

Statement of

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Committee on Homeland Security
Subcommittee on Emerging Threats, Cybersecurity,
and Science and Technology**

“Federal Efforts to Mitigate Vulnerabilities in the Food Supply Chain”

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INTRODUCTION

Mr. Chairman and members of the Subcommittee, I am pleased to appear before you today to discuss the actions we are taking at Customs and Border Protection (CBP) to ensure the safety of imported food. My name is Dan Baldwin and I am the Assistant Commissioner in the Office of International Trade at U.S. Customs and Border Protection. My office holds the responsibility of formulating CBP's trade policy, developing programs, and enforcing U.S. import laws. The food and agriculture industry contributes significantly to the United States economy. As the value and complexity of our food imports continues to grow, CBP recognizes the challenges we face to maintain a safe and secure food supply. To meet this challenge, OMB and the relevant food safety agencies are collaborating on ways to most effectively address issues raised in GAO's designation of Federal Oversight of Food Safety as a high-risk item in February 2007.

CBP has taken great strides toward securing America's borders, including the protection of our food supply and the economic health of American agriculture. Since September 11, 2001, CBP's priority mission has been to secure the nation's borders from terrorists and terrorist weapons while facilitating the flow of legitimate travel and trade. In support of this mission, CBP has designed strategies to manage the risk of an agricultural product contamination that may cause harm to the American public or damage to the nation's economy.

CBP has worked extensively to coordinate activities and enforcement actions with USDA and HHS, and in particular the FDA. As the guardian of our nation's borders, CBP has broad authority to interdict imports of food and agricultural products at the Port of Entry. We frequently interact with USDA and FDA on questions regarding enforcement action, as those departments house the subject matter expertise on food and agriculture admissibility standards. CBP is able to rely on the statutory authority of other federal agencies with the specific mandate of enforcing food safety regulations to finalize enforcement actions on food safety issues.

CBP'S CURRENT ENFORCEMENT STRATEGY

As with our approach to anti-terrorism, CBP has taken a multi-layered approach to protect the safety of America's food imports. In my testimony today, I would like to highlight the three key aspects that CBP has utilized in its efforts to date: CBP's National Trade Strategy, CBP Targeting, and CBP Personnel. After briefly discussing these three topics, I will discuss our experience with food safety operations.

NATIONAL TRADE STRATEGY: AGRICULTURE ESTABLISHED AS PRIORITY TRADE INITIATIVE

Pursuant to our twin goals of fostering legitimate trade and travel while securing America's borders, CBP has developed a National Trade Strategy to help our agency successfully fulfill our trade facilitation and trade enforcement mandate. Our National Trade Strategy is based upon six Priority Trade Initiatives (PTI), these PTI's are: Antidumping and Countervailing Duty, Intellectual Property Rights, Textiles and Wearing Apparel, Revenue, Agriculture, and Penalties. Under the terms of our trade prioritization strategy we focus CBP resources in our efforts to address areas of key trade importance. I would like the committee to note that Agriculture is one of our six PTI's.

The goals of the agriculture trade strategy include:

- 1) *The detection and prevention of agro-terrorism and bio-terrorism, i.e., the intentional contamination of an agricultural product or food, or the intentional introduction of diseases or pests intended to cause harm to the American public, American agriculture, or the nation's economy.*
- 2) *The detection and prevention of the unintentional introduction into the United States of pests or diseases that would cause harm to the American public, American agriculture, or the nation's economy.*
- 3) *The detection and prevention of the unintentional introduction of adulterated, contaminated, or unsafe agricultural and food products into the United States that would cause harm to the American public, American agriculture, or the nation's economy.*
- 4) *The promotion of our nation's economic security through the facilitation of lawful international trade and enforcement of regulatory trade laws.*

TARGETING

CBP uses various targeting mechanisms to ensure the compliance and safety of food and agricultural products imported into the U.S. These mechanisms are specifically designed to incorporate the food safety concerns of USDA and HHS.

One of the systems used is our Automated Targeting System (ATS). ATS, which is based on algorithms and rules, is a flexible, constantly evolving system that integrates enforcement and commercial databases. ATS is essential to CBP's ability to target high-risk cargo entering the United States. ATS is the system through which we process advance manifest information to detect anomalies and "red flags," and determine which cargo is "high risk" and should be scrutinized at the port of arrival.

Another system CBP uses is the Automated Manifest System, which provides us with advanced cargo information to be used for targeting and screening of all imported merchandise. This advance information allows CBP to identify shipments of interest in advance of arrival. By identifying shipments in advance, CBP is better able to focus

resources on those shipments which may be of concern, prevent their introduction into the commerce, and ensure appropriate coordination with other regulatory agencies.

The Automated Commercial System (ACS), CBP's automated system of record for entry processing and cargo clearance, allows us to screen for additional food and agricultural risks. The majority of the targeting criteria present in this system are used to prevent the introduction of contamination, pests, or diseases. Approximately 87% of the cargo criteria in ACS are agriculture related.

In addition to these CBP automated systems, CBP maintains the National Targeting Center (NTC). The NTC is the facility at which personnel from several separate government agencies are co-located to review advanced cargo information on all inbound shipments. At the NTC, CBP personnel are able to quickly coordinate with personnel from other federal agencies such as the FDA, Food Safety and Inspection Service (FSIS), and Animal Plant Health Inspection Service (APHIS) to target high risk food shipments

Furthermore, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (BTA) authorized FDA to receive prior information to target shipments of food for human or animal consumption prior to arrival. The BTA gave CBP the opportunity to assist FDA with the prior notice requirements. CBP worked in concert with FDA to augment an existing automated interface to institute a prior-notice reporting requirement with minimal disruption to the trade. In addition, under the BTA, we worked with FDA to commission over 8,000 CBP officers to take action on behalf of the FDA. This commissioning allows FDA to assert a 24/7 presence to enforce the Act at all ports.

PERSONNEL

In addition to sophisticated targeting systems and coordination between agencies, CBP maintains a diverse workforce that is specially trained to detect and prevent imports that may be harmful to the health of the American public. CBP Officers and CBP Agriculture Specialists receive specific training on ag/bio-terror incidents. We currently have the ability to deploy more than 18,000 CBP Officers, 2,000 Agricultural Specialists, and 1,000 Import Specialists in response to emerging threats to our agriculture and food supply. Furthermore, CBP's Laboratory and Scientific Services (LSS) maintains seven separate laboratories around the country, with a 24/7 technical reach back center. LSS employs approximately 220 chemists, biologists, engineers, and forensic scientists.

Our diverse workforce enables CBP to mount rapid and effective responses to protect U.S. agricultural resources by utilizing the specialized training of CBP Officers, Agriculture Specialists, Import Specialists, International Trade Specialists, and Laboratory Technicians. Each of these CBP occupations works together to gather intelligence, establish target criteria, gather and test samples, and analyze and report results. Because of their specialized training in the use of personal protective equipment for handling potentially hazardous or infectious materials, CBP Agriculture Specialists play a vital role during food safety operations.

FOOD SAFETY OPERATIONS

Trade analysis and targeting methodologies designed to ensure the safety of the food supply allow CBP to proactively identify shipments containing possible food contamination prior to its arrival. This targeting allows us to fulfill our mission while allowing us to facilitate legitimate trade.

While food safety has recently grown in importance in the public eye, CBP has been involved in food safety related initiatives for the past several years.

In 2006, CBP was involved in the detection of numerous incidents of food contamination or smuggling of prohibited food products from China. A significant number of shipments of Chinese poultry products were seized including 45 containers smuggling prohibited product. CBP developed a food safety operation to combat the smuggling by targeting known smugglers of prohibited poultry products.

In April 2007, it was discovered that food from China was contaminated with melamine potentially harmful to animals as well as humans. CBP initiated a special operation to determine the scope of the potential problem. The nature of the operation was to augment FDA's focus with the intention to assess the risk of contamination from countries worldwide and to identify possible transshipment of Chinese product. CBP sampled and conducted laboratory analysis, the results of which were coordinated with FDA.

In this most recent action, CBP targeted and detained 928 entries (shipments) over a four-week period. Samples were pulled on 202 entries, comprising over 400 separate production lot samples, and sent to CBP's laboratories for analysis. All samples tested negative for the presence of melamine. As a result of the operation, CBP tested samples of product from 23 countries and shipped by suppliers/producers that account for over 59% of the imported volume of the merchandise in the previous 12-month period. This scientific data gives the government and the public assurance that the melamine issue relating to imports was in fact isolated to a few Chinese suppliers, and not a widespread, global problem. In coordination with FDA, CBP developed a follow-up monitoring program that uses a computer-generated statistical sample to measure ongoing compliance.

This high profile enforcement effort has helped CBP refine its methodology to conduct future food safety operations and enhance our working relationship with other federal agencies. In response, CBP has developed a Concept of Operations Document for food safety to institutionalize our communication and cooperation as well as the methods, processes, and procedures. Additionally, this food safety incident has brought to the forefront the need to maximize the power of the government to respond to future food safety issues.

As you are well aware, there have been further contamination issues, for example, with imported toothpaste and selected seafood. Based on lessons learned from the melamine incident, we are coordinating with FDA to develop an appropriate action plan commensurate with the threat.

CONCLUSION

Food defense and food safety concerns will only increase as world trade in food and agriculture continues to grow and diversify. One of the methods CBP will use to ensure the safety of the food supply is to use statistical sampling to monitor for compliance. CBP will continue to approach this as a challenge worthy of a combined government effort. We will continue to partner with other federal agencies in order to refine our targeting skills and ensure the prevention of contaminated products from entering the U.S.