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WORLD SHIPPING COUNCIL
PARTNERS IN AMERICA'S TRADE



Comments of the
World Shipping Council

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Before the
Food Safety and Inspection Service
U.S. Department of Agriculture

In the Matter of
Notice of Availability; Request for public comments and information
FSIS Safety and Security Guidelines for the Transportation and Distribution of
Meat, Poultry and Egg Products

Docket No. 03-015N

October 3, 2003

The World Shipping Council (“the Council” or “we”) submits these comments in response to the Notice of Availability published in the Federal Register on August 4, 2003 by the Food Safety and Inspection Service (FSIS) of the U. S. Department of Agriculture (USDA). The Notice announces the availability of the FSIS safety and security guidelines for the transportation and distribution of meat, poultry and egg products and seeks comments on whether or not some or all of these guidelines should be made mandatory.

The Council, a non-profit association of over forty international ocean carriers, addresses public policy issues of interest and importance to the international liner shipping industry. The Council’s members include the full spectrum of ocean common carriers, from large global operators to trade-specific niche carriers, offering container, roll-on roll-off, car carriers and other international transportation and logistics services. They carry more than 90% of the United States’ imports and exports transported by the international liner shipping industry, or roughly \$500 billion worth of America’s foreign commerce each year. This includes food shipments regulated by USDA as well as by the Food and Drug Administration (FDA) and the Animal and Plant Health Inspection Service (APHIS), now under the new Department of Homeland Security.

The Council’s members are actively working to enhance supply chain security and are working closely with a number of U. S. Government agencies toward that end. We have reviewed the FSIS guidelines and find them, for the most part, to be helpful. We do not, however, support the adoption of these guidelines as mandatory requirements as they would be duplicative of other regulations and international agreements, and in some cases would be unworkable. All of our member lines have entered into agreements with the Bureau of Customs and Border Protection (CBP) under its Trade Partnership Against Terrorism (C-TPAT). These agreements deal with many of the in-transit security procedures outlined in the FSIS guidelines including security assessments and plans, employee screening and training, securing vessels and terminals and sealing loaded containers. Additionally, the Maritime Transportation Security Act of 2002 and the International Maritime Organization’s recently agreed ISPS Code regulate ocean carrier activities in these areas through the United States Coast Guard.

Our members are also working closely with CBP in implementing the Container Security Initiative (CSI) and the new 24-hour advance cargo manifest rule. These programs are aimed at providing CBP with advance cargo information before cargo is loaded aboard a ship bound for the United States. CBP can thus screen this cargo and inspect any suspect containers in the foreign port. The FDA is currently working with CBP regarding access to this information for food shipment, and FSIS could do the same.

One of the FSIS guidelines, were it to be made mandatory, is unnecessary and completely unworkable. That is the recommendation that “transport vehicles, containers and conveyances should be designated and marked ‘for food use only’”. Container lines operate fleets of “food grade” refrigerated containers which are both expensive to buy and expensive to operate. Due to trade imbalances of food shipments these reefers are frequently loaded with back-haul shipments of dry cargo with no risk of contamination to future food shipments. If a “for food use only” requirement were adopted, carriers would have to backhaul empty reefers and buy more reefers to meet the market needs of food shippers. This would result in considerably higher costs to carriers. The economics of international food shipping would be negatively affected to the detriment of food importers and exporters and ultimately to consumers. The cost of food shipment could, in some cases, become prohibitive.

The Council’s members thank the FSIS for its interest in enhancing the security of food shipments and for publishing these useful guidelines. We, however, urge FSIS not to undertake a rulemaking exercise to make these guidelines mandatory. FSIS rules in this area would be duplicative of existing regulations and international agreements; would result in unnecessary confusion in international commerce; and would add considerable cost to food shipments with no commensurate benefit or security enhancement.

The World Shipping Council thanks FSIS for their consideration of these comments. We would be pleased to meet with FSIS to discuss issues of food transportation security.