

FROM :

FAX NO. :



MENTERI PERTANIAN
REPUBLIK INDONESIA

COMMENTS ON THE BIOTERRORISM ACT 2002

The Ministry of Agriculture (MOA) understands the importance of the Bioterrorism Act 2002 signed by President G.W. Bush in June 2002. In response to the Act, which will effectively be implemented on December 12, 2003, the MOA has held meetings and dialogs with Indonesia business society/ exporters of farm products and food. In general they committed to follow the regulation. The Act, however, may have serious implication on Indonesian food exports to the United States. The following aspects under Sections 303 and 306 of the Act need to be taken into account.

I. Section 303 (Administrative Detention)

- a. I understand that any article of imported-foods is subject to inspection, examination, or investigation. However, there is a need to ensure that this regulation does not create additional cost (e.g., costs for inspection, storage during temporary detention, and to appeal the detention order) to exporters.
- b. The maximum detention periods for perishable and non-perishable foods are 20 and 30 days. These maximum periods should be in accordance with the type of the products to minimize unnecessary additional cost for the exporters.
- c. The written notice of detention should include the basis for detention, handling dispute and resolutions, appeal right and other information required by the exporters.
- d. The criteria of 'credible evidence and information indicating a threat of health or death to humans and animals' should be clearly defined.
- e. In case of suspected products, the FDA or other US appointed parties should assure foreign exporters that the quality of their products will be maintained during detention period.

II. Section 306 (Establishment and Maintenance of Records)

- a. The terms of *adulterated and threatened food to humans or animals* need to be clearly defined.
- b. The required time of 4 hours to respond and submit records of foods will be a problem for exporters especially those who have not representatives in the US.

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Special treatment is needed to enable small-scale enterprises that do not have any representative in the US.

Finally, I do hope that in the future the trade relation between the US and Indonesia can be strengthened for mutual benefit. Therefore, complicated process that may discourage US traders to import Indonesian farm products or food need to be avoided.

Thank you,



**Prof. Dr. Bungaran Saragih
Minister of Agriculture, Republic of Indonesia**

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Please find attached Comments from Republic of Indonesia