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October 15, 2004

03-033P
03-033P-2
Bernard F. Shire

Docket Clerk, USDA-FSIS
102 Cotton Annex
300 12th Street SW
Washington, DC 20250-3700

**RE: Docket No. 03-033P: Frequency of Foreign Inspection System
Supervisory Visits to Certified Foreign Establishments**

The American Association of Meat Processors (AAMP) is pleased to offer the following comments on a proposed rulemaking by the US Department of Agriculture's Food Safety and Inspection Service (FSIS).

The proposal would change the required frequency of supervisory visits in foreign inspection systems to certified foreign establishments and plants (that are certified to ship their products into the United States). The regulations concerning foreign establishments are spelled out in 9 CFR Parts 327 (Imported Meat Products) and 381 (Imported Poultry Products, Poultry Inspection).

The Association is an international organization whose members are located in the United States, Canada and several foreign countries. Our members include meat and poultry processors, slaughterers, wholesalers, retailers, home food service companies, caterers, as well as suppliers and consultants to the meat and poultry industry. Most of AAMP's members are small, very small and medium-sized businesses, and most are family-owned and operated.

In this proposal, FSIS wants to delete the current requirement that supervisory visits take place "not less frequently than one such visit per month." In its place, FSIS is proposing to require foreign inspection systems to make "periodic supervisory visits" to certified establishments in order to ensure that such establishments continue to meet FSIS requirements for certification to export meat and poultry to the United States.

The Agency claims that taking this action would bring FSIS import requirements into agreement with its requirements for American meat and poultry processing and slaughtering establishments.



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A number of AAMP members under USDA inspection have raised concerns about this USDA plan. They have indicated that they receive visits from mid and low-level FSIS supervisors, such as Front Line Supervisors and Staff Veterinary Medical Officers (SVMOs), now called Public Health Veterinary Officers (PHVOs) more frequently than monthly right now. They wonder why the requirements would be reduced in foreign plants, which are classified as operating under "equivalent inspection systems." AAMP takes issue with USDA's claim that the "once a month requirement" results in more frequent supervisory visits in those plants located overseas than in what happens in domestic plants in the United States.

The USDA proposal also raises questions about the differences and similarities between inspection that is "equivalent" to that of USDA, that is "equal to" or that is "same as." In our view, inspection that is termed "same as" USDA inspection would be "identical," consisting of the same rules, notices and directives as the American federal inspection system.

Inspection in foreign countries that are authorized to ship meat and poultry products into the United States is supposed to be "equivalent" to that of USDA. Foreign governments also require "equivalent" inspection of USDA if they are to accept American products into their markets. But what does "equivalent" really mean? When you think about it, "equivalent" is a pretty vague word, and so, a vague requirement. In the case of meat inspection, it appears to require systems in overseas countries, for example, that are "similar" or "on the same level" as American inspection. But that's about as far as the requirement to be "equivalent" goes.

This can be compared to "at least equal to," which the 28 "equal to" state inspection programs in the United States are required to achieve. This requirement forces the state programs to have an inspection system that is at least just as good or even better than the USDA system. The term "equal to" seems to require an even better inspection system than "equivalent" to USDA would. Yet under the law, the "equal to" state inspection programs, required to operate programs that are as good as USDA's, preside over establishments that cannot sell products outside the states in which they operate.

At the same time, foreign plants operating under that vague "equivalent" standard can sell their products outside their own countries, including in the United States. There seems to be a basic unfairness here in the comparison of these two systems. And while this rulemaking does not deal with where "equal to" state inspected meat and poultry establishments should be permitted to sell their products, the comparison we've made reinforces our arguments/ability to go on, and question the logic underpinning the idea of reducing the amount of

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What the Agency is really saying is that it would take corrective action after the fact, while lowering the degree of prevention of problems that can be in place to begin with, to make sure the adequate supervision is there to begin with.

We find it somewhat ironic that the goal of USDA in this rulemaking is to provide foreign countries with as much flexibility as possible in structuring their inspection programs. At the same time, "equal to" state inspection programs in the United States seem to face the opposite problem from USDA – having as little flexibility as possible in structuring their inspection programs in order to comply with reviews by the Food Safety and Inspection Service.

The American Association of Meat Processors will be happy to answer any questions raised by the Agency concerning its comments on this issue.

Sincerely,

A handwritten signature in black ink that reads "Bernard F. Shire". The signature is written in a cursive style with a large, prominent initial "B".

Bernard F. Shire

Director, Regulatory & Legislative Affairs

cc: Scott Cunningham, AAMP President