

This section is being referred to FSIS.

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

Hi Bill,

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

Thanks

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

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

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

02/05/2009 12:18 PM

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

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

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

Jere/Catherine -

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

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

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

TJ

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

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

Desk: 301-734-7677

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

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

02/05/2009 11:45 AM

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

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

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

Attached is a spreadsheet identifying 346 Permits issued for products

containing less than 2% meat from all countries:

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

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

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

Countries not approved by FSIS	# of permits
Argentina	5
Brazil	4
China	7

Costa Rica	1
Croatia	3
Dominican Republic	2
Egypt	2
El Salvador	1
Germany	1
Guatemala	5
India	1
Jamaica	1
Japan	67
Jordan	1
Peru	4
Philippines	7
Poland	2
Saudi Arabia	1
Singapore	8
South Korea	170
Switzerland	1
Taiwan	9
Thailand	5
Venezuela	1
Grand Total	309

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

(301) 734-6354 Fax

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02/05/2009 12:18 PM

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

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2% meat from all countries. [Link](#)

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Egypt	2
El Salvador	1
Germany	1
Guatemala	5
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Jamaica	1
Japan	67
Jordan	1
Peru	4
Philippines	7
Poland	2
Saudi Arabia	1
Singapore	8
South Korea	170
Switzerland	1
Taiwan	9
Thailand	5
Venezuela	1
Grand Total	309

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

From: [Jere L Dick](#)
To: [Jane E Levy](#)
cc: [Christa S Anderson](#)
Subject: Re: 2 percent import update
Date: 04/10/2009 01:50 PM

Sure,

I also forwarde the APHIS OA the last and final update this morning, so you should have a copy.

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

▼ [Jane E Levy/MD/APHIS/USDA](#)

Jane E Levy/MD/APHIS/USDA

04/10/2009 01:10 PM

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

cc Christa S Anderson/MD/APHIS/USDA@USDA

Subject 2 percent import update

Hi Jere:

FSIS would like to add one topic to our agenda for Monday--an update on the 2 percent import permits issue. Can you cover that?

Jane
Jane Levy
Chief of Staff
Animal and Plant Health Inspection Service
U.S. Department of Agriculture

This section is being referred to FSIS.

This section is being referred to FAS.

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This section is being referred to FAS.

This section is being referred to FAS.

This section is being referred to USTR.

From: [Jere L Dick](#)
To: [Derfler, Philip](#)
cc: Clay.Hamilton@fas.usda.gov
Subject: RE: 2% TPs
Date: 03/19/2009 10:16 AM

Agreed.

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

▼ -----

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From: Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]
Sent: Thursday, March 19, 2009 10:16 AM
To: Derfler, Philip
Cc: Hamilton, Clay
Subject: RE: 2% TPs

Agreed.

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

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This section is being referred to USTR.

From: [Jere L Dick](#)
To: [Blake, Carol](#); [Quick, Bryce](#); [Ron Hicks](#); [Hicks, Cheryl](#); [Smith, William C.](#); [Jones, Ronald](#); [Engeljohn, Daniel](#); Cindy.Smith@osec.usda.gov; John.Clifford@aphis.usda.gov; Kevin.A.Shea@aphis.usda.gov; [Clay Hamilton](#); Pat.Sheik@fas.usda.gov
cc: [Nintemann, Terri](#); [Tynan, Robert](#); [Bethany X Jones](#); [Bill Clay](#); [Jane E Levy](#)
Subject: Re: 4 draft documents regarding permits
Date: 02/28/2009 06:31 PM

Hi Carol, Thanks for sharing! Believe you have done a good job of capturing our discussions and activities.

A couple of comments:

Long TPs

3rd to last bullet. Believe it should read. USDA will take immediate steps to notify.....

TPs on handling Imp Permits

2nd Bullet. I would use language from the longer TPs that focus on the permit issuance as a collaborative process between APHIS and FSIS as we move forward.

The Timeline

The 9 am call to OIE. APHIS has solid contacts at the OIE and we could facilitate that call for FAS

Secretary's Memo

3rd paragraph, 2nd page, 3rd sentence.

Again, I think we would both benefit by inserting language that emphasis collaboration. Could read something like...

.....Is being sought, APHIS and FSIS will work together, and APHIS will not finalize permit issuance until.....

Good job.

This section is being referred to FSIS.

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From: Catherine.S.Fulton@aphis.usda.gov
To: Jones, Ronald; Quick, Bryce; Bill.Clay@aphis.usda.gov
Cc: Jere.L.Dick@aphis.usda.gov ; John.Clifford@aphis.usda.gov ; Kevin.A.Shea@aphis.usda.gov ; Jane.E.Levy@aphis.usda.gov
Sent: Fri Feb 27 08:53:22 2009
Subject: ACTION- call on permits

Ron-

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

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

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

John

This section is being referred to FSIS.

From: [Michael J David](#)
To: [Jere L Dick](#)
cc: [Catherine S Fulton](#); [Karen A James-Preston](#); [Larry M Granger](#); [Michael R Doerrer](#); [Thomas J Myers](#)
Subject: Re: ACTION: update on import permit briefing
Date: 03/21/2009 04:13 PM

Jere,

Late Friday afternoon, NCIE went back and looked for the number of permits issued in FY 2008 (10/01/07 to 09/30/08) . In FY 2008 APHIS received 14,254 permit applications and issued 13,475 import permits. (Every year we have several hundred more applications than permits issued due to lack of interest, failure to follow-up etc). Of those 13,475 permits issued, 7,423 (or 55% of the total issued) were for animal products. The remaining 45% of permits issued were for live animals, germplasm, organisms and vectors and select agents.

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

Michael

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

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michael.j.david@aphis.usda.gov
usa.oie@aphis.usda.gov

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

03/20/2009 03:27 PM

To Michael J David/MD/APHIS/USDA@USDA

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

Subject Re: ACTION: update on import permit briefing

Correct.

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

▼ Michael J David/MD/APHIS/USDA

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

03/20/2009 03:18 PM

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

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

Subject Re: ACTION: update on import permit briefing

Jere,

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

FSIS regulated product ...

That spreadsheet had been color coded by agency regulating the commodity of interest (There are 296 blue= FSIS knows they regulate; 422 white = we have not received a decision from FSIS regarding these commodities; 70 yellow = FSIS said they don't regulate these commodities and 94 green = APHIS regulates).

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

Michael

27 Countries with permits in blue :

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

45 Countries in total:

Argentina
Australia
Austria
Azerbaijan
Belgium
Bosnia and Herzegovina
Brazil
Canada
Chile
China
Colombia
Costa Rica
Croatia
Denmark
Dominican Republic
Ecuador
Egypt
El Salvador
France
Germany
Guatemala
Hong Kong
India
Indonesia
Israel
Jamaica
Japan
Jordan
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▼ Jere L Dick/MD/APHIS/USDA

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

03/20/2009 12:49 PM

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

Subject ACTION: update on import permit briefing

Larry,

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

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To: [Jere L Dick](#)
cc: [Catherine S Fulton](#); [Larry M Granger](#); [Michael R Doerr](#); [Thomas J Myers](#); [Karen A James-Preston](#)
Subject: Re: ACTION: update on import permit briefing
Date: 03/20/2009 03:18 PM

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Hong Kong
India
Jamaica
Japan
Mexico
Peru
Philippines
Poland
Saudi Arabia
Singapore
South Korea
Switzerland
Taiwan
Thailand
United Kingdom
Venezuela

45 Countries in total:

Argentina
Australia
Austria
Azerbaijan
Belgium
Bosnia and Herzegovina
Brazil
Canada
Chile
China
Colombia
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03/20/2009 12:49 PM

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cc Thomas J Myers/MD/APHIS/USDA@USDA, Michael J
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----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/20/2009 12:39 PM -----

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To: [Michael J David](#)
cc: [Catherine S Fulton](#); [Karen A James-Preston](#); [Larry M Granger](#); [Michael R Doerr](#); [Thomas J Myers](#)
Subject: Re: ACTION: update on import permit briefing
Date: 03/20/2009 03:27 PM

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Facsimile: 202-690-4171

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

03/20/2009 03:18 PM

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

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France
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Guatemala
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India
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Israel
Jamaica
Japan
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03/20/2009 12:49 PM

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cc Thomas J Myers/MD/APHIS/USDA@USDA, Michael
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David/MD/APHIS/USDA@USDA, Catherine S
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Associate Deputy Administrator
Chief of Field Operations

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From: [Jere L Dick](#)
To: [Blake, Carol](#)
cc: [Jones, Ronald](#); [Clay Hamilton](#); [Thomas J Myers](#)
Subject: Re: ACTION: update on import permit briefing
Date: 03/20/2009 04:20 PM

Agreed

This section is being referred to FSIS.

From: Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]
Sent: Friday, March 20, 2009 3:31 PM
To: Blake, Carol
Cc: Jones, Ronald; Clay.Hamilton@fas.usda.gov
Subject: Fw: ACTION: update on import permit briefing

Carol,

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

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

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

Michael J David/MD/APHIS/USDA

03/20/2009 03:18 PM

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

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

Subject Re: ACTION: update on import permit briefing [Link](#)

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Michael

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03/20/2009 12:49 PM

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cc Thomas J Myers/MD/APHIS/USDA@USDA, Michael R
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APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/
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Subject ACTION: update on import permit briefing

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This section is being referred to FSIS.

From: [Jere L Dick](#)
To: [Michael J David](#)
cc: [Catherine S Fulton](#); [Karen A James-Preston](#); [Larry M Granger](#); [Michael R Doerrer](#); [Thomas J Myers](#)
Subject: Re: ACTION: update on import permit briefing
Date: 03/21/2009 07:00 PM

Thanks, Michael. I will run with these figures and see if they suffice.

▼ [Michael J David](#)

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

From: Michael J David
Sent: 03/21/2009 04:13 PM EDT
To: Jere Dick
Cc: Catherine Fulton; Karen James-Preston; Larry Granger; Michael Doerrer; Thomas Myers
Subject: Re: ACTION: update on import permit briefing
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▼ Jere L Dick/MD/APHIS/USDA

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

03/20/2009 03:27 PM

To Michael J David/MD/APHIS/USDA@USDA

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

Subject Re: ACTION: update on import permit briefing

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03/20/2009 12:49 PM

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From: Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]
Sent: Tuesday, March 24, 2009 2:23 PM
To: Blake, Carol
Cc: Catherine.S.Fulton@aphis.usda.gov; Jones, Ronald
Subject: RE: ACTION: update on import permit briefing

Looks good.

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@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]
Sent: Monday, March 23, 2009 7:54 AM
To: Blake, Carol; Jones, Ronald
Cc: Catherine.S.Fulton@aphis.usda.gov
Subject: Fw: ACTION: update on import permit briefing

Carol,

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03/21/2009
04:13 PM

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03/20/2009

03:27 PM

Subject Re: ACTION: update on import permit briefing [Link](#)

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03/20/2009
12:49 PM

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Subject: Fw: ACTION: update on import permit briefing

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03/21/2009 04:13 PM

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03/21/2009 04:13 PM

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

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

03/20/2009 03:27 PM

To Michael J David/MD/APHIS/USDA@USDA

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

Subject Re: ACTION: update on import permit briefing [Link](#)

Correct.

Jere L. Dick, DVM
Associate Deputy Administrator
Chief of Field Operations
USDA-APHIS-Veterinary Services

Washington DC, 20250
Telephone: 202-720-5193
Facsimile: 202-690-4171

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

03/20/2009 03:18 PM

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

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

Subject Re: ACTION: update on import permit briefing [Link](#)

Jere,

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

That spreadsheet had been color coded by agency regulating the commodity of interest (There are 296 blue = FSIS knows they regulate; 422 white = we have not received a decision from FSIS regarding these commodities; 70 yellow = FSIS said they don't regulate these commodities and 94 green = APHIS regulates).

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

Michael

27 Countries with permits in blue :

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

45 Countries in total:

Argentina
Australia
Austria
Azerbaijan
Belgium
Bosnia and Herzegovina
Brazil
Canada
Chile
China
Colombia

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

Michael David, MS, VMD, MPH

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

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michael.j.david@aphis.usda.gov
usa.oie@aphis.usda.gov

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

03/20/2009 12:49 PM

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

cc Thomas J Myers/MD/APHIS/USDA@USDA, Michael R
Doerrer/MD/APHIS/USDA@USDA, Michael J David/MD/
APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/
USDA@USDA

Subject ACTION: update on import permit briefing

Larry,

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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 -----

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-- -----

This section is being referred to FSIS.

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

Michael J David/MD/APHIS/USDA

03/20/2009 03:18 PM

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

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

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Philippines
Poland
Saudi Arabia
Singapore
South Korea
Switzerland
Taiwan
Thailand
United Kingdom
Venezuela

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Colombia
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Croatia
Denmark

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

Michael David, MS, VMD, MPH
Director
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03/20/2009 12:49 PM

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cc Thomas J Myers/MD/APHIS/USDA@USDA, Michael R
Doerrner/MD/APHIS/USDA@USDA, Michael J David/MD/
APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/
USDA@USDA

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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: [Michael J David](#)
To: [Jere L Dick](#)
cc: [Larry M Granger](#); [Michael R Doerr](#); [Thomas Myers](#); [Catherine Fulton](#); [Karen A James-Preston](#); [Joyce W Bowling-Heyward](#)
Subject: Re: Advice requested
Date: 03/16/2009 05:05 PM

Jere,

I'll look into it and see how we can best assist -

From: Jere L Dick
Sent: 03/16/2009 04:51 PM EDT
To: Mark.Mansour@bryancave.com
Cc: Bryce.Quick@fsis.usda.gov; Larry Granger; Michael David; Michael Doerr; Catherine Fulton; Thomas Myers
Subject: Re: Advice requested

I have copied Dr. Larry Granger, acting Associate Deputy for NAHPP, and Dr. Michael David, National Center for Import Export. They should be able to provide an assist.

From: "Mark.Mansour@bryancave.com" [Mark.Mansour@bryancave.com]
Sent: 03/16/2009 04:36 PM AST
To: Jere Dick
Cc: "Bryce.Quick@fsis.usda.gov" <Bryce.Quick@fsis.usda.gov>
Subject: Advice requested

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 Aldrick 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
mark.mansour@bryancave.com
<http://www.bryancave.com/markmansour/>

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contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

This section is being referred to FSIS.

This section is being referred to OSEC.

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From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Christopher C Robinson](#); [Catherine S Fulton](#); [Karen A James-Preston](#); [Michael J David](#); [Michael R Doerr](#); [John Clifford](#)
Subject: Re: animal products from disease free regions for human consumption
Date: 02/24/2009 12:13 PM

Correct, a question I asked early on in the discussions.

▼ [Thomas J Myers](#)

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

From: Thomas J Myers

Sent: 02/24/2009 10:19 AM EST

To: Jere Dick

Cc: Christopher Robinson; Catherine Fulton; Karen James-Preston; Michael David; Michael Doerr; John Clifford

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

Hi Jere - this raises the question of how FSIS regulates imported products that do not require a VS permit.

TJ

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

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

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

▼ [Christopher C Robinson/MD/APHIS/USDA](#)

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

02/24/2009 09:47 AM

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

cc Catherine.S.Fulton@aphis.usda.gov, Jere L Dick/
MD/APHIS/USDA@USDA, Karen A James-Preston/
MD/APHIS/USDA@USDA, Michael J David/MD/
APHIS/USDA@USDA, Michael.R.Doerrer@aphis.
usda.gov

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

TJ

You are correct. For poultry products from Spain, no permit is required if the CBP officer can see that it is a product of Spain and Spain is not recognized as being equivalent by FSIS.

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

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

02/24/2009 08:32 AM

To Christopher C Robinson/MD/APHIS/USDA@USDA
cc Jere L Dick/MD/APHIS/USDA@USDA, Catherine.S.
Fulton@aphis.usda.gov, Michael.R.Doerrerr@aphis.
usda.gov, Karen A James-Preston/MD/APHIS/
USDA@USDA, Michael J David/MD/APHIS/
USDA@USDA

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

Hi Chris - can you clarify #4 below? I think you mean that, based on the
absence of END/HPAI, we do not require a permit for poultry products from
Spain. However, is Spain recognized as equivalent by FSIS?
TJ

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

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

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

▼ Jere L Dick/MD/APHIS/USDA

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

02/23/2009 05:03 PM

To "Jones, Ronald" <Ronald.Jones@fsis.usda.gov>
cc Catherine.S.Fulton@aphis.usda.gov, John.
Clifford@aphis.usda.gov, Michael.R.Doerrerr@aphis.
usda.gov, "Hicks, Ron" <Ron.Hicks@fsis.usda.gov>,
Thomas J Myers/MD/APHIS/USDA@USDA

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

Sure, I will ask that NAHPP reply and clarify for all of us.

TJ, can you have Chris clarify #4 please. I think I know what he meant but do not want to speak for him.

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.

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From: Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]
Sent: Monday, February 23, 2009 4:56 PM
To: Jones, Ronald; Hicks, Ron
Cc: John.Clifford@aphis.usda.gov; Catherine.S.Fulton@aphis.usda.gov;
Michael.R.Doerrer@aphis.usda.gov
Subject: Fw: animal products from disease free regions for human consumption

Ron,

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

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

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

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

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

02/23/2009 04:45 PM

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

Subject Re: animal products from disease free regions for human
consumption [Link](#)

Thanks Chris.

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

TJ

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

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

Desk: 301-734-7677

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

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

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

02/23/2009 04:21 PM

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

Subject animal products from disease free regions for human consumption

TJ

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

Ex:

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

Christopher Robinson, DVM
Assistant Director, Import Products
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Riverdale, MD 20737
Office 301-734-3277
Fax 301-734-8226
E-mail - Christopher.C.Robinson@aphis.usda.gov

From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Christopher C Robinson](#); karen.a.james-preston@aphis.usda.gov
Subject: Re: animal products from disease free regions for human consumption
Date: 02/23/2009 04:56 PM

Thanks, everyone.

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

▼ [Thomas J Myers/MD/APHIS/USDA](#)

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

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

02/23/2009 04:45 PM

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

Subject Re: animal products from disease free regions for
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4700 River Road; Unit 33
Riverdale, MD 20737

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

▼ Christopher C Robinson/MD/APHIS/USDA

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

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

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

02/23/2009 04:21 PM

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Christopher Robinson, DVM

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

From: [Thomas J Myers](#)
To: [Christopher C Robinson](#); [Jere L Dick](#)
cc: karen.a.james-preston@aphis.usda.gov
Subject: Re: animal products from disease free regions for human consumption
Date: 02/23/2009 04:45 PM

Thanks Chris.

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

TJ

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

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

Desk: 301-734-7677

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

▼ [Christopher C Robinson/MD/APHIS/USDA](#)

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

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

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

02/23/2009 04:21 PM

Subject animal products from disease free regions for
human consumption

TJ

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From: [Thomas J Myers](#)
To: [Jere L Dick](#)
cc: [Christopher C Robinson](#); Catherine.S.Fulton@aphis.usda.gov; [Karen A James-Preston](#); [Michael J David](#); Michael.R.Doerr@aphis.usda.gov; [John Clifford](#)
Subject: RE: animal products from disease free regions for human consumption
Date: 02/24/2009 10:19 AM

Hi Jere - this raises the question of how FSIS regulates imported products that do not require a VS permit.
TJ

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

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

▼ [Christopher C Robinson/MD/APHIS/USDA](#)

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

02/24/2009 09:47 AM

To Thomas J Myers/MD/APHIS/USDA@USDA
cc Catherine.S.Fulton@aphis.usda.gov, Jere L Dick/
MD/APHIS/USDA@USDA, Karen A James-Preston/
MD/APHIS/USDA@USDA, Michael J David/MD/
APHIS/USDA@USDA, Michael.R.Doerr@aphis.
usda.gov

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

TJ

You are correct. For poultry products from Spain, no permit is required if the CBP officer can see that it is a product of Spain and Spain is not recognized as being equivalent by FSIS.

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▼ Thomas J Myers/MD/APHIS/USDA

**Thomas J Myers/MD/
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To Christopher C Robinson/MD/APHIS/USDA@USDA
cc Jere L Dick/MD/APHIS/USDA@USDA, Catherine.S.
Fulton@aphis.usda.gov, Michael.R.Doerrer@aphis.
usda.gov, Karen A James-Preston/MD/APHIS/
USDA@USDA, Michael J David/MD/APHIS/
USDA@USDA

02/24/2009 08:32 AM

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

Hi Chris - can you clarify #4 below? I think you mean that, based on the
absence of END/HPAI, we do not require a permit for poultry products from
Spain. However, is Spain recognized as equivalent by FSIS?

TJ

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Riverdale, MD 20737

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

▼ Jere L Dick/MD/APHIS/USDA

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

02/23/2009 05:03 PM

To "Jones, Ronald" <Ronald.Jones@fsis.usda.gov>
cc Catherine.S.Fulton@aphis.usda.gov, John.
Clifford@aphis.usda.gov, Michael.R.Doerrler@aphis.
usda.gov, "Hicks, Ron" <Ron.Hicks@fsis.usda.gov>,
Thomas J Myers/MD/APHIS/USDA@USDA

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

Sure, I will ask that NAHPP reply and clarify for all of us.

TJ, can you have Chris clarify #4 please. I think I know what he meant but
do not want to speak for him.

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.

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From: Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]

Sent: Monday, February 23, 2009 4:56 PM

To: Jones, Ronald; Hicks, Ron

Cc: John.Clifford@aphis.usda.gov; Catherine.S.Fulton@aphis.usda.gov;

Michael.R.Doerr@aphis.usda.gov

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

Ron,

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

Jere L. Dick, DVM

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Chief of Field Operations

USDA-APHIS-Veterinary Services

Washington DC, 20250

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

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

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

02/23/2009 04:45 PM

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

Subject Re: animal products from disease free regions for human
consumption [Link](#)

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

02/23/2009 04:21 PM

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

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▼ [Jere L Dick/MD/APHIS/USDA](#)

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

02/23/2009 05:03 PM

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

cc Catherine.S.Fulton@aphis.usda.gov, John.Clifford@aphis.usda.gov, Michael.R.Doerr@aphis.usda.gov, "Hicks, Ron" <Ron.Hicks@fsis.usda.gov>, Thomas J Myers/MD/APHIS/USDA@USDA

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

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

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02/23/2009 04:45 PM

To Christopher C Robinson/MD/APHIS/USDA@USDA, Jere L Dick/
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CC karen.a.james-preston@aphis.usda.gov

Subject Re: animal products from disease free regions for human consumption [Link](#)

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02/23/2009 04:45 PM

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From: [Christopher C Robinson](#)
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Subject: RE: animal products from disease free regions for human consumption
Date: 02/24/2009 09:47 AM

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▼ [Thomas J Myers/MD/APHIS/USDA](#)

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

02/24/2009 08:32 AM

To Christopher C Robinson/MD/APHIS/USDA@USDA
cc Jere L Dick/MD/APHIS/USDA@USDA, Catherine.S.Fulton@aphis.usda.gov, Michael.R.Doerrerr@aphis.usda.gov, Karen A James-Preston/MD/APHIS/USDA@USDA, Michael J David/MD/APHIS/USDA@USDA

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Desk: 301-734-7677

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

▼ Jere L Dick/MD/APHIS/USDA

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

02/23/2009 05:03 PM

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

cc Catherine.S.Fulton@aphis.usda.gov, John.
Clifford@aphis.usda.gov, Michael.R.Doerrler@aphis.
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02/23/2009 04:45 PM

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Subject Re: animal products from disease free regions for human
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E-mail - Christopher.C.Robinson@aphis.usda.gov

From: [Bill Clay](#)
To: [Jere L Dick](#)
Subject: Re: APHIS Attendance: Noon meeting with FDA
Date: 03/06/2009 08:12 AM

Jere,

Is this something that I need to attend? It's looks like you, and TJ have it covered, but I will be glad to tag along if needed.

Bill

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

03/06/2009 08:10 AM

To Ron.Hicks@fsis.usda.gov

cc Andrea C McNally/MD/APHIS/USDA@USDA, Bill Clay/MD/APHIS/USDA@USDA, Cindy.Smith@osec.usda.gov, Jane E Levy/MD/APHIS/USDA@USDA, Kevin A Shea/MD/APHIS/USDA@USDA, Sharon M Coursey/MD/APHIS/USDA@USDA, John Clifford/MD/APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/USDA@USDA, Thomas J Myers/MD/APHIS/USDA@USDA, Michael R Doerrerr/MD/APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/USDA@USDA, David F Zimmerman/MD/APHIS/USDA@USDA, Paula J Lee/MD/APHIS/USDA@USDA, Romona L Parker/MD/APHIS/USDA@USDA

Subject APHIS Attendance: Noon meeting with FDA

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

From: [Jere L Dick](#)
To: [Bill Clay](#)
Subject: Re: APHIS Attendance: Noon meeting with FDA
Date: 03/06/2009 08:15 AM

Your certainly welcome, Bill. However, we can cover and provide you with an update if you desire.

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

▼ [Bill Clay/MD/APHIS/USDA](#)

Bill Clay/MD/APHIS/USDA

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

03/06/2009 08:12 AM

cc

Subject Re: APHIS Attendance: Noon meeting with FDA

Jere,

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Bill

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

To Ron.Hicks@fsis.usda.gov

03/06/2009 08:10 AM

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Facsimile: 202-690-4171

From: [Jere L Dick](#)
To: [Bill Clay](#)
Subject: Re: APHIS Attendance: Noon meeting with FDA
Date: 03/06/2009 08:19 AM

Will do. Hopefully, there will be something to update you on.....:-)

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

▼ [Bill Clay/MD/APHIS/USDA](#)

Bill Clay/MD/APHIS/USDA

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

03/06/2009 08:16 AM

cc

Subject Re: APHIS Attendance: Noon meeting with FDA

Jere,

Just update me after the meeting. Thanks.

Bill

▼ [Jere L Dick/MD/APHIS/USDA](#)

Jere L Dick/MD/APHIS/USDA

To Bill Clay/MD/APHIS/USDA@USDA

03/06/2009 08:15 AM

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Chief of Field Operations
USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
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▼ Bill Clay/MD/APHIS/USDA

Bill Clay/MD/APHIS/USDA

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

03/06/2009 08:12 AM

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

To Ron.Hicks@fsis.usda.gov

03/06/2009 08:10 AM

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Facsimile: 202-690-4171

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To: [Jere L Dick](#)
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Jere L Dick/MD/APHIS/USDA

To Bill Clay/MD/APHIS/USDA@USDA

03/06/2009 08:15 AM

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Jere L. Dick, DVM
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▼ [Bill Clay/MD/APHIS/USDA](#)

Bill Clay/MD/APHIS/USDA

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

03/06/2009 08:12 AM

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To Ron.Hicks@fsis.usda.gov

03/06/2009 08:10 AM

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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: [Hicks, Ron](#)
Subject: RE: APHIS Attendance: Noon meeting with FDA
Date: 03/06/2009 09:07 AM

Thanks, Ron.

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: [Christopher C Robinson](#); [Thomas J Myers](#); [Jacek Taniewski](#); [Larry M Granger](#); [Michael J David](#)
cc: [Michael R Doerr](#); [Karen A James-Preston](#); [Lynette D Williams](#); [Magde Elshafie](#); [Teresa M Martinez](#); [Tracye R Butler](#); [Joyce W Bowling-Heyward](#); [Catherine S Fulton](#); [John Clifford](#); [Bill Clay](#)
Subject: Re: APHIS Permits
Date: 02/11/2009 12:08 PM

Thanks Chris. I am out of the office today and have copied John Clifford and Bill Clay who will be going to the meeting after lunch.

▼ [Christopher C Robinson](#)

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

From: Christopher C Robinson
Sent: 02/11/2009 09:52 AM EST
To: Jere Dick; Thomas Myers; Jacek Taniewski; Larry Granger; Michael David
Cc: Michael Doerr; Karen James-Preston; Lynette Williams; Magde Elshafie; Teresa Martinez; Tracye.R.Butler@aphis.usda.gov @ USDA; Joyce Bowling-Heyward
Subject: Fw: APHIS Permits
Jere, TJ

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

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

Below he's basically saying FSIS has decided

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

-

This section is being referred to ESIS.

-

TM

From: [Karen A James-Preston](mailto:Karen.A.James-Preston@aphis.usda.gov)
To: [Bruce Shulman](mailto:Bruce.Shulman@aphis.usda.gov)
cc: brians@soohoo.cb; Christopher.C.Robinson@aphis.usda.gov; [Elon A Pollack](mailto:Elon.A.Pollack@aphis.usda.gov); Jere.L.Dick@aphis.usda.gov; KimSeng88@aol.com; [Michael.J. David@aphis.usda.gov](mailto:Michael.J.David@aphis.usda.gov); Ronald.Jones@fsis.usda.gov; Thomas.J.Myers@aphis.usda.gov; Tracye.R.Butler@aphis.usda.gov
Subject: RE: APHIS Permits
Date: 03/31/2009 03:32 PM

Mr. Shulman,

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

Sincerely,

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

Bruce Shulman
<bruce@steinshostak.com>

03/31/2009 12:08 PM

To "Karen.A.James-Preston@aphis.usda.gov" <Karen.A.James-Preston@aphis.usda.gov>
cc "Ronald.Jones@fsis.usda.gov" <Ronald.Jones@fsis.usda.gov>, [Elon A Pollack](mailto:Elon.A.Pollack@aphis.usda.gov) <elon@steinshostak.com>, "KimSeng88@aol.com" <KimSeng88@aol.com>, "brians@soohoo.cb" <brians@soohoo.cb>, "Jere.L.Dick@aphis.usda.gov" <Jere.L.Dick@aphis.usda.gov>, "[Thomas.J. Myers@aphis.usda.gov](mailto:Thomas.J.Myers@aphis.usda.gov)" <[Thomas.J. Myers@aphis.usda.gov](mailto:Thomas.J.Myers@aphis.usda.gov)>, "[Michael.J. David@aphis.usda.gov](mailto:Michael.J.David@aphis.usda.gov)" <[Michael.J. David@aphis.usda.gov](mailto:Michael.J.David@aphis.usda.gov)>, "[Christopher.C. Robinson@aphis.usda.gov](mailto:Christopher.C.Robinson@aphis.usda.gov)" <[Christopher.C. Robinson@aphis.usda.gov](mailto:Christopher.C.Robinson@aphis.usda.gov)>, "[Tracye.R. Butler@aphis.usda.gov](mailto:Tracye.R.Butler@aphis.usda.gov)" <[Tracye.R. Butler@aphis.usda.gov](mailto:Tracye.R.Butler@aphis.usda.gov)>

Subject RE: APHIS Permits

Dear Dr. James-Preston:

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

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

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

Third, I appreciate that APHIS has recently made changes in the cautionary or warning language in the documents it issues. I particularly appreciate the reference to the chart of approved countries on the FSIS website, as well as the identification of the FSIS website and telephone number. Unfortunately, the actual warning language is still not clear and will result in importers continuing to be confused. It is not at all clear to me why the language cannot be simpler. Instead of using the passive voice in the phrase, "Importer is also responsible for," the warning language should consist of short sentences written in the active voice clearly alerting importers to the specific responsibilities they must exercise.

I continue to suggest something similar to the following: “This document does not provide an unconditional right to import the products named therein. Before importing the named products, importers must first check with the Food Safety and Inspection Service [FSIS] at USDA to insure that it has approved both the country and manufacturing plant for exports to the United States.” Then provide the information on the chart and how to reach FSIS.

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

Starting approximately 20 years ago, imports into the U.S. and exports from the U.S. started to increase exponentially, to the point where CBP was unable to have its inspectors and import specialists physically examine or sample each container or even look at the entry documents. They were forced to adopt completely different systems to inspect and clear goods, including but not limited to risk analysis, and the increased use of computers. Today, the vast majority of Customs entries are filed electronically and most are judged to be low-risk and are put on “bypass,” which results in the duty being finalized or liquidated without them EVER being scrutinized for compliance with laws administered by other agencies.

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

On top of all of the above, over the last several years, various interest groups have lobbied Congress, and it has acquiesced, in passing laws which CBP is expected to enforce. The policy considerations supporting the passage of the vast majority of these laws clearly warrant enactment of enforcement measures. However, even with an increase in resources, which has not been forthcoming,

these laws are so complicated that Customs [or any other agency] cannot properly administer them. These laws include those relating to patents, trademarks and copyrights, those relating to consumer protection [e.g. the Consumer Product Safety Improvement Act], and the new additions to the Lacey Act requiring importers to report on the origin and species of all plant products contained in imported products.

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

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

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

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

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

Sincerely,

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

Washington, D.C. 20036

Phone (202) 331-1876

Fax (202) 331-1877

Cell (301) 512-9309

e-mail bshulman@steinshostak.com

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

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

To: Bruce Shulman

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

Subject: Fw: APHIS Permits

Dear Mr. Shulman,

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

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

sourcing requirements.

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

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

APHIS and FSIS agreed that the more conditional FSIS language should be placed on import permits. Therefore, APHIS currently (effective March 09) issues import permits for small amounts of meat, poultry and/or egg product ingredients with the precaution that reads, *"Importer is also responsible for obtaining any required authorization from the USDA, Food Safety and Inspection Service (FSIS). Meat, poultry, or egg product ingredients used in FSIS-exempted products must be prepared under USDA, FSIS inspection or under a foreign inspection system approved by FSIS. Contact FSIS via e-mail at: permits@fsis.usda.gov or by telephone at: (888) 287-7194 for information regarding approved foreign*

inspection systems and foreign establishments approved by FSIS to export to the United States. A list of countries eligible to export meat, poultry or egg products to the U.S. is published on the FSIS web site at the following address: http://www.fsis.usda.gov/PDF/Countries_Products_Eligible_for_Export.pdf This precaution is usually located on the top of page two of the APHIS import permit.

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

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

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

Sincerely,

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

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

Dr. Jones:

We greatly appreciate the willingness of FSIS to conduct outreach for importers.

It is something which me and Mr. Uptain have discussed on several occasions. In fact, I am planning on being in Los Angeles towards the end of April to participate in several seminars for importers, possibly including one on FSIS requirements.

Accordingly, I am sending a copy of your inquiry and this response to Mr. Brian Soo Hoo, who is a customhouse broker in Los Angeles and who is a member of the L.A. Asian Food Importers Association. Mr. Soo Hoo may be able to arrange a seminar with the Food Importers and/or the LA Customhouse Brokers Association. By this response, I am asking Mr. Soo Hoo to contact you directly to arrange for FSIS participation.

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

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

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

Phone (202) 331-1876
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e-mail bshulman@steinshostak.com

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This section is being referred to FSIS.

From: [Bruce Shulman](#)
To: [Jones, Ronald](#)
cc: [Elon A Pollack](#); KimSeng88@aol.com; [Brian Soo Hoo](#); Jere.L.Dick@aphis.usda.gov
Subject: RE: APHIS Permits
Date: 03/25/2009 10:39 AM

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

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

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

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

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

Mr. Jones:

It is a pleasure to finally hear from someone who appears to be working to alleviate the confusion in the trade community caused by the lack of understanding which importers (and particularly those who were born overseas) have concerning the differences between APHIS and FSIS. This confusion has been considerably exacerbated by two things:

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

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

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

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

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

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

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From: [Bruce Shulman](#)
To: [Jones, Ronald](#)
cc: [Elon A Pollack](#); [KimSeng88@aol.com](#); [Brian Soo Hoo](#); [Jere.L.Dick@aphis.usda.gov](#)
Subject: RE: APHIS Permits
Date: 03/25/2009 10:24 AM

Dr. Jones:

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

Thanks again,

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