

**Comment for National Advisory Committee on Meat and Poultry Inspection  
International Food Safety Equivalence Agenda**

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Food safety equivalence, in IATP's view, should be a means to comply with U.S. standards and requirements. Capacity to comply, per USC Section 620, remains the statutory foundation for importing meat and poultry products. A prototypical example of equivalence is the different sanitary operating procedure that nevertheless results in compliance with a U.S. meat hygiene requirement.

The proposed extrapolation of equivalence to cover whole food safety management systems complicates enormously the ability of FSIS to effectively monitor and enforce equivalence agreements. Consider, for example, the equivalence agreement with Canada. According to USDA Office of the Inspector General audits, most recently in December 2007, FSIS auditors determined that the Canadian Food Inspection Agency failed to meet FSIS pathogen reduction and HACCP requirements for at least 2003-2005. Nevertheless, because FSIS said that it lacked decision criteria to determine which instances of equivalence violation constituted a public health threat, it did not have the means to recommend that the Secretary of Agriculture delist Canadian establishments as eligible to export to the United States.

From 2003-2005, the U.S. imported nearly four billion pounds of meat from Canada. It should go without saying that the current listeriosis outbreak in Canada makes the issue of enforcing the equivalence agreement an urgent priority. The Maple Leaf plant that is the origin of the outbreak is authorized to export to the United States. The FSIS auditors' recommendation in July to delist Mexican meat exporters to the U.S. adds to that urgency. ("U.S., Mexico at Odds Over Extent, Remedy of Beef Safety Problems in Mexican Plants", *Inside U.S. Trade*, August 25, 2008). NACMPI should recommend that FSIS finally publish equivalence suspension criteria, first as an emergency interim rule, to clarify which non-compliance reports will result in enforcement actions per the terms of equivalence agreements.

The FSIS "Process" document of October 2003 tells how FSIS evaluates equivalence but does not discuss how FSIS enforces equivalence agreements. Nor does the Codex Alimentarius guidance on equivalence, fast tracked at the July meeting of the Codex Commission with the support of the United States, advise on how to monitor and enforce equivalence. IATP, representing Consumers International, opposed this fast-tracked guidance because it offered Codex member governments no help in resolving differences over compliance with the food safety measures covered in the equivalence agreement. Omitting monitoring and enforcement from the FSIS and Codex guidance on equivalence

increases the likelihood that management decisions on disputes over equivalence enforcement will be determined by trade interests, rather than by public health analysis.

While it is difficult to determine the extent of FSIS enforcement of its current 34 equivalence agreements, the enforcement of future and more complex programs under the pressure of an industry and USDA promoted import boom, will prove yet more difficult. As both the General Accountability Office and the USDA's Inspector General have reported, FSIS continues to struggle to develop adequate food safety management controls and verifiable data to establish a risk based inspection system to expedite commerce. The audit released on August 27 by the Inspector General (<http://www.usda.gov/oig/webdocs/24601-08-Hy.pdf>) only underscores the troubled state of the inspection component of equivalence enforcement. Furthermore, FSIS has told NACMPI that 44 countries have petitioned for equivalence to export their meat and poultry products to the U.S. NACMPI should recommend that all documents in the equivalence submission package be in English, as did not always occur with the first 34 equivalence agreements. Neither FSIS officials nor the Inspector General nor the public will be able to properly assess documents in languages they cannot read.

Given the new export platforms in the international meat and poultry industry (e.g. Smithfield in Poland, Cargill in China, Tyson in Mexico, and JBS in several countries) and the likely resulting increase in U.S. meat imports, it is not too early for NACMPI to be asking FSIS how it will monitor and enforce equivalence agreements concerning the proposed risk based inspection program. FSIS has yet to satisfy the Inspector General or Congress that it has the data or the food safety management controls to implement this system in the United States. Yet the U.S. Codex office promotes risk-based inspection as if it were the inevitable future of both domestic inspection and import re-inspection.

Equivalence negotiations and enforcement will be further complicated if FSIS allows third party certification of export facilities, as recommended in President Bush's Interagency Working Group on Import Safety report. IATP has commented on this report (<http://www.iatp.org/iatp/publications.cfm?accountID=451&refID=102785>) but FSIS requested that I not distribute the report at this meeting. Before the next NACMPI meeting, the committee should request FSIS to supply it with all U.S. Codex Office and industry documents concerning U.S. position papers on Codex equivalence guidance, risk based inspection and the draft Codex guidance on on-site inspection of foreign food exporting facilities. NACMPI should also receive the draft Codex audit guidance that resulted from a Codex workshop in July in Brussels. At the next NACMPI meeting, the committee should request presentations by the U.S. Codex office, the Inspector General and the GAO regarding the enforcement of equivalence agreements and the third party certification of food exporting facilities advocated here today both by FSIS and Food and Drug Administration officials. FSIS should not expect NACMPI to offer well-considered advice, if it does not prepare the committee with relevant documents and presentations concerning the agenda item at hand.

Thank you for your consideration of this statement.