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This section is being referred to FSIS.

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

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

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

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**From:** [Kevin A Shea](#)  
**To:** [Ed C Curlett](#); [APHIS OA](#)  
**cc:** [Cindy home](#); [Bethany X Jones](#); [Cindy MRP](#); [James C Ivy](#); [Meghan K Klingel](#); [Jere L Dick](#); [John Clifford](#); [Michael R Doerrer](#); [Larry M Granger](#)  
**Subject:** IMPORTANT MESSAGE  
**Date:** 02/16/2009 07:15 PM

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From this point in, we cannot communicate via e-mail on the issue we have been discussing with FSIS. Ed/Beth, please have a hard copy of all materials to me and to Cindy by 7:30 tomorrow (Tuesday Feb. 17).

Please acknowledge receipt of this message.



**From:** [Catherine S Fulton](#)  
**To:** [Jere L Dick](#); [Andrea C McNally](#); [Bill Clay](#); [Cindy.Smith@osec.usda.gov](#); [Jane E Levy](#); [John Clifford](#); [Kevin A Shea](#); [Sharon M Coursey](#); [Paula Henstridge](#)  
**cc:** [Larry M Granger](#); [Thomas J Myers](#); [Michael R Doerr](#)  
**Subject:** Meat import update  
**Date:** 02/06/2009 04:10 PM  
**Attachments:** [1FSIS counties permits 2 5 09.xls](#)

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All-

Dr. Dick asked that I provide you with the following update. The attachment is the same info, but includes the sample certificate.

### **Imports of Products with Small Amounts of Meat - Update February 4, 2009**

**January 27:** FSIS contacted APHIS regarding a shipment of granulated chicken bouillon from China. The shipment entered with a valid VS permit and an export veterinary health certificate meeting APHIS regulations, Customs and Border Protection (CBP) had questions, CBP stopped the shipment, and FSIS refused entry because the chicken bouillon did not meet FSIS import requirements outlined in 9 CFR 381.15(a)(3).

**January 30:** At FSIS' request, APHIS cancelled 29 permits for the importation of products from China that contain small amounts (less than 2 percent) of poultry ingredients. The original number of 32 permits was refined upon individual examination of the permits. These permits met APHIS requirements under animal health regulations, and at the time did not have FSIS requirements because the meat content was less than 2 percent. Plant Protection and Quarantine's Veterinary Regulatory Services forwarded the import alert to CBP on January 31.

We initially reported that 35 and then 31 permits would need to be cancelled. The initial number was obtained from a preliminary search of the ePermits database. That number was subsequently revised as the individual permits were individually reviewed to ensure they met the criteria.

This table summarizes the amount of product that was shipped under the 29 permits since September 2007 prior to their cancellation:

<b>Name of Importer (number of shipments)</b>	<b>Weight</b>	<b>Entered Value</b>
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Nestlé (20)	2,316.04 kg	\$110,877
Nisson (9)	400,379 kg	\$2,039,515
American Tohkin Enterprise (29)	1,277,654 kg	\$3,187,561
Wei-Chuan USA International (5)	40,514.4 kg	\$91,798
DesignPac Gifts, LLC (2)	Not available	\$209,982
Golden International Import and Export Corp. (1)	Not available	\$680
Madison One Acme, Inc. (1)	Not available	\$32,059
T&H Trading Co. Inc. (1)	Not available	\$1,540
<b>Total</b>		<b>\$5,664,012</b>

**February 3:** APHIS, FSIS, FAS, and IS held a phone conference. According to that discussion, FSIS’ intent is to regulate the importation of meat products for human consumption, regardless of how little meat the product contains.

**February 3:** To gauge the amount of product that may be affected by a change in enforcement, APHIS prepared a spreadsheet of permits that have been issued by APHIS for China-origin poultry products that fall under APHIS or joint jurisdiction:

- APHIS only (feathers): 57 permits.
- APHIS-FSIS (products for human consumption excluding eggs and egg products): 29 permits (these permits were cancelled, as noted above).
- APHIS-FDA edible (eggs, egg products, chondroitin sulfate): 174 permits.
- APHIS-FDA inedible (pet products): 134 permits.

**February 4:** APHIS is searching the ePermit database to determine how many permits have been issued by APHIS for products containing less than 2 percent of any meat from any country. We will then break out the permits by country. This data will be available February 5 APHIS’ ePermit database currently does not have an adequate reporting function to accomplish commodity-specific searches easily. However, planned upgrades for ePermits will facilitate these searches in the future.

**February 4:** Larry Granger of APHIS met with Ron Hicks and Ron Jones (among others) of FSIS. The following topics were discussed:

- FSIS is aware that the Secretary will meet with China on Friday.
- The recent change in enforcement of meat imports by FSIS is not solely directed at China and is not due to language in the Omnibus Appropriations Bill known as the DeLauro amendment.

- FSIS will require that any meat or meat product for human consumption must come from a country whose food inspection system is equivalent to that of the United States. FSIS has not determined when the requirement will go into effect. (Meat products not for human consumption, such as pet food, are the jurisdiction of the FDA.)
- APHIS had been unclear as to the regulatory basis for FSIS' expanded authority over all meat products because the regulation previously cited (9 CFR 381.15) specifies poultry. Today FSIS indicated that it is using its broad authority under the Federal Meat Inspection Act to regulate all meat products in the same manner as poultry.
- FSIS is discussing how to notify trading partners globally of the new requirement. FSIS is drafting a letter to be distributed through FAS and may also pursue emergency notification through the World Trade Organization.
- FSIS is likely to ask APHIS to cancel all approved permits for the importation of meat and meat products from nonequivalent countries, which are all countries except Australia, Canada, Chile, France, Great Britain, Hong Kong, Israel, Mexico, and New Zealand. As noted above, we are searching our ePermit database to see how many permits would be affected\*.
- FSIS views APHIS as the “permitting portal” for USDA. A joint FSIS/APHIS e-certification working group will determine what process would be appropriate for APHIS and FSIS to jointly issue permits that would cover their respective authorities. Currently, FSIS does not issue permits; however, language on the APHIS permits tells importers to contact FSIS and FDA for their requirements. In addition, APHIS sends a copy of each permit to FSIS after it is approved. FSIS also recognizes that it needs to interface with CBP on this issue. APHIS has an MOU with CBP, but FSIS does not.
- FSIS indicated that it will be contacting FDA management to discuss the appropriate regulation of imports of FDA edible (eggs) and inedible (pet food) products, and to request that FDA participate with FSIS and APHIS in briefings to Congress. VS has also initiated technical discussions with FDA.

**February 5:** APHIS (Jere Dick, Larry Granger, Cindy Smith, and others) met

with FSIS. FSIS has determined that, under the authority of both the Poultry Inspection Act and the Meat Inspection Act, they will no longer approve the importation of products for human consumption containing less than 2 percent meat from any country or facility that is not equivalent to the United States. Based on this determination, FSIS will likely ask APHIS to rescind permits issued by APHIS under our animal health import regulations for such products.

**February 5:** APHIS sent a document forward that outlined three outstanding items for which APHIS will need guidance from the Secretary:

- The recent discussions with FSIS have raised questions about the applicability of the DeLauro amendment to permits issued by APHIS. The central question is does the amendment language apply only to edible (for human consumption) poultry products from China or does it encompass all poultry products from China? Products that could fall under the definition of edible (eggs) or nonedible (pet food, feathers) poultry products are regulated by FDA and/or APHIS. However, neither FDA nor APHIS has taken action to halt these imports from China.
- Based on the FSIS decision, APHIS will now be engaged more closely with FSIS in the permitting process for the importation of meat and poultry products for human consumption with less than 2 percent meat or poultry ingredients. However, APHIS also issues permits, based on animal health considerations, for products that enter the human food chain for which FDA has primary jurisdiction (eggs, nutraceuticals). To date, FDA has not shown an interest in working with APHIS to jointly oversee this permitting process; consequently, our permits for these products bear a statement directing the importer to contact FDA and comply with their regulations. Does the Department wish to request that FDA take a more forward role in the permitting process for these products for human consumption?
- APHIS also issues permits, based on animal health considerations, for nonedible (not for human consumption) products for which FDA has primary regulatory jurisdiction. The greatest example of this is pet food. As above, FDA has not shown an interest in working with APHIS to jointly oversee this permitting process; consequently, our permits for these products also bear a statement directing the importer to contact FDA and comply with their regulations. Does the Department wish to request that FDA take a more forward role in the permitting process for these pet food

products and other nonedible products?

**February 6:** APHIS continues to respond as information from FSIS is forthcoming:

- APHIS has determined the number of permits that would be affected by the new FSIS enforcement decision. A total of 346 permits have been issued for products containing less than 2 percent meat (any type, not just poultry) from any country. Of these, 37 permits are from countries that FSIS considers equivalent; 309 permits are from countries that are not equivalent.
- APHIS, with the Food Safety and Inspection Service (FSIS), will then determine which specific permits will be rescinded. It will take time to cancel those permits, which number approximately 300.
- If FSIS notifies the World Trade Organization (WTO) or trading partners about the permit cancellations, APHIS will need to notify the World Organization for Animal Health (OIE), the global intergovernmental organization for animal health, that USDA is not taking this action due to a risk to animal health.
- APHIS issues import permits for many animal-origin products based on animal health requirements. Among these are products that are also under Food and Drug Administration (FDA) jurisdiction, such as eggs, pharmaceuticals, and pet foods. APHIS needs clear direction on whether this recent FSIS interpretation of their requirements will also affect poultry products regulated exclusively by APHIS (feathers) and those regulated by FDA.

APHIS VS will continue to provide updates.

Best regards,

Catherine

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Catherine S. Fulton

Chief of Staff

USDA/APHIS/ Veterinary Services Deputy Administrator

202-720-6836

▼ Jere L Dick/MD/APHIS/USDA

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

02/05/2009 07:00 PM

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

cc Catherine S Fulton/MD/APHIS/USDA@USDA, John  
Clifford/MD/APHIS/USDA@USDA

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

Bill,

Here is the information we discussed earlier in the day. Since then, I have tasked NAHPP to begin to rigorously review all of these permits with FSIS to make absolutely certain that each does/does not apply to their new regulatory interpretation. They are also working to break the list down further regarding poultry products vs. other meat products. This is a complicated task that will take a bit more time because FSIS indicated that their CFR is not up-to-date and we will need to work with them personally to insure accuracy.

Also, as discussed, Japan and South Korea appear to take the greatest hit but we will not know the extent until our work is finished with FSIS.

Thanks for your support this week.

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

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/05/2009 06:29 PM -----

**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.

Jere/Catherine -

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

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

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

TJ

\*\*\*\*\*

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

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

Desk: 301-734-7677

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(b)(6)

▼ Karen A James-Preston/MD/APHIS/USDA

**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 Doerr/MD/APHIS/USDA@USDA

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

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

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



1FSIS countries permits 2 5 09.xls

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

<b>FSIS approved countries</b>	<b># of permits</b>
Australia	2
Canada	15
France	1
Hong Kong	4
Israel	6
Mexico	5
United Kingdom	4

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

<b>Countries not approved by FSIS</b>	<b># of permits</b>
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

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



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

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**From:** [Sharon M Coursey](#)  
**To:** [Diana L Hoffman](#)  
**cc:** [John H Payne](#); [Paula Henstridge](#); [Rebecca A Bech](#); [SallyAnn.Liska@osec.usda.gov](#); [Steve Crook](#); [APHIS OA](#); [Jere L Dick](#)  
**Subject:** Re: Heads up for OA and ODA re Secretary meeting (teleconference) with Chinese embassy Friday 2/6/09 on "soup mixes"  
**Date:** 02/05/2009 06:20 PM  
**Attachments:** [Briefing paper\\_China\\_soup\\_mixes\\_2-5-09.doc](#)

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Thanks, Diane. VS has been keeping Bill C and Cindy apprised and they have had several discussions. Thanks again.

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Dr. Sharon Coursey  
Chief of Staff  
USDA-Animal and Plant Health Inspection Service  
Washington, DC 20250  
Phone 202-690-2288  
[sharon.m.coursey@aphis.usda.gov](mailto:sharon.m.coursey@aphis.usda.gov)  
▼ [Diana L Hoffman/MD/APHIS/USDA](#)

**Diana L Hoffman/MD/  
APHIS/USDA**

02/05/2009 04:55 PM

To Paula Henstridge/MD/APHIS/USDA@USDA, Sharon M Coursey/MD/APHIS/USDA@USDA, Rebecca A Bech/MD/APHIS/USDA@USDA

cc John H Payne/MD/APHIS/USDA@USDA, Steve Crook/MD/APHIS/USDA@USDA, SallyAnn.Liska@osec.usda.gov

Subject Heads up for OA and ODA re Secretary meeting (teleconference) with Chinese embassy Friday 2/6/09 on "soup mixes"

Hello,

I wanted to ensure you were informed of tomorrow's meeting.

Thank you

Thank you

Diana Hoffman

Acting Chief of Staff  
USDA-APHIS-PPQ  
J.L. Whitten Building  
1400 Independence Ave. SW, Room 302-E  
Washington, D.C. 20250  
Phone: (202) 720-6399  
Fax: 202-690-0472

PPQ QPAS Staff Officer  
Quarantine Policy Analysis & Support  
(301) 734-6334 (Office)  
(301) 529-2617 (Blackberry)  
Diana.L.Hoffman@aphis.usda.gov

----- Forwarded by Diana L Hoffman/MD/APHIS/USDA on 02/05/2009 04:51 PM -----

**Ingrid E Berlanger/MD/  
APHIS/USDA**

To Diana L Hoffman/MD/APHIS/USDA@USDA, Steve  
Crook/MD/APHIS/USDA@USDA

02/05/2009 04:22 PM

cc Alan S Green/MD/APHIS/USDA@USDA, William E  
Thomas/MD/APHIS/USDA@USDA, Maurine F Bell/  
MD/APHIS/USDA@USDA, Matthew A Rhoads/MD/  
APHIS/USDA@USDA, Craig Fedchock/MD/APHIS/  
USDA@USDA

Subject Heads up for ODA re Secretary meeting Chinese  
embassy tomorrow on "soup mixes"

Hi Di and Steve-

PHP (esp VRS) wants to give ODA and OA a quick heads up that the Secretary is talking with the Chinese embassy tomorrow about the paper attached. We got the paper via VS.

APHIS VS has been issuing permits for imports of cooked products containing less than 2% poultry. APHIS may be impacted indirectly financially by the cancellation of these permits. FSIS does not have an MOU with CBP and will not be liable for the increased cost for CBP to stop the permitted commodities and re-export or destroy them. There are 29

permits so far that have been cancelled for 8 major companies including Nestle. If things escalate as VS anticipates they will, they will be canceling up to 700 permits in the next 30 days. The work load on CBP will increase and they may request funds from APHIS for this work. We just wanted you to be aware of the situation and tomorrow's meeting.



Briefing paper\_China\_soup mixes\_2-5-09.doc

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Ingrid E. Berlanger  
USDA APHIS  
Plant Protection and Quarantine  
Plant Health Programs

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ingrid.e.berlanger@aphis.usda.gov

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

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

▼ [Jere L Dick](#)

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

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

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

Please determine:

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

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

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

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

I would like to shoot for having all the information here by noon tomorrow. Thanks!

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

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 01/27/2009 04:33 PM -----

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

To APHIS OA

01/27/2009 03:22 PM

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

Subject As Requested: Summary of Imported Poultry Products From China

Hi Bill,

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

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

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

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

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

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

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

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

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

Facsimile: 202-690-4171

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**From:** Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]  
**Sent:** Friday, February 27, 2009 1:23 PM  
**To:** Hicks, Ron  
**Cc:** Almanza, Al; Bill.Clay@aphis.usda.gov; Quick, Bryce; Cooksie, Carolyn; Blake, Carol; Cindy.Smith@osec.usda.gov; Clay.Hamilton@fas.usda.gov; Engeljohn, Daniel; Smith, Faye; howard.wetzel@fas.usda.gov; John.Clifford@aphis.usda.gov; Kevin.A.Shea@aphis.usda.gov; Picard, Lisa Wallenda; Sheikh, Pat; Jones, Ronald; Hicks, Ron; Smith, William C.  
**Subject:** Re: Exemption Update

I'm good Ron. Thanks for sending the general update.

---

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:** [Hicks, Ron](#)  
**cc:** [Almanza, Al](#); [Bill.Clay@aphis.usda.gov](mailto:Bill.Clay@aphis.usda.gov); [Quick, Bryce](#); [Cooksie, Carolyn](#); [Blake, Carol](#); [Cindy.Smith@osec.usda.gov](mailto:Cindy.Smith@osec.usda.gov); [Clay.Hamilton@fas.usda.gov](mailto:Clay.Hamilton@fas.usda.gov); [Engeljohn, Daniel](#); [Smith, Faye](#); [howard.wetzel@fas.usda.gov](mailto:howard.wetzel@fas.usda.gov); [John.Clifford@aphis.usda.gov](mailto:John.Clifford@aphis.usda.gov); [Kevin.A.Shea@aphis.usda.gov](mailto:Kevin.A.Shea@aphis.usda.gov); [Picard, Lisa Wallenda](#); [Sheikh, Pat](#); [Jones, Ronald](#); [Hicks, Ron](#); [Smith, William C.](#)  
**Subject:** Re: Exemption Update  
**Date:** 02/27/2009 01:23 PM

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I'm good Ron. Thanks for sending the general update.

---

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

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

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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

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This section is being referred to FSIS.

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**From:** Jere.L.Dick@aphis.usda.gov  
**To:** Derfler, Philip  
**Cc:** Jere.Dick@aphis.usda.gov ; Hicks, Ron; Sharon.M.Coursey@aphis.usda.gov ; cindy.smith@osec.usda.gov ; beth.gaston@osec.usda.gov ; John.Clifford@aphis.usda.gov ; Catherine.S.Fulton@aphis.usda.gov ; Larry.M.Granger@aphis.usda.gov  
**Sent:** Thu Feb 05 18:04:23 2009  
**Subject:** Re: FW: Policy on Products Containing Small Amounts of Poultry.doc

Thank you Phil. I believe that your change addressed my concern. I appreciate the opportunity to respond.

---

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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**From:** [Catherine S Fulton](#)  
**To:** [Jere L Dick](#)  
**Subject:** Re: FYI: Quick readout of Secretary's meeting  
**Date:** 02/06/2009 12:42 PM

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Key language- [during his confirmation hearing, the Congressmen stressed how USDA should follow the intent of the legislation.](#)

In case you missed that tea leaf. :-)

Catherine

=====

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

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

02/06/2009 12:35 PM

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

cc Catherine S Fulton/MD/APHIS/USDA@USDA, Jere L Dick/MD/APHIS/USDA@USDA, John Clifford/MD/APHIS/USDA@USDA, Jose R Diez/MD/APHIS/USDA@USDA, Michael R Doerrerr/MD/APHIS/USDA@USDA, Sharon S Fisher/MD/APHIS/USDA@USDA, Thomas J Myers/MD/APHIS/USDA@USDA, Thomas J Myers/MD/APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/USDA@USDA, Larry M Granger/CO/APHIS/USDA@USDA, Michael R Doerrerr/MD/APHIS/USDA@USDA

Subject FYI: Quick readout of Secretary's meeting

Kevin,

I did not see the Administrator's Office copied on this email.



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

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 02/05/2009 07:03 PM -----

**Catherine S Fulton/MD/APHIS/USDA**

To Jere L Dick/MD/APHIS/USDA

cc Thomas J Myers/MD/APHIS/USDA, Larry M Granger/CO/  
APHIS/USDA

02/05/2009 05:57 PM

Subject Fw: USDA Import Issue with Heparin- URGENT

Fyi

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

**From:** Lynn Alfalla

**Sent:** 02/05/2009 05:51 PM EST

**To:** Karen James-Preston; Michael Doerrler; Tracye Butler;  
Christopher Robinson

**Cc:** John Greifer; Catherine Fulton; Russell Caplen

**Subject:** Fw: USDA Import Issue with Heparin- URGENT

Karen:

This is the issue I left you a voice mail about just a little while ago. Michelle Limonli from FDA is urgently trying to enlist assistance from FSIS and APHIS as there is a pending shortage of heparin, which China will no longer be able to provide us. Please see her incoming message below.

Bob Macke from FAS is coordinating with FSIS. Russ will coordinate with your office on this issue.

Thanks,  
Lynn

Lynn I. Alfalla, Esq.  
Trade Support Team  
USDA APHIS IS  
PH: 202/720-6315  
FX: 202/690-2861  
Lynn.Alfalla@aphis.usda.gov

----- Forwarded by Lynn Alfalla/MD/APHIS/USDA on 02/05/2009 05:39 PM -----

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This section is being referred to OSEC.

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**From:** Hamilton, Clay [mailto:Clay.Hamilton@fas.usda.gov]  
**Sent:** Thursday, February 05, 2009 4:27 PM  
**To:** Hicks, Ron; Cindy.Smith@osec.usda.gov; Sheikh, Pat; Larry.M.Granger@aphis.usda.gov; Jere.L.Dick@aphis.usda.gov; Gaston, Beth  
**Cc:** Wetzel, Howard  
**Subject:** RE:

In general it seems very clear and straight forward. I would suggest though, the following edits to the first paragraph to reflect the emphasis on expanding this action to include product from all countries not considered equivalent. It seems that in this memo, that is the focus as opposed to focusing on China.

Is there anyone or any group in particular you want me to run this paper by?

Thanks,

Clay

The purpose of this memorandum is to **PROVIDE A RECCOMENDATION FOR ADDRESSING IMPORTS OF COOKED PRODUCT CONTAINING SMALL AMOUNTS OF MEAT, POULTRY, AND EGG PRODUCTS FROM COUNTRIES NOT DEEMED EQUIVALENT TO U.S. PRODUCTION STANDARDS.**

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**From:** Jere.L.Dick@aphis.usda.gov

**To:** Hicks, Ron

**Cc:** Gaston, Beth ; Cindy.Smith@osec.usda.gov ; Hamilton, Clay; Wetzel, Howard; Larry.M.Granger@aphis.usda.gov ; Sheikh, Pat; Derfler, Philip ; Sharon.M.Coursey@aphis.usda.gov ; Bill.Clay@aphis.usda.gov ; John.Clifford@aphis.usda.gov

**Sent:** Thu Feb 05 17:07:08 2009

**Subject:** RE:

Hi Ron,

I just returned from an afternoon with GAO, and quickly reviewed the bullets.

I do have a concern. I do not believe the last sentence of bullet #5 is accurate. The products were being treated/considered by APHIS as falling under 9CFR381.15 of the FSIS regulations, not FDA. That is why you were copied on the permit and that is why the second page had a specific request of the importer to consult with you on your regulations. That is the way we have been doing business, under the current regulations, with each other for years. To characterize it otherwise, would not reflect the actual situation.

---

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

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**From:** Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]  
**Sent:** Wednesday, February 04, 2009 12:35 PM  
**To:** Hicks, Ron  
**Cc:** Cindy.Smith@osec.usda.gov; Larry.M.Granger@aphis.usda.gov; Bill.Clay@aphis.usda.gov; Sharon.M.Coursey@aphis.usda.gov  
**Subject:** RE:

Thanks, Ron. I am involved in the same activity that Cindy referenced below, so I have asked Larry Granger and Bill Clay to meet with you and your folks today. Larry has tried to connect several times with Ron Jones this morning but missed him, so I will have him come to your office for direction instead.

---

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

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**From:** Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]  
**Sent:** Wednesday, February 04, 2009 12:53 PM  
**To:** Hicks, Ron  
**Cc:** Bill.Clay@aphis.usda.gov; Cindy.Smith@osec.usda.gov; Larry.M.Granger@aphis.usda.gov; Sharon.M.Coursey@aphis.usda.gov  
**Subject:** RE:

Thank you. For clarification, Larry is here with me in the VS DA Office next the APHIS Administrator's Office.

---

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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**From:** Jere.L.Dick@aphis.usda.gov [mailto:Jere.L.Dick@aphis.usda.gov]  
**Sent:** Wednesday, February 04, 2009 12:35 PM  
**To:** Hicks, Ron  
**Cc:** Cindy.Smith@osec.usda.gov; Larry.M.Granger@aphis.usda.gov; Bill.Clay@aphis.usda.gov; Sharon.M.Coursey@aphis.usda.gov  
**Subject:** RE:

Thanks, Ron. I am involved in the same activity that Cindy referenced below, so I have asked Larry Granger and Bill Clay to meet with you and your folks today. Larry has tried to connect several times with Ron Jones this morning but missed him, so I will have him come to your office for direction instead.

---

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:** [Thomas J Myers](#)  
**To:** [Jere L Dick](#)  
**cc:** [Catherine S Fulton](#); [Larry M Granger](#); [Michael R Doerrer](#); [Elizabeth M Brown](#)  
**Subject:** Secretary issues, as requested  
**Date:** 02/05/2009 05:29 PM  
**Attachments:** [Secretary issues 2009-02-05.doc](#)

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Jere - Let me know if this hits the mark.



[Secretary issues 2009-02-05.doc](#)

\*\*\*\*\*

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

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

**From:** [Ed C. Curlett](#)  
**To:** [Jere L. Dick](#); [John Clifford](#); [Bethany X. Jones](#); [James C. Ivy](#); [Meghan K. Klingel](#); [Michael R. Doerr](#)  
**cc:** [Ed.C.Curlett@aphis.usda.gov](mailto:Ed.C.Curlett@aphis.usda.gov)  
**Subject:** Updated Talking points, Q and A  
**Date:** 02/15/2009 08:58 AM  
**Attachments:** [Permit\\_Issue1.doc](#)

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Hello everyone,

Please find attached and pasted an updated version of the talking points/Q and As. Once everyone is comfortable I will send to Carol Blake for FSIS review. I will also check with Carol on the status of the communications strategy and any relevant documents APHIS should review. Thanks.

Ed

#### APHIS Talking Points On Imports Containing Meat, Poultry and Egg Products

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

APHIS is taking this action following the recent discovery that a shipment from China of granulated chicken bouillon containing less than 2 percent poultry product entered the United States with a valid APHIS Veterinary Service (VS) import permit. Under FSIS regulations, items containing less than 2 percent poultry product may only enter the United States if they come from countries that are considered by FSIS to have slaughter and inspection procedures equivalent to those of the United States.

FSIS has directed APHIS to cancel import permits for products containing any meat, poultry or egg products, regardless of amount, from countries that do not have U.S. equivalent slaughter and inspection procedures.

At this time APHIS and FSIS are working together to determine which permits should be cancelled based on current FSIS regulations and in light of a pending Notice of Increased Enforcement that FSIS will publish in the Federal Register.

APHIS and FSIS will be working more closely to ensure regulations regarding the importation of products containing meat and poultry and egg products are properly followed. APHIS and FSIS are working on a process to issue permits jointly to ensure requirements designed to protect both animal and human health are met.

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

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

#### Questions and Answers

Q. How many permits are going to be cancelled?

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

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

A. APHIS VS issues permits based on animal health considerations. None of the product in question that has been permitted by VS poses a risk to animal health. APHIS VS permits bear a statement directing the importer to contact FSIS and the Department of Health and Human Services' (DHHS) Food and Drug Administration (FDA) to ensure their requirements are met. In addition, APHIS sends a copy of the permit to FSIS after it is approved. Should an importer not contact FSIS, it is possible that a shipment can be made that has a VS permit but does not comply with FSIS regulation. In the future, APHIS and FSIS will issue permits jointly.

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

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

Q. How many countries have FSIS equivalent status?

A. FSIS.

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

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

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

A. FSIS.

Ed C. Curlett  
Director, Public Affairs  
Legislative & Public Affairs  
Animal and Plant Health Inspection Service  
U.S. Department of Agriculture  
(301) 734-3256 (phone)  
(301) 734-5221 (fax)

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**From:** [Michael J David](#)  
**To:** [Thomas.J.Myers@aphis.usda.gov](mailto:Thomas.J.Myers@aphis.usda.gov)  
**cc:** [Jere L Dick](#); [Catherine S Fulton](#); [Clay.Hamilton@fas.usda.gov](mailto:Clay.Hamilton@fas.usda.gov); [Michael R Doerr](#); [Karen A James-Preston](#)  
**Subject:** Fw: RUSH: Meat and poultry import issue  
**Date:** 03/04/2009 03:58 PM  
**Attachments:** [090213 FSIS cancel permits blue yellow ch.xls](#)

---

TJ and others,

Below is the list of countries you asked for. However, please note that we do know where the number "56" came from. We were working from the spreadsheet we've shared with everyone --- the famous "red, white and blue" sheet. And the number of countries we come up with as being currently affected by the FSIS permit withdrawal issue is: 27 (countries in BLUE).

Perhaps that number "56" came from the CBP document/PowerPoint where, among their analysis of the trade impact, they list "256" importers as being affected, who import from 62 countries ... but we do not have the actual countries from CBP and we do not know the full context of that analysis.

Anyway, the specific list of countries (based from that spreadsheet) are listed in the e-mail below.

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](mailto:michael.j.david@aphis.usda.gov)  
[usa.oie@aphis.usda.gov](mailto:usa.oie@aphis.usda.gov)

----- Forwarded by Michael J David/MD/APHIS/USDA on 03/04/2009 03:48 PM -----

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

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

cc Christopher C Robinson/MD/APHIS/USDA@USDA,  
Teresa M Martinez/MD/APHIS/USDA@USDA

03/04/2009 03:45 PM

Subject Re: RUSH: Meat and poultry import issue

Michael,

Attached at the bottom is a document which was provided to Clay Hamilton, FAS via disc. The commodities are color coded depending on which agency regulates them. (There are 296 blue= FSIS knows they regulate; 422 white = we have not received a decision from FSIS regarding these commodities; 70 yellow = FSIS said they don't regulate these commodities and 94 green = APHIS regulates)

27 Countries with permits in blue :

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

45 Countries in total:

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

I am not sure where the number 54 came from.



090213 FSIS cancel permits blue yellow ch.xls

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

▼ Thomas J Myers/MD/APHIS/USDA

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

To Michael J David/MD/APHIS/USDA@USDA, Karen A  
James-Preston/MD/APHIS/USDA@USDA

03/04/2009 03:08 PM

cc Jere L Dick/MD/APHIS/USDA@USDA, Catherine S  
Fulton/MD/APHIS/USDA@USDA, Clay.Hamilton@fas.  
usda.gov, Michael R Doerrer/MD/APHIS/  
USDA@USDA

Subject Re: RUSH: Meat and poultry import issue

Hi Karen and Michael -  
Can your pull this list together and respond directly to Clay?  
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

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▼ Jere L Dick/MD/APHIS/USDA

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

03/04/2009 02:33 PM

To Thomas J Myers/MD/APHIS/USDA@USDA  
cc Michael R Doerrler/MD/APHIS/USDA@USDA,  
Catherine S Fulton/MD/APHIS/USDA@USDA, Clay.  
Hamilton@fas.usda.gov

Subject RUSH: Meat and poultry import issue

TJ,

Could you pull this together and get it to Clay asap. Appreciate 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

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/04/2009 02:30 PM -----

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**From:** [Russell T Caplen](#)  
**To:** [Catherine S Fulton](#)  
**cc:** [Clifford P Graham](#); [Dan J Sheesley](#); [John K Greifer](#); [Jere L Dick](#)  
**Subject:** Fw: Update on Permit Issue (product containing 2% or less cooked ingredients)  
**Date:** 03/05/2009 11:07 AM  
**Attachments:** [White paper 2 percent product 03 04 09.doc](#)  
[Talking Points on Import Permits.doc](#)  
[Talking Points on Import Permits-China.doc](#)

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Catherine --

Per our telephone conversation, here is the March 4th e-mail from FAS to the USG inter-agency regarding permit issue with FSIS.

Apparently, this has already been forwarded by DOS to their ECON offices at various U.S. Embassies (like Beijing).

Regards, Russ

=====  
Russell T. Caplen  
USDA-APHIS-International Services  
Voice: 202/720-2163  
Fax: 202/690-2861

----- Forwarded by Russell T Caplen/MD/APHIS/USDA on 03/05/2009 08:22 AM -----

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**From:** [Jere L Dick](#)  
**To:** [aphis oa](#); [Catherine S Fulton](#); [Jere L Dick](#); [John Clifford](#); [Jose R Diez](#); [Michael R Doerr](#); [Sharon S Fisher](#); [Thomas J Myers](#); [Clay.Hamilton@fas.usda.gov](#); [Ronald.Jones@fsis.usda.gov](#)  
**Subject:** FYI: Permit issuing - update  
**Date:** 03/26/2009 04:04 PM

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Below, is an update on permit processing from APHIS:

On March 19, 2009, APHIS had 211 permits on hold, and had cancelled 28 permits from China.

Permits processed by APHIS to date (**March 26**):

1. Processed **148** permits - either new permits or for renewals
2. Included in these **148** permits, are the 2 permits from China that were re-instated
3. Of the 28 permits from China that were cancelled, NCIE has contacted all 28 of the permittees by phone and sent an e-mail to confirm that contact
4. Countries/territories for which NCIE has issued/re-issued permits to date include Argentina, Canada, China, Denmark, [France](#), Hong Kong, [India](#), Indonesia, Italy, Jamaica, Japan, Jordan, Mexico, the Philippines, Singapore, South Korea, Taipei, Thailand, and Vietnam,

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

**From:** [Jere L Dick](#)  
**To:** [Andrea C McNally](#); [Bill Clay](#); [Cindy.Smith@osec.usda.gov](mailto:Cindy.Smith@osec.usda.gov); [Jane E Levy](#); [Kevin A Shea](#); [Sharon M Coursey](#)  
**cc:** [John Clifford](#); [Catherine S Fulton](#)  
**Subject:** FYI: Trace Amounts Table  
**Date:** 03/19/2009 02:57 PM  
**Attachments:** [Trace Amounts-Table.doc](#)

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Bill, FYI only.

I took the liberty of distilling down the decisions on the permits into one table. As you can see, very little has changed over six weeks.



[Trace Amounts-Table.doc](#)

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

**From:** [Jere L Dick](#)  
**To:** [Andrea C McNally](#); [Bill Clay](#); [Cindy.Smith@osec.usda.gov](#); [Jane E Levy](#); [Kevin A Shea](#); [Sharon M Coursey](#)  
**cc:** [Catherine S Fulton](#); [Jere L Dick](#); [John Clifford](#); [Jose R Diez](#); [Michael R Doerrer](#); [Sharon S Fisher](#); [Thomas J Myers](#)  
**Subject:** FYI: Update on Permit Issue (product containing 2% or less cooked ingredients)  
**Date:** 03/05/2009 01:40 PM  
**Attachments:** [White paper 2 percent product 03 04 09.doc](#)  
[Talking Points on Import Permits.doc](#)  
[Talking Points on Import Permits-China.doc](#)

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Bill,

It appears that some notification outside the US (interagency) is now taking place regarding the permits issue. However, I have not gotten a clear signal from the OSec (or any one else) that we are to start on actions within the timeline. We are still on hold at this time, and FSIS indicated that they would call me when they would like to caucus again about the roll-out.

Just wanted you to be aware in case you hear about it through other channels.

---

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

----- Forwarded by Jere L Dick/MD/APHIS/USDA on 03/05/2009 01:33 PM -----

**Russell T Caplen/MD/APHIS/  
USDA**

03/05/2009 11:07 AM

To Catherine S Fulton/MD/APHIS/USDA@USDA

cc Clifford P Graham/MD/APHIS/USDA@USDA, Dan J Sheesley/INTL/APHIS/USDA@USDA, John K Greifer/MD/APHIS/USDA@USDA, Jere L Dick/MD/APHIS/USDA@USDA

Subject Fw: Update on Permit Issue (product containing 2% or less cooked ingredients)

Catherine --

Per our telephone conversation, here is the March 4th e-mail from FAS to the USG inter-agency regarding permit issue with FSIS.

Apparently, this has already been forwarded by DOS to their ECON offices at various

U.S. Embassies (like Beijing).

Regards, Russ

=====

Russell T. Caplen  
USDA-APHIS-International Services  
Voice: 202/720-2163  
Fax: 202/690-2861

----- Forwarded by Russell T Caplen/MD/APHIS/USDA on 03/05/2009 08:22 AM -----

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**From:** [Thomas J Myers](#)  
**To:** [Hamilton, Clay](#)  
**cc:** [Jere L Dick](#); [Catherine S Fulton](#); [Larry M Granger](#); [Michael R Doerr](#); [Derfler, Philip](#); [Michael J David](#); [Karen A James-Preston](#)  
**Subject:** List of countries affected - Re: RUSH: 2% TPs  
**Date:** 03/19/2009 12:35 PM  
**Attachments:** [90 day TPS 03 19 09.doc](#)

---

Hi Clay - Here is the list of countries affected (ie., permits for FSIS regulated products with < 2% meat/poultry/eggs):

27 Countries with permits:

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

\*\*\*\*\*

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)-----

▼ Jere L Dick/MD/APHIS/USDA

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

03/19/2009 10:29 AM

To "Hamilton, Clay" <Clay.Hamilton@fas.usda.gov>  
cc "Derfler, Philip" <Philip.Derfler@fsis.usda.gov>, Thomas J Myers/MD/APHIS/USDA@USDA, Michael R Doerrler/MD/APHIS/USDA@USDA, Larry M Granger/CO/APHIS/USDA@USDA, Catherine S Fulton/MD/APHIS/USDA@USDA

Subject RUSH: 2% TPs

Clay, since it has been a few weeks I think it best to ask staff to recheck the list and send directly to you again. I have no problem with you sending out the final.

TJ, could you please assist asap. 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

▼ "Hamilton, Clay" <Clay.Hamilton@fas.usda.gov>

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**From:** [Thomas J Myers](#)  
**To:** [Clay.Hamilton@fas.usda.gov](mailto:Clay.Hamilton@fas.usda.gov); [Philip.Derfler@fsis.usda.gov](mailto:Philip.Derfler@fsis.usda.gov)  
**cc:** [Jere L Dick](#); [Catherine S Fulton](#); [Jose R Diez](#); [Bill Clay](#); [Kevin A Shea](#)  
**Subject:** Permitting status - Re: Fw: Revised Background and talking points  
**Date:** 03/12/2009 05:31 PM  
**Attachments:** [90 day TPS 03 12 09.doc](#)

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Hi Clay and Phil -

We have not begun reissuing permits yet. I spoke to Cindy Smith and she said she hoped to review and approve the summary from yesterday's meeting by the end of today. Phil, have you heard from Ron? I saw the FSIS Chief of Staff, Lisa, this afternoon, and she said she would make sure Ron looked at the summary. If we get an OK from Cindy and Ron soon, we could begin permitting tomorrow.

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) -----

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

To Catherine S Fulton/MD/APHIS/USDA, Thomas J  
Myers/MD/APHIS/USDA

03/12/2009 05:24 PM

cc

Subject Fw: Revised Background and talking points

Fyi

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**From:** [Bill Clay](#)  
**To:** [Jere L Dick](#)  
**cc:** [Andrea.C.McNally@aphis.usda.gov](mailto:Andrea.C.McNally@aphis.usda.gov); [Beth.Gaston@osec.usda.gov](mailto:Beth.Gaston@osec.usda.gov); [Cindy.J.Smith@aphis.usda.gov](mailto:Cindy.J.Smith@aphis.usda.gov); [Cindy.Smith@osec.usda.gov](mailto:Cindy.Smith@osec.usda.gov); [Jane.E.Levy@aphis.usda.gov](mailto:Jane.E.Levy@aphis.usda.gov); [John.Clifford@aphis.usda.gov](mailto:John.Clifford@aphis.usda.gov); [Kevin.A.Shea@aphis.usda.gov](mailto:Kevin.A.Shea@aphis.usda.gov); [Sharon.M.Coursey@aphis.usda.gov](mailto:Sharon.M.Coursey@aphis.usda.gov)  
**Subject:** Re:  
**Date:** 03/05/2009 03:17 PM

---

Jere,

You covered it well. Good summary.

Bill

▼ [Jere L Dick/MD/APHIS/USDA](#)

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

03/05/2009 03:13 PM

To "Cindy.Smith@osec.usda.gov" <Cindy.Smith@osec.usda.gov>

cc "Andrea.C.McNally@aphis.usda.gov" <Andrea.C.McNally@aphis.usda.gov>, "Beth.Gaston@osec.usda.gov" <Beth.Gaston@osec.usda.gov>, "Bill.Clay@aphis.usda.gov" <Bill.Clay@aphis.usda.gov>, "Cindy.J.Smith@aphis.usda.gov" <Cindy.J.Smith@aphis.usda.gov>, "Jane.E.Levy@aphis.usda.gov" <Jane.E.Levy@aphis.usda.gov>, "John.Clifford@aphis.usda.gov" <John.Clifford@aphis.usda.gov>, "Kevin.A.Shea@aphis.usda.gov" <Kevin.A.Shea@aphis.usda.gov>, "Sharon.M.Coursey@aphis.usda.gov" <Sharon.M.Coursey@aphis.usda.gov>

Subject Re:

Hi Cindy, In short, not much progress was made at the 11:00 am meeting.

Discussion points revolved around:

- What steps in the timeline would be included in the "1st" days

activities when we do implement the timeline. The tentative decision was Steps 1-5 would be covered the first day. The rest of the steps the next day.

- When would the OSec like to proceed.....today yet, or tomorrow.... to do more preparation and allow a weekend between Friday and Monday activities. Bryce indicated that more discussions would need to occur with David Lazarus. All the calls would need to be set up and considerable logistics still need to be addressed by FSIS, as they are lead on most of the calls.
- Who would actually like to do the briefings.....ie. would the OSec or other Undersecretaries like to be involved, or just have the programs (FSIS/FAS/APHIS, etc) lead the calls. Bryce was to check.
- Are there TP's (a Script) that would be used during the actual calls that are scheduled in the Timeline. I suggested the TPs developed for the Secretary could simply be scaled back and used. Carol Blake was to take the lead to do that during lunch. I offered LPA assistance again, and as it turns out Ed Curlett was going to be meeting with them at 1 pm today anyway, so they were going to caucus. I also gave Beth Jones a brief update after our meeting. She was comfortable with Ed's involvement. FAS will also have their LPA folks involved.
- Everyone was to meet in 231-E at 1:00 pm again. I went to the room and it was empty. In talking to the FSIS COS, apparently David L had just returned to the building and Bryce had not yet visited with him so the meeting was cancelled. I told her that I would be in my office this afternoon when they were ready to meet again.

For now, APHIS awaits their lead. I have talked to staff several times today and we are ready to begin permitting again when we receive word. In addition, we have received the name of two FSIS employees as contacts for permit information clearance, and we have given them two employees from VS.

Bill Clay attended. Bill anything else I missed?

---

Jere L. Dick, DVM  
Associate Deputy Administrator

