



Community Nutrition Institute

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419 West Broad Street, Suite 204 • Falls Church, VA 22046 • (703) 532-0030 • FAX: (703) 532-5780

October 15, 2004

03-033P
03-033P-3
Rodney E. Leonard

To: Dockets Clerk
U.S. Department of Agriculture

From: Rodney E. Leonard
Executive Director
Community Nutrition Institute

Steve Suppan
Director of Research
Institute for Agriculture and Trade Policy

Re: Docket Number-03-033P

Food Safety and Inspection Service
Title: Frequency of Foreign Inspection System
Supervisory Visits to Certified Foreign Establishments

The proposed amendment to FSIS regulations to change the required frequency of foreign inspection system supervisory visits to certified foreign establishments should be withdrawn and further action on the regulatory changes should be suspended until February 1, 2005, for the following reasons:

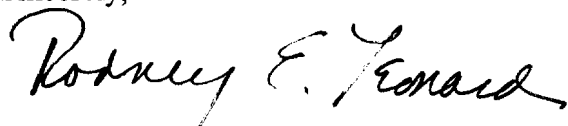
1. No immediate harm to exports to the U.S. from certified foreign establishments has been cited as a basis for the proposed amendment, nor will any country exporting meat or poultry to the U.S. be hampered by current regulations. In the absence of any evidence of harm, the only reason cited for the proposed amendment is the equivalence obligations purported by FSIS to be its primary objectives under trade agreements entered into by the U.S. prior to September 11, 2001. Nothing in Article 4 of the WTO SPS Agreement nor in Decisions taken by the WTO Committee on Sanitary and Phytosanitary Measures obliges the United States to reduce the frequency or rigor of its inspection of foreign establishments. The timing of this action in the final weeks of the 2004 Presidential election appears to be an effort to adopt an important rule while the public attention is diverted by an election that could change the direction of future U.S. policy, including public safety and health. The proposed amendment would also preempt and foreclose important U.S. policy options in current Codex negotiations on guidelines for determining equivalency in SPS measures on meat hygiene practices.

2. The proposed amendment imposes new risks on the public, demonstrating that FSIS fails to recognize that the war on terror imposes a new set of priorities which requires the agency to recast its focus from promoting trade to protecting public safety and health. Current regulations should result in measures to enhance surveillance, secure essential information on performance standards and evaluate risks to health and safety. All of these management objectives are intended to insure federal regulators are taking prudent action to protect public safety and lower public health risks. Instead, the amendment FSIS is proposing will move the agency away from such prudent policy while defying the objectives of the Bio-terrorism and Preparedness Act and weaken the ability of the Department of Homeland Security to protect consumers..

3. A new administration may determine that FSIS should strengthen rather than weaken its regulatory capabilities to secure public safety and health during the war on terror. The next administration may well seek to reevaluate the current FSIS emphasis on neglecting the potential for threats to public safety and health that can be introduced through the large volume of meat and poultry imported by the U.S. Reducing the flow of information by relying on once a year examination of foreign inspection systems cannot reassure the American public that FSIS is taking all appropriate steps to protect public safety. The proposed amendment may be in keeping with the objective of complying with equivalency goals but the effect will be to lower the ability of FSIS to protect public health.

Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink that reads "Rodney E. Leonard". The signature is written in a cursive style with a large, prominent "R" and "L".

Rodney E. Leonard
Executive Director
Community Nutrition Institute

Steve Suppan, Ph.D.
Director of Research
Institute for Agriculture and Trade Policy
2105 First Avenue South
Minneapolis, MN 55404
612-870-3413
ssuppan@iatp.org