FSIS informed us to date, that would be Canada, Chile, France, and Israel.
- Prior to 2008 there were FSIS approved facilities in China for poultry

meat. All FSIS amenable poultry products had to be over 2 % raw or 3 % cooked. Product less than 2 % raw or 3 % cooked was not FSIS amenable.

- At this time, the facility in China does not meet FSIS regulations because FSIS delisted all Chinese facilities in 2008.
- In 2008 after China was delisted by FSIS, FSIS took action on several imported shipments from China by detaining the Chinese product since it was not eligible for importation into the U.S. in accordance with FSIS regulations.
- Until recently, the importer has voluntarily destroyed the product. But now, the law firm advised FSIS that their client has several thousand pounds on voluntary hold and would like to re-export the product back to China in lieu of destroying.
- On Friday, January 16, 2009, FSIS met with Foley & Lardner law firm regarding this shipment. The client, (Kari-Out Co., New Jersey) had previously imported Chicken Base, Chicken Bouillon, and other chicken products from a company in Shanghai, China under a VS permit. This imported product had been amenable to FSIS and met both APHIS and FSIS requirements.
- APHIS has no issue with the company re-exporting the product and defer their ability to do such to FSIS.
- Meanwhile, FSIS would like to meet with APHIS to discuss this specific situation and discuss in general how we can work together to prevent future shipments of non eligible product from entering the U.S. The law firm provided FSIS with samples of their client's product as well as samples of similar poultry products being imported into the U.S.
- FSIS came to Riverdale over a year ago and presented this same issue and a conclusion was reached to incorporate a function in ePermits where the application would go to FSIS before APHIS could draft the permit. This function would allow FSIS time to determine whether the product was amenable or not before APHIS issued the permit. However, FSIS never proceeded with the project because they could not determine how it was going to be funded.
- VS issues permits based on animal health concerns not human health concerns. However, we try to work with our sister agencies FSIS and FDA when drafting permits by placing language on the permits to inform importers to contact the appropriate Agency.
- Based on the fact that this product does not meet FSIS requirements, they

will take the lead on disposition.

Please be aware that we were informed by Steve McDermott that this issue has gone to the Administrator and Cindy is being pulled in as well.

As soon as I receive a list of valid import permits for poultry products from China what would need to meet FSIS requirements, I will forward in another email.

Karen A. James-Preston, DVM, MPA
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National Center for Import and Export
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From: [Michael R Doerrer](#)
To: [Jere L Dick](#); [Sharon S Fisher](#)
cc: [Larry M Granger](#); [Jacek Taniewski](#)
Subject: Imported Poultry Products From China
Date: 01/27/2009 02:31 PM

Jere,

Here are some points on the FSIS-detained shipment you called about. Please let me know if you need more info. As noted, NCIE is working on pulling together a list of valid APHIS permits for product that may not also meet FSIS requirements.

- NCIE was contacted by Steve McDermott, FSIS regarding VS Permit #C-8555 issued for Granulated Chicken Bouillon from China. The shipment entered with a valid VS Permit and an export veterinary health certificate meeting APHIS regulations. All commercial VS permits for meat products have the following language: "*Importer is responsible for obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). FSIS may have specific public health requirements apart from USDA's animal health requirements. Importer to contact [(202) 720-6400]*".
- FSIS refused entry of the shipment of chicken bouillon because did not meet their import requirements outlined in FSIS regulation [9 CFR 381.15(a)(3)], that both FDA and FSIS amenable imported poultry products must be sourced from poultry slaughtered in the U.S. or in

another country having an equivalent poultry slaughter inspection program (to date, those countries are Canada, Chile, France, and Israel).

- Prior to 2008, there were FSIS approved facilities in China for poultry meat. However, FSIS delisted all Chinese facilities in 2008. Accordingly, the Chinese facility at which the bouillon was produced no longer meets FSIS regulations.
- In 2008, after Chinese facilities were delisted by FSIS, FSIS took action on several Chinese shipments by detaining product.
- Until recently, the importer involved in this case has voluntarily destroyed product that FSIS deemed ineligible. But now, the law firm representing the shipper of the bouillon advised FSIS that their client has several thousand pounds on voluntary hold and would like to re-export the product back to China in lieu of destroying.
- On Friday, January 16, 2009, FSIS met with Foley & Lardner law firm regarding this shipment. The client, (Kari-Out Co., New Jersey) had previously imported Chicken Base, Chicken Bouillon, and other chicken products from a company in Shanghai, China under a VS permit. This imported product had been amenable to FSIS and met both APHIS and FSIS requirements.
- APHIS has no issue with the company re-exporting the product. Their ability to do so depends on FSIS.
- Meanwhile, APHIS and FSIS will meet to discuss this specific situation and discuss in general how we can work together to prevent future shipments of non eligible product from entering the U.S. The law firm provided FSIS with samples of their client's product as well as samples of similar poultry products being imported into the U.S.
- FSIS came to Riverdale over a year ago and presented this same issue and a conclusion was reached to incorporate a function in ePermits were the application would go to FSIS before APHIS could draft the permit. This function would allow FSIS time to determine whether the product was amenable or not before APHIS issued the permit. However, FSIS never proceeded with the project because they could not determine how it was going to be funded.
- VS issues permits based on animal health concerns not human health concerns. However, we try to work with our sister agencies FSIS and FDA when drafting permits by placing language on the permits to inform importers to contact the appropriate Agency.
- Based on the fact that this product does not meet FSIS requirements, they will take the lead on disposition.

We are working to compile a list of valid APHIS import permits for poultry products from China that would need to meet FSIS requirements; we will forward that list as soon as possible.

From: [Larry M Granger](#)
To: [John Clifford](#); [Jere L Dick](#)
Subject:
Date: 01/30/2009 12:13 PM

Thank you both for taking the time with Karen James-Preston this morning. I think she appreciated it. I certainly did, as it brought clarity to many issues that have come forward in my short time here.

The meeting with her staff included Chris, Teresa, and Jacek. There is a strong sense of comaraderie evidenced in their relationships with each other and mutual respect for the positions they hold by office and those positions that they hold on issues. I am concerned that the realignment of duty and function to accomplish a mission of permitting responsibly (meaning in observance of all government restrictions on imports) may be larger than any staff can handle alone while doing their "day jobs". As I develop a greater sense of how this progresses, I will let you know what resources may be necessary, and those entities that need to be involved. If you have more background that may be of value, please let me know.

To that end, however, as an immediate priority we understand the need to begin that process with our sister agency in USDA - FSIS. You can expect a report on that activity every two weeks.

Additionally, we are cancelling PRC permits that are FSIS amenable as you have directed, to be done immediately.

I am confident that the staff recognizes the need for responsibility, mutual respect, multi-directional accountability, recognition of chain-of command, and is committed to building that healthy relationship with your office that is so important for improvement of morale in this unit and overall morale in Veterinary Services. This staff recognizes the effort you are making and is committed to making equal effort.

We are anxious to move forward with all three of these areas. If I have missed anything in the discussion, please let me know.

Larry M Granger, D.V.M.
Director, Centers for Epidemiology and Animal Health
USDA, APHIS, Veterinary Services

2150 Centre Ave, Bldg. B-2E121
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Desk: 970.494.7201
fax: 970.472.2668

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

From: [Michael R Doerrer](#)
To: [Jere L Dick](#)
Subject: More info on FSIS issue
Date: 01/27/2009 02:54 PM

Jere --

Karen is reaching out to Mr. Steve McDermott, Executive Associate, Office of Internal Affairs, FSIS, to discuss and resolve these issues.

I have confirmed that FSIS did not inform us that Chinese facilities were de-listed. Obviously, now that we know, we will no longer issue these sorts of permits.

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

From: [Amy R Spillman](#)
To: [Michael R Doerrer](#)
cc: [Michelle W Wenberg](#); [Stephen Kidd](#); [Jere L Dick](#)
Subject: Other questions: Poultry Imports from China - document review draft comments - Dr. Robinson & Elshafie please review
Date: 01/28/2009 01:08 PM

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
Management Analyst
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Riverdale, MD 20737

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amy.r.spillman@aphis.usda.gov

▼ [Amy R Spillman/MD/APHIS/USDA](#)

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

To Stephen Kidd/MD/APHIS/USDA

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

01/28/2009 12:43 PM

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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----- 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
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----- 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

From: [Larry M Granger](#)
To: [Jere L Dick](#); [John Clifford](#)
Subject: poultry productd seized
Date: 01/29/2009 04:50 PM

Here is what we came up with.

Larry M Granger, D.V.M.
Director, Centers for Epidemiology and Animal Health
USDA, APHIS, Veterinary Services
2150 Centre Ave, Bldg. B-2E121
Fort Collins, Colorado 80526-8117
Desk: 970.494.7201
fax: 970.472.2668

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

-----ger/CO/APHIS/USDA on 01/29/2009 04:48 PM -----

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

01/29/2009 04:43 PM

To Larry M Granger/CO/APHIS/USDA@USDA, Michael R Doerrerr/MD/APHIS/USDA@USDA, Jacek Taniewski/MD/APHIS/USDA@USDA

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

Subject

Larry, Michael, Jacek,

Based on your request for to do a query to find out the number of poultry products from China seized at the ports:

Between 1/2007 thru 12/2008, there were a total of 65 Emergency Action Notifications (EAN's) issued and recorded by CBP at the ports of entry for various poultry products entering from China that did not meet APHIS import requirements. The majority of these products were found at small hubs (i.e., Fed Ex, UPS, etc) and based on the amounts they did not appear to be what is considered a commercial shipment (i.e., 1000kg).

(Please note that these EANs are not related to the recent FSIS issue.)

The query was "poultry", "avian" and "bird" and "China" from the port of entry. Below is a table with the categories we were able to query:

SIZE OF SHIPMENT	TYPE OF PRODUCT	NUMBER OF SHIPMENTS
Non Commercial	Perishable cooked	15
Commercial	Shrimp dumpling - species tested and found poultry *	1
Commercial and Non Commercial	Bouillon cubes	5
Non Commercial	Dehydrated powder	8
Commercial and Non Commercial	Products containing extracts	15
Commercial and Non Commercial	Other (soup stock, fat with meat, powder flavor, dehydrated chicken meat)	7
Commercial and Non Commercial	Poultry shelf stable product	14

**One query was for poultry from China. The importer entered the product as "shrimp dumplings" and CBP asked FSIS to do a species test on APHIS's behalf and found out that there were traces of chicken. Base on the fact that the produced did not meet APHIS requirements on entry because it contained chicken and did not have a VS Permit, it was refused*

entry.

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: [Sharon M Coursey](#)
To: [Jere L Dick](#)
Subject: Re: As Requested: Summary of Imported Poultry Products From China
Date: 01/28/2009 07:03 AM

Thanks Jere. And you've definitely hit the nail on the head as far as I'm concerned re the parts of the story that weren't making sense. We've given Kevin a heads up

▼ [Jere L Dick](#)

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

From: Jere L Dick
Sent: 01/27/2009 04:48 PM EST
To: Larry Granger; Michael Doerrer
Cc: Sharon Fisher; Catherine Fulton; John Clifford; Thomas Myers
Subject: Fw: As Requested: Summary of Imported Poultry Products From China
As discussed,

I just came from a meeting with Administrator Almanza, FSIS, and Bill Clay, Acting Associate Administrator. Almanza has already gone to the Secretary about this and given him a heads-up, and we will need to scramble our troops to get the information I talked about with you prepared. The Secretary indicated that he was going to call DeLaurio and let her know about the shipment(s) at some point. I suspect she will not be understanding of how this could happen.

Please determine:

1. The number of Certificates (Import Permits) issued for importation of Poultry Products since the DeLaurio bill was passed disallowing poultry/products importation from China (about September 2007 according to Almanza). We will need to have a list (and copy) of the Permit Numbers/Companies/etc.
2. The number of shipments, total product, product type, import date, etc. related to those issued Certificates.

Obviously, we need to immediately stop issuing these permits. Obviously, this will take collaborative work with VRS and FSIS, and others.

I suggest you also meet immediately with FSIS (and FDA, if necessary) to identify a way to prevent this from happening again. I don't know why we

would need to rely upon FSIS personal notification of NCIE for FSIS "listed plants" when they are on their website??.....but I may be missing something in that regard.

I would like to shoot for having all the information here by noon tomorrow. 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 01/27/2009 04:33 PM -----

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

To APHIS OA

01/27/2009 03:22 PM

cc John Clifford/MD/APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/USDA@USDA, Sharon S Fisher/MD/APHIS/USDA@USDA, Michael R Doerrerr/MD/APHIS/USDA@USDA, Larry M Granger/CO/APHIS/USDA@USDA

Subject As Requested: Summary of Imported Poultry Products From China

Hi Bill,

Here is a brief summary of the Chicken Bouillon issue we spoke about this afternoon.

- NCIE was recently contacted by Steve McDermott, Executive Associate, Office of Internal Affairs, FSIS regarding VS Permit #C-8555 issued for Granulated Chicken Bouillon from China. The shipment entered with a valid VS Permit and an export veterinary health certificate meeting APHIS regulations. All commercial VS permits for meat products have the following language: "
Importer is

responsible for obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). FSIS may have specific public health requirements apart from USDA's animal health requirements. Importer to contact [(202) 720-6400]".

- FSIS refused entry of the shipment of chicken bouillon because it did not meet their import requirements outlined in FSIS regulation [9 CFR 381.15(a)(3)], that both FDA and FSIS amenable imported poultry products must be sourced from poultry slaughtered in the U.S. or in another country having an equivalent poultry slaughter inspection program (today those countries are Canada, Chile, France, and Israel).
- Prior to 2008, there were FSIS approved facilities in China for poultry meat. However, FSIS delisted all Chinese facilities sometime in 2008. Therefore, the Chinese facility at which the bouillon was produced no longer meets FSIS regulations. APHIS-VS does not have a record of notification of delisting.
- Followup with FSIS indicates that in 2008, after Chinese facilities were delisted by FSIS, FSIS took action on several Chinese shipments by detaining product.
- Until recently, the importer involved in this case has voluntarily destroyed product that FSIS deemed ineligible. But now, the law firm representing the shipper of the bouillon advised FSIS that their client has several thousand pounds on voluntary hold and would like to re-export the product back to China in lieu of destroying.
- On Friday, January 16, 2009, FSIS met with Foley & Lardner law firm regarding this shipment. The client, (Kari-Out Co., New Jersey) had previously imported Chicken Base, Chicken Bouillon, and other chicken products from a company in Shanghai, China under a VS permit. This

imported product had been amenable to FSIS and met both APHIS and FSIS requirements.

- APHIS has no issue with the company re-exporting the product. Their ability to do so depends on FSIS.
- Meanwhile, APHIS and FSIS are meeting to discuss this specific situation and discuss in general how we can work together to prevent future shipments of non eligible product from entering the U.S. The law firm provided FSIS with samples of their client's product as well as samples of similar poultry products being imported into the U.S.
- FSIS did meet with APHIS in Riverdale over a year ago and presented the same issue, and an additional recommendation (In addition to the importer's responsibility to call FSIS) was tendered to incorporate a function in ePermits were the application would go to FSIS before APHIS could draft the final permit. This function would allow FSIS time to determine whether the product was amenable or not before APHIS issued the permit. However, FSIS never proceeded with the project because they could not determine how it was going to be funded. The FSIS DC Office is currently copied on the permit distribution.
- VS issues permits based on animal health concerns, not human health concerns. However, we try very hard to work with our sister agencies FSIS and FDA when drafting permits by placing language on the permits to inform importers to contact the appropriate Agency(s).
- Based on the fact that this product does not meet FSIS requirements, they will take the lead on disposition.
- Dr. Karen James Preston, NCIE Director, will meet again with Steve McDermott to determine a way forward regarding the permit process.

We will not only be meeting with our FSIS counterparts, but we are also working to compile a list of valid APHIS import permits for poultry products from China that need to meet FSIS requirements; we will forward that list to them as soon as possible.

If you have any other questions, we'll be glad to discuss.

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: [Jonathan T Zack](#)
To: Freeda.E.Isaac@aphis.usda.gov; [Jacek Taniewski](#); [Ellen M Buck](#); [Larry M. Granger](#)
cc: [Jacob Hegeman](#); [Jere L Dick](#); [Kate A Bowers](#); [Sharon S Fisher](#); [Hallie Zimmers](#); Lisa.A.Ferguson@aphis.usda.gov; [Hallie Zimmers](#)
Subject: Re: CEM call action items
Date: 01/28/2009 06:20 PM
Attachments: [CEM Call Action Items.doc](#)

Hi Freeda, Jacek, Ellen,

Question from NASAHO call today:

Do APHIS import requirements require an infected mare to be ovariectomized (in any of the current regs or proposed regs)?

Someone from trade staff needs to be on next week's nasaho cem call

Thanks,

Jon

▼ [Hallie Zimmers/MD/APHIS/USDA](#)

**Hallie Zimmers/MD/
APHIS/USDA**

01/28/2009 05:13 PM

To Jere L Dick/MD/APHIS/USDA@USDA, Jonathan T Zack/MD/APHIS/USDA@USDA, Sharon S Fisher/MD/APHIS/USDA@USDA

cc Jacob Hegeman/MD/APHIS/USDA@USDA, Kate A Bowers/MD/APHIS/USDA@USDA

Subject CEM call action items

Attached is a short list of the action items from today's CEM call. There were a lot of technical terms thrown around on today's call, so I apologize if I've misstated anything, but hopefully you'll get the gist. Let me know if you have any questions.

Thanks,
Hallie



CEM Call Action Items.doc

Hallie Zimmers
National State Liaison
Animal and Plant Health Inspection Service
Legislative and Public Affairs
202-720-0378 (ph)
202-720-3982 (fax)
hallie.zimmers@aphis.usda.gov

From: [Karen A James-Preston](#)
To: [Lynn Alfalla](#); [Jere L Dick](#); [Larry M Granger](#)
cc: [Dr. Kristin Schmitz](#)
Subject: Re: China
Date: 01/30/2009 01:15 PM

Lynn,

Thanks for the clarification

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

▼ [Lynn Alfalla/MD/APHIS/USDA](#)

**Lynn Alfalla/MD/APHIS/
USDA**

To Karen A James-Preston/MD/APHIS/USDA, "Dr.
Kristin Schmitz" <Kristin.L.Schmitz@aphis.usda.
gov>

01/30/2009 01:13 PM

cc

Subject Re: China

Karen, thanks - pls note that Oswaldo Perez is the US foreign Service Officer (Not a national) who heads the APHIS office in Beojing.).

▼ [Karen A James-Preston](#)

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

From: Karen A James-Preston
Sent: 01/30/2009 12:57 PM EST
To: Jere Dick; Larry Granger; Michael Doerrer; Lynn Alfalla
Cc: Tracye Butler; Christopher Robinson; Lynn Alfalla; Theresa Boyle;
Teresa Martinez; Kristin L Schmitz/MD/APHIS/USDA@USDA; Jacek
Taniewski; Maurine Bell; Joyce Bowling-Heyward

Subject: China

1. Question: Total number of shipments under the permits?

Answer: At this time we can not tell you the exact number of shipments that have cleared our portsbut so far this is what we know... approximately 160 shipments have come in under 7 companies identified on the permits this is for Sept 2007 thru January 29, 2009. If you want the company names...we will sent them in another email.

2. Question: Any Shipments Stopped?

Answer: NO.....not at this time...APHIS has not stopped any shipments... CBP will not take any actions until Maurine tells them. Below is the language we drafted for Maurine to forward to CBP.

We need to let the importers know that we are cancelling their permits... Tracye is drafting language for cover letters to the permittees.

We need to let the Chinese government know that we are "refusing entry of poultry products from China that are for human consumption. Kristin is contacting Dr. Osvaodo Perez, Foreign Service National, China. Please note that this is the Chinese Lunar New Year so the government is closed in China.

I have been trying to get in touch with FSIS to determine if they have gotten to their ports to stop products.....no one is responding to voice messages or email....I am continuing to contact FSIS...Maurine does not know what FSIS is doing at the ports either.

Below is the language we will send Maurine to sent to CBP...I need your approval:

Maurine

*Please let CBP
know the following:*

*Effective
immediately CBP is
to refuse entry*

(reexport or destroy) 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 referred to FSIS personnel at the ports of entry.

VS is in the process of canceling these permits.

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

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: [Jere L Dick](#)
cc: [Larry M Granger](#)
Subject: Re: Fw: As Requested: Summary of Imported Poultry Products From China
Date: 01/28/2009 08:29 AM

Jere -- We're on it, though the weather is not our friend today.

Michael Doerrer
Chief of Staff
National Animal Health Policy & Programs
USDA-APHIS-Veterinary Services
Telephone: 301-734-5034
Facsimile: 301-734-8818
▼ [Jere L Dick/MD/APHIS/USDA](#)

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

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

01/27/2009 04:48 PM

cc Sharon S Fisher/MD/APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/USDA@USDA, John Clifford/MD/APHIS/USDA@USDA, Thomas J Myers/MD/APHIS/USDA@USDA

Subject Fw: As Requested: Summary of Imported Poultry Products From China

As discussed,

I just came from a meeting with Administrator Almanza, FSIS, and Bill Clay, Acting Associate Administrator. Almanza has already gone to the Secretary about this and given him a heads-up, and we will need to scramble our troops to get the information I talked about with you prepared. The Secretary indicated that he was going to call DeLaurio and let her know about the shipment(s) at some point. I suspect she will not be understanding of how this could happen.

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Obviously, we need to immediately stop issuing these permits. Obviously, this will take collaborative work with VRS and FSIS, and others.

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I would like to shoot for having all the information here by noon tomorrow. 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 01/27/2009 04:33 PM -----

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

01/27/2009 03:22 PM

To APHIS OA

cc John Clifford/MD/APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/USDA@USDA, Sharon S Fisher/MD/APHIS/USDA@USDA, Michael R Doerrner/MD/APHIS/USDA@USDA, Larry M Granger/CO/APHIS/USDA@USDA

Subject As Requested: Summary of Imported Poultry Products From China

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that list to them as soon as possible.

If you have any other questions, we'll be glad to discuss.

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: [Larry M Granger](#)
To: [Jere L Dick](#)
cc: [Carol A Payne](#); [Catherine S Fulton](#); [John Clifford](#); [Michael R Doerrer](#)
Subject: Re: Fw: Poultry ePermits query - China
Date: 01/29/2009 03:17 PM
Attachments: [China Poultry Permits 1-29-09.xls](#)

Try this format. Just print the first two pages. It worked for me here.



China Poultry Permits 1-29-09.xls

Larry M Granger, D.V.M.
Director, Centers for Epidemiology and Animal Health
USDA, APHIS, Veterinary Services
2150 Centre Ave, Bldg. B-2E121
Fort Collins, Colorado 80526-8117
Desk: 970.494.7201

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

▼ ----- /USDA

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

01/29/2009 02:33 PM

To Larry M Granger/CO/APHIS/USDA@USDA

cc Carol A Payne/MD/APHIS/USDA@USDA, Catherine
S Fulton/MD/APHIS/USDA@USDA, John Clifford/
MD/APHIS/USDA@USDA, Michael R Doerrer/MD/
APHIS/USDA@USDA

Subject Re: Fw: Poultry ePermits query - China

This one is 88 pages long?

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

▼ Larry M Granger/CO/APHIS/USDA

**Larry M Granger/CO/
APHIS/USDA**

01/29/2009 02:28 PM

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

cc John Clifford/MD/APHIS/USDA@USDA, Michael R
Doerrer/MD/APHIS/USDA@USDA, Catherine S
Fulton/MD/APHIS/USDA@USDA, Carol A Payne/
MD/APHIS/USDA@USDA

Subject Fw: Poultry ePermits query - China

See how this suits you, and let me know if you have printer problems and it needs to be reformatted.

Larry M Granger, D.V.M.
Director, Centers for Epidemiology and Animal Health
USDA, APHIS, Veterinary Services
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Desk: 970.494.7201
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----- (b)(6) -----

-----anger/CO/APHIS/USDA on 01/29/2009 02:26 PM -----

**Tracye R Butler/MD/
APHIS/USDA**

01/29/2009 02:26 PM

To Karen A James-Preston/MD/APHIS/USDA@USDA,
Jacek Taniewski/MD/APHIS/USDA@USDA, Larry M
Granger/CO/APHIS/USDA@USDA

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

Subject Poultry ePermits query - China

Karen, Jacek, Larry

The Attached Excel Spreadsheet contains a list of permits issued since September 1, 2007, whose permit materials are poultry products from China. There are a total of 822 permits of which 35 are for human consumption (extracts, bouillons, soups...) which are amenable to FSIS (as noted on the spreadsheet in yellow). The rest of the permits are for petfood/pet treats, nutricueticals (chondroitin sulfate), and egg products which are amenable to FDA. Also included on another tab "Permit Restrictions" are permits issued advising the permittee to contact FDA or FSIS.

Based on what we could ascertain, there is only one shipment currently on the water. The importer is Wei-Chuan, USA, Inc.

[attachment "China Poultry Permits 1-29-09.xls" deleted by Larry M Granger/CO/APHIS/USDA]

Tracye R. Butler, DVM
Assistant Director
Import Animal Products
National Center for Import-Export
USDA, APHIS, Veterinary Services
Phone: (301) 734-3277
Fax: (301) 734-8226

----- Forwarded by Tracye R Butler/MD/APHIS/USDA on 01/29/2009 01:10 PM -----

From: [Michelle W Wenberg](#)
To: [Amy R Spillman](#); [Michael R Doerrer](#)
cc: [Stephen Kidd](#); [Jere L Dick](#)
Subject: Re: Other questions: Poultry Imports from China - document review draft comments - Dr. Robinson & Elshafie please review
Date: 01/28/2009 01:27 PM

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▼ [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
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USDA-APHIS-Veterinary Services
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amy.r.spillman@aphis.usda.gov

▼ Amy R Spillman/MD/APHIS/USDA

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

To Stephen Kidd/MD/APHIS/USDA

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

01/28/2009 12:43 PM

Subject FYI: Poultry Imports from China - document
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please review

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**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
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Michael Doerrler
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Telephone: 301-734-5034
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**Karen A James-Preston/
MD/APHIS/USDA**

01/28/2009 11:34 AM

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(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

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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: [Stephen Kidd](#)
To: [Amy R Spillman](#)
cc: [Christopher C Robinson](#); [Jere L Dick](#); [Karen A James-Preston](#); [Michael R Doerr](#); [Michelle W Wenberg](#)
Subject: Re: User Fee Activity: Poultry Imports from China - document review draft comments - Dr. Robinson & Elshafie please review
Date: 01/28/2009 01:44 PM

Think this is a bridge to cross when we come to it. Let's see what OGC's interpretation is and go from there.

Steven Kidd
Supervisory Program Analyst
PPD, BPAS
Animal and Plant Health Inspection Service, USDA
4700 River Road, 3C 03.11
Riverdale, MD 20737
Telephone: 301-734-8775

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

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▼ [Amy R Spillman/MD/APHIS/USDA](#)

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

01/28/2009 01:37 PM

To Michelle W Wenberg/MD/APHIS/USDA@USDA

cc Jere L Dick/MD/APHIS/USDA@USDA, Michael R Doerr/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

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To Amy R Spillman/MD/APHIS/USDA@USDA, Michael
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01/28/2009 01:27 PM

cc Stephen Kidd/MD/APHIS/USDA@USDA, Jere L
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**Michael R Doerrler/MD/
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To Amy R Spillman/MD/APHIS/USDA@USDA

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01/28/2009 12:24 PM

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

▼ [Jere L Dick](#)

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

To: Karen James-Preston

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From: [David F Zimmerman](#)
To: [Jere L Dick](#)
cc: [Michael R Doerrer](#)
Subject: Scanned document
Date: 01/28/2009 12:18 PM
Attachments: [Shanghai Haote Food Industry Co., Ltd.pdf](#)

As requested.



Shanghai Haote Food Industry Co., Ltd.pdf

David Zimmerman
Administrative Assistant
USDA/APHIS/VS/Office of the Deputy Administrator
202-720-6835

From: [Amy R Spillman](#)
To: [Michelle W Wenberg](#)
cc: [Jere L Dick](#); [Michael R Doerr](#); [Stephen Kidd](#); [Karen A James-Preston](#); [Christopher C Robinson](#)
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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

From: [Christa S Anderson](#)
To: [Kevin A Shea](#); [Bill Clay](#); [Jere L Dick](#); [Jack A Shere](#); [LeeAnn Thomas](#); [Michael J David](#); [Dan J Sheesley](#); [John K Greifer](#); [Alan S Green](#); [Thomas J Myers](#); [John Clifford](#)
cc: [Catherine S Fulton](#); [Freida Skaggs](#); [Laura M Crehan](#); [Sally A Liska](#); [Diana L Hoffman](#); [Jane E Levy](#); LisaWallenda.Picard@fsis.usda.gov
Subject: final agenda (item added) for Apr. 13 APHIS-FSIS Meeting
Date: 04/10/2009 03:05 PM

Item 7 added to agenda topics for the monthly APHIS/FSIS meeting on Monday, April 13, at 10a.m. in 305E. Jere will cover the added item.

1. Antemortem poultry inspection for exports to Russia
2. Future use of E-Permits by FSIS and associated funding costs
3. Exchange information on Secretary's decision regarding beef market/ BSE strategy and what that may mean for APHIS and FSIS
4. Update on APHIS and FSIS plans to jointly lead the One World/One Health initiative
5. APHIS awards for FSIS personnel conducting brucellosis and TB surveillance in plants
6. Status of APHIS' plans to attend FSIS' district meetings and other efforts (quarterly calls) to increase inter-agency communication
7. Update on the 2 percent import permits issue

Christa Smith Anderson
Acting Deputy Chief of Staff
Administrator's Office
APHIS
USDA
(202) 690-2288

From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Michael R Doerrer](#); [Thomas J Myers](#)
cc: [Michael J David](#); [Teresa M Martinez](#); [Christopher C Robinson](#); [Tracye R Butler](#); [Lynette D Williams](#); [Magde Elshafie](#)
Subject: Fw: FSIS permits April 2, 2009
Date: 04/02/2009 03:58 PM

Permits processed by APHIS to date (**April 2**):

1. Processed **202** permits - new permits or amendments
2. Of the 211 permits, 9 permits had to be subtracted from the 211 total count. These 9 permit applications were counted twice due to the fact that their application was counted as an "On-Hold" shipment application and a renewal or amended application. On-Hold process and permit application process are two separate processes with in ePermits.
3. Of the 202 permits after receiving further documentation from the importers we determined that 8 were for products regulated by FDA (6 quail eggs and 2 petfood)
4. Included in these **202** permits, are the 2 permits from China that were re-instated
5. Of the 28 permits from China that were cancelled, APHIS has contacted all 28 of the permittee's by phone and sent an e-mail to confirm that contact
6. All expired permit that needed to be renewed during the time we suspended issuing permits have been completed with the 90 day extension letter. The permits currently being processed are for new and/or amendments received during the suspension period. We are also processing all permit requests we receive daily.
7. 2 permits have been cancelled at the request of the applicant.
8. **9** permit applications are being processed but have not been finalized. These permits are pending awaiting responses such as payments, request for further documentation and other information from the importer.
9. Countries/territories for which APHIS has issued/re-issued permits to date include Argentina, Canada, China, Denmark, France, Hong Kong, India, Indonesia, Israel, Italy, Jamaica, Japan, Korea, Jordan, Mexico, the Philippines, Singapore, South Korea, Taipei, Taiwan Thailand, and Vietnam.

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: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Jack A Shere](#); [Michael J David](#); [Michael R Doerrer](#); [Thomas J Myers](#)
cc: [Christopher C Robinson](#); [Tracye R Butler](#); [Teresa M Martinez](#); [Magde Elshafie](#); [Lynette D Williams](#); [Simone J Dedrick](#)
Subject: Fw: FSIS permits April 3, 2009
Date: 04/03/2009 04:11 PM

Jere,

NCIE convened our first "Team USDA" meeting with FSIS today. The meeting lasted until 1:30PM. We did not complete any new permits today....The numbers are the same as yesterday.

We took most of the time showing FSIS our ePermits permitting process and discussing where we might link FSIS into the permitting process since, at this time they do not have their electronic permitting process up and running. We also address the feasibility of giving FSIS read only access to ePermits, this way they will be able to view applications and completed permits.

Permits processed by APHIS to date (**April 3**):

1. Processed **202** permits - new permits or amendments
2. Of the 211 permits, 9 permits had to be subtracted from the 211 total count. These 9 permit applications were counted twice due to the fact that their application was counted as an "On-Hold" shipment application and a renewal or amended application. On-Hold process and permit application process are two separate processes with in ePermits.
3. Of the 202 permits after receiving further documentation from the importers we determined that 8 were for products regulated by FDA (6 quail eggs and 2 petfood)
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5. Of the 28 permits from China that were cancelled, APHIS has contacted all 28 of the permittee's by phone and sent an e-mail to confirm that contact
6. All expired permit that needed to be renewed during the time we suspended issuing permits have been completed with the 90 day extension letter. The permits currently being processed are for new

and/or amendments received during the suspension period. We are also processing all permit requests we receive daily.

7. 2 permits have been cancelled at the request of the applicant.
8. 9 permit applications are being processed but have not been finalized. These permits are pending awaiting responses such as payments, request for further documentation and other information from the importer.
9. Countries/territories for which APHIS has issued/re-issued permits to date include Argentina, Canada, China, Denmark, France, Hong Kong, India, Indonesia, Israel, Italy, Jamaica, Japan, Korea, Jordan, Mexico, the Philippines, Singapore, South Korea, Taipei, Taiwan Thailand, and Vietnam.

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

From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Jack A Shere](#); [Thomas J Myers](#)
cc: [Tracye R Butler](#); [Christopher C Robinson](#); [Teresa M Martinez](#); [Magde Elshafie](#); [Lynette D Williams](#)
Subject: Fw: FSIS permits April 6, 2009
Date: 04/06/2009 02:40 PM

Jere,

[No changes from last week](#). We are still waiting responses from the importers for the remaining 9 permit applications.

Permits processed by APHIS to date (**April 6**):

1. Processed **202** permits - new permits or amendments
2. Of the 211 permits, 9 permits had to be subtracted from the 211 total count. These 9 permit applications were counted twice due to the fact that their application was counted as an "On-Hold" shipment application and a renewal or amended application. On-Hold process and permit application process are two separate processes with in ePermits.
3. Of the 202 permits after receiving further documentation from the importers we determined that 8 were for products regulated by FDA (6 quail eggs and 2 petfood)
4. Included in these **202** permits, are the 2 permits from China that were re-instated
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9. Countries/territories for which APHIS has issued/re-issued permits to date include Argentina, Canada, China, Denmark, France, Hong Kong, India, Indonesia, Israel, Italy, Jamaica, Japan, Korea, Jordan, Mexico, the Philippines, Singapore, South Korea, Taipei, Taiwan Thailand, and Vietnam.

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From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Thomas J Myers](#); [Michael J David](#); [Jack A Shere](#)
cc: [Michael R Doerr](#); [Christopher C Robinson](#); [Tracye R Butler](#); [Teresa M. Martinez](#); [Magde Elshafie](#); [Lynette D Williams](#)
Subject: Fw: FSIS permits April 7, 2009
Date: 04/07/2009 03:04 PM

Jere,

Permits processed by APHIS to date (**April 7**):

1. Processed **203** permits - new permits or amendments
2. Of the 211 permits, 9 permits had to be subtracted from the 211 total count. These 9 permit applications were counted twice due to the fact that their application was counted as an "On-Hold" shipment application and a renewal or amended application. On-Hold process and permit application process are two separate processes with in ePermits.
3. Of the 203 permits after receiving further documentation from the importers we determined that 8 were for products regulated by FDA (6 quail eggs and 2 petfood)
4. Included in these **203** permits, are the 2 permits from China that were reinstated
5. Of the 28 permits from China that were cancelled, APHIS has contacted all 28 of the permittee's by phone and sent an e-mail to confirm that contact
6. All expired permit that needed to be renewed during the time we suspended issuing permits have been completed with the 90 day extension letter. The permits currently being processed are for new and/or amendments received during the suspension period. We are also processing all permit requests we receive daily.
7. 2 permits have been cancelled at the request of the applicant.
8. 8 permit applications are being processed but have not been finalized. These permits are pending awaiting responses such as payments, request for further documentation and other information from the importer.
9. Due to lack of response, the eight permittee's were informed today that they have until 5:00 Thursday to respond with payment to acquire a permit or the permit application will be cancelled. The permittee's may apply for a new permit at any time.

10. Countries/territories for which APHIS has issued/re-issued permits to date include Argentina, Canada, China, Denmark, France, Hong Kong, India, Indonesia, Israel, Italy, Jamaica, Japan, Korea, Jordan, Mexico, the Philippines, Singapore, South Korea, Taipei, Taiwan Thailand, and Vietnam.

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

From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Jack A Shere](#); [Michael J David](#); [Thomas J Myers](#); [Michael R Doerrer](#)
cc: [Christopher C Robinson](#); [Tracye R Butler](#); [Teresa M Martinez](#); [Magde Elshafie](#); [Lynette D Williams](#)
Subject: Fw: FSIS permits April 8, 2009
Date: 04/08/2009 04:06 PM

Jere,

No new permit applications have been processed with respect to the original 211 permits. The remaining 8 permit applications are still pending. Country names have been clarified in #10 below.

Permits processed by APHIS to date (**April 8**):

1. Processed **203** permits - new permits or amendments
2. Of the 211 permits, 9 permits had to be subtracted from the 211 total count. These 9 permit applications were counted twice due to the fact that their application was counted as an "On-Hold" shipment application and as a renewal or amended application. "On-Hold" process and "permit application" process are two separate processes within ePermits.
3. Of the 203 permits processed, after receiving further documentation from the importers, we determined that 8 of these were for products regulated by FDA (6 quail eggs and 2 petfood)
4. Included in these **203** permits, are the 2 permits from China that were reinstated
5. Of the 28 permits from China that were cancelled, APHIS has contacted all 28 of the permittee's by phone and sent an e-mail to confirm that contact
6. All expired permits that needed to be renewed during the time we suspended issuing permits have been completed with the 90 day extension letter. The permits currently being processed are for new and/or amendments received during the suspension period. We are also processing all permit requests we receive daily.
7. 2 permits have been cancelled at the request of the applicant.
8. 8 permit applications are being processed but have not been finalized. These permits are pending awaiting responses such as payments, request for further documentation and other information from the importer.

9. Due to lack of response, the eight permittee's were informed today that they have until 5:00 Thursday to respond with payment to acquire a permit or the permit application will be cancelled. The permittee's may apply for a new permit at any time.

10. Countries/territories for which APHIS has issued/re-issued permits to date include Argentina, Canada, China, Denmark, France, Hong Kong, India, Indonesia, Israel, Italy, Jamaica, Japan, Jordan, Korea, Mexico, the Philippines, Singapore, Taiwan , Thailand, and Vietnam.

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Director, TTST, Animal Products
National Center for Import and Export
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(301) 734-8172 Desk
(301) 734-6354 Fax

This section is being referred to FAS.

From: Harbert, Lloyd
Sent: Thursday, April 02, 2009 8:30 PM
To: Pool, Maria; Phillips, Susan B; Francom, Michael
Cc: Hamilton, Clay
Subject: RE: need Flordia shipment info - 2%

Maria:

The first letter was never sent. We drafted another version (attached) given that the Ambassador will see the Minister of Ag next Tuesday. We do not know if all the shipments have been released or not. However, we have not heard any complaints so we are assuming that they were all released. Also, the Ministry of Ag is unaware of any shipments still being detained. Thus, I think that we are safe to have the Ambassador say that it is her understanding that all of the detained shipments have been released.

Econ forwarded the draft letter to USTR to verify whether or not the shipments were released.

Lloyd

From: Pool, Maria
Sent: Thursday, April 02, 2009 9:41 PM
To: Phillips, Susan B; Francom, Michael; Harbert, Lloyd
Cc: Hamilton, Clay
Subject: need Florida shipment info - 2%

Michael,
Re Korea shipment stuck in Florida –
In Susan's meeting w/ MIFAFF (below), it looks like they provided us with info about the eight shipments stuck in customs. Can you please check to see if you have info on the Florida shipment? Thank you.

From: Phillips, Susan B
Sent: Thursday, February 26, 2009 3:33 AM
To: Hamilton, Clay; Harbert, Lloyd; Pool, Maria; Dawson, Anne
Cc: 'grellha@state.gov'; 'quinnaj@state.gov'; Phillips, Stan; Francom, Michael
Subject: RE: USDA Permit issue matters.

Clay,

MIFAFF called me in for a meeting this afternoon. I met with Director Cho of the Bilateral Division. They are concerned because APHIS has not renewed several permits and as a result eight shipments are stuck in customs. They asked several questions and provided some information about the volume of sales of these types of products.

In 2007, Korea shipped \$20m of instant noodles, \$13m cookies, and \$9m noodles to the United States that could be affected by the FSIS rule. Korea would like to know what they need to do to ship products like cookies to the United States. They would also like to receive the relevant regulations.

I understand from Heather that MOFAT also called Econ in about the same issue.

Susan

From: [Jere L Dick](#)
To: clay.hamilton@fas.usda.gov; ron.hicks@fsis.usda.gov; bryce.quick@fsis.usda.gov; ronald.jones@fsis.usda.gov
cc: [aphis oa](#); [Catherine S Fulton](#); [Jere L Dick](#); [John Clifford](#); [Jose R Diez](#); [Michael R Doerr](#); [Sharon S Fisher](#); [Thomas J Myers](#)
Subject: FYI: Status of FSIS (211) permit applications - April 10, 2009
Date: 04/10/2009 02:21 PM

All,

The backlog of all 211 APHIS Permit Applications have been processed and accounted for:

Permit Applications processed by APHIS (April 10, 2009):

1. Processed **211** permits
2. Of the 211 permits, 9 permits had to be subtracted from the 211 total count. These 9 permit applications were counted twice due to the fact that their application was counted both as an "On-Hold" shipment application and as a renewal or amended application. "On-Hold" process and "permit application" process are two separate processes within ePermits.
3. Of the **211** permits processed, after receiving further documentation from the importers, we determined that 8 of these were for products regulated by FDA (6 for quail eggs and 2 for pet food)
4. Of the **211** permits, **1 application was for products amenable to FSIS (containing more than 2% meat). This application was referred to FSIS.**
5. Included in these **211** permits, are the 2 permits from China that were re-instated
6. Of the 28 permits from China that were cancelled, APHIS has contacted all 28 of the permittee's by phone and sent an e-mail to confirm that contact
7. All expired permits that needed to be renewed during the time we suspended issuing permits have been completed with the 90-day extension letter. The permits currently being processed are for new and/or amendments received during the suspension period. We are also processing all additional permit requests we receive daily.
8. 2 permits were cancelled at the request of the applicant.
9. **5 permit applications were closed/cancelled due to lack of response by the applicant.** These permittee's may apply for a new permit at any time.

10. Countries/territories for which APHIS has issued/re-issued permits to date include Argentina, Canada, China, Denmark, France, Hong Kong, India, Indonesia, Israel, Italy, Jamaica, Japan, Jordan, Korea, Mexico, the Philippines, Singapore, Taiwan , Thailand, and Vietnam.

Other than the new/amended application requests we receive daily and which we are now processing, APHIS has now processed, handled and caught up with the backlog of permits created due to FSIS' increased enforcement policies. This is the last report on the status of permits that were held for processing.

APHIS technical staff met with FSIS technical staff this past week in Riverdale to work on issues related to permit issuance beginning June 22, 2009.

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: [aphis oa](#)
cc: [Catherine S Fulton](#); [Jere L Dick](#); [John Clifford](#); [Jose R Diez](#); [Michael R Doerrer](#); [Sharon S Fisher](#); [Thomas J Myers](#); clay.hamilton@fas.usda.gov; ronald.jones@fsis.usda.gov; [Bethany X Jones](#)
Subject: FYI: Trace Amounts Permitting Progress
Date: 04/03/2009 08:18 AM

Bill FYI,

As of last evening, there are only **9** permit applications left undergoing processing, and not finalized. These permits are pending because APHIS is awaiting responses from the applicant such as payments, request for further documentation, or other information from the importer. Again, these are new permit applications received during the period of time that APHIS was not issuing any permits. Other permitting work is caught up and we are back to processing new permits as they arrive.

Unless you would like further updates, I will consider this as the final update on pending 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

This section is being referred to FSIS.

Since several of our program personnel were granted leave for today (Good Friday) and Eastern Monday, and given the very short notice of the request, we will not be able to provide you with the information by Monday. However, we will make every effort to have some of this information gathered for you by the middle of next week. The information you will receive will be in the format of spread sheets generated by our system and from which you can then extract the importer names and contact information.

Sincerely,

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

From: [Jere L Dick](#)
To: [aphis oa](#)
cc: [Catherine S Fulton](#); [Jere L Dick](#); [John Clifford](#); [Jose R Diez](#); [Michael R Doerrer](#); [Sharon S Fisher](#); [Thomas J Myers](#)
Subject: LAST REPORT: Status of FSIS (211) permit applications - April 10, 2009
Date: 04/10/2009 09:12 AM

Kevin/Bill,

The backlog of all 211 Permit Applications have been processed and accounted for:

Permit Applications processed by APHIS (April 10, 2009):

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2. Of the 211 permits, 9 permits had to be subtracted from the 211 total count. These 9 permit applications were counted twice due to the fact that their application was counted both as an "On-Hold" shipment application and as a renewal or amended application. "On-Hold" process and "permit application" process are two separate processes within ePermits.
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Chief of Field Operations
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This section is being referred to FAS.

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From: Harbert, Lloyd
Sent: Thursday, April 02, 2009 8:30 PM
To: Pool, Maria; Phillips, Susan B; Francom, Michael
Cc: Hamilton, Clay
Subject: RE: need Florida shipment info - 2%

Maria:

The first letter was never sent. We drafted another version (attached) given that the Ambassador will see the Minister of Ag next Tuesday. We do not know if all the shipments have been released or not. However, we have not heard any complaints so we are assuming that they were all released. Also, the Ministry of Ag is unaware of any shipments still being detained. Thus, I think that we are safe to have the Ambassador say that it is her understanding that all of the detained shipments have been released.

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Subject: RE: USDA Permit issue matters.

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Susan

This section is being referred to FSIS.

From: [Michael J David](#)
To: [Jere L Dick](#)
cc: [Jack A Shere](#); [Michael R Doerrer](#); Thomas.J.Myers@aphis.usda.gov; [Karen A James-Preston](#); [Christopher C Robinson](#)
Subject: Status of FSIS (211) permit applications - April 10, 2009
Date: 04/10/2009 09:01 AM

Jere, NCIE/Products has provided me with the following update on the status of permits processed:

The backlog of all 211 Permit Applications have been processed and accounted:

Permit Applications processed by APHIS (April 10, 2009):

1. Processed **211** permits
2. Of the 211 permits, 9 permits had to be subtracted from the 211 total count. These 9 permit applications were counted twice due to the fact that their application was counted both as an "On-Hold" shipment application and as a renewal or amended application. "On-Hold" process and "permit application" process are two separate processes within ePermits.
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These permittee's may apply for a new permit at any time.

10. Countries/territories for which APHIS has issued/re-issued permits to date include Argentina, Canada, China, Denmark, France, Hong Kong, India, Indonesia, Israel, Italy, Jamaica, Japan, Jordan, Korea, Mexico, the Philippines, Singapore, Taiwan , Thailand, and Vietnam.

Other than the new/amended application requests we receive daily and which we are now processing, APHIS has now processed, handled and caught up with the backlog of permits created due to FSIS' increased enforcement policies. This is the last report on the status of permits that were held for processing.

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

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

From: [Karen A James-Preston](#)
To: [Larry M Granger](#); [Jere L Dick](#)
cc: [Jacek Taniewski](#); [Christopher C Robinson](#); [Tracye R Butler](#); [Teresa M Martinez](#);
[Maurine F Bell](#); [Magde Elshafie](#); [Lynette D Williams](#); [Michael R Doerrer](#)
Subject: 8 companies total 160 shipments from China
Date: 01/30/2009 01:04 PM

1. Nissin Foods, USA Co. Inc.
2. T and H Trading Company, Inc.
3. American Tohkin Enterprise
4. Nestles USA, Inc.
5. Golden Int. Import & Export
6. Wei-Chuan, USA, Inc
7. Madison one Acme, Inc
8. Designpac Gifts LLC

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: [Ed C Curlett](#)
To: [Blake, Carol](#)
cc: Bethany.X.Jones@aphis.usda.gov; Jere.L.Dick@aphis.usda.gov
Subject: APHIS points, Q and A
Date: 02/15/2009 12:10 PM
Attachments: [Permit_Issue2.doc](#)

Hi Carol,

The attached and pasted points and Q and A have been reviewed by our Veterinary Services leadership and I am sending them along to you. I've cc'd Beth and Dr. Jere Dick, as I send this in case you review and see any obvious problems from the FSIS perspective. Carol I know you are working on the communications strategy and we thank you for that. Let us know if there is anything else we can provide. Thanks!

APHIS Talking Points On Imports Containing Meat, Poultry or Egg Products

The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS), at the direction of USDA's Food Safety and Inspection Service (FSIS), is cancelling a number of permits for imports containing meat, poultry, or egg products.

APHIS is taking this action at the direction of FSIS 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.

FSIS has directed APHIS to cancel 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.

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 are working on a process to issue permits jointly to ensure requirements designed to protect both animal and human health are met.

APHIS VS will notify those permit holders whose permits have been cancelled. Additionally, APHIS will notify the World Organization for Animal Health and industry stakeholders that this action is not due to a risk to animal health.

APHIS and FSIS are working closely with the Department of Homeland Security's (DHS) Customs and Border Patrol (CBP) to ensure products with cancelled permits do not enter the United States.

Questions and Answers

Q. How many permits are going to be cancelled?

A. APHIS and FSIS are reviewing permits now to determine which ones will be cancelled. More than 800 permits are under review. The vast majority of the permits are for products with less than 2 percent of meat, poultry, or egg content from countries with non-equivalent status.

Q. How did chicken bouillon from China that is banned by FSIS regulation get an APHIS VS permit?

A. APHIS VS issues permits based on animal health considerations. None of the product in question that has been permitted by VS poses a risk to animal health. APHIS VS permits bear a statement directing the importer to contact

FSIS and the Department of Health and Human Service's (DHHS) Food and Drug Administration (FDA) to ensure their requirements are met. In addition, APHIS sends a copy of the permit to FSIS after it is approved. Should an importer not contact FSIS, it is possible that a shipment can be made that has a VS permit but does not comply with FSIS regulation. In the future, APHIS and FSIS will issue permits jointly.

Q. Why does product destined for human consumption need an APHIS VS permit to enter the United States?

A. APHIS VS is charged with protecting animal health in the United States. Food products for human consumption made with ingredients of animal origin can pose a risk to U.S animal health if they inadvertently enter the animal food supply. Therefore APHIS VS issues permits for certain products made with animal ingredients.

Q. How many countries have FSIS equivalent status?

A. FSIS.

Q. How was the chicken bouillon shipment from China discovered?

A. On January 27, FSIS contacted APHIS regarding a shipment of granulated chicken bouillon from China. The shipment entered with a valid VS permit and an export veterinary health certificate meeting APHIS regulations. CBP had questions, stopped the shipment, and contacted FSIS. FSIS refused entry because the chicken bouillon did not meet FSIS import requirements.

Q. Is human health in the United States jeopardized as a result of imports that occurred that did not meet FSIS requirements?

A. FSIS.

From: [Sandrea A Rickett](#)
To: robert.stout@ky.gov; bob.hillman@tahc.state.tx.us; [Robert Ehlenfeldt@Wisconsin.gov](#); bmarsh@boah.IN.gov; rbreitmeyer@cdfa.ca.gov; rusty.ford@ky.gov; delores.holubec@tahc.state.tx.us; [Ernst, Mark](#); hohenhgs@mda.state.md.us; Hallie.Zimmers@aphis.usda.gov; [Jacob Hegeman](#); [Cindy N Ragin](#); [Jim Barrett](#); Ed.C.Curlett@aphis.usda.gov; [Patricia E Fox](#); [Barbara A Porter-Spalding](#); [David P Warner](#); [Miguel A Borri-Diaz](#); [Lynn H Creekmore](#); [Angela M Pelzel](#); [John B Belfrage](#); [Randall L Crom](#); [Steven N Finch](#); [Matthew M Erdman](#); [Thomas O Bunn](#); [Steven G Hennager](#); [Lisa A Ferguson](#); [Timothy R Cordes](#); [Freeda E Isaac](#); [Ellen M Buck](#); [VS WR State Vets All](#); [VS ER State Vets All](#); [VS WR AVIC](#); [VS ER AVIC](#); [VS Management Team](#); [Ed C Curlett](#); [Bethany X Jones](#); [Hallie Zimmers](#); [VS ERMT](#); [VS WRMT \(Veterinary Services Western Region Management Team\)](#); [VSDA Assistants](#); [Jacob Hegeman](#); [VS Management Team Assistants](#)
Subject: *Speaker Room Passcode* NASAHO CEM CC Thursday February 26th 3:00 p.m.- Call In Number
Date: 02/23/2009 03:32 PM
Signed by: CN=Sandrea A Rickett/OU=MD/OU=APHIS/O=USDA

The next NASAHO CEM Call for States call is to be held on Thursday February 26th at 3:00 p.m. Eastern Time.

Speakers please use the following call in information:

1-888-790-4515

Passcode: 49705

The following individuals have been designated as the speakers:

Guy Hohenhaus - introductions

Bob Stout

Bob Hillman

Bret Marsh

Bob Ehlenfeldt

Mark Ernst

Rich Breitmeyer

Representative from ER, WR, NVSL, NCAHEM, ASEP, NCIE, NASDA Liaison

CEM Call Agenda

- Introduction
- State Vet Updates
 - Kentucky
 - Texas
 - Indiana
 - Wisconsin

Illinois

California

- Epidemiology Update
- Outstanding Issues
- Questions

From: [Jere L Dick](#)
To: [John Clifford](#)
cc: [Catherine S Fulton](#)
Subject: 2 China Permits
Date: 03/11/2009 08:39 AM

It wouldn't hurt to run the question on the two China Permits past Tom Walsh one more time before the 3:30 meeting today. I have never really gotten an answer in the larger meetings to the challenge that they don't still meet the intent of the Delauro Amendment. The focus has always been on "source" and since the two are sourcing their product from the US they shrugged it off as not applicable.....

This section is being referred to FSIS.

From: [John Clifford](#)
Sent By: [Catherine S Fulton](#)
To: [Jones, Ronald](#); [Quick, Bryce](#); [Bill Clay](#)
cc: Jere.L.Dick@aphis.usda.gov; [John Clifford](#); [Kevin A Shea](#); [Jane E Levy](#)
Subject: ACTION- call on permits
Date: 02/27/2009 08:53 AM
Importance: High

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: [Larry M Granger](#)
cc: [Thomas J Myers](#); [Michael R Doerrer](#); [Michael J David](#); [Catherine S Fulton](#)
Subject: ACTION: update on import permit briefing
Date: 03/20/2009 12:49 PM

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: [Larry M Granger](#)
cc: [Thomas J Myers](#); [Michael R Doerrer](#); [Michael J David](#); [Catherine S Fulton](#)
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Jere L. Dick, DVM
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----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/20/2009 12:39 PM -----

This section is being referred to FSIS.

This section is being referred to FSIS.

From: [Jere L Dick](#)
To: [Michael R Doerrer](#)
cc: [Jessica D Milteer](#)
Subject: ACTION: Update on Permitting
Date: 03/24/2009 09:06 AM

Michael,

I would like to get an update around 4pm today on the permitting progress. I need to update the OA and the USec. Thanks!

Jere L. Dick, DVM
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Washington DC, 20250
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Facsimile: 202-690-4171

From: -----(b)(6)-----
To: Jere.L.Dick@aphis.usda.gov
cc: Bryce.Quick@fsis.usda.gov
Subject: Advice requested
Date: 03/16/2009 04:36 PM
Importance: High

Dear Jere,

Bryce Quick suggested you might have some ideas, or perhaps know where to direct me. I am an attorney here in Washington, representing the Sigma Aldrich Corporation. They are in the process of obtaining a veterinary certificate from APHIS to permit a continuation of ongoing exports of animal derived products, including blood serum. They received three inspectors at their Missouri facility last Wednesday, who recommended that the company engage APHIS in Washington to help expedite the process.

Sigma-Aldrich's approval to export products regulated under EC 1774/2002 officially lapsed on February 18, 2009. They timely submitted their renewal paperwork in January. The NCIE rejected their paperwork for a number of reasons; while they are in the process of making the requested changes, the company would like to request the NCIE permit an additional 30-day grace period to ship under their approval number MO-TEC-0004. The following is a summary/timeline of what has transpired:

Timeline

The following presents a brief timeline of Sigma Aldrich's renewal process. A more detailed timeline is attached in Appendix I.

- 11/08 – Began preparing submission paperwork
- 01/09/09 – Paperwork completed and sent to the regional office in Jefferson City, MO
- 01/21/09 – Site inspection completed
- 01/23/09 – Last modifications to paperwork made and submitted to the regional office
- 02/11/09 – The NCIE received the paperwork
- 03/04/09 – The company was notified that the NCIE has

rejected their paperwork

Contacts with the regional USDA office in Jefferson City, MO

The company has remained in close contact with the regional office throughout the renewal process. During the site inspection, Dr. Wilcox, a veterinarian from the regional office, suggested they make certain changes to their paperwork to ensure the NCIE would accept it.

The company subsequently learned that the NCIE had rejected the paperwork even before the regional office contacted them. Since then, the company has been in contact with the regional office daily. The regional office and the NCIE have held several conference calls to better equip the regional office to advise them.

NCIE's findings

A new veterinarian at the NCIE reviewed the company's paperwork. She noted the following corrections to be made:

1. Updates to the company's Notarized Supplier Form
 - The company sources from USDA-approved suppliers, but the NCIE requests they note what each supplier is approved for; i.e. rather than note NE-TEC-0004 is approved for bovine serum, NCIE requests they state "NE-TEC-0004 is approved for 'GAMMA IRRADIATED BOVINE ORIGIN FREEZE DRIED HEMOGLOBIN/SPRAY DRIED HEMOGLOBIN/SERUM POWDER'"
2. Additional paperwork because they have three manufacturing facilities

- In the past, they had been permitted to complete one set of paperwork to cover their different manufacturing locations. This year, NCIE interpreted “This form serves as a notice to the Area Office that the facility wishes to be approved or renew their approval” as site-specific rather than encompassing their entire St. Louis organization. The NCIE requests they essentially triplicates of their paperwork.
3. Updates to the Notarized Processing Method Form
- The NCIE reviewing veterinarian commented the form “has been modified to include 13 pages when it should only be 7 pages. The Process Flow Diagram, which was incorporated in the numbering should be a separate document. This is a changed procedure that now states that the Process Flow Diagram is a ‘stand-alone’ document, and is NOT part of the Notarized Process Method Form. You can number the NPMF but the PFD will not be included in the numbering.”
 - The NCIE wants specifications about the location where the products’ critical limit (CL) is achieved. They provided the technical information that the products’ CL were achieved when they were “held @ pH 4.5 for \geq hrs”, but they specifically wants details about the room, vat, or tank where the CL is achieved.
4. A Nuclear Regulatory Commission (NRC) certificate
- The paperwork did not request any NRC certificate, but the NCIE requested a copy of the Irradiation Certificate issued by their irradiation facility showing they are approved by the NRC.

On Wednesday, March 11, Dr. Wilcox met with the company to clarify the NCIE's requirements. Here are the notes from that meeting:

Dr. Wilcox is urging the company to complete additional paperwork for the following reasons:

1. The Ewing address on their re-approval paperwork raised issues at the NCIE because last year only Dekalb was listed (although Dr. Wilcox indicated that he inspected Broadway last year). The company now is being asked to complete paperwork for Broadway and Ewing as well. The issue was raised that perhaps the Laclede facility should complete paperwork as well.
2. Dr. Wilcox and NCIE want the company to delineate what sites are using which serums. Rather than simply write that SIAL uses porcine serum, goat serum, chicken serum, etc. that are produced at various sites within St. Louis but exported out of Spruce", they want the company to indicate that "Dekalb uses....." Broadway uses...." "Ewing uses..." Dr. Wilcox also asked how the company determined what products it shipped to the EU as opposed to those it did not. The company sources all of its animal-derived by-products from USDA facilities that provide only Category 3 materials which are safe for but not intended to human consumption.
3. When he learned that the company shipped out of Spruce, Dr. Wilcox's initial reaction was that they might need their own approval number as well. He then he said writing the products were "shipped and stored unopened, unaltered and not processed out of Spruce" would be acceptable.
4. The company asked whether there are other manufacturers that have separate locations and that have undergone this approval process, but that question remains unanswered.
5. With multiple approval numbers, the company will have to ensure that only products from one site are shipped together as the EC health certificates are for an "approval number" of manufacturing plant rather than general "approval numbers."

Outcome from March 11 meeting

- The company is making changes to its Notarized Supplier Form.

Keeping the Supplier Form updated is difficult because facilities'

approvals are in a constant state of flux as the NCIE is typically unable to grant renewal approval before suppliers' approval lapse.

- They are triplicating their paperwork so that each site “stands alone” and will receive its own MO-TEC approval number.

During the site inspection, Dr. Wilcox advised the company to list their three manufacturing sites and that NCIE would find that acceptable.

- They are making page numbering changes and other miscellaneous corrections the NCIE requests.
- They have obtained a NRC certificate from their irradiation facility.

Planned Actions

In sum, they are making all requested changes and are ready to meet with the veterinarian(s) from the regional office for additional guidance. The inability to ship animal-derived byproducts that require USDA certification will have a significant business impact, and therefore we would like to request that the NCIE issue a temporary 30-day grace period permitting the company to continue shipments while they complete this administrative review process.

Appendix I

11/08 - Began paperwork

01/09/09 - Completed paperwork emailed to regional office

01/21/09 - Dr. Wilcox performed the site inspection

01/23/09 - Completed the last modifications to their paperwork that Dr. Wilcox requested.

02/10/09 - paperwork was sent to the NCIE

02/11/09 - paperwork was received at the NCIE

02/19/09 - Sigma-Aldrich employee contacted a contact at the NCIE and received the standard two week response when he asked about the timeframe for their re-approval

02/24/09 - the NCIE rejected their paperwork which was then sent back to their regional office.

02/25/09 - the regional office received their paperwork

03/04/09 - the regional office notified the company that its paperwork was rejected

03/04/09 - 03/06/09 – the regional office and the NCIE hold conference calls

03/11/09 - veterinarians from the regional office will re-visit

At this point, the time frame for re-approval is still uncertain with the company facing deadlines to ship. Would it be possible to arrange a call to attempt to sort through these issues and find a workable and expeditious solution? I am at your disposal for any questions, and thank you in advance for your assistance.

Kind regards,

Mark Mansour
Bryan Cave LLP
700 13th Street, N.W.
Suite 700
Washington, DC 20005
T-(202) 508-6019
F-(202) 220-7319

~~(b)(6)~~

This electronic message is from a law firm. It may contain confidential or privileged information. If you received this transmission in error, please reply to the sender to advise of the error and delete this transmission and any attachments.

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

From: [Karen A James-Preston](#)
To: [Tracye R Butler](#); [Joyce W Bowling-Heyward](#); [Christopher C Robinson](#); [Thomas W Burleson](#); [Pamela A Simpson](#); [Reed T Rollo](#); [Kristin L Schmitz](#); [Shearon Smith](#); [Lynette D Williams](#); [Bob H Bokma](#); [Bambi A Gutierrez](#); [Magde Elshafie](#); [Teresa M Martinez](#); [Kristen R Rohde](#); [Linda Kahn-Tobin](#); [Raquel S Boyce](#); [Karen F Minter](#); [Valerie D Smith](#); [Darla J Brown](#); [Cathy J Chisley](#); [Geoffrey C Pleasant](#); [Simone J Dedrick](#); [Chiquita W Fonville-Caruth](#); [Mildred Bundy](#); [Sakina D Watts](#); [Chante N Tabron](#); [Shanelle Ford](#); [Nicole Stephenson](#); [Nekeia Mackey](#)
cc: [Sherylyn R Roberson](#); [Freeda E Isaac](#); [Michael R Doerrler](#); [Gary S Colgrove](#); [Michael J David](#); [Thomas J Myers](#); [Larry M Granger](#); [Jere L Dick](#); [Waleid I Muhmed](#)
Subject: Alert! Be prepared to cancel permits on Tuesday.
Date: 02/13/2009 04:11 PM
Importance: High
Mood Stamp: Please provide a valid file name.

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

From: [Jere L Dick](#)
To: Ron.Hicks@fsis.usda.gov
cc: [Andrea C McNally](#); [Bill Clay](#); Cindy.Smith@osec.usda.gov; [Jane E Levy](#); [Kevin A Shea](#); [Sharon M Coursey](#); [John Clifford](#); [Catherine S Fulton](#); [Thomas J Myers](#); [Michael R Doerrer](#); [Catherine S Fulton](#); [David F Zimmerman](#); [Paula J Lee](#); [Romona L Parker](#)
Subject: APHIS Attendance: Noon meeting with FDA
Date: 03/06/2009 08:10 AM

Good morning, Ron.

Cindy Smith, acting USec MRP, requested that APHIS-VS have a couple of folks attend a noon meeting you are holding today with FDA. If you could please forward the meeting room information, that would be great. Dr. John Clifford has requested that Dr. TJ Myers and myself attend that meeting for VS.

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

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

From: [Jere L Dick](#)
To: [Andrea C McNally](#); [Bill Clay](#); [Cindy J Smith](#); [Jane E Levy](#); [Kevin A Shea](#); [Sharon M Coursey](#)
cc: [John Clifford](#); [Catherine S Fulton](#); [Sharon S Fisher](#); [Michael R Doerrer](#); [Larry M Granger](#)
Subject: As Requested: Summary of Imported Poultry Products From China
Date: 01/27/2009 03:22 PM

Hi Bill,

Here is a brief summary of the Chicken Bouillon issue we spoke about this afternoon.

- NCIE was recently contacted by Steve McDermott, Executive Associate, Office of Internal Affairs, FSIS regarding VS Permit #C-8555 issued for Granulated Chicken Bouillon from China. The shipment entered with a valid VS Permit and an export veterinary health certificate meeting APHIS regulations. All commercial VS permits for meat products have the following language: "*Importer is responsible for obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). FSIS may have specific public health requirements apart from USDA's animal health requirements. Importer to contact [(202) 720-6400]*".
- FSIS refused entry of the shipment of chicken bouillon because it did not meet their import requirements outlined in FSIS regulation [9 CFR 381.15(a)(3)], that both FDA and FSIS amenable imported poultry products must be sourced from poultry slaughtered in the U.S. or in another country having an equivalent poultry slaughter inspection program (today those countries are Canada, Chile, France, and Israel).
- Prior to 2008, there were FSIS approved facilities in China for poultry meat. However, FSIS delisted all Chinese facilities sometime in 2008. Therefore, the Chinese facility at which the bouillon was produced no longer meets FSIS regulations. APHIS-VS does not have a record of notification of delisting.
- Followup with FSIS indicates that in 2008, after Chinese facilities were delisted by FSIS, FSIS took action on several Chinese shipments by detaining product.
- Until recently, the importer involved in this case has voluntarily destroyed product that FSIS deemed ineligible. But now, the law firm representing the shipper of the bouillon advised FSIS that their client has several thousand pounds on voluntary hold and would like to re-export the product back to China in lieu of destroying.

- On Friday, January 16, 2009, FSIS met with Foley & Lardner law firm regarding this shipment. The client, (Kari-Out Co., New Jersey) had previously imported Chicken Base, Chicken Bouillon, and other chicken products from a company in Shanghai, China under a VS permit. This imported product had been amenable to FSIS and met both APHIS and FSIS requirements.
- APHIS has no issue with the company re-exporting the product. Their ability to do so depends on FSIS.
- Meanwhile, APHIS and FSIS are meeting to discuss this specific situation and discuss in general how we can work together to prevent future shipments of non eligible product from entering the U.S. The law firm provided FSIS with samples of their client's product as well as samples of similar poultry products being imported into the U.S.
- FSIS did meet with APHIS in Riverdale over a year ago and presented the same issue, and an additional recommendation (In addition to the importer's responsibility to call FSIS) was tendered to incorporate a function in ePermits where the application would go to FSIS before APHIS could draft the final permit. This function would allow FSIS time to determine whether the product was amenable or not before APHIS issued the permit. However, FSIS never proceeded with the project because they could not determine how it was going to be funded. The FSIS DC Office is currently copied on the permit distribution.
- VS issues permits based on animal health concerns, not human health concerns. However, we try very hard to work with our sister agencies FSIS and FDA when drafting permits by placing language on the permits to inform importers to contact the appropriate Agency(s).
- Based on the fact that this product does not meet FSIS requirements, they will take the lead on disposition.
- Dr. Karen James Preston, NCIE Director, will meet again with Steve McDermott to determine a way forward regarding the permit process.

We will not only be meeting with our FSIS counterparts, but we are also working to compile a list of valid APHIS import permits for poultry products from China that need to meet FSIS requirements; we will forward that list to them as soon as possible.

If you have any other questions, we'll be glad to discuss.

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](#); [John Clifford](#)
cc: [Christopher C Robinson](#)
Subject: Call me if this is still too much information for you..
Date: 02/17/2009 01:37 PM
Attachments: [FSIS product list 2 17 09.xls](#)

Included in the spreadsheet are all animal origin products (poultry (including eggs), beef, pork) which are imported as: extracts, bullion cubes, powders, bones, flavors, seasons, baked eggs mixed with/or included in rice, noodles, biscuits, dumplings, drinks, soups, stews, sauces and other types of food stuffs (fish cakes) or for further processing.

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FSIS product list 2 17 09.xls

From: [Karen A James-Preston](#)
To: [Jere L Dick](#)
cc: [Larry M Granger](#); [Christopher C Robinson](#); [Tracye R Butler](#)
Subject: Can you have someone from FSIS that knows what is going on to contact me...
Date: 01/30/2009 01:23 PM

Karen A. James-Preston, DVM, MPA
Director, TTST, Animal Products
National Center for Import and Export
Veterinary Services, APHIS
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From: [Michael J David](#)
To: [John Clifford](#); [Jere L Dick](#); Thomas.J.Myers@aphis.usda.gov
cc: [Michael R Doerrer](#); Catherine.S.Fulton@aphis.usda.gov; [Larry M Granger](#); [Karen A James-Preston](#)
Subject: CBP is knocking on the door ... morning and night
Date: 03/13/2009 02:55 PM

John and Jere,

PPQ (Dr. Bell) has been fending off calls from CBP wanting to know when they will be getting the WRITTEN instructions from NCIE on the disposition of product.. Also, be aware that we cannot ask CBP to tell us how many tons and what kind of material is being disposed of because they will not be able to determine that until they start the disposition ... which they cannot do without the written notice to them. PPQ is being graciously patient ... but it is clearly wearing them down ...

Everyone is frustrated beyond their limits ... particularly because every time there is some high level meeting, the word we get is that a decision will be made within the day ...

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

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

From: [Thomas J Myers](#)
To: Ronald.Jones@usda.gov@GW
cc: [Karen A James-Preston](#); [Christopher C Robinson](#); [Larry M Granger](#); [Tracye R Butler](#); [Michael R Doerr](#); [Jill B Rolland](#); [Elizabeth M Brown](#); Ron.Hicks@usda.gov@GW; [Jere L Dick](#)
Subject: China - Info on amount and value of imports associated with cancelled permits
Date: 02/04/2009 01:34 PM

Dear Ron -

At our phone conference yesterday, you asked us to see if APHIS had any information on the amount (by weight) and value of the shipments of China origin poultry products containing less than 2%meat that have entered the US under the 29 permits prior to their cancellation. The table below reflects the information we were able to collect through the ACE database (through CBP). Please note that there were 8 companies affected, with a number of shipments coming in under each permit.

Please treat the information below as proprietary and not to be shared outside FSIS. Please contact Karen James-Preston if you have any questions about these data.

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, Larry M
Granger/CO/APHIS/USDA@USDA

02/04/2009 01:08 PM

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

Subject Fw: China - Info that FSIS wanted VS to try to get
from CBP

Name of Importer (number of shipments)	Weight	Entered Value
Nestle (20)	2316.04 KG	-----
Nisson (9)	400379 KG	-----
American Tohkin Enterprise (29)	1277654 KG	-----
Wei-Chuan USA International (5)	40514.4 KG	-----
DesignPac Gifts, LLC (2)	Not Available	-----
Golden International Import and Export Corp (1)	Not Available	----- (b)(4)
Madison One Acme, Inc (1)	Not Available	-----
T&H Trading Co. Inc. (1)	Not Available	-----
Total		-----

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

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From: [Karen A James-Preston](#)
To: [Jere L Dick](#); [Larry M Granger](#); [Michael R Doerrer](#); [Lynn Alfalla](#)
cc: [Tracye R Butler](#); [Christopher C Robinson](#); [Lynn Alfalla](#); [Theresa Boyle](#); [Teresa M Martinez](#); [Kristin L Schmitz](#); [Jacek Taniewski](#); [Maurine F Bell](#); [Joyce W Bowling-Heyward](#)
Subject: China
Date: 01/30/2009 12:57 PM

1. Question: Total number of shipments under the permits?

Answer: At this time we can not tell you the exact number of shipments that have cleared our ports ...but so far this is what we know... approximately 160 shipments have come in under 7 companies identified on the permits this is for Sept 2007 thru January 29, 2009. If you want the company names...we will sent them in another email.

2. Question: Any Shipments Stopped?

Answer: NO.....not at this time....APHIS has not stopped any shipments... CBP will not take any actions until Maurine tells them. Below is the language we drafted for Maurine to forward to CBP.

We need to let the importers know that we are cancelling their permits... Tracye is drafting language for cover letters to the permittees.

We need to let the Chinese government know that we are "refusing entry of poultry products from China that are for human consumption. Kristin is contacting Dr. Osvaldo Perez, Foreign Service National, China. Please note that this is the Chinese Lunar New Year so the government is closed in China.

I have been trying to get in touch with FSIS to determine if they have gotten to their ports to stop products.....no one is responding to voice messages or email....I am continuing to contact FSIS...Maurine does not know what FSIS is doing at the ports either.

Below is the language we will send Maurine to sent to CBP...I need your approval:

Maurine

*Please let CBP
know the following:*

*Effective
immediately CBP is
to refuse entry
(reexport or
destroy) 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 referred to
FSIS personnel at
the ports of
entry.*

*VS is in the
process of
canceling these
permits.*

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

Karen A. James-Preston, DVM, MPA
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From: [Michael R Doerrer](#)
To: [Catherine S Fulton](#); [John Clifford](#); [Jere L Dick](#)
cc: [Thomas J Myers](#); [Larry M Granger](#)
Subject: China briefing
Date: 02/02/2009 12:36 PM
Attachments: [China poultry briefing for KShea v2.doc](#)



China poultry briefing for KShea v2.doc

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

From: [Jere L Dick](#)
To: [John Clifford](#)
cc: [Catherine S Fulton](#)
Subject: China Permits
Date: 02/03/2009 05:13 PM

Lots has evolved today on the China Permit issue and I have tried to keep up with it while doing all the Ames stuff. A briefing will be done by FSIS on the hill on Thursday, so I have asked Larry to come downtown tomorrow as there is a prebrief at 8 am in the morning, and help me birddog that issue. TJ is involved and they have had several calls today with IS, FSIS, etc. to work on it. A decision memo is due tomorrow too on the "egg" and "pet food product" portion for a policy decision. FSIS appears to be changing their policy worldwide so there may be permit issues globally to deal with soon.....

When it rains it pours.....

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: [Michael R Doerrer](#)
To: [Jere L Dick](#)
Subject: China Poultry Briefing
Date: 01/28/2009 01:58 PM
Attachments: [China poultry briefing.doc](#)

Jere,

Attached is the final briefing paper. I placed the permit directly into this file.



[China poultry briefing.doc](#)

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This section is being referred to FSIS.

From: [Catherine S Fulton](#)
To: [Sharon M Coursey/MD/APHIS/USDA@USDA](#)
cc: [Paula Henstridge](#); [Jere L Dick/MD/APHIS/USDA@USDA](#)
Subject: China update
Date: 02/04/2009 04:55 PM
Importance: High

VS will provide you with a summary status report on Thursday morning.

Catherine

=====

Catherine S. Fulton
Chief of Staff
USDA/APHIS/ Veterinary Services Deputy Administrator
202-720-6836

This section is being referred to FSIS.

From: [Michael R Doerrer](#)
To: [Jere L Dick](#)
cc: [Thomas J Myers](#); [Larry M Granger](#); [Catherine S Fulton](#)
Subject: China: Poultry Imports & Exports
Date: 02/02/2009 03:18 PM
Attachments: [China Poultry Imports & Exports.doc](#)

Jere,

Here's the info you requested, courtesy of Russ Caplen. The total value in Chinese imports of poultry and poultry products last year was 1.15B.

Of that, 1.09B was-----ts, .06B was in eggs, and there was a negligible amount -----(b)(4)----- in meat.



China Poultry Imports & Exports.doc

From: [Kevin A Shea](#)
To: [Jere L Dick](#)
cc: [APHIS OA](#)
Subject: Chinese poultry products
Date: 02/06/2009 04:17 PM

Just to let you know, I have chatted with OBPA about getting a read on the appropriations law restriction (trying to determine its applicability to non-human use products). I'll let you know when I hear something.