

From: [Jere L Dick](#)
To: [Michael R Doerrerr](#)
cc: [Michael J David](#); [Thomas J Myers](#)
Subject: Re: For review, OIE notice of permit cancellations, due soon
Date: 03/25/2009 10:48 AM
Attachments: [OIE notice 3-25.doc](#)

Approved. 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

▼ [Michael R Doerrerr/MD/APHIS/USDA](#)

**Michael R Doerrerr/MD/
APHIS/USDA**

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

cc Michael J David/MD/APHIS/USDA@USDA, Thomas
J Myers/MD/APHIS/USDA@USDA

03/25/2009 10:44 AM

Subject For review, OIE notice of permit cancellations,
due soon

Jere,

As requested, here's a draft notice for the OIE on permitting issues for
your review.



[OIE notice 3-25.doc](#)

From: [Jere L Dick](#)
To: [Jones, Ronald](#); [Furey, Todd](#); [Zirnstein, Gerald](#)
Subject: Re: FSIS contact
Date: 03/05/2009 09:56 AM

Thanks Ron. Will get you the name shortly.

This section is being referred to FSIS.

From: [John Clifford](#)
To: [Thomas J Myers](#)
cc: [Alisa D Robinson](#); [Catherine S Fulton](#); [Elizabeth M Brown](#); [Jere L Dick](#); [Karen A James-Preston](#); [Michael R Doerrer](#)
Subject: Re: FSIS Meat imports daily update and Revised heparin document
Date: 02/09/2009 05:56 PM
Attachments: [Heparin 2-9-09 v2.doc](#)
[Meat imports update 2-9-09.doc](#)

Thanks TJ

▼ [Thomas J Myers/MD/APHIS/USDA](#)

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

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

02/09/2009 05:52 PM

cc Elizabeth M Brown/MD/APHIS/USDA@USDA, Alisa D
Robinson/MD/APHIS/USDA@USDA, Michael R
Doerrer/MD/APHIS/USDA@USDA, Karen A James-
Preston/MD/APHIS/USDA@USDA

Subject FSIS Meat imports daily update and Revised heparin
document

Hi John/Catherine -

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

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

TJ

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

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

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

▼ Elizabeth M Brown/MD/APHIS/USDA

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

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

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

02/09/2009 04:05 PM

Subject Revised heparin doc and daily update

TJ,

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



Heparin 2-9-09 v2.doc Meat imports update 2-9-09.doc

From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Catherine S Fulton](#); [Gary S Colgrove](#); [Jacek Taniewski](#); [Jack A Shere](#); [John Clifford](#); [Karen A James-Preston](#); [LeeAnn Thomas](#); [Michael J David](#); [Michael R Doerr](#)
Subject: Re: FSIS meeting summary
Date: 04/09/2009 01:24 PM
Attachments: [APHIS-FSIS Meeting Summary 03-09-2009.doc](#)

It's been changed to 10:00 am on Monday. Visit with Jack to see if he wants to attend himself, or if he wants you to continue to attend representing policy. We shouldn't need both of you. Thanks

Jere L. Dick, DVM
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Chief of Field Operations
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▼ [Thomas J Myers/MD/APHIS/USDA](#)

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

04/09/2009 12:06 PM

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

cc Gary S Colgrove/MD/APHIS/USDA@USDA, John Clifford/MD/APHIS/USDA@USDA, Karen A James-Preston/MD/APHIS/USDA@USDA, LeeAnn Thomas/MD/APHIS/USDA@USDA, Michael J David/MD/APHIS/USDA@USDA, Michael R Doerr/MD/APHIS/USDA@USDA, Jacek Taniewski/MD/APHIS/USDA@USDA, Jack A Shere/NC/APHIS/USDA@USDA

Subject Re: FSIS meeting summary

Jere/Catherine -

This is the summary from last month's meeting with FSIS. I have not seen anything about this month's meeting (these are supposed to be at 2:00 the second Monday of each month). Is there a meeting on Monday the 13th?

Thanks
TJ

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

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Riverdale, MD 20737

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

▼ Thomas J Myers/MD/APHIS/USDA

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

03/10/2009 11:24 AM

To Michael J David/MD/APHIS/USDA, Karen A James-
Preston/MD/APHIS/USDA, Gary S Colgrove/MD/
APHIS/USDA, LeeAnn Thomas/MD/APHIS/USDA

cc Jere L Dick/MD/APHIS/USDA@USDA, John Clifford/
MD/APHIS/USDA@USDA, Catherine S Fulton/MD/
APHIS/USDA@USDA, Michael R Doerrer/MD/APHIS/
USDA@USDA

Subject FSIS meeting summary

Michael/Karen/Gary/LeeAnn -

Attached are the notes form our meeting yesterday with FSIS to discuss
closer working relationships. Please note the action items that we will need
to complete so we are ready for next month's meeting. Michael will be
NAHPP's primary attendee for future meetings.

Thanks
TJ



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

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

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4700 River Road; Unit 33
Riverdale, MD 20737

Desk: 301-734-7677

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To: [Thomas J Myers](#)
cc: [Catherine S Fulton](#); [Gary S Colgrove](#); [Jacek Taniewski](#); [Jack A Shere](#); [John Clifford](#); [Karen A James-Preston](#); [LeeAnn Thomas](#); [Michael J David](#); [Michael R Doerrer](#)
Subject: Re: FSIS meeting summary
Date: 04/09/2009 03:46 PM
Attachments: [APHIS-FSIS Meeting Summary 03-09-2009.doc](#)

That is fine. Thanks

Jere L. Dick, DVM
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▼ [Thomas J Myers/MD/APHIS/USDA](#)

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

04/09/2009 03:41 PM

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

cc Catherine S Fulton/MD/APHIS/USDA@USDA, Gary S Colgrove/MD/APHIS/USDA@USDA, Jacek Taniewski/MD/APHIS/USDA@USDA, Jack A Shere/NC/APHIS/USDA@USDA, John Clifford/MD/APHIS/USDA@USDA, Karen A James-Preston/MD/APHIS/USDA@USDA, LeeAnn Thomas/MD/APHIS/USDA@USDA, Michael J David/MD/APHIS/USDA@USDA, Michael R Doerrer/MD/APHIS/USDA@USDA

Subject Re: FSIS meeting summary

Actually, we agreed that Michael David would attend. I only attended the first meeting last month because Michael was out of town.

TJ

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▼ Jere L Dick/MD/APHIS/USDA

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

04/09/2009 01:24 PM

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

cc Catherine S Fulton/MD/APHIS/USDA@USDA, Gary S Colgrove/MD/APHIS/USDA@USDA, Jacek Taniewski/MD/APHIS/USDA@USDA, Jack A Shere/NC/APHIS/USDA@USDA, John Clifford/MD/APHIS/USDA@USDA, Karen A James-Preston/MD/APHIS/USDA@USDA, LeeAnn Thomas/MD/APHIS/USDA@USDA, Michael J David/MD/APHIS/USDA@USDA, Michael R Doerrer/MD/APHIS/USDA@USDA

Subject Re: FSIS meeting summary

It's been changed to 10:00 am on Monday. Visit with Jack to see if he wants to attend himself, or if he wants you to continue to attend representing policy. We shouldn't need both of you. Thanks

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▼ Thomas J Myers/MD/APHIS/USDA

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

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

04/09/2009 12:06 PM

cc Gary S Colgrove/MD/APHIS/USDA@USDA, John
Clifford/MD/APHIS/USDA@USDA, Karen A James-
Preston/MD/APHIS/USDA@USDA, LeeAnn Thomas/
MD/APHIS/USDA@USDA, Michael J David/MD/
APHIS/USDA@USDA, Michael R Doerrerr/MD/APHIS/
USDA@USDA, Jacek Taniewski/MD/APHIS/
USDA@USDA, Jack A Shere/NC/APHIS/USDA@USDA

Subject Re: FSIS meeting summary

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Thanks
TJ

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▼ Thomas J Myers/MD/APHIS/USDA

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

To Michael J David/MD/APHIS/USDA, Karen A James-
Preston/MD/APHIS/USDA, Gary S Colgrove/MD/
APHIS/USDA, LeeAnn Thomas/MD/APHIS/USDA

03/10/2009 11:24 AM

cc Jere L Dick/MD/APHIS/USDA@USDA, John Clifford/
MD/APHIS/USDA@USDA, Catherine S Fulton/MD/
APHIS/USDA@USDA, Michael R Doerrerr/MD/APHIS/
USDA@USDA

Subject FSIS meeting summary

Michael/Karen/Gary/LeeAnn -

Attached are the notes form our meeting yesterday with FSIS to discuss
closer working relationships. Please note the action items that we will need
to complete so we are ready for next month's meeting. Michael will be
NAHPP's primary attendee for future meetings.

Thanks
TJ



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

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

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Riverdale, MD 20737

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

From: [Thomas J Myers](#)
To: [Jere L Dick](#)
cc: [Michael R Doerr](#)
Subject: Re: FSIS-APHIS meeting tomorrow
Date: 02/10/2009 02:59 PM

So what is the expectation or anticipated timeline on a decision from the Secretary or FSIS on new enforcement actions, a request for APHIS to rescind permits, or the notification to WTO, as was discussed last week?

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

National Animal Health Policy and Programs
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Riverdale, MD 20737

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

From: [Thomas J Myers](#)
To: [Jere L Dick](#); [John Clifford](#)
cc: [Michael R Doerr](#); [Catherine S Fulton](#); [Karen A James-Preston](#); [Jacek Taniewski](#); [Michael J David](#); [Alisa D Robinson](#); [Elizabeth M Brown](#)
Subject: Re: FSIS-APHIS meeting tomorrow
Date: 02/10/2009 05:24 PM

Hi John/Jere -

I spoke to Karen this afternoon after she returned from the FSIS meeting (this was supposed to be a 2 hour meeting, but it lasted almost all day). She has forwarded a summary of her meeting in a separate e-mail. It appears that FSIS staff have not yet decided what they do or do not want to enforce or what permits they should or should not rescind.

I have instructed Karen to not rescind any permits or contact any importers until FSIS defines the scope of the actions they want to take and that their request for any actions by APHIS is sent through the appropriate FSIS managers to our DA or OA office.

TJ

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

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Riverdale, MD 20737

Desk: 301-734-7677

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

▼ [Jere L Dick/MD/APHIS/USDA](#)

Jere L Dick/MD/APHIS/USDA

02/10/2009 03:01 PM

To Thomas J Myers/MD/APHIS/USDA@USDA
cc Michael R Doerr/MD/APHIS/USDA@USDA
Subject Re: FSIS-APHIS meeting tomorrow

I did not get a sense of that during my meeting this morning. I will be out tomorrow and John will be attending the 1pm meeting. My sense from the meeting today, is that they don't yet have a definitive plan.....with regard to message or timeline.

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

▼ Thomas J Myers/MD/APHIS/USDA

Thomas J Myers/MD/APHIS/USDA

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

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

02/10/2009 02:59 PM

Subject Re: FSIS-APHIS meeting tomorrow

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Desk: 301-734-7677

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

From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Catherine S Fulton](#); [Christopher C Robinson](#); [Elizabeth M Brown](#); [Jacek Taniewski](#); [John Clifford](#); [Joyce W Bowling-Heyward](#); [Karen A James-Preston](#); [Larry M Granger](#); [Michael J David](#); [Michael R Doerr](#); Ron.Hicks@fsis.usda.gov; Steve.McDermott@fsis.usda.gov; [Tracye R Butler](#)
Subject: Re: FSIS-APHIS meeting tomorrow
Date: 02/09/2009 01:25 PM

I have one opening from 10:00-10:30 so I could drop by TJ.

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

▼ [Thomas J Myers/MD/APHIS/USDA](#)

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

02/09/2009 01:23 PM

To Jere L Dick/MD/APHIS/USDA@USDA, Ron.Hicks@fsis.usda.gov

cc Karen A James-Preston/MD/APHIS/USDA@USDA, Christopher C Robinson/MD/APHIS/USDA@USDA, Joyce W Bowling-Heyward/MD/APHIS/USDA@USDA, Tracye R Butler/MD/APHIS/USDA@USDA, Michael R Doerr/MD/APHIS/USDA@USDA, Michael J David/MD/APHIS/USDA@USDA, Jacek Taniewski/MD/APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/USDA@USDA, Elizabeth M Brown/MD/APHIS/USDA@USDA, Steve.McDermott@fsis.usda.gov, John Clifford/MD/APHIS/USDA@USDA, Larry M Granger/CO/APHIS/USDA@USDA

Subject FSIS-APHIS meeting tomorrow

Hi Jere and Ron -

Today, Karen and Steve are developing an agenda for tomorrow's meeting of "Team USDA." This meeting will be in the South Building from 10:00 to

noon in room 3074. The agenda for this meeting will need to cover not only the topic of sorting through the 300+ permits for those that may need to be rescinded (pending a final decision from the Secretary and FSIS), but also to begin the broader issue of what process and IT structure will we need to consider if we are to take more of a joint approach to the permitting process.

Since this will be the first meeting of the group, I want to give the two of you the opportunity to meet with them for a few minutes at 10:00 to share with them your hopes and expectations for this collaborative effort. Are either or both of you available to do this? I will be in Riverdale tomorrow and am not available to attend.

Thanks
TJ

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

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

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

From: [John Clifford](#)
To: [Thomas J Myers](#); [Jere L Dick](#)
cc: [Michael R Doerr](#); [Catherine S Fulton](#); [Karen A James-Preston](#); [Jacek Taniewski](#); [Michael J David](#); [Alisa D Robinson](#); [Elizabeth M Brown](#)
Subject: Re: FSIS-APHIS meeting tomorrow
Date: 02/10/2009 08:31 PM

TJ,

Thanks for the update and I definitely concur that no permits are to be cancelled until we know my office as given the go ahead.

Karen,

Thanks for all the work on this issue from you and your staff.

John

▼ [Thomas J Myers](#)

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

From: Thomas J Myers

Sent: 02/10/2009 05:24 PM EST

To: Jere Dick; John Clifford

Cc: Michael Doerr; Catherine Fulton; Karen James-Preston; Jacek Taniewski; Michael David; Alisa Robinson; Elizabeth Brown

Subject: Re: FSIS-APHIS meeting tomorrow

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4700 River Road; Unit 33
Riverdale, MD 20737

Desk: 301-734-7677

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

▼ Jere L Dick/MD/APHIS/USDA

Jere L Dick/MD/APHIS/USDA

02/10/2009 03:01 PM

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

cc Michael R Doerrerr/MD/APHIS/USDA@USDA

Subject Re: FSIS-APHIS meeting tomorrow

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▼ Thomas J Myers/MD/APHIS/USDA

Thomas J Myers/MD/APHIS/USDA

02/10/2009 02:59 PM

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

cc Michael R Doerrerr/MD/APHIS/USDA@USDA

Subject Re: FSIS-APHIS meeting tomorrow

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From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Michael R Doerr](#)
Subject: Re: FSIS-APHIS meeting tomorrow
Date: 02/10/2009 03:01 PM

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▼ [Thomas J Myers/MD/APHIS/USDA](#)

Thomas J Myers/MD/APHIS/USDA

02/10/2009 02:59 PM

To Jere L Dick/MD/APHIS/USDA@USDA
cc Michael R Doerr/MD/APHIS/USDA@USDA
Subject Re: FSIS-APHIS meeting tomorrow

So what is the expectation or anticipated timeline on a decision from the Secretary or FSIS on new enforcement actions, a request for APHIS to rescind permits, or the notification to WTO, as was discussed last week?

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From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Catherine S Fulton](#); [Christopher C Robinson](#); [Elizabeth M Brown](#); [John Clifford](#);
[Karen A James-Preston](#); [Michael R Doerr](#)
Subject: Re: FSIS-APHIS meeting tomorrow
Date: 02/10/2009 07:28 AM

Thanks, TJ. I will be there.

Jere L. Dick, DVM
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▼ [Thomas J Myers/MD/APHIS/USDA](#)

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

02/09/2009 05:35 PM

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

cc Karen A James-Preston/MD/APHIS/USDA@USDA,
Christopher C Robinson/MD/APHIS/USDA@USDA,
Michael R Doerr/MD/APHIS/USDA@USDA,
Elizabeth M Brown/MD/APHIS/USDA@USDA, John
Clifford/MD/APHIS/USDA@USDA, Catherine S
Fulton/MD/APHIS/USDA@USDA

Subject FSIS-APHIS meeting tomorrow

Jere -

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

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

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

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Riverdale, MD 20737

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▼ Karen A James-Preston/MD/APHIS/USDA

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

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

02/09/2009 04:24 PM

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

Subject Fw: Heparin doc revised

TJ,

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

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

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

Below are topics that need to be discussed:

- Explain each agency's regulatory authority over products (meat, eggs, etc).

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

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

From: [Jere L Dick](#)
To: [Thomas J Myers](#)
cc: [Michael R Doerrer](#)
Subject: Re: FSIS-APHIS meeting tomorrow
Date: 02/10/2009 12:45 PM

I attended the first half hour of this and never really got a chance to speak.....what a goat rope. FSIS folks are still all not on the same page with regard to where they are going, so it is going to require LOTS of patience on the part of NCIE while they work with our colleagues across the hall.

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

From: [Karen A James-Preston](#)
To: [Jere L Dick](#)
cc: [Christopher C Robinson](#); [Lynette D Williams](#); [Maurine F Bell](#); [Michael J David](#);
[Michael R Doerr](#); [Teresa M Martinez](#); [Thomas J Myers](#); [Tracye R Butler](#)
Subject: Re: FSIS-APHIS steps
Date: 02/27/2009 09:16 AM

Will do.

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

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

02/27/2009 08:47 AM

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

cc Christopher C Robinson/MD/APHIS/USDA@USDA,
Lynette D Williams/MD/APHIS/USDA@USDA,
Maurine F Bell/MD/APHIS/USDA@USDA, Michael J
David/MD/APHIS/USDA@USDA, Michael R Doerr/
MD/APHIS/USDA@USDA, Teresa M Martinez/MD/
APHIS/USDA@USDA, Thomas J Myers/MD/APHIS/
USDA@USDA, Tracye R Butler/MD/APHIS/
USDA@USDA

Subject Re: FSIS-APHIS steps

I would go ahead and run it past Mary Stanley in preparation for re-issuing permits. Hold until given notice to resume. 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

▼ Karen A James-Preston/MD/APHIS/USDA

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

02/26/2009 03:24 PM

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

cc Michael J David/MD/APHIS/USDA@USDA, Michael R Doerrer/MD/APHIS/USDA@USDA, Thomas J Myers/MD/APHIS/USDA@USDA, 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, Maurine F Bell/MD/APHIS/USDA@USDA

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Note: Of the 30 China cancelled permits, all 30 permits contained poultry products what were shipped directly from China. Of the 30 permits, 2 permits were issued for US origin product going to China for processing then exported back to the US

Sincerely,

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

▼ Jere L Dick/MD/APHIS/USDA

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USDA**

02/26/2009 02:26 PM

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cc Thomas J Myers/MD/APHIS/USDA@USDA, Karen
A James-Preston/MD/APHIS/USDA@USDA, John
Clifford/MD/APHIS/USDA

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▼ Michael R Doerrer

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

From: Michael R Doerrer

Sent: 02/26/2009 02:10 PM EST

To: Catherine Fulton

Cc: Jere Dick; Thomas Myers; Karen James-Preston

Subject: FSIS-APHIS steps

[attachment "APHIS-FSIS approval steps.doc" deleted by Jere L Dick/MD/
APHIS/USDA]

Michael Doerrer

Chief of Staff

National Animal Health Policy & Programs

USDA-APHIS-Veterinary Services

Telephone: 301-734-5034

Facsimile: 301-734-8818

From: [Karen A James-Preston](#)
To: [Jere L Dick](#)
cc: [Michael J David](#); [Michael R Doerrer](#); [Thomas J Myers](#); [Christopher C Robinson](#); [Tracye R Butler](#); [Teresa M Martinez](#); [Lynette D Williams](#); [Maurine F Bell](#)
Subject: Re: FSIS-APHIS steps
Date: 02/26/2009 03:24 PM

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Telephone: 301-734-5034
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cc: [Thomas J Myers](#); [Karen A James-Preston](#); [John Clifford](#)
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Subject: FSIS-APHIS steps

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Michael Doerrerr
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: [Thomas J Myers](#)
Subject: Re: Fw: 2 6 09 10 04 Fw: Permits issued for all products containing less than 2% meat from all countries.
Date: 02/06/2009 05:39 PM

Thanks, TJ for addressing my concerns. Two things we can't afford to have happen in the future after the decision gets made:

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Appreciate all the long hours this week. Enjoy your visit this weekend.

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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**

02/06/2009 05:26 PM

To Karen A James-Preston/MD/APHIS/USDA@USDA
cc Michael R Doerr/MD/APHIS/USDA@USDA, Larry M Granger/CO/APHIS/USDA@USDA, Christopher C Robinson/MD/APHIS/USDA@USDA, Tracye R Butler/MD/APHIS/USDA@USDA, Joyce W Bowling-Heyward/MD/APHIS/USDA@USDA, Jere L Dick/MD/APHIS/USDA@USDA

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

Hi Karen -

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

Thanks
TJ

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

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

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

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

This section is being referred to FSIS.

From: Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]
Sent: Friday, February 06, 2009 10:04 AM
To: Smith, William C.
Cc: Thomas.J.Myers@aphis.usda.gov; Michael.R.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

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USDA-APHIS-Veterinary Services
Washington DC, 20250
Telephone: 202-720-5193
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----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/06/2009 10:01 AM -----

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

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

02/05/2009 12:18 PM

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

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

Jere/Catherine -

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

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

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

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

4700 River Road; Unit 33
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-----.(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 Doerrerr/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 then 2% meat from all countries:

37 Permits issued for products containing less then 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
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 (301) 734-8172 Desk
 (301) 734-6354 Fax

From: [Thomas J Myers](#)
To: [Jere L Dick](#)
Subject: Re: Fw: 2 6 09 10 04 Fw: Permits issued for all products containing less than 2% meat from all countries.
Date: 02/06/2009 05:50 PM

Agree, and we will stay on top of it. The challenge is keeping NCIE mindful of the big picture when they are in the weeds (as they need to be) sorting through the minute details of hundreds of permits.
TJ

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

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Riverdale, MD 20737

Desk: 301-734-7677
------(b)(6)-----

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Guatemala	5
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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: Clay.Hamilton@fas.usda.gov
cc: Ronald.Jones@fsis.usda.gov
Subject: Re: Fw: 2% issue - attaching TPs (background for Post)
Date: 03/20/2009 08:13 AM

Thanks, Clay. I'll be at the meeting. Appears these issues are really more FSIS specific, so will defer to 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

▼ -----

This section is being referred to FAS.



This section is being referred to FAS.

This section is being referred to FAS.

This section is being referred to FAS.

This section is being referred to FAS.

From: [Thomas J Myers](#)
To: [Karen A James-Preston](#)
cc: [Jere L Dick](#); [Michael J David](#); [Michael R Doerr](#)
Subject: Re: Fw: 4 draft documents regarding permits
Date: 03/01/2009 05:26 PM
Attachments: [DRAFT Talking Points on Import Permits.doc](#)
[DRAFT Talking Points on Import Permits-China.doc](#)
[DRAFT Strengthening Import Permit Policies - Communication Strategy.doc](#)
[DRAFT memo to SEC re import permits.doc](#)

Karen - here are the attachments; FYI only.

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

03/01/2009 03:07 PM

To Thomas J Myers/MD/APHIS/USDA, Michael R Doerr/MD/APHIS/USDA, Michael J David/MD/APHIS/USDA

cc

Subject Fw: 4 draft documents regarding permits

Here are the originals. Thought I had sent them yesterday. Sorry

This section is being referred to FSIS.

From: [Maurine F Bell](#)
To: [Jere L Dick](#)
cc: [Larry M Granger](#); [Michael R Doerr](#); [Thomas J Myers](#)
Subject: Re: Fw: ACTION- call on permits
Date: 02/27/2009 09:09 AM

CBP has the information on the call and will be on at 9:30 am.

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

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

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

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

▼ [Jere L Dick](#)

Jere L Dick To: Michael R Doerr/MD/APHIS/USDA@USDA
cc: Thomas J Myers/MD/APHIS/USDA@USDA, Larry M
Granger/CO/APHIS/USDA@USDA, Maurine F Bell/MD/APHIS/
02/27/2009 08:55 AM USDA@USDA
Subject: Fw: ACTION- call on permits

Michael,

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

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

Facsimile: 202-690-4171

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

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

Sent by: Catherine S Fulton

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

02/27/2009 08:53 AM

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

Subject ACTION- call on permits

Ron-

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

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

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

John

--

This section is being referred to FSIS.

From: [Karen A James-Preston](#)
To: [Christopher C Robinson](#); [Thomas J Myers](#); [Larry M Granger](#); [Jere L Dick](#); [Alisa D Robinson](#); [Michael J David](#); [Michael R Doerrer](#); [Adam G Grow](#)
cc: [Tracye R Butler](#); [Joyce W Bowling-Heyward](#)
Subject: Re: Fw: ACTION: Need comments by 9am tomorrow
Date: 02/12/2009 09:10 AM
Attachments: [2009-0006, 2-10-09, yellow.doc](#)

It appears that this is a CYA for FSIS. NCIE has no issues with this. However, I am not sure when this Notice is going to be published....it needs to go out after the APHIS Administrator/Deputy receives notification from the FSIS Administrator/Deputy to cancel the permits...t... That said, the only permits cancelled at this time were poultry products from China.

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

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

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

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

cc

02/12/2009 08:49 AM

Subject Fw: ACTION: Need comments by 9am tomorrow

FYI...I'm on it

Christopher Robinson, DVM
Assistant Director, Import Products
USDA, APHIS, VS, NCIE
4700 River Road Unit 40
Riverdale, MD 20737

Office 301-734-3277

Fax 301-734-8226

E-mail - Christopher.C.Robinson@aphis.usda.gov

----- Forwarded by Christopher C Robinson/MD/APHIS/USDA on 02/12/2009 08:50 AM -----

**Alisa D Robinson/MD/
APHIS/USDA**

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

cc Adam G Grow/MD/APHIS/USDA@USDA, Michael J
David/MD/APHIS/USDA@USDA

02/11/2009 02:35 PM

Subject Fw: ACTION: Need comments by 9am tomorrow

Chris,

Please review and comment. Comments are due downtown by 9:00 a.m.
tomorrow.Thanks.

Alisa

Alisa Robinson
Director, Writing, Editing, and Regulatory Coordination
National Animal Health Policy and Programs
USDA APHIS Veterinary Services
4700 River Road
Riverdale, Maryland 20737-1231

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

----- Forwarded by Alisa D Robinson/MD/APHIS/USDA on 02/11/2009 02:26 PM -----

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

To Alisa D Robinson/MD/APHIS/USDA@USDA, Adam
G Grow/MD/APHIS/USDA@USDA, Michael J David/
MD/APHIS/USDA@USDA

02/11/2009 02:22 PM

cc

Subject ACTION: Need comments by 9am tomorrow

Adam/Alisa,

Please run this by NCIE (Chris). We'll need to get comments to FSIS first thing tomorrow -- please have any comments (or you can edit with track changes) to me by 9:00am tomorrow. John will review and forward.

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

----- Forwarded by John Clifford/MD/APHIS/USDA on 02/11/2009 02:15 PM -----

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This section is being referred to FSIS.

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

From: [Abbey L Shaffer](#)
To: [Jere L Dick](#)
Subject: Re: Fw: Agenda for Tomorrow's Meeting
Date: 03/19/2009 05:11 PM

It looks like the talking points Ed sent out cover that. Does that work for you or were you looking for something different?

Did they send you information about transportation so you know where to be and when?

Abbey L. Shaffer
Legislative Affairs Specialist
USDA APHIS Legislative and Public Affairs
1147 South Building
Washington, DC 20250
(202) 720-3474
Fax: (202) 720-3982

****This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. If you have received this message in error, please reply to the sender by reply email, and delete this message and any attachments. Thank you.****

▼ [Jere L Dick/MD/APHIS/USDA](#)

Jere L Dick/MD/APHIS/USDA

To Abbey L Shaffer/MD/APHIS/USDA@USDA

03/19/2009 04:53 PM

CC

Subject Fw: Agenda for Tomorrow's Meeting

Abbey,

Finally got the agenda. Could you assist with TP's for #5 so I stay on point? I could assist, if you need help.

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 03/19/2009 04:51 PM -----

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

This section is being referred to FSIS.

This section is being referred to FAS.

From: Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]
Sent: Monday, March 23, 2009 12:29 PM
To: Hamilton, Clay
Cc: Egelhofer, David; Derfler, Philip
Subject: Re: FW: Ambo Letter to Minister of Ag

Thanks Clay. From the APHIS perspective it looks fine. Will let FSIS weigh-in from their perspective.

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

This section is being referred to FAS.

-

This section is being referred to FAS.

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-

From: Harbert, Lloyd
Sent: Monday, March 23, 2009 2:23 AM
To: Hamilton, Clay
Cc: Pool, Maria; Phillips, Susan B
Subject: Ambo Letter to Minister of Ag

Clay:

Can you get FSIS and APHIS clearance on this?

Ambassador Stephens wants to send a letter given that the Minister of Agriculture raised this issue directly with her several weeks ago.

Thanks.

Lloyd

From: [Jere L Dick](#)
To: [Karen A James-Preston](#)
cc: [Christopher C Robinson](#); [Michael J David](#); [Thomas J Myers](#); [Tracye R Butler](#)
Subject: Re: Fw: APHIS Permits
Date: 03/31/2009 01:14 PM

I will if I get a chance, but feel free to talk to Sheila when you are ready.

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

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

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

03/31/2009 01:12 PM

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

cc Christopher C Robinson/MD/APHIS/USDA@USDA,
Michael J David/MD/APHIS/USDA@USDA, Thomas
J Myers/MD/APHIS/USDA@USDA, Tracye R Butler/
MD/APHIS/USDA@USDA

Subject Re: Fw: APHIS Permits

Ha! Ha!,

Yes, I just read your email about OGC's involvement. As you know, I agree. I will be out of the office tomorrow.....just let me know when we need to get together to discuss....May be give Jack a chance to catch his breath before we spring this on him..... What about Thursday? Are you going to broach this with OGC?

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

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

▼ Jere L Dick/MD/APHIS/USDA

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

03/31/2009 01:07 PM

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

cc Christopher C Robinson/MD/APHIS/USDA@USDA,
Michael J David/MD/APHIS/USDA@USDA, Thomas
J Myers/MD/APHIS/USDA@USDA, Tracye R Butler/
MD/APHIS/USDA@USDA

Subject Re: Fw: APHIS Permits

Understood. I just sent you an email about getting OGC involved.....
probably crossed paths. Do not respond further until you have had a
chance to discuss. Even then, further response may not be necessary.

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

▼ Karen A James-Preston/MD/APHIS/USDA

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

To Jere L Dick/MD/APHIS/USDA@USDA, Thomas J
Myers/MD/APHIS/USDA@USDA, Michael J David/
MD/APHIS/USDA@USDA

03/31/2009 01:05 PM

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

Subject Fw: APHIS Permits



Jere,

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

With respect to the FSIS language, it is funny that Ron Jones is silent. I agree that the language can be simplified, but it is the language FSIS provided to APHIS. I also agree that this overall FSIS involvement with APHIS import permits is confusing. As you know, APHIS is still trying to

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

Sincerely,

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

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

Bruce Shulman
<bruce@steinshostak.com>

03/31/2009 12:08 PM

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

cc "Ronald.Jones@fsis.usda.gov" <Ronald.Jones@fsis.usda.gov>, Elon A Pollack
----- >,

(b)(6)

<brians@soohocb.com>, "Jere.L. Dick@aphis.usda.gov" <Jere.L. Dick@aphis.usda.gov>, "Thomas.J. Myers@aphis.usda.gov" <Thomas.J. Myers@aphis.usda.gov>, "Michael.J. David@aphis.usda.gov" <Michael.J. David@aphis.usda.gov>, "Christopher.C.Robinson@aphis.usda.gov" <Christopher.C.Robinson@aphis.usda.gov>, "Tracye.R.Butler@aphis.usda.gov" <Tracye.R.Butler@aphis.usda.gov>

Subject RE: APHIS Permits

Dear Dr. James-Preston:

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

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

----- inshostak.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; -----(b)(6)-----
brians@soohocb.com; Jere.L.Dick@aphis.usda.g-----
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

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

From: [Jere L Dick](#)
To: [Thomas J Myers](#)
Subject: Re: Fw: APHIS Permits
Date: 03/27/2009 04:52 PM

Bless you!

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: [Karen A James-Preston](#)
cc: [Christopher C Robinson](#); [Michael J David](#); [Thomas J Myers](#); [Tracye R Butler](#)
Subject: Re: Fw: APHIS Permits
Date: 03/31/2009 01:07 PM

Understood. I just sent you an email about getting OGC involved..... probably crossed paths. Do not respond further until you have had a chance to discuss. Even then, further response may not be necessary.

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

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

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

03/31/2009 01:05 PM

To Jere L Dick/MD/APHIS/USDA@USDA, Thomas J Myers/MD/APHIS/USDA@USDA, Michael J David/MD/APHIS/USDA@USDA

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

Subject Fw: APHIS Permits



Jere,

This is ridiculous and verging on insanity. I am not sure if this lawyer gets

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

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

Sincerely,

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

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

Bruce Shulman
<bruce@steinshostak.com>

03/31/2009 12:08 PM

To "Karen.A.James-Preston@aphis.usda.gov" <Karen.A.James-Preston@aphis.usda.gov>
cc "Ronald.Jones@fsis.usda.gov" <Ronald.Jones@fsis.usda.gov>, Elon A Pollack <elon@steinshostak.com> ,

(b)(6)

<brians@soohocb.com>, "Jere.L. Dick@aphis.usda.gov" <Jere.L. Dick@aphis.usda.gov>, "Thomas.J. Myers@aphis.usda.gov" <Thomas.J. Myers@aphis.usda.gov>, "Michael.J. David@aphis.usda.gov" <Michael.J. David@aphis.usda.gov>, "Christopher.C.Robinson@aphis.usda.gov" <Christopher.C.Robinson@aphis.usda.gov>, "Tracye.R.Butler@aphis.usda.gov" <Tracye.R.Butler@aphis.usda.gov>

Subject RE: APHIS Permits

Dear Dr. James-Preston:

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

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

----- inshostak.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;-----(b)(6)-----
brians@soohocb.com; Jere.L.Dick@aphis.usda.-----
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

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

----- nshostak.com -----

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-

This section is being referred to FSIS.

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

This section is being referred to FSIS.

From: Thomas.J.Myers@aphis.usda.gov <Thomas.J.Myers@aphis.usda.gov>
To: Jones, Ronald
Cc: Jere.L.Dick@aphis.usda.gov <Jere.L.Dick@aphis.usda.gov>; Jill.B.Rolland@aphis.usda.gov <Jill.B.Rolland@aphis.usda.gov>; Michael.J.David@aphis.usda.gov <Michael.J.David@aphis.usda.gov>; Karen.A.James-Preston@aphis.usda.gov <Karen.A.James-Preston@aphis.usda.gov>; Joyce.W.Bowling@aphis.usda.gov <Joyce.W.Bowling@aphis.usda.gov>
Sent: Fri Mar 27 14:41:02 2009
Subject: Re: Fw: APHIS Permits

Hi Ron -

I have spoken with my staff about this inquiry. They have the original correspondence that Mr. Shulman sent to you with his concerns about APHIS permits. They have been developing a response and plan to contact Mr. Shulman shortly in order to answer his questions. I propose that, rather than report back through you, that you could indicate to Mr. Shulman his concerns have been forwarded to APHIS and that we will be in touch with him.

More broadly, now that the majority of the backlog of permit applications has been processed, I would like to propose that we begin having weekly FSIS-APHIS meetings at the technical level. We have had one such meeting last month which you hosted. We would like to host the next meeting here in Riverdale and I am asking Dr. Karen James-Preston to coordinate this with your staff. There are a number of issues that will need to be resolved between now and June 19, such as handling inquiries from importers, the receipt and processing of source information from

applicants, how to handle rejected/denied applications, etc.

Does the above approach on both these items work for you?

Thanks

TJ

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

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

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

Jere L	
Dick/MD/APHIS/USD	
A	To
	Thomas J Myers/MD/APHIS/USDA@USDA
03/27/2009 12:07	cc
PM	Michael J David/MD/APHIS/USDA@USDA, Jill B Rolland/MD/APHIS/USDA@USDA, Ronald.Jones@fsis.usda.gov
	Subject
	Fw: APHIS Permits

TJ/Michael,

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

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

This section is being referred to FSIS.

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

Sent: Friday, March 27, 2009 10:49 AM

To: Jones, Ronald

Cc: Elon A Pollack; 'Brian Soo Hoo'

Subject: RE: APHIS Permits

Dr. Jones:

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

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

This section is being referred to FSIS.

From: [Jere L Dick](#)
To: [Karen A James-Preston](#); [Gary S Colgrove](#); [Michael R Doerr](#)
Subject: Re: Fw: APHIS Permits
Date: 03/30/2009 06:04 PM

Fine with me. Glad Gary is OK.

▼ [Karen A James-Preston](#)

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

From: Karen A James-Preston
Sent: 03/30/2009 05:37 PM EDT
To: Gary Colgrove; Jere Dick; Michael Doerr
Subject: Re: Fw: APHIS Permits

Glad U R Ok. Yes I will act if it. Is OK with Jere

Dr. Karen A. James-Preston

▼ [Gary S Colgrove](#)

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

From: Gary S Colgrove
Sent: 03/30/2009 05:33 PM EDT
To: Karen James-Preston
Subject: Re: Fw: APHIS Permits

Karen

(b)(6)

Can you act

▼ [Karen A James-Preston](#)

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

From: Karen A James-Preston
Sent: 03/30/2009 05:03 PM EDT
To: Jere Dick
Cc: Christopher Robinson; Gary Colgrove; Michael David; Tracye Butler
Subject: Re: Fw: APHIS Permits

I will send tomorrow

Dr. Karen A. James-Preston

▼ [Jere L Dick](#)

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

From: Jere L Dick
Sent: 03/30/2009 04:58 PM EDT
To: Karen James-Preston
Cc: Christopher Robinson; Gary Colgrove; Karen James-Preston;
Michael David; Tracye Butler
Subject: Re: Fw: APHIS Permits
Looks fine to me Karen. 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

▼ Karen A James-Preston/MD/APHIS/USDA

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

03/30/2009 02:30 PM

To Jere L Dick/MD/APHIS/USDA@USDA, Michael J
David/MD/APHIS/USDA@USDA, Gary S Colgrove/
MD/APHIS/USDA@USDA

cc Karen A James-Preston/MD/APHIS/USDA@USDA,
Tracye R Butler/MD/APHIS/USDA@USDA,
Christopher C Robinson/MD/APHIS/USDA@USDA

Subject Fw: APHIS Permits

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

Dear Mr. Shulman,

Thank you for your e-mail concerning the confusion in the trade community
related to the differences between the US Department of Agriculture
(USDA), Animal and Plant Health Inspection Service (APHIS) and the
USDA, Food Safety and Inspection Service (FSIS) regarding the

importation of food stuffs containing small amounts of meat, poultry and/or egg product ingredients for human consumption. Your email was forwarded to me for response and I appreciate this opportunity to alleviate the confusion.

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

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

Sincerely,

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

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

Dr. Jones:

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

Notwithstanding the outreach effort which FSIS is making, it is still

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

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

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

Phone (202) 331-1876

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

----- nshostak.com -----

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This section is being referred to FSIS.

This section is being referred to FSIS.

From: [Thomas J Myers](#)
To: Ronald.Jones@fsis.usda.gov
cc: [Jere L Dick](#); [Jill B Rolland](#); [Michael J David](#); [Karen A James-Preston](#); [Joyce W Bowling-Heyward](#)
Subject: Re: Fw: APHIS Permits
Date: 03/27/2009 02:41 PM

Hi Ron -

I have spoken with my staff about this inquiry. They have the original correspondence that Mr. Shulman sent to you with his concerns about APHIS permits. They have been developing a response and plan to contact Mr. Shulman shortly in order to answer his questions. I propose that, rather than report back through you, that you could indicate to Mr. Shulman his concerns have been forwarded to APHIS and that we will be in touch with him.

More broadly, now that the majority of the backlog of permit applications has been processed, I would like to propose that we begin having weekly FSIS-APHIS meetings at the technical level. We have had one such meeting last month which you hosted. We would like to host the next meeting here in Riverdale and I am asking Dr. Karen James-Preston to coordinate this with your staff. There are a number of issues that will need to be resolved between now and June 19, such as handling inquiries from importers, the receipt and processing of source information from applicants, how to handle rejected/denied applications, etc.

Does the above approach on both these items work for you?

Thanks
TJ

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

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

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

▼ Jere L Dick/MD/APHIS/USDA

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

03/27/2009 12:07 PM

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

cc Michael J David/MD/APHIS/USDA@USDA, Jill B
Rolland/MD/APHIS/USDA@USDA, Ronald.
Jones@fsis.usda.gov

Subject Fw: APHIS Permits

TJ/Michael,

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

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

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

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

This section is being referred to FSIS.

This section is being referred to FSIS.

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

Dr. Jones:

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

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From: [Karen A James-Preston](#)
To: [Jere L Dick](#)
cc: [Christopher C Robinson](#); [Michael J David](#); [Thomas J Myers](#); [Tracye R Butler](#)
Subject: Re: Fw: APHIS Permits
Date: 03/31/2009 01:12 PM

Ha! Ha!,

Yes, I just read your email about OGC's involvement. As you know, I agree. I will be out of the office tomorrow.....just let me know when we need to get together to discuss....May be give Jack a chance to catch his breath before we spring this on him..... What about Thursday? Are you going to broach this with OGC?

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

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

03/31/2009 01:07 PM

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

cc Christopher C Robinson/MD/APHIS/USDA@USDA,
Michael J David/MD/APHIS/USDA@USDA, Thomas
J Myers/MD/APHIS/USDA@USDA, Tracye R Butler/
MD/APHIS/USDA@USDA

Subject Re: Fw: APHIS Permits

Understood. I just sent you an email about getting OGC involved..... probably crossed paths. Do not respond further until you have had a chance to discuss. Even then, further response may not be necessary.

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

▼ Karen A James-Preston/MD/APHIS/USDA

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

03/31/2009 01:05 PM

To Jere L Dick/MD/APHIS/USDA@USDA, Thomas J
Myers/MD/APHIS/USDA@USDA, Michael J David/
MD/APHIS/USDA@USDA

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

Subject Fw: APHIS Permits



Jere,

This is ridiculous and verging on insanity. I am not sure if this lawyer gets paid by the hour or by the word. I am not sure how you want to handle this but it is apparent that this lawyer wants to dictate to USDA what he thinks we should and should not do. I do not think I need to waste my or my staffs' time and energy responding "tid for tat" on each point Mr.

Shulman makes when he is just going to send another email. I hate so say this but is there any way we can get Tom and Sheila, OGC involved?

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

Sincerely,

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

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

Bruce Shulman
<bruce@steinshostak.com>

03/31/2009 12:08 PM

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

cc "Ronald.Jones@fsis.usda.gov" <Ronald.Jones@fsis.usda.gov>, Elon A Pollack
-----m> ,

(b)(6)

<brians@soohooeb.com>, "Jere.L. Dick@aphis.usda.gov" <Jere.L. Dick@aphis.usda.gov>, "Thomas.J. Myers@aphis.usda.gov" <Thomas.J. Myers@aphis.usda.gov>, "Michael.J. David@aphis.usda.gov" <Michael.J. David@aphis.usda.gov>, "Christopher.C.Robinson@aphis.usda.gov" <Christopher.C.Robinson@aphis.usda.gov>, "Tracye.R.Butler@aphis.usda.gov" <Tracye.R.Butler@aphis.usda.gov>

Subject RE: APHIS Permits

Dear Dr. James-Preston:

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

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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;----- (b)(6) -----
brians@soohoo.com; Jere.L.Dick@aphis.usda.-----

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:

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

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-

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From: [Thomas J Myers](#)
To: [Joyce W Bowling-Heyward](#); [Karen A James-Preston](#)
cc: [Jere L Dick](#); [Jill B Rolland](#); [Michael J David](#); [Michael R Doerr](#)
Subject: Re: Fw: APHIS Permits
Date: 03/27/2009 12:30 PM

Joyce/Karen - here's my suggestion. Is this correct?

Hi Ron -

If I understand the request, you are looking for an assessment of what can be done on our OMB approved permit forms and through the application process to clarify to the applicant the requirements and the information that needs to be submitted to meet those requirements. If this is correct, these are issues that need to be worked out in the coming weeks as the FSIS and APHIS technical folks meet to discuss how our two programs will be coordinated in the future. I suggest your response back to Mr. Shulman would be that we are working on these details.

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**

03/27/2009 12:07 PM

To Thomas J Myers/MD/APHIS/USDA@USDA
cc Michael J David/MD/APHIS/USDA@USDA, Jill B
Rolland/MD/APHIS/USDA@USDA, Ronald.
Jones@fsis.usda.gov

Subject Fw: APHIS Permits

TJ/Michael,

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

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

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

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

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

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

information.

Bruce N. Shulman, Esq.
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From: [Jere L Dick](#)
To: [Karen A James-Preston](#)
cc: [Christopher C Robinson](#); [Gary S Colgrove](#); [Karen A James-Preston](#); [Michael J David](#); [Tracye R Butler](#)
Subject: Re: Fw: APHIS Permits
Date: 03/30/2009 04:58 PM

Looks fine to me Karen. 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

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

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

03/30/2009 02:30 PM

To Jere L Dick/MD/APHIS/USDA@USDA, Michael J David/MD/APHIS/USDA@USDA, Gary S Colgrove/MD/APHIS/USDA@USDA

cc Karen A James-Preston/MD/APHIS/USDA@USDA, Tracye R Butler/MD/APHIS/USDA@USDA, Christopher C Robinson/MD/APHIS/USDA@USDA

Subject Fw: APHIS Permits

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

Dear Mr. Shulman,

Thank you for your e-mail concerning the confusion in the trade community related to the differences between the US Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) and the USDA, Food Safety and Inspection Service (FSIS) regarding the

importation of food stuffs containing small amounts of meat, poultry and/or egg product ingredients for human consumption. Your email was forwarded to me for response and I appreciate this opportunity to alleviate the confusion.

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

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

Previously, APHIS issued import permits for meat, poultry and/or egg ingredients with a precaution that read: *"The importer is responsible for obtaining any required authorization from the USDA, FSIS. FSIS may have specific public health requirements apart from USDA animal health requirements. Importer to contact (202) 720-9904."* Often times this precaution was printed on the second page of the import permit. Restrictions and precautions are placed in a specific order on import permits. The first precaution is the signature of the permittee; the second precaution is foreign government documents that must accompany each import and that the Department of Homeland Security, Customs and Border Protection port inspectors are required to inspect, then the rest of the precautions are listed.

While no precaution is more important than another, the port inspectors have requested that what they need to inspect be placed first after the permittee's signature. With regard to using red ink, our ePermits system allows us to e-mail completed permits to importers and they print them out. Our system does not generate the color used by permittees.

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

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

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

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

Sincerely,

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

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

Dr. Jones:

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

Notwithstanding the outreach effort which FSIS is making, it is still

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

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

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

Phone (202) 331-1876

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

----- nshostak.com -----

This message contains information and attachments which are confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by e-mail bshulman@steinshostak.com, and delete the message.

This section is being referred to FSIS.

This section is being referred to FSIS.

From: [Thomas J Myers](#)
To: [Jones, Ronald](#)
cc: Jere.L.Dick@aphis.usda.gov; Jill.B.Rolland@aphis.usda.gov; Joyce.W.Bowling@aphis.usda.gov; Karen.A.James-Preston@aphis.usda.gov; Michael.J.David@aphis.usda.gov
Subject: Re: Fw: APHIS Permits
Date: 03/27/2009 05:01 PM

Thanks, Ron. Karen, please proceed!
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) -----

▼ -----
=====

This section is being referred to FSIS.

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

From: Thomas.J.Myers@aphis.usda.gov <Thomas.J.Myers@aphis.usda.gov>

To: Jones, Ronald

Cc: Jere.L.Dick@aphis.usda.gov <Jere.L.Dick@aphis.usda.gov>; Jill.B.Rolland@aphis.usda.gov <Jill.B.Rolland@aphis.usda.gov>; Michael.J.David@aphis.usda.gov <Michael.J.David@aphis.usda.gov>; Karen.A.James-Preston@aphis.usda.gov <Karen.A.James-Preston@aphis.usda.gov>; Joyce.W.Bowling@aphis.usda.gov <Joyce.W.Bowling@aphis.usda.gov>

Sent: Fri Mar 27 14:41:02 2009

Subject: Re: Fw: APHIS Permits

Hi Ron -

I have spoken with my staff about this inquiry. They have the original correspondence that Mr. Shulman sent to you with his concerns about APHIS permits. They have been developing a response and plan to contact Mr. Shulman shortly in order to answer his questions. I propose that, rather than report back through you, that you could indicate to Mr. Shulman his concerns have been forwarded to APHIS and that we will be in touch with him.

More broadly, now that the majority of the backlog of permit applications has been processed, I would like to propose that we begin having weekly FSIS-APHIS meetings at the technical level. We have had one such meeting last month which you hosted. We would like to host the next meeting here in Riverdale and I am asking Dr. Karen James-Preston to coordinate this with your staff. There are a number of issues that will need to be resolved between now and June 19, such as handling inquiries from importers, the receipt and processing of source information from applicants, how to handle rejected/denied applications, etc.

Does the above approach on both these items work for you?

Thanks

TJ

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

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

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

Jere L
Dick/MD/APHIS/USD
A
03/27/2009 12:07
PM

To
Thomas J Myers/MD/APHIS/USDA@USDA
cc
Michael J David/MD/APHIS/USDA@USDA,
Jill B Rolland/MD/APHIS/USDA@USDA,
Ronald.Jones@fsis.usda.gov
Subject
Fw: APHIS Permits

TJ/Michael,

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

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

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

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

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

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
Fax (202) 331-1877

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

-----inshostak.com

This section is being referred to FSIS.

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.

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**

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

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: [Jere L Dick](#)
To: [Thomas J Myers](#)
Subject: Re: FW: Cancelled Permit C-6256
Date: 03/24/2009 06:25 PM

Not for now. Let's see what happens.

▼ [Thomas J Myers](#)

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

From: Thomas J Myers
Sent: 03/24/2009 05:57 PM EDT
To: Jere Dick
Cc: Michael David; Michael Doerrer
Subject: RE: FW: Cancelled Permit C-6256

Hi Jere - I'm just seeing this email string now. If Ron is going to get back to the lawyer on this issue, is there anything you want us/NCIE to do in this case?

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) -----

▼ -----

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

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

From: Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]
Sent: Tuesday, March 24, 2009 3:56 PM
To: Jones, Ronald
Cc: Thomas.J.Myers@aphis.usda.gov
Subject: RE: FW: Cancelled Permit C-6256

The product was covered by FSIS as I understand it. The letter below was just an initial notification, along with a phone call that we made to each of them. Frankly, I think they are upset about past history and lack of collaboration, not the current letter.

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 FSIS.

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

Sent: Tuesday, March 24, 2009 3:26 PM
To: Jones, Ronald
Cc: Thomas.J.Myers@aphis.usda.gov
Subject: Re: FW: Cancelled Permit C-6256

Ron,

I'll try to explain this to the best of my ability.....and keep it short.

We have called all the importers to let them know they can reapply for a permit. The initial information provided (in addition to the call we have made) is in a standard letter also. When and if they reapply, they will also be provided with the information needed for their permit --- either the 90-day extension letter, or the 1-year new permit letter or the egg letter explaining what they need to do with respect to FSIS.

Since the letter below is simply the letter informing importers whose permits were cancelled that they have the option of reapplying, any FSIS language is not added at this point because we do not know what they will be applying for.

I hope this explains it ...

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 FSIS.

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This section is being referred to FSIS.
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From: Uptain, Leonard
Sent: Tuesday, March 24, 2009 8:21 AM
To: Jones, Ronald
Subject: FW: Cancelled Permit C-6256

Dr. Jones:

Robert Fasulo probably forwarded Mr. Shulman's email to you. In the event that he has not, here is a copy.

Thanks, Leonard Uptain

From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Monday, March 23, 2009 5:57 PM
To: Uptain, Leonard
Cc: Glodowske, Angela; Elon A Pollack; Fasulo, Robe-----
Megan; Engeljohn, Daniel; thomas.walsh@usda.gov;-----.(b)(6)-----
'Brian Soo Hoo'; simone.j.dedrick@aphis.usda.gov
Subject: FW: Cancelled Permit C-6256

Dear Mr. Uptain:

I am enclosing an email message which APHIS sent to Kim Seng Company, as well as a copy of Kim Seng's email to me. The email sent to Kim Seng by APHIS advises that it can now apply for a new "import permit." As discussed with you on several occasions, the documents issued by APHIS are most definitely NOT "Import Permits" because they give the person to whom they

are issued ABSOLUTELY NO RIGHT TO IMPORT. Rather, as we all know, in addition to obtaining an APHIS certification, FSIS must also have approved both the exporting country and the individual plant involved as meeting inspection procedures “equivalent” to those used in the US. Additionally, in the instant case Congress has mandated that USDA expend no appropriations to institute rules or procedures which permit the importation of Chinese poultry.

When I spoke to Mr. Smith several weeks ago, he advised me that personnel at USDA have known about the confusion caused by the APHIS “permits” for at least 15 years. At that time, in order to be polite, I stated that it was “disturbing” that, apparently, no one at USDA had attempted to correct the confusion being caused by the APHIS “permits.” However, my real thoughts were that it is outrageous and abhorrent that the government has known for 15 years it is confusing innocent and well-meaning individuals into believing that they can import products (such as eggs, meat and poultry) when, in reality, if they do they can suffer loss of their products and/or be penalized.

Based on the enclosed email, I again respectfully request, as a measure in “good-government,” that FSIS immediately contact the appropriate personnel at APHIS to correct this situation and to report back to me on the corrective measures taken. As previously reported by me, I have been advised that there are numerous individuals who erroneously believe they have the right to import poultry, eggs and meat, when they do not. The failure by anyone at USDA to take simple corrective measures not only causes problems for importers, but also increases the workload at FSIS and Customs. I trust that someone at FSIS, APHIS or USDA will promptly report back to me so that it will not be necessary for me to take this further up the chain of command within USDA, or possibly even being forced to brief a Congressman or Senator at a time when food safety is such a political “hot potato.”

Again, please note that It is not my intent to be unreasonable. Having worked in government myself, I am aware that it is sometimes difficult to move quickly. However, given the seriousness of this situation and the fact that there are numerous simple solutions available to resolve it, USDA needs to show immediate progress in improving the issuance of certifications by APHIS.

Please contact me if you have any questions.

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

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

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

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

This message contains information and attachments which are confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by e-mail bshulman@steinshostak.com, and delete the message.

From: ----- (b)(6) -----

Sent: -----

To: Bruce Shulman

Subject: Fwd: Cancelled Permit C-6256

Hi Bruce:

Here we go again. Now USDA APHIS tells us we can re-apply for Granulated Chicken Bouillon using form VS 16-3. We used this very same form in 2004 to apply for this product. Could you ask Mr. Uptain to clarify because we don't want to import and then recall again. Thanks.

Gary Tsai

From: Simone.J.Dedrick@aphis.usda.gov

To:-----.(b)(6)-----

Sen-----A.M. Pacific Standard Time

Subj: Cancelled Permit C-6256

Dear Importer: Jiayang Tsai/Gary Tsai,

On or around January 30, 2009, you should have received a letter from the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS), National Center for Import and Export (NCIE) informing you that your import permit # C-6256 was cancelled.

Your permit was cancelled at the request of the USDA, Food Safety and Inspection Service (FSIS) for the reason that the products did not meet FSIS requirements.

APHIS is allowing all importers who's permits were cancelled the option to re-apply for a new import permit.

If you are interested in reapplying for an import permit you will need to complete VS 16-3 Import application which can be found on the APHIS website: http://www.aphis.usda.gov/animal_health/permits/.

- Based on the new FSIS requirements we must request that if you have exporters shipping from multiple countries, please be advised to complete an application for each country. (example: your permit had Taiwan, China and Australia, each one of these countries must have a separate application).
- If your permit indicated various countries outside of the United States, you will now need to provide the name of the exporting country and an application for each country will be required. (see example above)

Forward your completed application and include your cancelled Permit number on the application to my attention via email simone.j.dedrick@aphis.usda.gov. (subject line Cancelled Permit C-6256) or by fax (include cover sheet with Attn to: Simone Dedrick – Cancelled Permit C-6256) to 301-734-8226.

You can also call me directly at 301-734-5890 should you have any questions.

If you apply prior to June 19, 2009 there will be a one time only no charge to

you.

We apologize for this inconvenience.

Simone Dedrick
Veterinary Program Analyst
U.S. Dept. of Agriculture, NCIE
4700 River Road
Riverdale, MD 20737

301.851.3285 VOiP
301.734.5890 Direct
Simone.J.Dedrick@aphis.usda.gov

From: [Jere L Dick](#)
To: [Michael J David](#)
cc: [Michael R Doerr](#); [Thomas J Myers](#)
Subject: Re: FW: Cancelled Permit C-6256
Date: 03/24/2009 03:15 PM

Thanks Michael.

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**

03/24/2009 03:11 PM

To Jere L Dick/MD/APHIS/USDA@USDA
cc Michael R Doerr/MD/APHIS/USDA@USDA,
Thomas J Myers/MD/APHIS/USDA@USDA

Subject Re: FW: Cancelled Permit C-6256

Jere,

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Michael

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

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

▼ Jere L Dick/MD/APHIS/USDA

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

To "Jones, Ronald" <Ronald.Jones@fsis.usda.gov> ,
Thomas J Myers/MD/APHIS/USDA@USDA

03/24/2009 11:58 AM

cc Michael J David/MD/APHIS/USDA@USDA, Michael
R Doerrerr/MD/APHIS/USDA@USDA

Subject Re: FW: Cancelled Permit C-6256

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Thanks.

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



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From: Uptain, Leonard
Sent: Tuesday, March 24, 2009 8:21 AM
To: Jones, Ronald
Subject: FW: Cancelled Permit C-6256

Dr. Jones:

Robert Fasulo probably forwarded Mr. Shulman's email to you. In the event that he has not, here is a copy.

Thanks, Leonard Uptain

From: Bruce Shulman [mailto:bruce@steinshostak.com]
Sent: Monday, March 23, 2009 5:57 PM
To: Uptain, Leonard
Cc: Glodowske, Angela; Elon A Pollack; Fasulo, Robert; Holmes, Vella;

----- hn, Daniel; thomas.walsh@usda.gov;
----- (b)(6) ----- 'Brian Soo Hoo'; simone.j.dedrick@aphis.usda.gov
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Please contact me if you have any questions.

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) -----

----- einshostak.com -----

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From:----- (b)(6) -----

Sent: Monday, March 23, 2009 5:05 PM
To: Bruce Shulman
Subject: Fwd: Cancelled Permit C-6256

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Gary Tsai

Fro----- aphis.usda.gov
To: -----(b)(6)-----
Sen-----A.M. Pacific Standard Time
Subj: Cancelled Permit C-6256

Dear Importer: Jiayang Tsai/Gary Tsai,

On or around January 30, 2009, you should have received a letter from the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS), National Center for Import and Export (NCIE) informing you that your import permit # **C-6256** was cancelled.

Your permit was cancelled at the request of the USDA, Food Safety and Inspection Service (FSIS) for the reason that the products did not meet FSIS requirements.

APHIS is allowing all importers who's permits were cancelled the option to re-apply for a new import permit.

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- If your permit indicated various countries outside of the United States, you will now need to provide the name of the exporting country and an application for each country will be required. (see example above)

Forward your completed application and include your cancelled Permit number on the application to my attention via email simone.j.dedrick@aphis.usda.gov. (subject line Cancelled Permit C-6256) or by fax (include cover sheet with Attn to: Simone Dedrick – Cancelled Permit C-6256) to 301-734-8226.

You can also call me directly at 301-734-5890 should you have any questions.

If you apply prior to June 19, 2009 there will be a one time only no charge to you.

We apologize for this inconvenience.

Simone Dedrick
Veterinary Program Analyst
U.S. Dept. of Agriculture, NCIE
4700 River Road
Riverdale, MD 20737

301.851.3285 VOiP
301.734.5890 Direct
Simone.J.Dedrick@aphis.usda.gov

From: [Michael J David](#)
To: [Jere L Dick](#)
cc: [Michael R Doerr](#); [Thomas J Myers](#)
Subject: Re: FW: Cancelled Permit C-6256
Date: 03/24/2009 03:11 PM

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03/24/2009 11:58 AM

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Sent: Monday, March 23, 2009 5:57 PM

To: Uptain, Leonard

Cc: Glodowske, Angela; Elon A Pollack; Fasulo, Robert; Holmes, Vella; Potts, Megan; Engeljohn, Daniel; thomas.walsh@usda.gov;

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From: Simone.J.Dedrick@aphis.usda.gov
To: -----(b)(6)-----
Se----- .M. Pacific Standard Time
Subj: Cancelled Permit C-6256

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U.S. Dept. of Agriculture, NCIE
4700 River Road
Riverdale, MD 20737

301.851.3285 VOiP
301.734.5890 Direct
Simone.J.Dedrick@aphis.usda.gov

From: [Jere L Dick](#)
To: [Jones, Ronald](#)
cc: [Thomas J Myers](#)
Subject: Re: FW: Cancelled Permit C-6256
Date: 03/24/2009 03:25 PM

Ron,

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Phone (202) 331-1876

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From: [Michael J David](#)
To: [Jere L Dick](#)
cc: [Michael R Doerr](#); [Thomas J Myers](#)
Subject: Re: FW: Cancelled Permit C-6256
Date: 03/24/2009 02:53 PM

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

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

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

To "Jones, Ronald" <Ronald.Jones@fsis.usda.gov>, Thomas J Myers/MD/APHIS/USDA@USDA

03/24/2009 11:58 AM

cc Michael J David/MD/APHIS/USDA@USDA, Michael R Doerr/MD/APHIS/USDA@USDA

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Subject: Fwd: Cancelled Permit C-6256

Hi Bruce:

Here we go again. Now USDA APHIS tells us we can re-apply for Granulated Chicken Bouillon using form VS 16-3. We used this very same form in 2004 to apply for this product. Could you ask Mr. Uptain to clarify because we don't want to import and then recall again. Thanks.

Gary Tsai

Fro----- aphis.usda.gov

To:----- (b)(6) -----

Sent: 3/23/2009 11:52:33 A.M. Pacific Standard Time
Subj: Cancelled Permit C-6256

Dear Importer: Jiayang Tsai/Gary Tsai,

On or around January 30, 2009, you should have received a letter from the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS), National Center for Import and Export (NCIE) informing you that your import permit # C-6256 was cancelled.

Your permit was cancelled at the request of the USDA, Food Safety and Inspection Service (FSIS) for the reason that the products did not meet FSIS requirements.

APHIS is allowing all importers who's permits were cancelled the option to re-apply for a new import permit.

If you are interested in reapplying for an import permit you will need to complete VS 16-3 Import application which can be found on the APHIS website: http://www.aphis.usda.gov/animal_health/permits/.

- Based on the new FSIS requirements we must request that if you have exporters shipping from multiple countries, please be advised to complete an application for each country. (example: your permit had Taiwan, China and Australia, each one of these countries must have a separate application).
- If your permit indicated various countries outside of the United States, you will now need to provide the name of the exporting country and an application for each country will be required. (see example above)

Forward your completed application and include your cancelled Permit number on the application to my attention via email simone.j.dedrick@aphis.usda.gov. (subject line Cancelled Permit C-6256) or by fax (include cover sheet with Attn to: Simone Dedrick – Cancelled Permit C-6256) to 301-734-8226.

You can also call me directly at 301-734-5890 should you have any

questions.

If you apply prior to June 19, 2009 there will be a one time only no charge to you.

We apologize for this inconvenience.

Simone Dedrick
Veterinary Program Analyst
U.S. Dept. of Agriculture, NCIE
4700 River Road
Riverdale, MD 20737

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