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**Consumer Protection - Food Safety
Fruits & Vegetables [3]**

Withdrawal/Redaction Sheet

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FOLDER TITLE:

Consumer Protection - Food Safety Fruits & Vegetables [3]

2009-1006-F
kh552

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Cons pro - food safety -
fruits/vegs

THE WHITE HOUSE
WASHINGTON

October 1, 1997

FOOD SAFETY EVENT

DATE: October 2, 1997
LOCATION: Oval Office
BRIEFING TIME: 10:30 am - 11:00 am
EVENT TIME: 11:10 am - 11:30 am
FROM: Bruce Reed

I. PURPOSE

To launch an initiative to improve the safety of fruits and vegetables, especially those imported from foreign countries.

II. BACKGROUND

To demonstrate your commitment to food safety, you will be announcing a new food safety initiative, which was leaked to several papers last week. Your announcement of the initiative follows charges by some in Congress that Fast Track will endanger food safety by increasing imports of food products. It also follows publication of a recent article in the New York Times suggesting that the FDA is currently unable to ensure the safety of imported fruits and vegetables.

Your new initiative includes the following elements:

New Legislation to Enhance FDA Oversight for Imported Foods. To ensure that imported fruits and vegetables are as safe as those produced in the United States, you will be proposing legislation that requires the FDA to halt imports of fruits, vegetables, and other food products produced in countries that do not meet U.S. food safety standards. Existing law requires the USDA to halt imports of meat and poultry from such countries, but the FDA currently has neither the responsibility nor the authority to do so. Last year, 38 percent of the fruit and 12 percent of the vegetables consumed by Americans came from overseas.

To enable the FDA to make effective use of this proposed authority, you also will commit to providing the necessary funds in your FY 1999 budget to enable the FDA to expand dramatically its international food inspection force.

Executive Memorandum. You will sign an Executive Memorandum that directs the FDA

and the USDA to work cooperatively to issue guidance within one year for good agricultural and manufacturing practices for fruits and vegetables. To ensure that this first-ever safety guidance has the greatest effect, the FDA and USDA will develop outreach and educational activities.

In addition, you will direct the Secretaries of HHS and USDA to report back to you within 90 days with a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve these practices when necessary, and to prevent the importation of unsafe produce, including detecting unsafe food at the dock and border.

This initiative builds on your prior actions on food safety -- including a new early warning system to detect outbreaks of food borne illness as quickly as possible and enhanced safety standards for meat, poultry, and seafood products.

III. PARTICIPANTS

- The Vice President
- Secretary Shalala
- FDA Administrator Friedman
- Richard Rominger, USDA Deputy Secretary of USDA
- Cathie Woteki, USDA Under Secretary for Food Safety
- Carol Tucker Foreman, President, Safe Food Coalition
- Caroline Smith Dewaal, Center for Science in the Public Interest
- Nancy Donley, Safe Tables Our Priority
- Tom Stenzel, President, United Fresh Fruit and Vegetables Association
- C. Manley Molpus, President, Grocery Manufacturers Association
- Anita Brown, Trade Consultant, Western Growers Association

IV. PRESS PLAN

Pool Press.

V. SEQUENCE OF EVENTS

- The Vice President will make welcoming remarks and introduce you.
- You will make remarks at the podium and then sign the Executive Memorandum at your desk. You will then have the option of taking questions from the pool.

VI. REMARKS

Remarks provided by June Shih in Speechwriting.

Initiative to Ensure the Safety of Imported and Domestic Fruits and Vegetables

Today President Clinton announced an initiative to ensure that fruits and vegetables coming from overseas are as safe as those produced in the United States, as well as to upgrade our own domestic standards. The President stated that he will ask Congress to enact legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables, and other food products produced in countries that do not meet U.S. food safety requirements. The President also directed the Department of Health and Human Services (HHS) and the Department of Agriculture (USDA) to work cooperatively with the agricultural community to develop guidance on good agricultural and manufacturing practices for fruits and vegetables.

Enhanced FDA Oversight for Imported Foods. The President announced that he will send legislation to Congress that will require the FDA to halt imports of fruits, vegetables, and other food products from any foreign country with food safety systems and standards that are not on par with those of the United States. The legislation also will require the FDA to halt imports from countries or facilities that do not allow FDA inspections to occur. This legislation -- comparable to existing law that requires the USDA to halt the importation of meat and poultry from such countries -- will enable the FDA to prevent the importation of potentially unsafe foreign produce. The President also committed to providing the necessary funds in his Fiscal Year 1999 budget to enable the FDA to expand dramatically its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to make effective use of its new authority.

Development of Guidance on Good Agricultural and Manufacturing Practices. The President directed the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and close cooperation with the agricultural community, to develop guidance on good agricultural practices and good manufacturing practices within one year. This guidance will take into account differences in both crops and regions and will address potential food safety problems throughout the food production and distribution system such as sanitation, worker health, and water quality. The guidance -- the first-ever specific safety standards for fruits and vegetables -- will improve the agricultural and manufacturing practices of all those seeking to sell produce in the U.S. market. To ensure that this guidance has the widest possible effect, the President also directed the FDA and USDA to develop coordinated outreach and educational activities.

Improvement of Monitoring and Inspection Activities Abroad. In addition to committing to substantial additional resources to expand the FDA's international food inspection force, the President directed the Secretaries of Health and Human Services and Agriculture to report within 90 days with a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve these practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock and border. The President urged consideration of ways to target inspection and testing toward those areas where problems are most likely to occur.

A Record of Improving Food Safety. The President's announcement builds on a strong record of food safety initiatives ensuring that Americans eat the safest food possible. The Administration has put into place improved safety standards for meat, poultry, and seafood products, and has begun the process of developing enhanced safety standards for fruit and vegetable juices. The Administration also has expanded research, education, and surveillance activities throughout the food safety system.

Clinton Administration Accomplishments In Improving Food Safety

- * October, 1997. President announces new initiative to enhance FDA oversight over imported foods and develop guidance on good agricultural and manufacturing practices for fruits and vegetables.
- * May, 1997. Administration announces comprehensive new initiative to improve the safety of nation's food supply -- "Food Safety from Farm to Table" -- detailing a \$43 million food safety program, including measures to improve surveillance, outbreak response, education, and research.
- * January, 1997. President announces new Early-Warning System to gather critical scientific data to help stop food borne disease outbreaks quickly and to improve prevention systems further.
- * August, 1996. President signs Safe Drinking Water Act of 1996. The law requires drinking water systems to protect against dangerous contaminants like cryptosporidium, and gives people the right to know about contaminants in their tap water.
- * August, 1996. President signs Food Quality Protection Act of 1996, which streamlines regulation of pesticides by FDA and EPA and puts important new public-health protections in place, especially for children.
- * July, 1996. President Clinton announces new regulations that modernize the nation's meat and poultry inspection system for the first time in 90 years. New standards help prevent E.coli bacteria contamination in meat.
- * December, 1995. Administration issues new rules to ensure seafood safety. Utilizes HACCP regulatory programs to require food industries to design and implement preventive measures and increase the industries' responsibility for and control of their safety assurance actions.
- * 1994. CDC embarks on strategic program to detect, prevent, and control emerging infectious disease threats, some of which are food borne, making significant progress toward this goal in each successive year.
- * 1993. Vice-President's National Performance Review issues report recommending government and industry move toward a system of preventive controls.

Q&A for Presidential Initiative to Improve the Safety of Imported Fruits and Vegetables
October 2, 1997

Q: What is the President proposing?

A: The President is proposing legislative and executive actions that will further improve the safety of fresh fruits and vegetables, especially those imported into the U.S. The legislation will require the FDA to halt imports of fruits, vegetables, or other food from any foreign country whose food safety systems and standards are not on par with those of the U.S. The President will back up this legislation by providing the necessary funds in his FY99 budget to enable FDA to expand dramatically its international food inspection force so that it can make good use of this new authority.

In addition, the President has asked the Secretaries of Health and Human Services and Agriculture to take additional steps to improve the safety of both imported and domestic fruits and vegetables. Specifically, he has asked the Secretaries to issue within one year guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those, foreign and domestic, seeking to sell produce in the U.S. market.

Finally, the President has asked for a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve those practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock or border.

These efforts all build on the Clinton Administration's long-term commitment to strengthening our food safety system. With the help of the Vice-President's National Performance Review, we have fundamentally improved the way we ensure the safety of meat, poultry, and seafood. We have also put in place important new protections against the risks of pesticides in our food, especially for our children. And we are hopeful Congress will provide the \$43 million the President requested in his FY98 budget to improve food safety.

Q: Why is the President proposing these actions?

A: There have been dramatic changes in the produce department of the grocery store. Thirty years ago, most produce sections only had around a dozen items year round, increasing to as many as 50 in the summer. Today, no matter where you live in the United States, the chances are that there are 400 or more items in the produce section and they are there all year round. Last year, 38 percent of the fruit and 12 percent of the vegetables Americans ate were imported.

We have changed as well. Americans are eating more fresh fruits and vegetables than ever before, and our nation's health experts tell us we will live longer, better quality lives as a result. Our environment is also changing. We are finding "new" exotic bugs such as cyclospora and *E. coli O157:H7* on our food that once were not there.

We must ensure that these changes do not increase the risk to American consumers of foodborne illnesses. Although raw produce -- including that imported from foreign countries -- is now safe, experts have suggested ways to make further improvements, and the President's actions today accord with their recommendations.

Q: But aren't these actions just a response to the negative news articles of recent days that have pointed out the shortcomings in the inspection of imported produce?

A: No. We couldn't possibly have developed these initiatives following the publication of those articles. The Department of Health and Human Services have been laying the groundwork for this initiative for over a year. We knew that some reporters were making inquiries about this issue, and those inquiries may have accelerated the final part of the policy development process. But that process has been underway for some time, and this same initiative would have been announced with or without those articles.

Q: Why has the Administration waited until now to take these steps? [An article published today reveals that today's actions were suggested by Commissioner Kessler years ago, but that no action was taken. Why has it taken so long to act?]

A: No one can tackle everything at once, and the President's food safety initiatives have addressed priority items in the way best calculated to ensure their achievement. One of the first challenges the President faced after taking office was an outbreak of *E. Coli* in hamburger in the northwest. The President responded by putting in place a new system to ensure the safety of meat, poultry, and seafood products. With this process now underway, the FDA in 1995 began to investigate the problem of pathogens in fresh produce and develop proposed approaches for preventing foodborne illnesses from these food products.

Q: Are these actions meant to provide political cover with respect to the food safety issue because it has become a part of the Fast Track trade debate?

A: No. Again, the policy development process that led to this initiative began in 1995. This is a part of the President's food safety agenda -- his longstanding commitment to ensuring that Americans' food supply is the safest in the world. It does not relate to Fast Track.

Q: What makes you think this new legislation can be effective? Do you seriously think you are going to be able to put FDA inspectors in every country abroad?

A: Our proposed legislation would give the FDA the same kind of responsibility that the USDA already has for meat and poultry. The USDA system has worked very well to ensure that countries with inferior safety standards can't import their meat and poultry. We see no reason why the FDA can't run a similarly effective system that inspects food safety system and standards abroad and prevents imports from countries that do not provide the protections that the U.S. does.

Of course, making good use of this authority will take additional resources, so that FDA can dramatically expand its international food inspection force. Although the President will not announce a specific dollar figure until publication of his FY 99 budget, he has committed to investing the resources to ensure that FDA can make good use of this new authority.

Q: Doesn't this legislation impose trade barriers to food imports at a time when you are saying you want to lower them? Wouldn't we object if another country tried to keep out our food products on this basis?

A: This legislation is completely consistent with free trade principles and all our treaty obligations. We have no obligation to open our borders to imports that pose a greater risk than domestic products to American consumers. As long as we are not imposing any greater requirements on foreign countries -- as long as we are only holding them to our standards -- we are acting consistently with our trade policy.

There aren't many countries in the world with higher safety standards than the U.S., so not many countries would be in a position to halt our imports on this basis. If we did, we would not and could not object.

Q: Are you saying that imported produce is unsafe?

A: There is no data indicating that imported fruits and vegetables are more unsafe than domestic products. But some recent outbreaks of foodborne illness have been traced back to imports and it is important that foreign fruits and vegetables be held to the same safety standards as American products. The steps we are taking today are adding additional layers of protection. We are making sure that there are no gaps in our food safety system -- that high safety standards apply to imported as well as domestic food, and to fruits and vegetables as well as to meat, poultry, and seafood.

Q: Since HACCP has been successful for meat, poultry, and seafood, why don't you require HACCP for fresh fruits and vegetables? Why are you only doing good agricultural and manufacturing practices?

A: HACCP is a science-based approach for identifying and controlling hazards in food

production. We need better scientific data before we can develop HACCP for fresh fruits and vegetables. The Administration's plan is to develop and issue guidance that will help companies interpret existing safety requirements for fruits and vegetables, and that will lead to the science needed for HACCP. The agency is contemplating guidance on basic, common-sense sanitation and employee practices in the form of Good Agricultural Practices (GAPs) for farms and Good Manufacturing Practices (GMPs) applicable for those who sort, wash, and otherwise handle fresh fruits and vegetables.

Q: Aren't these guidelines only voluntary? If so, what effect will they have?

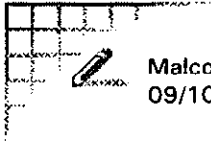
A: The Good Agricultural and Manufacturing Practices will be what is called "interpretive guidance." It will help companies interpret and follow existing, very broadly written safety requirements for fruits and vegetables by spelling out specific practices involving such matters as sanitation, worker health, and water quality. The guidance does not itself have legal force. But it tells growers, processors, and others what the FDA looks to when it enforces existing safety standards. There is no doubt that such guidance -- especially when it is developed, as it will be, in concert with the agricultural community -- will improve safety standards.

Q: Will foreign countries have to comply with Good Agricultural and Manufacturing Practices if they want to export fruits and vegetables to the U.S.?

A: We expect that exporting countries will develop similar practices that address potential food safety problems in their countries for one simple reason: they want to be able to sell food in our market, and they want that food to be safe.

We cannot yet know whether a country that does not comply with the guidance will be able to import fruits and vegetables into the United States. The answer to this question depends on the exact content of the guidance, as well as an intricate legal determinations regarding equivalency between different countries' food safety systems. What is clear is that the FDA will have to cut off imports from countries that do not comply with existing legal standards. And at the very least, the FDA will target countries that do not comply with the Good Agricultural and Manufacturing Practices for increased inspection and testing.

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Malcolm R. Lee
09/10/97 06:18:41 PM

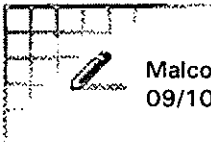
Record Type: Record

To: Laura Emmett/WHO/EOP

cc:

Subject: Food Safety, CDC and NYT

----- Forwarded by Malcolm R. Lee/OPD/EOP on 09/10/97 06:17 PM -----



Malcolm R. Lee
09/10/97 03:08:10 PM

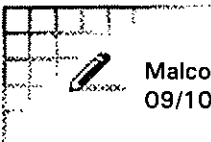
Record Type: Record

To: Victoria Radd/WHO/EOP

cc:

Subject: Food Safety, CDC and NYT

----- Forwarded by Malcolm R. Lee/OPD/EOP on 09/10/97 03:08 PM -----



Malcolm R. Lee
09/10/97 03:07:31 PM

Record Type: Record

To:

cc: See the distribution list at the bottom of this message

Subject: Food Safety, CDC and NYT

CDC Study

I have just learned from FDA that a CDC study has found that additional batches of A&W strawberries (imported from Mexico and fraudulently represented as domestic strawberries) may have been contaminated with Hepatitis A. The CDC made the link with outbreaks in Michigan last spring. They have now traced concurrent Hepatitis A cases in Maine and Wisconsin to other batches of A&W strawberries not previously identified as contaminated, but which had been embargoed by USDA. Some of these strawberries are still in school freezers embargoed with warnings not to use. USDA is today taking action in cooperation with state authorities to take the strawberries out of the schools and put them in locations where they are not inadvertently used.

FDA says the CDC study has not hit the press, but the State of Maine may soon issue a press release to notify its schools. CDC will provide a formal notice to the State of Maine by the end of the week.

GUIDANCE:

If general questions on Mexican strawberries is raised by press, the response should be:

- Federal researchers have been unable to determine where the strawberries were contaminated, here or in Mexico, but that last spring, USDA and FDA took immediate action to protect health and safety by embargoing A&W strawberries.

If new CDC findings are raised:

- all A&W strawberries are under embargo, and that USDA is taking necessary measures to put them in locations where they will not be inadvertently used.

I will forward formal USDA guidance as soon as they finalize.

NYT Report

According to Arthur Whitmore in FDA's press office, the New York Times has for some time had two investigative reporters working on a story about the dangers of contaminated imported produce. The reporters are Jeff Gerth and Tom Weiner. They have spoken with USDA and the Center for Disease Control, and have travelled to Mexico and Central America. FDA plans to meet with them on Friday. FDA is meeting internally today to prepare.

Follow-up: Vicky: Let's discuss whether it makes sense to pull together a group on food safety that includes OSTP (Jerry Mande;), DPC (Deputy Elena Kagan), FDA (Deputy Admin Prendergast), USDA (Undersec Kathy Woteki), USTR (Peter Scher).

Message Copied To:

Daniel K. Tarullo/OPD/EOP
Jerold R. Mande/OSTP/EOP
Daniel D. Heath/OMB/EOP
Jonathan Orszag/OPD/EOP
MITSLER_E @ A1 @ CD @ LNGTWY

Talking Points on Initiative to Ensure the Safety of Imported Fruits and Vegetables

- The President will announce next week a major initiative to ensure the safety of fruits and vegetables consumed by the American public, especially those coming from foreign countries. Today, 38% of the fruit -- and 22% of the vegetables -- consumed in the United States is imported.
- First, the President will direct the FDA and USDA to issue guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. The guidance will deal with matters such as sanitation, workers health and water use. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those, foreign and domestic, seeking to sell produce in the U.S. market.
- Second, the President will propose legislation to give the FDA authority to bar food imports from any country that does not protect food safety at least as well as the United States does. The USDA already has this authority for meat and poultry products and uses it to refuse meat imports from many countries. The legislation will give the FDA the same power over fruits, vegetables, and other food products, so that the FDA can prevent countries that do not protect food safety as well as the United States from importing their products.
- Third, the President will call for an increase in FDA funding in FY 99 to allow the FDA to expand dramatically its international inspection force. The budget request will enable the FDA to deploy inspectors in all foreign countries seeking to import fruits and vegetables into the U.S. Based largely on their inspections, the FDA will decide whether to allow imports from foreign countries.
- This initiative builds on the President's prior actions on food safety -- including a new early warning system to detect outbreaks of foodborne illness as quickly as possible; advanced safety standards for meat, poultry, and seafood; and a recent legislative proposal to increase the FDA's and USDA's recall authority. It is not a response to recent attacks on fast track, but a continuation of the President's longstanding commitment in this area.

Cuspro / food safety /
fruits+vegs

September 25, 1997



United Fresh Fruit
& Vegetable Association

727 North Washington Street Alexandria, VA 22314
(703) 836-3410 FAX (703) 836-7745

Ms. Victoria Radd
Chief of Staff to the Chief of Staff
1600 Pennsylvania Ave., N.W.
The White House
Washington, D.C. 20502

Dear Ms. Radd:

On Wednesday morning officials from the U.S. Department of Agriculture (USDA) and the U.S. Food and Drug Administration (FDA) briefed produce industry representatives on an imminent initiative to enhance the safety of domestic and imported produce. We have many concerns and questions regarding this initiative.

We understand the initiative will include the promulgation of guidance aimed at produce microbiological hazards, followed by the development of *Good Agricultural Practices* and *Good Handling Practices* to govern the growing, harvesting and handling of fresh fruit and vegetable commodities. It has been made clear by Administration officials that the safety of imported produce and the current debate on fast track authority is a primary motivation for the initiative, and the reason for rapid movement.

The produce industry is very diverse and complex, and any regulatory response to produce microbiological safety concerns must take this diversity into account. If an Administration initiative fails to recognize this complexity and threatens, through regulation, to change production and handling practices because of a concern about passing fast track negotiating authority and without sound scientific justification, then a very strong and negative reaction against fast track is likely to ensue. In other words, this effort risks turning a vote for fast track into a vote for more domestic regulation and creating a polarized environment for addressing microbiological safety issues.

The United Fresh Fruit and Vegetable Association and the produce industry is proud of the progress already made to identify and address microbiological food safety issues. We intend to continue this effort and we are eager to work with FDA, USDA and other federal agencies to assure the most effective and appropriate response.

Sincerely,

A handwritten signature in black ink, appearing to read "John Aguirre".
John Aguirre
Vice President,
Government Affairs

cc: Ms. Elena Kagan

Caus pro - food safety -
fruits/vegs

MEMORANDUM FOR THE SECRETARY OF AGRICULTURE
SECRETARY OF HEALTH AND HUMAN SERVICES
SECRETARY OF LABOR
ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY

SUBJECT: Initiative to Safeguard Imported Foods

Earlier this year, I directed my Administration to undertake a broad initiative to improve the safety of the nation's food supply. That initiative is designed to address attention to a number of steps at which the safety of food from farm to table can be rapidly improved. The initiative focuses on opportunities in foodborne illness surveillance, enhanced coordination among federal and state agencies with food-safety responsibilities, and enhanced inspection, research, education, and risk assessment programs. I am now directing my Administration to direct specific attention to ensuring the safety of imported foods.

My Administration will take actions to increase assurances that all foods, from farm to table, and including imported foods, meet high standards of safety. Recognizing the increasing complexity of food systems, from domestic to international, from production to retail and food service, and the gaps in our knowledge about foodborne illness outbreaks, their causes and sources, we need to take appropriate steps to maintain the safety of our food supply.

I hereby direct that you work together with the food industry and with our partners in trade to ensure the safety of foods imported into the United States. Your actions should include development of guidance to minimize microbial food safety risks from fresh fruits and vegetables and enhanced oversight authority for imported foods. You should work with the food industry and with consumers and the public to develop outreach and educational efforts to encourage producers to adopt these guidance practices. You should also work to evaluate the potential for food-safety problems in exporting countries, and to help those countries develop their own best practices. You should accelerate food-safety research. You should report back to me in one year with the status of your actions and your further recommendations.

Finally, I am directing the Administrator of the Environmental Protection Agency and the Secretary of Labor to commit staff resources to assist the Secretaries of Health and Human Services and Agriculture in achieving these goals.

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fruits/vegs

BC CLINTON FOOD

White House to unveil new food safety initiative

By Andrea Shalal-Esa

WASHINGTON (Reuter) - The White House will soon announce a tough new initiative to improve the safety of imported fruits and vegetables and tighten food inspections abroad, an administration official said early Thursday.

The initiative comes after 179 school children in Michigan contracted hepatitis last March after eating tainted strawberries imported from Mexico, and is timed to coincide with President Clinton's campaign to win "fast-track" authority from Congress to negotiate new trade agreements.

Food safety is in the spotlight again after unrelated problems with tainted hamburgers and a microbe that has killed thousands of fish in Maryland and Virginia.

More than 80 House lawmakers wrote Clinton a letter Wednesday urging him to renegotiate the North American Free Trade Agreement (NAFTA) to improve border protections against potentially unsafe food imports.

Under the new proposal, Clinton will ask Congress to pass a law giving the Food and Drug Administration the authority to bar imports from any country whose food safety standards are not on a par with those of the United States.

"Basically, this would give the FDA the power to hold foreign countries to an equivalency standard," said the official, who asked not to be identified.

The White House will also propose boosting the agency's budget by \$20-\$25 million to expand and improve food safety inspections, especially of foreign producers, the official said.

The extra funds would "allow vastly increased inspections aboard and at the dock," the official said.

In addition, Clinton would issue a directive ordering the agency to issue guidance on "good agricultural and manufacturing practices" and "good manufacturing practices" for fruits and vegetables, including guidelines for sanitation, worker health and water use.

"The guidance would not have the force of law, but would indicate what kinds of practices the FDA believes violate the Food and Drug Act," the official said.

The inter-agency proposal was drawn up by the Department of Health and Human Services, the FDA, the Agriculture Department, the U.S. Trade Representative and the Office of Management and Budget, the official said.

It would include provisions to expand research conducted by the Agriculture Department to support the FDA's efforts.

It was not immediately clear when the White House would announce the new initiative, or whether Clinton would announce the proposals himself. The president is in Little Rock, Arkansas, where he is due to deliver a speech on the 40th anniversary of high school desegregation Thursday.

The proposal is aimed at answering food safety concerns among lawmakers and paving the way for Capitol Hill to grant Clinton "fast-track" authority to negotiate new trade agreements.

Rep. Sherrod Brown, an Ohio Democrat, and other lawmakers told reporters Wednesday that NAFTA led to "lax inspection practices" and sharply boosted food imports from Mexico.

They also cited a recent General Accounting Office report which estimated that 99 percent of Mexican trucks entering the United States were not inspected.

Under the proposed fast-track authority lawmakers give up their right to amend any trade pact the administration negotiates and instead can only vote yes or no on the overall agreement.

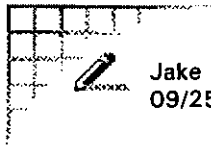
Other countries already have to meet strict U.S. food safety requirements before any product can enter the United States, industry officials say, but

consumer groups have argued that those laws are poorly enforced.

REUTER

**** filed by:RB--(--) on 09/25/97 at 08:34EDT ****
**** printed by:WHPR(JMAS) on 09/25/97 at 11:21EDT ****

Cous pro - food safety -
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Jake Siewert
09/25/97 04:24:50 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Food Safety

Q Any kind of FDA announcement today, food safety announcement?

MR. MCCURRY: There's no food safety announcement today. I think it's been reported various places that the White House is considering a new initiative to ensure the safety of fruits and vegetables consumed by the American public, especially those that come from foreign sources. The White House is considering that, and I do expect the White House will announce something soon about steps the President wants to take to direct the FDA to issue better guidance on agricultural practices and good manufacturing practices. And the President will likely have some things to say about legislation that will improve the FDA's authority to regulate imported fruits and vegetables coming from other countries in a way similar to what the USDA already does with respect to meat products -- meat and poultry products.

Q When might that be?

MR. MCCURRY: Sometime next week perhaps.

Message Sent To:

Virginia M. Terzano/OVP @ OVP
LEAVY_D @ A1 @ CD @ LNGTWY
Elena Kagan/OPD/EOP
Russell W. Horwitz/OPD/EOP
Lael Brainard/CEA/EOP

Census protection - food safety -
fruit/veg

15TH DOCUMENT of Level 1 printed in FULL format.

FULL TEXT OF BILLS

105TH CONGRESS: 1ST SESSION
IN THE HOUSE OF REPRESENTATIVES
AS INTRODUCED IN THE HOUSE

H. R. 1232

1997 H.R. 1232; 105 H.R. 1232

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of such labeling requirements.

DATE OF INTRODUCTION: APRIL 8, 1997

DATE OF VERSION: APRIL 10, 1997 -- VERSION: 1

SPONSOR(S):

Mr. BONO (for himself, Mr. TRAFICANT, Mrs. THURMAN, Mr. CALVERT, Mr. WELDON of Florida, Mr. NEY, Mr. RIGGS, Mr. MICA, Mr. STEARNS, Mr. HUNTER, Mrs. MEEK of Florida, Mr. WATTS of Oklahoma, Mr. WEXLER, Mr. KING, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Mr. GOSS, Mr. CONDIT, Mr. MILLER of Florida, Mr. BARR of Georgia, Mr. BISHOP, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Agriculture

Produce
Labelling

TEXT:

* Be it enacted by the Senate and House of Representatives of the United*
*States of America in Congress assembled. *

SECTION 1. SHORT TITLE.

This Act may be cited as the "Imported Produce Labeling Act of 1997".

SEC. 2. INDICATION OF COUNTRY OF ORIGIN OF IMPORTED PERISHABLE AGRICULTURAL COMMODITIES.

(a) DEFINITIONS.--FOR PURPOSES OF THIS SECTION, THE TERMS "PERISHABLE AGRICULTURAL COMMODITY" AND "RETAILER" HAVE THE MEANINGS GIVEN SUCH TERMS IN SECTION 1(B) OF THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (7 U.S.C. 499A(B)).

(B) NOTICE OF COUNTRY OF ORIGIN REQUIRED.--A RETAILER OF A PERISHABLE AGRICULTURAL COMMODITY IMPORTED INTO THE UNITED STATES SHALL INFORM CONSUMERS, AT THE FINAL POINT OF SALE TO CONSUMERS, OF THE COUNTRY OF ORIGIN OF THE PERISHABLE AGRICULTURAL COMMODITY.

(C) METHOD OF NOTIFICATION.--THE INFORMATION REQUIRED BY SUBSECTION (B) MAY BE PROVIDED TO CONSUMERS BY MEANS OF A LABEL, STAMP, MARK, PLACARD, OR OTHER CLEAR AND VISIBLE SIGN ON THE IMPORTED PERISHABLE AGRICULTURAL COMMODITY ITSELF OR ON THE PACKAGE, DISPLAY, HOLDING UNIT, OR BIN CONTAINING THE COMMODITY AT THE FINAL POINT OF SALE TO CONSUMERS. IF THE IMPORTED PERISHABLE AGRICULTURAL COMMODITY IS ALREADY INDIVIDUALLY LABELED REGARDING COUNTRY OF ORIGIN BY THE PACKER, IMPORTER, OR ANOTHER PERSON, THE RETAILER SHALL NOT BE REQUIRED TO PROVIDE ANY ADDITIONAL INFORMATION IN ORDER TO COMPLY WITH THIS SECTION.

(D) VIOLATIONS.--IF A RETAILER FAILS TO INDICATE THE COUNTRY OF ORIGIN

OF AN IMPORTED PERISHABLE AGRICULTURAL COMMODITY AS REQUIRED BY
SUBSECTION (B). THE SECRETARY OF AGRICULTURE MAY IMPOSE A MONETARY
PENALTY ON THE RETAILER IN AN AMOUNT NOT TO EXCEED-

- (1) \$1,000 FOR THE FIRST DAY ON WHICH THE VIOLATION OCCURS; AND
- (2) \$250 FOR EACH DAY ON WHICH THE SAME VIOLATION CONTINUES.

(E) DEPOSIT OF FUNDS.-AMOUNTS COLLECTED UNDER SUBSECTION (D) SHALL BE
DEPOSITED IN THE TREASURY OF THE UNITED STATES AS MISCELLANEOUS RECEIPTS.

(F) APPLICATION OF SECTION.-THIS SECTION SHALL APPLY WITH RESPECT TO
PERISHABLE AGRICULTURAL COMMODITIES IMPORTED INTO THE UNITED STATES AFTER
THE END OF THE SIX-MONTH PERIOD BEGINNING ON THE DATE OF THE ENACTMENT OF
THIS SECTION.

LOAD-DATE: April 15, 1997

86TH DOCUMENT of Level 1 printed in FULL format.

FULL TEXT OF BILLS

105TH CONGRESS; 1ST SESSION
IN THE SENATE OF THE UNITED STATES
AS INTRODUCED IN THE SENATE

S. 1042

1997 S. 1042; 105 S. 1042

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

DATE OF INTRODUCTION: JULY 21, 1997

DATE OF VERSION: JULY 22, 1997 -- VERSION: 1

SPONSOR(S):

Mr. CRAIG (FOR HIMSELF, MR. GRAHAM, AND MR. JOHNSON)

TEXT:

* Be it enacted by the Senate and House of Representatives of the United*
*States of America in Congress assembled. *

SECTION 1. SHORT TITLE.

This Act may be cited as the "Imported Produce Labeling Act of 1997".

SEC. 2. INDICATION OF COUNTRY OF ORIGIN OF IMPORTED PERISHABLE AGRICULTURAL COMMODITIES.

(a) DEFINITIONS.-FOR PURPOSES OF THIS SECTION, THE TERMS "PERISHABLE AGRICULTURAL COMMODITY" AND "RETAILER" HAVE THE MEANINGS GIVEN THE TERMS IN SECTION 1(B) OF THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (7 U.S.C. 499A(B)).

(b) NOTICE OF COUNTRY OF ORIGIN REQUIRED.-A RETAILER OF A PERISHABLE AGRICULTURAL COMMODITY IMPORTED INTO THE UNITED STATES SHALL INFORM CONSUMERS, AT THE FINAL POINT OF SALE OF THE PERISHABLE AGRICULTURAL COMMODITY TO CONSUMERS, OF THE COUNTRY OF ORIGIN OF THE PERISHABLE AGRICULTURAL COMMODITY.

(c) METHOD OF NOTIFICATION.-

(1) IN GENERAL.-THE INFORMATION REQUIRED BY SUBSECTION (B) MAY BE PROVIDED TO CONSUMERS BY MEANS OF A LABEL, STAMP, MARK, PLACARD, OR OTHER CLEAR AND VISIBLE SIGN ON THE IMPORTED PERISHABLE AGRICULTURAL COMMODITY OR ON THE PACKAGE, DISPLAY, HOLDING UNIT, OR BIN CONTAINING THE COMMODITY AT THE FINAL POINT OF SALE TO CONSUMERS.

(2) LABELED COMMODITIES.-IF THE IMPORTED PERISHABLE AGRICULTURAL COMMODITY IS ALREADY INDIVIDUALLY LABELED REGARDING COUNTRY OF ORIGIN BY THE PACKER, IMPORTER, OR ANOTHER PERSON, THE RETAILER SHALL NOT BE REQUIRED TO PROVIDE ANY ADDITIONAL INFORMATION TO COMPLY WITH THIS SECTION.

(d) VIOLATIONS.-IF A RETAILER FAILS TO INDICATE THE COUNTRY OF ORIGIN OF AN IMPORTED PERISHABLE AGRICULTURAL COMMODITY AS REQUIRED BY SUBSECTION (B), THE SECRETARY OF AGRICULTURE MAY IMPOSE A MONETARY

See HR. 1232

S. 1042 JULY 22, 1997 -- VERSION: 1

PENALTY ON THE RETAILER IN AN AMOUNT NOT TO EXCEED-

- (1) \$1,000 FOR THE FIRST DAY ON WHICH THE VIOLATION OCCURS; AND
- (2) \$250 FOR EACH DAY ON WHICH THE SAME VIOLATION CONTINUES.

(E) DEPOSIT OF FUNDS.-AMOUNTS COLLECTED UNDER SUBSECTION (D) SHALL BE DEPOSITED IN THE TREASURY OF THE UNITED STATES AS MISCELLANEOUS RECEIPTS.

(F) APPLICATION OF SECTION.-THIS SECTION SHALL APPLY WITH RESPECT TO A PERISHABLE AGRICULTURAL COMMODITY IMPORTED INTO THE UNITED STATES AFTER THE END OF THE 6-MONTH PERIOD BEGINNING ON THE DATE OF THE ENACTMENT OF THIS SECTION.

LOAD-DATE: July 25, 1997

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Bill Tracking Report

105th Congress
1st Session

U. S. House of Representatives

HR 1232

1997 Bill Tracking H.R. 1232; 105 Bill Tracking H.R. 1232

IMPORTED PRODUCE LABELING ACT OF 1997

<=1> Retrieve full text version

DATE-INTRO: April 8, 1997

LAST-ACTION-DATE: September 17, 1997

STATUS: Referred to committee

SPONSOR: Representative Sonny Bono R-CA

TOTAL-COSPONSORS: 65 Cosponsors: 31 Democrats / 33 Republicans

SYNOPSIS: A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of such labeling requirements.

ACTIONS: Committee Referrals:
04/08/97 House Agriculture Committee

Legislative Chronology:

1st Session Activity:

04/08/97	143	Cong Rec H 1338	Referred to the House Agriculture Committee
04/16/97	143	Cong Rec H 1612	Cosponsor(s) added
04/17/97	143	Cong Rec H 1707	Cosponsor(s) added
04/29/97	143	Cong Rec H 1989	Cosponsor(s) added
05/05/97	143	Cong Rec H 2168	Cosponsor(s) added
05/07/97	143	Cong Rec H 2351	Cosponsor(s) added
05/15/97	143	Cong Rec H 2785	Cosponsor(s) added
05/20/97	143	Cong Rec H 3070	Cosponsor(s) added
06/12/97	143	Cong Rec H 3797	Cosponsor(s) added
06/18/97	143	Cong Rec H 3924	Cosponsor(s) added
07/15/97	143	Cong Rec H 5297	Cosponsor(s) added
07/22/97	143	Cong Rec H 5569	Cosponsor(s) added
07/23/97	143	Cong Rec H 5664	Cosponsor(s) added
07/25/97	143	Cong Rec H 5826	Cosponsor(s) added
07/29/97	143	Cong Rec H 6026	Cosponsor(s) added

Bill Tracking Report HR 1232

09/03/97 143 Cong Rec H 6797 Cosponsor(s) added
 09/05/97 143 Cong Rec H 6962 Cosponsor(s) added
 09/09/97 143 Cong Rec H 7119 Cosponsor(s) added
 09/10/97 143 Cong Rec H 7199 Cosponsor(s) added
 09/17/97 143 Cong Rec H 7528 Cosponsor(s) added

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

Short title as introduced :

Imported Produce Labeling Act of 1997

Digest :

Imported Produce Labeling Act of 1997 - Requires country of origin labeling of perishable agricultural commodities imported into the United States. Authorizes fines for violations of such provision.

CRS Index Terms:

Agriculture
 Agriculture in foreign trade
 Consumers
 Fines (Penalties)
 Food
 Food labeling
 Fruit
 Fruit trade
 Imports
 Law
 Trade
 Vegetable trade
 Vegetables

CO-SPONSORS: Original Cosponsors:

Barr R-GA	Bishop D-GA	Calvert R-CA
Condit D-CA	Diaz-Balart R-FL	Goss R-FL
Hastings D-FL	Hunter R-CA	Kaptur D-OH
King R-NY	Meek D-FL	Mica R-FL
Miller R-FL	Ney R-OH	Riggs R-CA
Stearns R-FL	Thurman D-FL	Traficant, Jr. D-OH
Watts R-OK	Weldon R-FL	Wexler D-FL

Added 04/16/97:

Cunningham R-CA	Deal R-GA	Foley R-FL
McHugh R-NY		

Added 04/17/97:

Coburn R-OK

Added 04/29/97:

Boyd D-FL
Rivers D-MI

Deutsch D-FL
Solomon R-NY

Kucinich D-OH

Added 05/05/97:

Bonior D-MI

Thomas R-CA

Added 05/07/97:

Brown D-CA

Gallegly R-CA

Ros-Lehtinen R-FL

Added 05/15/97:

Berman D-CA

Leach R-IA

Scarborough R-FL

Added 05/20/97:

Etheridge D-NC

Filner D-CA

Added 06/13/97:

Evans D-IL

Added 06/18/97:

Brown D-FL
Kildee D-MI

Dellums D-CA

Fazio D-CA

Added 07/15/97:

Chambliss R-GA

Davis D-FL

Added 07/22/97:

Sanders I-VT

Stump R-AZ

Added 07/23/97:

Poshard D-IL

Rohrabacher R-CA

Added 07/25/97:

Brown D-OH

Added 07/29/97:

Clyburn D-SC

Added 09/03/97:

Chenoweth R-ID

McCollum R-FL

Shaw R-FL

Added 09/05/97:

Capps D-CA

Added 09/09/97:

Bilirakis R-FL

Lofgren D-CA

Added 09/10/97:

Cannon R-UT

Added 09/17/97:

Costello D-IL

Stupak D-MI

Pascrell D-NJ

Sensenbrenner R-WI

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Bill Tracking Report

105th Congress
1st Session

U. S. Senate

S 1042

1997 Bill Tracking S. 1042: 105 Bill Tracking S. 1042

IMPORTED PRODUCE LABELING ACT OF 1997

<=1> Retrieve full text version

DATE-INTRO: July 21, 1997

LAST-ACTION-DATE: September 17, 1997

STATUS: Referred to committee

SPONSOR: Senator Larry Craig R-ID

TOTAL-COSPONSORS: 7 Cosponsors: 5 Democrats / 2 Republicans

SYNOPSIS: A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

ACTIONS: Committee Referrals:
07/21/97 Senate Agriculture, Nutrition, and Forestry Committee

Legislative Chronology:

1st Session Activity:

- 07/21/97 143 Cong Rec S 7767 Referred to the Senate Agriculture, Nutrition, and Forestry Committee
- 07/21/97 143 Cong Rec S 7771 Remarks by Sen. Craig ID
- 09/04/97 143 Cong Rec S 8832 Cosponsor(s) added
- 09/09/97 143 Cong Rec S 9019 Cosponsor(s) added
- 09/17/97 143 Cong Rec S 9524 Cosponsor(s) added

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

Short title as introduced :

Imported Produce Labeling Act of 1997

Digest :

Imported Produce Labeling Act of 1997 - Requires country of origin labeling of perishable agricultural commodities imported into the United States. Authorizes fines for violations of such provision.

CRS Index Terms:

Agriculture
Agriculture in foreign trade
Consumers
Fines (Penalties)
Food
Food labeling
Fruit
Fruit trade
Imports
Law
Trade
Vegetable trade
Vegetables

CO-SPONSORS: Original Cosponsors:

Graham D-FL Johnson D-SD

Added 07/31/97:

Mack R-FL

Added 09/04/97:

Wyden D-OR

Added 09/09/97:

Campbell R-CO Levin D-MI

Added 09/17/97:

Baucus D-MT

FULL TEXT OF BILLS

105TH CONGRESS: 1ST SESSION
IN THE HOUSE OF REPRESENTATIVES
AS INTRODUCED IN THE HOUSE

H. R. 1371

1997 H.R. 1371; 105 H.R. 1371

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

DATE OF INTRODUCTION: APRIL 17, 1997

DATE OF VERSION: APRIL 21, 1997 -- VERSION: 1

SPONSOR(S):

Mrs. CHENOWETH (for herself and Mr. POMEROY) introduced the following bill; which was referred to the Committee on Agriculture

Meat Labeling

TEXT:

* Be it enacted by the Senate and House of Representatives of the United*
*States of America in Congress assembled. *

SECTION 1. SHORT TITLE.

This Act may be cited as the "Imported Meat Labeling Act of 1997".

SEC. 2 COUNTRY OF ORIGIN LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

(a) LABELING REQUIRED.-Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended by adding at the end the following:

"(13)(A) If it is imported into the United States unless it bears or is accompanied by labeling that identifies the country of origin of the animal that is the source of the imported carcass, part thereof, or meat or is part of the contents of the imported meat food product.

"(B) If it is a meat food product prepared in the United States using any carcass, part thereof, or meat imported into the United States unless the meat food product bears or is accompanied by labeling that identifies the country of origin of the animal that is the source of the imported carcass, part thereof, or meat.

"(C) In this paragraph, the term 'country of origin' means the country or countries in which an animal is raised before slaughter."

(b) CONFORMING AMENDMENTS.-Section 1(n) of the Federal Meat Inspection Act is amended-

(1) by striking "if" at the beginning of each of paragraphs (1) through (12) and inserting "If";

(2) by striking the semicolon at the end of each of paragraphs (1) through (10) and inserting a period; and

(3) in paragraph (11), by striking ": or" at the end and inserting a period.

(c) EFFECTIVE DATE.-The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

LOAD-DATE: April 22, 1997

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FULL TEXT OF BILLS

105TH CONGRESS; 1ST SESSION
IN THE SENATE OF THE UNITED STATES
AS INTRODUCED IN THE SENATE

S. 617

1997 S. 617; 105 S. 617

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

DATE OF INTRODUCTION: APRIL 17, 1997

DATE OF VERSION: APRIL 21, 1997 -- VERSION: 1

SPONSOR(S):

Mr. JOHNSON (FOR HIMSELF, MR. CRAIG, Mr. DASCHLE, Mr. BURNS, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

Same as HR 1371

TEXT:

* Be it enacted by the Senate and House of Representatives of the United*
*States of America in Congress assembled. *

SECTION 1. SHORT TITLE.

This Act may be cited as the "Imported Meat Labeling Act of 1997".

SEC. 2. COUNTRY OF ORIGIN LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

(a) LABELING REQUIRED.-SECTION 1(N) OF THE FEDERAL MEAT INSPECTION ACT (21 U.S.C. 601(N)) IS AMENDED BY ADDING AT THE END THE FOLLOWING:

"(13)(A) IF IT IS IMPORTED INTO THE UNITED STATES UNLESS IT BEARS OR IS ACCOMPANIED BY LABELING THAT IDENTIFIES THE COUNTRY OF ORIGIN OF THE ANIMAL THAT IS THE SOURCE OF THE IMPORTED CARCASS, PART THEREOF, OR MEAT OR IS PART OF THE CONTENTS OF THE IMPORTED MEAT FOOD PRODUCT.

"(B) IF IT ORIGINATES FROM AN ANIMAL THAT WAS IMPORTED INTO THE UNITED STATES LESS THAN 10 DAYS PRIOR TO SLAUGHTER UNLESS IT BEARS OR IS ACCOMPANIED BY LABELING THAT IDENTIFIES THE COUNTRY OF ORIGIN OF THE ANIMAL.

"(C) IF IT IS A MEAT FOOD PRODUCT PREPARED IN THE UNITED STATES USING ANY CARCASS, PART THEREOF, OR MEAT IMPORTED INTO THE UNITED STATES UNLESS THE MEAT FOOD PRODUCT BEARS OR IS ACCOMPANIED BY LABELING THAT IDENTIFIES THE COUNTRY OF ORIGIN OF THE ANIMAL THAT IS THE SOURCE OF THE IMPORTED CARCASS, PART THEREOF, OR MEAT.

"(D) IN THIS PARAGRAPH, THE TERM 'COUNTRY OF ORIGIN' MEANS THE COUNTRY OR COUNTRIES IN WHICH AN ANIMAL IS RAISED BEFORE SLAUGHTER."

(B) CONFORMING AMENDMENTS.-SECTION 1(N) OF THE FEDERAL MEAT INSPECTION ACT IS AMENDED-

(1) BY STRIKING "IF" AT THE BEGINNING OF EACH OF PARAGRAPHS (1)

THROUGH (12) AND INSERTING "IF":

(2) BY STRIKING THE SEMICOLON AT THE END OF EACH OF PARAGRAPHS (1) THROUGH (10) AND INSERTING A PERIOD; AND

(3) IN PARAGRAPH (11), BY STRIKING ": OR" AT THE END AND INSERTING A PERIOD.

(C) EFFECTIVE DATE.--THE AMENDMENTS MADE BY THIS SECTION SHALL TAKE EFFECT 1 YEAR AFTER THE DATE OF ENACTMENT OF THIS ACT.

LOAD-DATE: April 22, 1997

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Bill Tracking Report

105th Congress
1st Session

U. S. House of Representatives

HR 1371

1997 Bill Tracking H.R. 1371; 105 Bill Tracking H.R. 1371

IMPORTED MEAT LABELING ACT OF 1997

<=1> Retrieve full text version

DATE-INTRO: April 17, 1997

LAST-ACTION-DATE: September 18, 1997

STATUS: Referred to committee

SPONSOR: Representative Helen P. Chenoweth R-ID

TOTAL-COSPONSORS: 25 Cosponsors: 11 Democrats / 14 Republicans

SYNOPSIS: A bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

ACTIONS: Committee Referrals:
04/17/97 House Agriculture Committee

Legislative Chronology:

1st Session Activity:

04/17/97	143	Cong	Rec	H	1704	Referred to the House Agriculture Committee
04/23/97	143	Cong	Rec	H	1794	Cosponsor(s) added
05/01/97	143	Cong	Rec	H	2157	Cosponsor(s) added
06/03/97	143	Cong	Rec	H	3274	Cosponsor(s) added
06/23/97	143	Cong	Rec	H	4222	Cosponsor(s) added
06/26/97	143	Cong	Rec	H	4835	Cosponsor(s) added
07/10/97	143	Cong	Rec	H	5132	Cosponsor(s) added
07/22/97	143	Cong	Rec	H	5570	Cosponsor(s) added
07/31/97	143	Cong	Rec	H	6707	Cosponsor(s) added
09/03/97	143	Cong	Rec	H	6797	Cosponsor(s) added
09/08/97	143	Cong	Rec	H	7008	Cosponsor(s) added
09/11/97	143	Cong	Rec	H	7263	Cosponsor(s) added
09/18/97	143	Cong	Rec	H	7600	Cosponsor(s) added

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

Short title as introduced :

Imported Meat Labeling Act of 1997

Digest :

Imported Meat Labeling Act of 1997 - Amends the Federal Meat Inspection Act to require country of origin (where an animal is raised before slaughter) labeling of imported meat or U.S.-prepared meat food products containing foreign meat.

CRS Index Terms:

Food
Agriculture
Agriculture in foreign trade
Consumer education
Consumers
Food labeling
Imports
Meat
Meat inspection
Trade

CO-SPONSORS: Original Cosponsors:

Pomeroy D-ND

Added 04/23/97:

Hill R-MT

Added 05/01/97:

Cubin R-WY

Added 06/03/97:

Pickering R-MS

Added 06/23/97:

Stump R-AZ

Added 06/26/97:

Evans D-IL
Regula R-OH

McHugh R-NY

Poshard D-IL

Added 07/10/97:

Bono R-CA
Souder R-IN

Etheridge D-NC
Tiahrt R-KS

Lofgren D-CA

Added 07/22/97:

Edwards D-TX

Sessions R-TX

Added 07/31/97:

Turner D-TX

Added 09/03/97:

Hall D-TX

Added 09/08/97:

Coburn R-OK
Thurman D-FL

Rohrabacher R-CA

Sandlin D-TX

Added 09/11/97:

Cannon R-UT

Kaptur D-OH

Added 09/18/97:

Sensenbrenner R-WI

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Bill Tracking Report

105th Congress
1st Session

U. S. Senate

S 617

1997 Bill Tracking S. 617; 105 Bill Tracking S. 617

IMPORTED MEAT LABELING ACT OF 1997

<=1> Retrieve full text version

DATE-INTRO: April 17, 1997

LAST-ACTION-DATE: September 16, 1997

STATUS: Referred to committee

SPONSOR: Senator Tim Johnson D-SD

TOTAL-COSPONSORS: 9 Cosponsors: 3 Democrats / 6 Republicans

SYNOPSIS: A bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

ACTIONS: Committee Referrals:

04/17/97 Senate Agriculture, Nutrition, and Forestry Committee

Legislative Chronology:

1st Session Activity:

04/17/97 143 Cong Rec S 3349 Referred to the Senate Agriculture, Nutrition,
and Forestry Committee
04/17/97 143 Cong Rec S 3364 Remarks by Sen. Johnson SD
04/17/97 143 Cong Rec S 3364 Remarks by Sen. Burns MT
04/17/97 143 Cong Rec S 3364 Remarks by Sen. Craig ID
05/06/97 143 Cong Rec S 4011 Cosponsor(s) added
05/16/97 143 Cong Rec S 9427 Cosponsor(s) added

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

Short title as introduced :

Imported Meat Labeling Act of 1997

Digest :

Imported Meat Labeling Act of 1997 - Amends the Federal Meat Inspection Act to require country of origin (where an animal is raised before slaughter) labeling: (1) of imported meat, or U.S.-prepared meat food products containing imported meat; or (2) originating from an animal imported into the United States for slaughter.

CRS Index Terms:

- Food
- Agriculture
- Agriculture in foreign trade
- Consumer education
- Consumers
- Food labeling
- Imports
- Meat
- Meat inspection
- Trade

CO-SPONSORS: Original Cosponsors:

Baucus D-MT	Burns R-MT	Craig R-ID
Daschle D-SD		

Added 05/06/97:

Thomas R-WY

Added 07/31/97:

Hatch R-UT

Added 09/16/97:

Campbell R-CO	Conrad D-ND	Kempthorne R-ID
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FULL TEXT OF BILLS

105TH CONGRESS; 1ST SESSION
IN THE HOUSE OF REPRESENTATIVES
AS INTRODUCED IN THE HOUSE

H. R. 2332

1997 H.R. 2332; 105 H.R. 2332

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To amend section 304 of the Tariff Act of 1930 to require the marking of frozen produce with the country of origin on the front panel of the package for retail sale.

DATE OF INTRODUCTION: JULY 31, 1997

DATE OF VERSION: AUGUST 5, 1997 -- VERSION: 1

SPONSOR(S):

Mr. EVERETT (for himself, Mr. ADERHOLT, Mr. BARCIA, Mr. BOEHNER, Mr. BONO, Mr. BOYD, Mr. CALLAHAN, Mr. CAMPBELL, Mr. CRAMER, Mr. DEAL of Georgia, Ms. DEGETTE, Mr. DELLUMS, Mr. DUNCAN, Mr. FARR of California, Mr. FILNER, Mr. FOLEY, Mr. HINCHEY, Mr. HUNTER, Ms. KAPTUR, Mr. KUCINICH, Mr. MCHUGH, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MILLER of California, Mr. NEY, Mr. POSHARD, Mr. RILEY, Ms. RIVERS, Mr. ROHRABACHER, Mr. SOUDER, Mr. SPRATT, Mr. STUMP, Mr. TANNER, and Mrs. THURMAN) introduced the following bill; which was referred to the Committee on Ways and Means

Frozen Produce Labeling

TEXT:

* Be it enacted by the Senate and House of Representatives of the United*
States of America in Congress assembled,

SECTION 1. MARKING OF FROZEN PRODUCE.

(a) IN GENERAL.--SECTION 304 OF THE TARIFF ACT OF 1930 (19 U.S.C. 1304) IS AMENDED--

(1) BY REDESIGNATING SUBSECTIONS (H) THROUGH (K) AS SUBSECTIONS (I) THROUGH (L), RESPECTIVELY; AND

(2) BY INSERTING AFTER SUBSECTION (G) THE FOLLOWING NEW SUBSECTION:

"(H) FROZEN PRODUCE.--

"(1) MARKING OF FROZEN PRODUCE.--UNLESS OTHERWISE EXCEPTED UNDER PARAGRAPH (3) OF SUBSECTION (A), FROZEN PRODUCE SHALL BE MARKED, ON THE FRONT PANEL OF ITS PACKAGE FOR RETAIL SALE, WITH THE COUNTRY OF ORIGIN OF THE PRODUCE IN PERMANENT, INDELIBLE, AND CLEARLY LEGIBLE PRINT OR TYPE.

"(2) DEFINITIONS.--AS USED IN THIS SUBSECTION:

"(A) FROZEN PRODUCE.--THE TERM 'FROZEN PRODUCE' MEANS--

"(I) FROZEN VEGETABLES OR MIXTURES OF FROZEN VEGETABLES PROVIDED FOR IN CHAPTER 7 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES; AND

"(II) FROZEN FRUITS OR MIXTURES OF FROZEN FRUITS PROVIDED FOR IN CHAPTER 8 OF SUCH SCHEDULE.

"(B) FRONT PANEL.--THE 'FRONT PANEL' OF A PACKAGE IS THAT PART

OF THE PACKAGE THAT IS MOST LIKELY TO BE DISPLAYED, PRESENTED, SHOWN, OR EXAMINED BY THE ULTIMATE PURCHASER UNDER CUSTOMARY CONDITIONS OF DISPLAY FOR RETAIL SALE.".

(B) CONFORMING AMENDMENT.--SECTION 304(J) OF SUCH ACT, AS REDESIGNATED BY SUBSECTION (A)(1), IS AMENDED BY STRIKING "SUBSECTION (H)" AND INSERTING "SUBSECTION (I)".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 apply to goods entered, or withdrawn from warehouse for consumption, after the end of the 18-month period beginning on the date of the enactment of this Act.

LOAD-DATE: August 6, 1997

4TH DOCUMENT of Level 1 printed in FULL format.

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Bill Tracking Report

105th Congress
1st Session

U. S. House of Representatives

HR 2332

1997 Bill Tracking H.R. 2332; 105 Bill Tracking H.R. 2332

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DATE-INTRO: July 31, 1997

LAST-ACTION-DATE: September 18, 1997

STATUS: Referred to committee

SPONSOR: Representative Robert Terry Everett R-AL

TOTAL-COSPONSORS: 40 Cosponsors: 21 Democrats / 19 Republicans

SYNOPSIS: A bill to amend section 304 of the Tariff Act of 1930 to require the marking of frozen produce with the country of origin on the front panel of the package for retail sale.

ACTIONS: Committee Referrals:
07/31/97 House Ways and Means Committee

Legislative Chronology:

1st Session Activity:

07/31/97	143	Cong Rec E 1617	Remarks by Rep. Everett AL
07/31/97	143	Cong Rec H 6703	Referred to the House Ways and Means Committee
09/03/97	143	Cong Rec H 6799	Cosponsor(s) removed
09/04/97	143	Cong Rec H 6918	Cosponsor(s) added
09/05/97	143	Cong Rec H 6962	Cosponsor(s) added
09/18/97	143	Cong Rec H 7601	Cosponsor(s) added

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

CRS Index Terms:

Trade
Agriculture

Agriculture in foreign trade
 Business
 Consumers
 Food
 Food labeling
 Frozen food
 Frozen foods industry
 Fruit
 Fruit trade
 Packaging
 Tariff
 Vegetable trade
 Vegetables

CO-SPONSORS: Original Cosponsors:

Aderholt R-AL	Barcia D-MI	Boehner R-OH
Bono R-CA	Boyd D-FL	Callahan R-AL
Campbell R-CA	Cramer D-AL	Deal R-GA
Degette D-CO	Dellums D-CA	Duncan, Jr. R-TN
Farr D-CA	Filner D-CA	Foley R-FL
Hinchey D-NY	Hunter R-CA	Kaptur D-OH
Kucinich D-OH	McHugh R-NY	McNulty D-NY
Meek D-FL	Miller D-CA	Ney R-OH
Poshard D-IL	Riley R-AL	Rivers D-MI
Rohrabacher R-CA	Souder R-IN	Spratt, Jr. D-SC
Stump R-AZ	Tanner D-TN	Thurman D-FL

Removed 09/03/97:

Boehner R-OH

Added 09/04/97:

Bonior D-MI	Klink D-PA	Weldon R-FL
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Added 09/05/97:

Coburn R-OK

Added 09/18/97:

Sensenbrenner R-WI	Stupak D-MI
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FULL TEXT OF BILLS

105TH CONGRESS; 1ST SESSION
IN THE SENATE OF THE UNITED STATES
AS INTRODUCED IN THE SENATE

S. 16

1997 S. 16; 105 S. 16

<*1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To ensure the continued viability of livestock producers and the livestock industry in the United States, to assure foreign countries do not deny market access to United States meat and meat products, and for other purposes.

DATE OF INTRODUCTION: JANUARY 21, 1997

DATE OF VERSION: JANUARY 24, 1997 -- VERSION: 1

SPONSOR(S):

Mr. DASCHLE (for himself, Mr. HARKIN, Mr. JOHNSON, Mr. DORGAN, Mr. CONRAD, Mr. KERREY, Mr. BAUCUS, Mr. BINGAMAN, Mr. KOHL, Mr. FEINGOLD, Mr. LEAHY, and Mr. WELLSTONE) introduced the following bill; which was referred to the Committee on Agriculture, Nutrition, and Forestry

U.S. Labeling

TEXT:

* Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.-THIS ACT MAY BE CITED AS THE "CATTLE INDUSTRY IMPROVEMENT ACT OF 1997".

(B) TABLE OF CONTENTS.-THE TABLE OF CONTENTS OF THIS ACT IS AS FOLLOWS:

Sec. 1. Short title; table of contents.

TITLE I-CATTLE INDUSTRY IMPROVEMENT

- Sec. 101. Prohibition on noncompetitive practices.
- Sec. 102. Domestic Market Reporting.
- Sec. 103. Import reporting.
- Sec. 104. Protection of livestock producers against retaliation by packers.
- Sec. 105. Review of Federal agriculture credit policies.
- Sec. 106. Streamlining and consolidating the United States food inspection system.
- Sec. 107. Labeling system for meat and meat food products produced in the United States.
- Sec. 108. Sense of Senate on interstate shipment of State-inspected meat, poultry, and eggs.
- Sec. 109. Exchange of cattle production data with Canada.

TITLE II-MARKET ACCESS FOR UNITED STATES MEAT PRODUCTS

- Sec. 201. Short title.
 - Subtitle A-Identification of Countries
- Sec. 211. Findings; purposes.
- Sec. 212. Identification of countries that deny market access.

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- Sec. 213. Investigations.
- Sec. 214. Authorized actions by United States Trade Representative.
 Subtitle B-Review of Third Country Meat Directive
- Sec. 221. Findings.
- Sec. 223. Definitions.
- Sec. 224. Requirement for determination by United States Trade Representative.
- Sec. 225. Request for dispute settlement.
- Sec. 226. Review of certain meat facilities.

TITLE I-CATTLE INDUSTRY IMPROVEMENT

SEC. 101. PROHIBITION ON NONCOMPETITIVE PRACTICES.

Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended-

- (1) in subsection (g), by striking the period at the end and inserting "; or"; and
- (2) by adding at the end the following:

"(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter."

SEC. 102. DOMESTIC MARKET REPORTING.

(a) PERSONS IN SLAUGHTER BUSINESS.-SECTION 203(G) OF THE AGRICULTURAL MARKETING ACT OF 1946 (7 U.S.C. 1622(G)) IS AMENDED-

- (1) BY STRIKING "(G) TO" AND INSERTING THE FOLLOWING:

"(G) COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.-

- "(1) IN GENERAL.-TO"; AND
- (2) BY ADDING AT THE END THE FOLLOWING:
- "(2) DOMESTIC MARKET REPORTING.-

"(A) MANDATORY REPORTING.-EACH PERSON ENGAGED IN THE BUSINESS OF SLAUGHTERING A QUANTITY OF LIVESTOCK DETERMINED BY THE SECRETARY SHALL REPORT TO THE SECRETARY IN SUCH MANNER AS THE SECRETARY SHALL REQUIRE, AS SOON AS PRACTICABLE BUT NOT LATER THAN 24 HOURS AFTER A TRANSACTION TAKES PLACE, SUCH INFORMATION RELATING TO PRICES AND THE TERMS OF SALE FOR THE PROCUREMENT OF LIVESTOCK AND THE SALE OF MEAT FOOD PRODUCTS AND LIVESTOCK PRODUCTS AS THE SECRETARY DETERMINES IS NECESSARY TO CARRY OUT THIS SUBSECTION.

"(B) NONCOMPLIANCE.-WHOEVER KNOWINGLY FAILS OR REFUSES TO PROVIDE TO THE SECRETARY INFORMATION REQUIRED TO BE REPORTED BY SUBPARAGRAPH (A) SHALL BE FINED UNDER TITLE 18, UNITED STATES CODE, OR IMPRISONED FOR NOT MORE THAN 5 YEARS, OR BOTH.

"(C) VOLUNTARY REPORTING.-THE SECRETARY SHALL ENCOURAGE VOLUNTARY REPORTING BY ANY PERSON ENGAGED IN THE BUSINESS OF SLAUGHTERING LIVESTOCK WHO IS NOT SUBJECT TO SUBPARAGRAPH (A).

"(D) AVAILABILITY OF INFORMATION.-THE SECRETARY SHALL MAKE INFORMATION RECEIVED UNDER THIS SUBSECTION AVAILABLE TO THE PUBLIC ONLY IN THE AGGREGATE AND SHALL ENSURE THE CONFIDENTIALITY OF PERSONS PROVIDING THE INFORMATION.

"(E) TERMINATION OF AUTHORITY.-THE AUTHORITY PROVIDED BY THIS PARAGRAPH SHALL TERMINATE ON THE DATE THAT IS 1 YEAR AFTER THE DATE OF ENACTMENT OF THIS PARAGRAPH, EXCEPT THAT THE SECRETARY MAY EXTEND THE AUTHORITY BEYOND THAT

date if the Secretary determines the extension is necessary or

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appropriate."

(b) ELIMINATION OF OUTDATED REPORTS.-THE SECRETARY OF AGRICULTURE, AFTER CONSULTATION WITH PRODUCERS AND OTHER AFFECTED PARTIES, SHALL PERIODICALLY-

(1) ELIMINATE OBSOLETE REPORTS; AND

(2) STREAMLINE THE COLLECTION AND REPORTING OF DATA RELATED TO LIVESTOCK AND MEAT AND LIVESTOCK PRODUCTS, USING MODERN DATA COMMUNICATIONS TECHNOLOGY, TO PROVIDE INFORMATION TO THE PUBLIC ON AS CLOSE TO A REAL-TIME BASIS AS PRACTICABLE.

(c) DEFINITION OF "CAPTIVE SUPPLY".-FOR THE PURPOSE OF REGULATIONS ISSUED BY THE SECRETARY OF AGRICULTURE RELATING TO REPORTING UNDER THE AGRICULTURAL MARKETING ACT OF 1946 (7 U.S.C. 1621 ET SEQ.) AND THE PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 181 ET SEQ.). THE TERM "CAPTIVE SUPPLY" MEANS LIVESTOCK OBLIGATED TO A PACKER IN ANY FORM OF TRANSACTION IN WHICH MORE THAN 7 DAYS ELAPSE FROM THE DATE OF OBLIGATION TO THE DATE OF DELIVERY OF THE LIVESTOCK.

SEC. 103. IMPORT REPORTING.

(a) IN GENERAL.-THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF COMMERCE SHALL, USING MODERN DATA COMMUNICATIONS TECHNOLOGY TO PROVIDE THE INFORMATION TO THE PUBLIC ON AS CLOSE TO A REAL-TIME BASIS AS PRACTICABLE, JOINTLY MAKE AVAILABLE TO THE PUBLIC AGGREGATE PRICE AND QUANTITY INFORMATION ON IMPORTED MEAT FOOD PRODUCTS, LIVESTOCK PRODUCTS, AND LIVESTOCK (AS THE TERMS ARE DEFINED IN SECTION 2 OF THE PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 182)).

(b) FIRST REPORT.-THE SECRETARIES SHALL RELEASE TO THE PUBLIC THE FIRST REPORT UNDER SUBSECTION (A) NOT LATER THAN 60 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT.

SEC. 104. PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS.

(a) RETALIATION PROHIBITED.-SECTION 202(B) OF THE PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 192(B)), IS AMENDED-

(1) BY STRIKING "OR SUBJECT" AND INSERTING "SUBJECT"; AND

(2) BY INSERTING BEFORE THE SEMICOLON AT THE END THE FOLLOWING: ", OR RETALIATE AGAINST ANY LIVESTOCK PRODUCER ON ACCOUNT OF ANY STATEMENT MADE BY THE PRODUCER (WHETHER MADE TO THE SECRETARY OR A LAW ENFORCEMENT AGENCY OR IN A PUBLIC FORUM) REGARDING AN ACTION OF ANY PACKER".

(b) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.-SECTION 203 OF THE PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 193), IS AMENDED BY ADDING AT THE END THE FOLLOWING:

"(E) SPECIAL PROCEDURES REGARDING ALLEGATIONS OF RETALIATION.-

"(1) CONSIDERATION BY SPECIAL PANEL.-THE PRESIDENT SHALL APPOINT A SPECIAL PANEL CONSISTING OF 3 MEMBERS TO RECEIVE AND INITIALLY CONSIDER A COMPLAINT SUBMITTED BY ANY PERSON THAT ALLEGES PROHIBITED PACKER RETALIATION UNDER SECTION 202(B) DIRECTED AGAINST A LIVESTOCK PRODUCER.

"(2) COMPLAINT; HEARING.-IF THE PANEL HAS REASON TO BELIEVE FROM THE COMPLAINT OR RESULTING INVESTIGATION THAT A PACKER HAS VIOLATED OR IS VIOLATING THE RETALIATION PROHIBITION UNDER SECTION 202(B), THE PANEL SHALL NOTIFY THE SECRETARY WHO SHALL CAUSE A COMPLAINT TO BE ISSUED AGAINST THE PACKER, AND A HEARING CONDUCTED, UNDER SUBSECTION (A).

"(3) EVIDENTIARY STANDARD.-IN THE CASE OF A COMPLAINT REGARDING RETALIATION PROHIBITED UNDER SECTION 202(B), THE SECRETARY SHALL FIND THAT THE PACKER INVOLVED HAS VIOLATED OR IS VIOLATING SECTION 202(B)

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IF THE FINDING IS SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE.".

(C) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.--SECTION 203 OF THE PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 193) (AS AMENDED BY SUBSECTION (B)), IS AMENDED BY ADDING AT THE END THE FOLLOWING:

"(f) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.--

"(1) IN GENERAL.--IF A PACKER VIOLATES THE RETALIATION PROHIBITION UNDER SECTION 202(B), THE PACKER SHALL BE LIABLE TO THE LIVESTOCK PRODUCER INJURED BY THE RETALIATION FOR NOT MORE THAN 3 TIMES THE AMOUNT OF DAMAGES SUSTAINED AS A RESULT OF THE VIOLATION.

"(2) ENFORCEMENT.--THE LIABILITY MAY BE ENFORCED EITHER BY COMPLAINT TO THE SECRETARY, AS PROVIDED IN SUBSECTION (E), OR BY SUIT IN ANY COURT OF COMPETENT JURISDICTION.

"(3) OTHER REMEDIES.--THIS SUBSECTION SHALL NOT ABRIDGE OR ALTER A REMEDY EXISTING AT COMMON LAW OR BY STATUTE. THE REMEDY PROVIDED BY THIS SUBSECTION SHALL BE IN ADDITION TO ANY OTHER REMEDY."

SEC. 105. REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.

The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study-

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

SEC. 106. STREAMLINING AND CONSOLIDATING THE UNITED STATES FOOD INSPECTION SYSTEM.

(a) PREPARATION.--IN CONSULTATION WITH THE SECRETARY OF AGRICULTURE, THE SECRETARY OF HEALTH AND HUMAN SERVICES, AND ALL OTHER INTERESTED PARTIES, THE PRESIDENT SHALL PREPARE A PLAN TO CONSOLIDATE THE UNITED STATES FOOD INSPECTION SYSTEM THAT ENSURES THE BEST USE OF AVAILABLE RESOURCES TO IMPROVE THE CONSISTENCY, COORDINATION, AND EFFECTIVENESS OF THE UNITED STATES FOOD INSPECTION SYSTEM, TAKING INTO ACCOUNT FOOD SAFETY RISKS.

(B) SUBMISSION.--NOT LATER THAN 1 YEAR AFTER THE DATE OF ENACTMENT OF THIS ACT, THE PRESIDENT SHALL SUBMIT TO CONGRESS THE PLAN PREPARED UNDER SUBSECTION (A).

SEC. 107. LABELING SYSTEM FOR MEAT AND MEAT FOOD PRODUCTS PRODUCED IN THE UNITED STATES.

(a) LABELING.--SECTION 7 OF THE FEDERAL MEAT INSPECTION ACT (21 U.S.C. 607) IS AMENDED BY ADDING AT THE END THE FOLLOWING:

"(G) LABELING OF MEAT OF UNITED STATES ORIGIN.--

"(1) IN GENERAL.--THE SECRETARY SHALL DEVELOP A SYSTEM FOR THE LABELING OF CARCASSES, PARTS OF CARCASSES, AND MEAT PRODUCED IN THE UNITED STATES FROM LIVESTOCK RAISED IN THE UNITED STATES, AND MEAT FOOD PRODUCTS PRODUCED IN THE UNITED STATES FROM THE CARCASSES, PARTS OF CARCASSES, AND MEAT, TO INDICATE THE UNITED STATES ORIGIN OF THE CARCASSES, PARTS OF CARCASSES, MEAT, AND MEAT FOOD PRODUCTS.

"(2) ASSISTANCE.--THE SECRETARY SHALL PROVIDE TECHNICAL AND FINANCIAL ASSISTANCE TO ESTABLISHMENTS SUBJECT TO INSPECTION UNDER THIS TITLE TO IMPLEMENT THE LABELING SYSTEM.

"(3) AUTHORIZATION OF APPROPRIATIONS.--THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS ARE NECESSARY TO CARRY OUT THIS SUBSECTION."

SEC. 108. SENSE OF SENATE ON INTERSTATE SHIPMENT OF STATE-INSPECTED MEAT.

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POULTRY, AND EGGS.

It is the sense of the Senate that-

(1) not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture should convene a public meeting of State inspection officials and all other interested parties to determine whether the interstate shipment of State-inspected meat, poultry, and egg products should be permitted; and

(2) the meeting should be structured to ensure that all parties are given an opportunity to present their views on the subject described in paragraph (1).

SEC. 109. EXCHANGE OF CATTLE PRODUCTION DATA WITH CANADA.

The Secretary of Agriculture shall seek immediate consultation with the Minister of Agriculture of Canada to provide for a regular monthly exchange of cattle production data, including cattle on feed, cattle slaughtered, and cattle and beef shipped to the United States.

TITLE II-MARKET ACCESS FOR UNITED STATES MEAT PRODUCTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Meat Products Market Access Act of 1997".

Subtitle A-Identification of Countries

SEC. 211. FINDINGS; PURPOSES.

(a) FINDINGS.-CONGRESS MAKES THE FOLLOWING FINDINGS:

(1) The export of meat and meat products is of vital importance to the economy of the United States.

(2) In 1995, agriculture was the largest positive contributor to the United States merchandise trade balance with a trade surplus of \$25,800,000,000.

(3) The growth of exports of United States meat and meat products should continue to be an important factor in improving the United States merchandise trade balance.

(4) Increasing exports of meat and meat products will increase farm income in the United States, thereby protecting family farms and contributing to the economic well-being of rural communities in the United States.

(5) Although the United States efficiently produces high-quality meat and meat products, United States producers cannot realize their full export potential because many foreign countries deny fair and equitable market access to United States agricultural products.

(6) The Foreign Agricultural Service estimates that United States agricultural exports are reduced by \$4,700,000,000 annually due to unjustifiable imposition of sanitary and phytosanitary measures that deny or limit market access to United States products.

(7) The denial of fair and equitable market access for United States meat and meat products impedes the ability of United States farmers to export their products, thereby harming the economic interests of the United States.

(b) PURPOSES.-THE PURPOSES OF THIS SUBTITLE ARE-

(1) TO REDUCE OR ELIMINATE FOREIGN UNFAIR TRADE PRACTICES AND TO REMOVE CONSTRAINTS ON FAIR AND OPEN TRADE IN MEAT AND MEAT PRODUCTS;

(2) TO ENSURE FAIR AND EQUITABLE MARKET ACCESS FOR EXPORTS OF UNITED STATES MEAT AND MEAT PRODUCTS; AND

(3) TO PROMOTE FREE AND FAIR TRADE IN MEAT AND MEAT PRODUCTS.

SEC. 212. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS.

(a) IDENTIFICATION REQUIRED.-CHAPTER 8 OF TITLE I OF THE TRADE ACT OF 1974 IS AMENDED BY ADDING AT THE END THE FOLLOWING:

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"SEC. 183. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS FOR MEAT AND MEAT PRODUCTS.

"(a) IN GENERAL.-NOT LATER THAN THE DATE THAT IS 30 DAYS AFTER THE DATE ON WHICH THE ANNUAL REPORT IS REQUIRED TO BE SUBMITTED TO CONGRESSIONAL COMMITTEES UNDER SECTION 181(B), THE UNITED STATES TRADE REPRESENTATIVE (HEREAFTER IN THIS SECTION REFERRED TO AS THE 'TRADE REPRESENTATIVE') SHALL IDENTIFY-

"(1) THOSE FOREIGN COUNTRIES THAT-

"(A) DENY FAIR AND EQUITABLE MARKET ACCESS TO UNITED STATES MEAT AND MEAT PRODUCTS, OR

"(B) APPLY STANDARDS FOR THE IMPORTATION OF MEAT AND MEAT PRODUCTS FROM THE UNITED STATES THAT ARE NOT RELATED TO PUBLIC HEALTH CONCERNS OR CANNOT BE SUBSTANTIATED BY RELIABLE ANALYTICAL METHODS; AND

"(2) THOSE FOREIGN COUNTRIES IDENTIFIED UNDER PARAGRAPH (1) THAT ARE DETERMINED BY THE TRADE REPRESENTATIVE TO BE PRIORITY FOREIGN COUNTRIES.

"(B) SPECIAL RULES FOR IDENTIFICATIONS.-

"(1) CRITERIA.-IN IDENTIFYING PRIORITY FOREIGN COUNTRIES UNDER SUBSECTION (A)(2), THE TRADE REPRESENTATIVE SHALL ONLY IDENTIFY THOSE FOREIGN COUNTRIES-

"(A) that engage in or have the most onerous or egregious acts, policies, or practices that deny fair and equitable market access to United States meat and meat products,

"(B) whose acts, policies, or practices described in subparagraph (A) have the greatest adverse impact (actual or potential) on the relevant United States products, and

"(C) that are not-

"(i) entering into good faith negotiations, or

"(ii) making significant progress in bilateral or multilateral negotiations,

to provide fair and equitable market access to United States meat and meat products.

"(2) CONSULTATION AND CONSIDERATION REQUIREMENTS.-IN IDENTIFYING PRIORITY FOREIGN COUNTRIES UNDER SUBSECTION (A)(2), THE TRADE REPRESENTATIVE SHALL-

"(A) CONSULT WITH THE SECRETARY OF AGRICULTURE AND OTHER APPROPRIATE OFFICERS OF THE FEDERAL GOVERNMENT, AND

"(B) TAKE INTO ACCOUNT INFORMATION FROM SUCH SOURCES AS MAY BE AVAILABLE TO THE TRADE REPRESENTATIVE AND SUCH INFORMATION AS MAY BE SUBMITTED TO THE TRADE REPRESENTATIVE BY INTERESTED PERSONS, INCLUDING INFORMATION CONTAINED IN REPORTS SUBMITTED UNDER SECTION 181(B) AND PETITIONS SUBMITTED UNDER SECTION 302.

"(3) FACTUAL BASIS REQUIREMENT.-THE TRADE REPRESENTATIVE MAY IDENTIFY A FOREIGN COUNTRY UNDER SUBSECTION (A)(1) ONLY IF THE TRADE REPRESENTATIVE FINDS THAT THERE IS A FACTUAL BASIS FOR THE DENIAL OF FAIR AND EQUITABLE MARKET ACCESS AS A RESULT OF THE VIOLATION OF INTERNATIONAL LAW OR AGREEMENT, OR THE EXISTENCE OF BARRIERS, REFERRED TO IN SUBSECTION (D)(3).

"(4) CONSIDERATION OF HISTORICAL FACTORS.-IN IDENTIFYING FOREIGN COUNTRIES UNDER PARAGRAPHS (1) AND (2) OF SUBSECTION (A), THE TRADE REPRESENTATIVE SHALL TAKE INTO ACCOUNT-

"(A) THE HISTORY OF MEAT AND MEAT PRODUCTS TRADE RELATIONS WITH THE FOREIGN COUNTRY, INCLUDING ANY PREVIOUS IDENTIFICATION UNDER SUBSECTION (A)(2), AND

"(B) THE HISTORY OF EFFORTS OF THE UNITED STATES, AND THE RESPONSE OF THE FOREIGN COUNTRY, TO ACHIEVE FAIR AND EQUITABLE MARKET ACCESS FOR UNITED STATES MEAT AND MEAT PRODUCTS.

"(C) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.-

"(1) AUTHORITY TO ACT AT ANY TIME.-IF INFORMATION AVAILABLE TO THE TRADE REPRESENTATIVE INDICATES THAT SUCH ACTION IS APPROPRIATE, THE TRADE REPRESENTATIVE MAY AT ANY TIME-

"(A) REVOKE THE IDENTIFICATION OF ANY FOREIGN COUNTRY AS A PRIORITY FOREIGN COUNTRY UNDER THIS SECTION, OR

"(B) IDENTIFY ANY FOREIGN COUNTRY AS A PRIORITY FOREIGN COUNTRY UNDER THIS SECTION.

"(2) REVOCATION REPORTS.-THE TRADE REPRESENTATIVE SHALL INCLUDE IN THE SEMIANNUAL REPORT SUBMITTED TO THE CONGRESS UNDER SECTION 309(3) A DETAILED EXPLANATION OF THE REASONS FOR THE REVOCATION UNDER PARAGRAPH (1) OF THE IDENTIFICATION OF ANY FOREIGN COUNTRY AS A PRIORITY FOREIGN COUNTRY UNDER THIS SECTION.

"(D) FAIR AND EQUITABLE MARKET ACCESS.-FOR PURPOSES OF THIS SECTION, A FOREIGN COUNTRY DENIES FAIR AND EQUITABLE MARKET ACCESS IF THE FOREIGN COUNTRY EFFECTIVELY DENIES ACCESS TO A MARKET FOR A PRODUCT THROUGH THE USE OF LAWS, PROCEDURES, PRACTICES, OR REGULATIONS WHICH-

"(1) violate provisions of international law or international agreements to which both the United States and the foreign country are parties, or

"(2) constitute discriminatory nontariff trade barriers.

"(e) PUBLICATION.-THE TRADE REPRESENTATIVE SHALL PUBLISH IN THE FEDERAL REGISTER A LIST OF FOREIGN COUNTRIES IDENTIFIED UNDER SUBSECTION (A) AND SHALL MAKE SUCH REVISIONS TO THE LIST AS MAY BE REQUIRED BY REASON OF THE ACTION UNDER SUBSECTION (C).

"(F) ANNUAL REPORT.-THE TRADE REPRESENTATIVE SHALL, NOT LATER THAN THE DATE BY WHICH COUNTRIES ARE IDENTIFIED UNDER SUBSECTION (A), TRANSMIT TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON AGRICULTURE OF THE HOUSE OF REPRESENTATIVES AND THE COMMITTEE ON FINANCE AND THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY OF THE SENATE, A REPORT ON THE ACTIONS TAKEN UNDER THIS SECTION DURING THE 12 MONTHS PRECEDING SUCH REPORT, AND THE REASONS FOR SUCH ACTIONS, INCLUDING A DESCRIPTION OF PROGRESS MADE IN ACHIEVING FAIR AND EQUITABLE MARKET ACCESS FOR UNITED STATES MEAT AND MEAT PRODUCTS."

(B) CLERICAL AMENDMENT.-THE TABLE OF CONTENTS FOR THE TRADE ACT OF 1974 IS AMENDED BY INSERTING AFTER THE ITEM RELATING TO SECTION 182 THE FOLLOWING:

"Sec. 183. Identification of countries that deny market access for meat and meat products."

SEC. 213. INVESTIGATIONS.

(a) INVESTIGATION REQUIRED.-SUBPARAGRAPH (A) OF SECTION 302(B)(2) OF THE TRADE ACT OF 1974 (19 U.S.C. 2412(B)(2)) IS AMENDED BY INSERTING "OR 183(A)(2)" AFTER "SECTION 182(A)(2)" IN THE MATTER PRECEDING CLAUSE (I).

(B) CONFORMING AMENDMENT.-SUBPARAGRAPH (D) OF SECTION 302(B)(2) OF SUCH ACT IS AMENDED BY INSERTING "CONCERNING INTELLECTUAL PROPERTY RIGHTS THAT IS" AFTER "ANY INVESTIGATION".

SEC. 214. AUTHORIZED ACTIONS BY UNITED STATES TRADE REPRESENTATIVE.

Section 301(c)(1) of the Trade Act of 1974 (19 U.S.C. 2411(c)(1)) is amended-

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D)(iii)(II) and inserting "; or"; and

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(3) by adding at the end the following:

"(E) with respect to an investigation of a country identified under section 183(a)(1), to request that the Secretary of Agriculture (who, upon receipt of such a request, shall) direct the Food Safety and Inspection Service of the Department of Agriculture to review certifications for the facilities of such country that export meat and other agricultural products to the United States."

Subtitle B-Review of Third Country Meat Directive

SEC. 221. FINDINGS.

Congress makes the following findings:

(1) The European Union's Third Country Meat Directive has been used to decertify more than 400 United States facilities exporting beef and pork products to the European Union even though United States health inspection procedures are equivalent to those provided for in the Third Country Meat Directive.

(2) An effect of the decertifications is to prohibit the importation of United States beef and pork products into the European Union.

(3) As a result of the decertifications, the highly competitive United States pork industry loses as much as \$60,000,000 each year from trade with European Union countries.

(4) In July 1987 and November 1990, at the request of affected United States industries, the United States initiated investigations under section 301 of the Trade Act of 1974 into the European Union's administration of the Third Country Meat

Directive and sought resolution of the meat and pork trade problems through the dispute settlement process established under the General Agreement on Tariffs and Trade.

(5) The United States Trade Representative preliminarily concluded on October 10, 1992, that the European Union's administration of the Third Country Meat Directive created a burden on and restricted United States commerce.

(6) Bilateral talks, initiated as a result of that finding, resulted in an Exchange of Letters in which the United States and the European Union concluded that the meat inspection systems of the United States and the European Union provided "equivalent safeguards against public health risks" and agreed to take steps to resolve remaining differences regarding meat inspection.

(7) Even though the United States terminated the section 301 investigation as a result of the Exchange of Letters, the United States determined that the practices under investigation would have been actionable if an acceptable agreement had not been reached.

(8) United States meat and pork producers have displayed consistent interest in exporting products to the European Union and have undertaken substantial investment to take the steps specified by the Exchange of Letters.

(9) The European Union has failed to acknowledge changes in plant safety and inspection procedures undertaken in the United States specifically at the European Union's request and has not fulfilled its obligation to inspect and relist United States producers who have taken the steps specified by the Exchange of Letters.

(10) The actions of the European Union in conducting United States plant inspections places the European Union in violation of commitments made in the Exchange of Letters.

S. 16 JANUARY 24, 1997 -- VERSION: 1

(11) The European Union, in addition to being a party to the Exchange of Letters, is a signatory to GATT 1994 and to the Agreement on the Application of Sanitary and Phytosanitary Measures, which requires that meat and pork inspection procedures under Department of Agriculture regulations be treated as equivalent to inspection procedures required by the European Union under the Third Country Meat Directive.

(12) Whenever a foreign country is not satisfactorily implementing an international trade measure or agreement, the United States Trade Representative is required under section 306(b)(1) of the Trade Act of 1974 (19 U.S.C. 2416(b)(1)) to determine the actions to be taken under section 301(a) of such Act.

SEC. 223. DEFINITIONS.

For purposes of this subtitle:

(1) EXCHANGE OF LETTERS.-THE TERM "EXCHANGE OF LETTERS" MEANS THE EXCHANGE OF LETTERS CONCERNING THE APPLICATION OF THE COMMUNITY THIRD COUNTRY DIRECTIVE, SIGNED IN MAY 1991 AND NOVEMBER 1992, WHICH CONSTITUTE THE AGREEMENT BETWEEN THE UNITED STATES AND THE EUROPEAN ECONOMIC COMMUNITY REGARDING THE THIRD COUNTRY MEAT DIRECTIVE.

(2) GATT 1994.-THE TERM "GATT 1994" MEANS THE GENERAL AGREEMENT ON TARIFFS AND TRADE ANNEXED TO THE WTO AGREEMENT.

(3) THIRD COUNTRY MEAT DIRECTIVE; COMMUNITY THIRD COUNTRY DIRECTIVE.-THE TERMS "THIRD COUNTRY MEAT DIRECTIVE" AND "COMMUNITY THIRD COUNTRY DIRECTIVE" MEAN THE EUROPEAN UNION'S COUNCIL DIRECTIVE 72/462/EEC RELATING TO INSPECTION AND CERTIFICATION OF SLAUGHTER AND PROCESSING PLANTS THAT EXPORT MEAT AND PORK PRODUCTS TO THE EUROPEAN UNION.

(4) WTO AGREEMENT.-THE TERM "WTO AGREEMENT" MEANS THE AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION ENTERED INTO ON APRIL 15, 1994.

SEC. 224. REQUIREMENT FOR DETERMINATION BY UNITED STATES TRADE REPRESENTATIVE.

Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall determine, for purposes of section 306(b)(1) of the Trade Act of 1974, whether the European Union has failed to implement satisfactorily its obligations under the Exchange of Letters, the Agreement on the Application of Sanitary and Phytosanitary Measures, or any other Agreement.

SEC. 225. REQUEST FOR DISPUTE SETTLEMENT.

If the United States Trade Representative determines under section 224 that the European Union has failed to implement satisfactorily its obligations under the Exchange of Letters, the Agreement on the Application of Sanitary and Phytosanitary Measures, or any other agreement, the United States Trade Representative shall promptly request proceedings on the matter under the formal dispute settlement procedures applicable to the agreement.

SEC. 226. REVIEW OF CERTAIN MEAT FACILITIES.

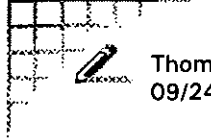
(a) REVIEW BY FOOD SAFETY AND INSPECTION SERVICE.-IF THE UNITED STATES TRADE REPRESENTATIVE DETERMINES PURSUANT TO SECTION 224 THAT THE EUROPEAN UNION HAS FAILED TO IMPLEMENT SATISFACTORILY ITS OBLIGATIONS UNDER THE EXCHANGE OF LETTERS, THE AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES, OR ANY OTHER AGREEMENT, THE UNITED STATES TRADE REPRESENTATIVE SHALL REQUEST THE SECRETARY OF AGRICULTURE (WHO, UPON RECEIPT OF THE REQUEST, SHALL) DIRECT THE FOOD SAFETY AND INSPECTION SERVICE OF THE DEPARTMENT OF AGRICULTURE TO REVIEW CERTIFICATIONS FOR

EUROPEAN UNION FACILITIES THAT IMPORT MEAT AND OTHER AGRICULTURAL PRODUCTS INTO THE UNITED STATES.

(B) RELATIONSHIP TO USTR AUTHORITY.-THE REVIEW AUTHORIZED UNDER SUBSECTION (A) IS IN ADDITION TO THE AUTHORITY OF THE UNITED STATES TRADE REPRESENTATIVE TO TAKE ACTIONS DESCRIBED IN SECTION 301(C)(1) OF THE TRADE ACT OF 1974 (19 U.S.C. 2411(C)(1)).

LOAD-DATE: January 28, 1997

CMS pro - food safety -
fruits/vegs



Thomas L. Freedman
09/24/97 05:02:33 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: USTR and food

You asked me to call Sean D back. Here is the concern:

USTR says that we may be enforcing a "system" against foreign countries (point 2 of the memo) while we only have suggested "guidelines" for domestic enforcement. This would make it GATT illegal, a different national treatment issue.

He says it won't be a problem if we give FDA leeway or "discretion" to not close a foreign company down even if there is no foreign guideline compliance.

cons pro - food safety -
fruits/vegs



U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Telephone (202) 720-3631 Fax (202) 720-5437

FAX COVER SHEET

DATE: _____

NUMBER OF PAGES _____, INCLUDING COVER SHEET

PLEASE DELIVER TO: Elena + Tom

FAX NUMBER: () _____ PHONE NUMBER: () _____

- FROM:
- DAN GLICKMAN, SECRETARY
 - JOHN GIBSON, SPECIAL ASSISTANT
 - GREG FRAZIER, CHIEF OF STAFF
 - KOFI DEGRAFT-JOHNSON, EXECUTIVE ASSISTANT
 - REBA PITTMAN EVANS, DEPUTY CHIEF OF STAFF, INTERNAL AFFAIRS
 - PATRICK STEEL, DEPUTY CHIEF OF STAFF, EXTERNAL AFFAIRS
 - PAUL DRAZEK, SPECIAL ASSISTANT FOR POLICY
 - ANNE KENNEDY, SPECIAL ASSISTANT FOR POLICY
 - ERIC OLSEN, SPECIAL ASSISTANT FOR POLICY
 - JANET POTTS, COUNSEL TO THE SECRETARY

MESSAGE: Slightly Edited Draft Directive

Read this one.

DRAFT

Americans enjoy a wide variety of safe and wholesome foods produced both domestically and abroad. During my Administration, we have taken significant steps to improve the safety of our meat, poultry, and seafood products as well as strengthening our entire food safety system, including expanded food safety research, education, and surveillance to improve our ability to stop food borne illnesses from spreading.

We need to build on these efforts. Americans are eating more fruits and vegetables, which are a key part of a healthful diet. While most are produced domestically by our farmers and agriculture industry, we are also importing more fruits and vegetables from other countries. Both domestic and imported fruits and vegetables are safe, but we need to take additional measures to make them even safer for American consumers.

I am therefore directing you to immediately implement the following actions. First, to improve our monitoring system of food produced abroad, you must enhance your evaluations of the agricultural practices of exporting countries to determine where potential food safety problems may occur and to assist those countries in implementing measures to address these potential problems. Second, to ensure that no unsafe food enters the United States, our food safety inspection and testing program for imports must be expanded and targeted at those areas where food safety problems are likely to occur.

Third, to improve the safety of domestically produced fruits and vegetables, you must work cooperatively with the agricultural community to identify the best practices that can be adopted to prevent food safety problems. The private sector has taken a leadership role in beginning to develop these practices, which must take into account the differences in crops and regions to be most effective, and I expect that you will work with them to build upon these efforts. While many are already using these practices, you also need to work with the agricultural industry to develop and implement a grass-roots outreach and education program to encourage their adoption across the country.

Fourth, we need additional knowledge and tools to further improve food safety. You must accelerate your food safety research and education initiatives to improve our understanding of how food can become contaminated at every point in its production and distribution. We also need better scientific tests and procedures to more rapidly identify and eliminate dangerous pathogens from our food supply, both domestic and imported.

Finally, I am directing you to report back within thirty days with your recommendations for additional actions and investments that must be taken to ensure the effectiveness of this effort as well as continuing to build on the critical elements of this Administration's 1998 food safety initiative.

THE WHITE HOUSE
WASHINGTON

File -
Crime - ammo clips
and
Crime - assault weapons

September 14, 1997

MEETING WITH SENATOR FEINSTEIN

DATE: September 15, 1997
LOCATION: Oval Office
BRIEFING TIME: 1:40 pm - 1:45 pm
EVENT TIME: 1:45 pm - 2:00 pm
FROM: John Hilley/Rahm Emanuel/Bruce Reed

I. PURPOSE

To discuss Senator Feinstein's concerns with how the Administration is enforcing the assault weapons ban and other firearms issues.

II. BACKGROUND

Senator Feinstein wants to discuss 3 firearms issues with you that were recently featured in an LA Times series criticizing the California and federal laws banning assault weapons. These include: (1) the importation of large capacity ammunition feeding devices; (2) "copycat" or "sporterized" assault weapons; and (3) enforcing federal firearms laws at gun shows. An attached memorandum summarizes these issues and provides some suggested talking points for your meeting. Senator Feinstein believes that the Administration has the authority to address these issues. We are not so optimistic and believe additional legislation is necessary. Regardless, we are pleased to work with her and the Treasury Department to make sure that -- short of legislation -- we are doing everything we can to enforce the assault weapons ban and other firearms laws.

For your information, we have also attached a copy of the LA Times article that outlines her concerns.

III. PARTICIPANTS

Briefing Participants:

Rahm Emanuel
Bruce Reed
John Hilley

Event Participants:

Senator Feinstein

IV. PRESS PLAN

Closed Press.

V. SEQUENCE OF EVENTS

- You meet with Senator Feinstein in the Oval Office.
- The Senator departs.

VI. REMARKS

Suggested talking points are attached.

VII. ATTACHMENTS

- Fact sheet on Senator Feinstein's issues
- Suggested talking points
- LA Times article, "Outgunned"

FACT SHEET

LARGE CAPACITY AMMUNITION FEEDING DEVICES

The assault weapons ban generally prohibited the possession of ammunition clips with a capacity of more than 10 rounds, but specifically grandfathered clips manufactured on or before September 13, 1994. Initially, The Bureau of Alcohol, Tobacco and Firearms (ATF), with guidance from the Domestic Policy Council (DPC), interpreted this prohibition to include the continued importation of all large capacity clips -- no matter when they were manufactured. This interpretation was based on the fact that clips not in the country before the effective date could not have been lawfully possessed at that time and, thus, were banned from importation.

Several importers, however, brought suit challenging this narrow interpretation of the law, and the Department of Justice advised that the ATF/DPC position was not likely to hold up in court and should be reversed. As a result, in July of 1996, ATF reinterpreted the clip provision acknowledging that pre-ban clips could be imported, but requiring importers to present reasonable evidence that clips to be imported were manufactured on or before the ban's enactment. Thus, as of March 1, 1997, approximately 160,000 large capacity clips had entered the country under 21 approved permits; another 20 permits had been denied for lack of evidence; and a total of 83 approved permits seeking to import more than 2 million large clips remained outstanding. (NB: There are no definitive numbers about how many domestically produced clips have been grandfathered, but it is estimated that there are many millions of existing -- and reusable -- clips that will last a lifetime.)

Senator Feinstein opposed the language in the assault weapons ban grandfathering large clips and supports repealing it. This language, however, was inserted during the crime bill conference by Representative John Dingell, and Administration officials and Members of Congress involved in the negotiations have been reluctant to seek its repeal.

The Senator has also suggested that the Administration can, by executive order, further restrict the number of large clips imported or increase the number of ATF agents investigating the production of clips overseas. We are not optimistic about either of these options. First, as previously mentioned, the Department of Justice has already overturned the ATF/ DPC initial policy to ban the importation of all large clips. And second, ATF agents have no overseas jurisdiction to conduct investigations and can only do so by convention or through mutual assistance treaties with other countries.

"COPYCAT" OR "SPORTERIZED" ASSAULT WEAPONS

The assault weapons ban prohibits 19 specific firearms, duplicates of those 19 and other semiautomatic weapons that meet various criteria (i.e., those that accept a detachable magazine and possess characteristics such as folding stocks, bayonet lugs and flash suppressors). Since passage of the assault weapons ban, some gun manufacturers have adapted or "sporterized" their assault

weapons to meet the law's criteria. As a result, there are guns on the market today with either similar names or certain similar features as assault weapons, but that otherwise comply with the terms of the ban. In fact, despite their appearance, some of these firearms -- such as the Israeli Military Industries Galil -- have been re-engineered and are considerably more difficult to convert to fully automatic than their previous versions. Nonetheless, a lucrative market still exists for "assault-type" weapons, and some manufactures -- either through brand names or appearances -- continue to target this segment of the market.

Senator Feinstein believes that we can do more to crack down on these new "copycat" versions of assault weapons. We do not think this is possible without additional authority from Congress. This was a limitation of the assault weapons ban that the Administration and Congress accepted when they decided to endorse the Feinstein/DeConcini approach over Representative Schumer's. The Schumer ban granted the Treasury Department the authority to add or delete firearms from the prohibited list.

ENFORCING FEDERAL FIREARMS LAWS AT GUN SHOWS

Gun shows and flea markets are the last bastion of unregulated and undocumented firearms transfers. Most participants are private gun owners who do not sell firearms for a living and are generally there to buy and sell from each others' private collections. As such, these secondary sales are generally exempt from most state and federal firearms laws, including the 1968 Gun Control Act that gives the Treasury Department the authority to license and regulate federal firearms dealers. However, anecdotal evidence repeatedly has shown that violations of state and federal firearms laws often do take place at these shows. Senator Feinstein believes that ATF should amend its internal policies and police these shows more aggressively.

As of March 16, 1994, ATF's policy on gun shows provides that agents must get authorization from their local Special Agent in Charge (SAC) and have an intended subject or target before they can attend a gun show. Prior to this date -- and in response to congressional hearings on ATF's policies -- ATF had an even more restrictive policy that required approval from the Washington headquarters before an agent could attend a gun show. This is no longer the case, and ATF agents do attend gun shows in the course of investigations and to follow-up on tips from legitimate gun dealers. Additionally, ATF inspectors do attend and sponsor booths at all of the major gun shows -- those attended by manufacturers and gun dealers, not just private collectors -- and disseminate information on federal gun laws.

SUGGESTED TALKING POINTS

- Senator, I share your concerns with respect to the assault weapons ban and am willing to use the full authority of the executive branch to make sure that we do our best to enforce the ban's provisions.
- In fact, on 3 separate occasions I have taken executive action to crack down on assault weapons and gun dealers. In August of 1993, I banned the importation of assault pistols and toughened requirements for federal gun dealers. And in May of 1994, for foreign policy reasons, I banned the importation of firearms from China -- including millions of assault-type weapons and large capacity clips.
- Equally important, we have tried to interpret the provisions of the ban on large capacity clips as strictly as possible, but litigation forced us to change our position.
- So, unfortunately, I think we will need to pass new legislation that expands Treasury's authority if we want to include more guns and more clips -- and you know that will not be easy. But I am pleased to ask Rahm Emanuel, Bruce Reed and our attorneys to take one more look at the law and your suggestions, and to see if there is anything more we can do short of legislation.
- With respect to gun shows, I think you have hit on an important issue. We have had much success through the Brady Bill, assault weapons ban and reforms to the federal firearms licensing system, and gun shows should not be allowed to undermine these efforts.
- Still, it seems that we have little authority in this area, and that Congress has a history of restricting ATF's ability to aggressively enforce our gun laws. But I agree with you that there must be more we can do. Again, I would like to ask Rahm and Bruce to do some research on this and see what administrative options are available to us -- to see what more we might be able to do in terms of federal enforcement at these shows.

*cons pro/ food safety/
fruits/vegs*

The President's Initiative to Ensure the Safety of Imported Fruits and Vegetables

September 23, 1997

The president will announce next week a major initiative to ensure the safety of fruits and vegetables consumed by the American public, especially those coming from foreign countries. Today, 38% of the fruit--and 22% of the vegetables--consumed in the United States is imported. The initiative has three parts.

First, the President will direct the FDA and USDA to issue guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. The guidance will deal with matters such as sanitation, workers health and water use. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those, foreign and domestic, seeking to sell produce in the U.S. market.

Second, the President will propose legislation to give the FDA authority to bar food imports from any country that does not protect food safety at least as well as the United States does. The USDA already has this authority for meat and poultry products and uses it to refuse meat imports from many countries. The legislation will give the FDA the same power over fruits, vegetables, and other food products, so that the FDA can prevent countries that do not protect food safety as well as the United States from importing their products.

Third, the President will call for an increase in FDA funding in FY 99 to allow the FDA to expand dramatically its international inspection force. The budget request will enable the FDA to deploy inspectors in all foreign countries seeking to import fruits and vegetables into the U.S. Based largely on their inspections, the FDA will decide whether to allow imports from foreign countries.

This initiative builds on the President's prior actions on food safety--including a new early warning system to detect outbreaks of food borne illness as quickly as possible; advanced safety standards for meat, poultry, and seafood; and a recent legislative proposal to increase the FDA's and USDA's recall authority.

Cons. protection -
food safety -
fruit + vegetable directive

DRAFT

MEMORANDUM FOR THE SECRETARY OF AGRICULTURE
SECRETARY OF HEALTH AND HUMAN SERVICES
SECRETARY OF LABOR
ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY

SUBJECT: Initiative to Safeguard Imported Foods

Earlier this year, I directed my Administration to undertake a broad initiative to improve the safety of the nation's food supply. That initiative is designed to address attention to a number of steps at which the safety of food from farm to table can be rapidly improved. The initiative focuses on opportunities in foodborne illness surveillance, enhanced coordination among federal and state agencies with food-safety responsibilities, and enhanced inspection, research, education, and risk assessment programs. I am now directing my Administration to direct specific attention to ensuring the safety of imported foods.

My Administration will take actions to increase assurances that all foods, from farm to table, and including imported foods, meet high standards of safety. Recognizing the increasing complexity of food systems, from domestic to international, from production to retail and food service, and the gaps in our knowledge about foodborne illness outbreaks, their causes and sources, we need to take appropriate steps to maintain the safety of our food supply.

I hereby direct that you work together with the food industry and with our partners in trade to ensure the safety of foods imported into the United States. Your actions should include development of guidance to minimize microbial food safety risks from fresh fruits and vegetables and enhanced oversight authority for imported foods. You should work with the food industry and with consumers and the public to develop outreach and educational efforts to encourage producers to adopt these guidance practices. You should also work to evaluate the potential for food-safety problems in exporting countries, and to help those countries develop their own best practices. You should accelerate food-safety research. You should report back to me in one year with the status of your actions and your further recommendations.

Finally, I am directing the Administrator of the Environmental Protection Agency and the Secretary of Labor to commit staff resources to assist the Secretaries of Health and Human Services and Agriculture in achieving these goals.

DRAFT

Americans enjoy a wide variety of safe and wholesome foods produced both domestically and abroad. During my Administration, we have taken significant steps to improve the safety of our meat, poultry, and seafood products as well as strengthening our entire food safety system, including expanded food safety research, education, and surveillance to improve our ability to stop food borne illnesses from spreading.

Just
you
1
8/24/97

We need to build on these efforts. Americans are eating more fruits and vegetables, which are a key part of a healthful diet. While most are produced domestically by our farmers and agriculture industry, we are also importing more fruits and vegetables from other countries. Both domestic and imported fruits and vegetables are safe, but we need to take additional measures to make them even safer for American consumers.

I am therefore directing you to immediately implement the following actions. First, to improve our monitoring system of food produced abroad, you must enhance your evaluations of the agricultural practices of exporting countries to determine where potential food safety problems may occur and to assist those countries in implementing measures to address these potential problems. Second, to ensure that no unsafe food enters the United States, our food safety inspection and testing program for imports must be expanded and targeted at those areas where food safety problems are likely to occur.

The
POIS
will
direct
FDA

Third, to improve the safety of domestically produced fruits and vegetables, you must work cooperatively with the agricultural community to identify the best practices that can be adopted to prevent food safety problems. The private sector has taken a leadership role in beginning to develop these practices, and I expect that you will work with them to build upon these efforts. While many are already using these practices, you also need to work cooperatively with the agricultural industry to develop and implement a grass-roots outreach and education program to encourage the adoption of these practices, which must take into account the differences in crops and regions in order to be most effective.

Fourth, we need additional knowledge and tools to further improve food safety. You must accelerate your food safety research and education initiatives to improve our understanding of how food can become contaminated at every point in its production and distribution. We also need better scientific tests and procedures to more rapidly identify and eliminate dangerous pathogens from our food supply, both domestic and imported.

Finally, I am directing you to report back within thirty days with your recommendations for additional actions and investments that must be taken to ensure the effectiveness of this effort as well as continuing to build on the critical elements of this Administration's 1998 food safety initiative.

September 24, 1997

MEMORANDUM FOR ERSKINE BOWLES

FROM: Bruce Reed
Elena Kagan

SUBJECT: Food Safety Initiative

This memorandum sets out a proposal for a new food safety initiative focusing on imported produce. HHS/FDA, USDA, USTR, and OMB have participated in developing this proposal. The memorandum also raises an issue of timing that has arisen in our policy discussions.

The Proposal

The initiative has four elements -- one administrative and three legislative.

1. A Presidential directive to the FDA to issue guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. This guidance would deal with such matters as sanitation, worker health, and water use. The guidance would not itself have the force of law (the domestic farmers' groups would object if it did), but would indicate what kinds of practices the FDA believes violate the Food and Drug Act. In so doing, the guidance (we may be able to use the term "enforcement standards") would improve the agricultural and manufacturing practices of all those, foreign and domestic, seeking to sell produce in the U.S. market. As part of this directive, the President would instruct USDA to provide assistance to the FDA through various research activities and educational programs.

2. Proposed legislation giving the FDA authority to bar food imports from any foreign country or establishment that does not provide safety protections that are at least equivalent to those provided by the U.S. food safety system. This legislation would give to the FDA the power now held by USDA (regarding meat and poultry products) to hold foreign countries and establishments to an "equivalency standard." We expect that Jeff Gerth will highlight this difference between USDA and FDA authority, noting that the FDA now relies on essentially unenforceable bilateral agreements to hold other countries to equivalent food safety standards. The legislation would include the authority to bar imports if a foreign country or establishment refused to permit the FDA to carry out inspections.

3. Proposed legislation and budget request to improve and expand the FDA's inspection system, particularly in relation to foreign producers. OMB is still reviewing the numbers, but the FDA has requested \$20-25 million for FY 99. This appropriation would allow vastly increased

inspections abroad and at the dock (though still permitting the inspection of only a minuscule percentage of total imports), as well as some supportive research activities. Some fairly significant funding commitment to hire additional inspectors is critical to the credibility of this initiative.

4. Proposed legislation to require “country of origin” labeling on produce, meat, and certain other food products. This legislation would not itself do much to improve food safety (at least in the short term), but it would provide consumers with more complete information than they currently have about food products. It also may be the part of this package that the public finds most attractive. The agricultural groups are divided on the desirability of such legislation. The Farmers Union and Farmers Bureau like it, as do the cattlemen and most fruit and vegetable growers. Pork producers do not like it (we don’t know why), and food processors and retailers think the legislation would place onerous burdens on them.

Timing

Some believe we should not announce this initiative immediately. OMB (OIRA) urges that we take more time to vet the proposal, noting that it is complex and politically sensitive -- and that we have put it together from scratch in 48 hours. OMB also has asked whether we should use these proposals during negotiations over fast track (to buy the support of reluctant legislators), rather than announce them now. Finally, USTR has expressed some uncertainty about whether the “country of origin” proposal in particular could undermine, rather than aid, our position on fast track. (USTR stresses that this is a question only of political strategy; USTR has no objections to any part of this package as a matter of trade policy.)

1. GAPs/GMPs for Fresh Fruits and Vegetables:

Directive: The FDA will develop good agricultural practices (GAPs) and good manufacturing practices (GMPs) guidance for fresh fruits and vegetables. The agency will also convene a public meeting on fruits and vegetables, leading to the future development of mandatory HACCP procedures for fresh fruits and vegetables.

FDA will propose mandatory Hazard Analysis and Critical Control Point (HACCP) regulation for the manufacture of juices in January, 1998.

FDA and the USDA's Agricultural Research Service (ARS) will accelerate the research outlined in the FY98 food safety initiative, to develop intervention technologies to eliminate and/or reduce levels of pathogens. This research will provide scientific data for future development of HACCP programs for fresh fruit and vegetable products. ARS will work with FDA to identify needed research, giving high priority to FDA needs associated with fresh fruits and vegetables.

Time: Publish GAPs/GMPs for fresh fruits and vegetables for which data exist and propose mandatory juice HACCP by January, 1998. FDA will urge industry to adhere to the GAP/GMP guidance upon publication. Public comment will be solicited to improve the guidance and to facilitate development of appropriate HACCP programs.

Resources needed:

1. Implementing GAP/GMPs - Additional resources are needed to assimilate data for GAPs/GMPs, as well as conduct surveillance, testing, and other work overseas.

Implementing HACCP - HACCP requirements for any fruit or vegetable product will require at least 1 year to develop the proposal, 1 year for analysis of comments and preparation of a final regulation, and 2-3 years for phased-in implementation of the regulation.

Resources Needed: 185 FTEs and \$20.0 million

Develop/monitor Mutual Recognition Agreements:	15 FTEs
Foreign visits/evaluations:	100 FTEs
Reg writers, policy, program evaluators:	27 FTEs
Administrative support:	3 FTEs
Filer audits, review of HACCP plans, entry screening:	40 FTEs

2. \$ 8.0 million (37 FTEs) - Research to develop intervention/prevention technologies, e.g., antimicrobials, to reduce levels of or eliminate pathogens, and baseline pathogen data for development of HACCP.

2. Legislative proposal:

Directive: a. FDA will develop a legislative proposal, to be put forward by the Administration, requiring that no food may be imported into the U.S. unless it is produced under a food safety system that provides the same level of protection as provided by the U.S. food safety system. This proposal will enhance FDA's ability to prevent the importation of unsafe food in a manner consistent with U.S. trade agreements.

x no inspection
no inspection.

Section 402 of the FFDCA should be amended by adding at the end thereof the following new subsection (h):

"(h)(1) If it is a food offered for import into the United States, unless such food has been prepared, packed or held under a system or conditions, or subject to measures, that provide a level of protection that is the same as the level of protection provided under this Act for food prepared, packed, or held in the United States at the time such food is offered for import. The importer of the food shall be required to demonstrate objectively that the system, conditions, or measures relevant to such food achieve the same level of protection.

(2) The Secretary may promulgate regulations to implement this subsection, including regulations identifying those systems, conditions, or measures that are equivalent within the meaning of this section."

b. FDA will also develop a legislative proposal to facilitate traceback of foodborne illness to the causative food. The Act should be amended by adding a new section 415 requiring maintenance of records as follows:

"Manufacturers and distributors of food, including importers, shall include among the records they maintain, records of receipt and distribution of such food, which shall include such information as the Secretary finds necessary to permit the distribution of such food to be traced. These records shall be maintained for a reasonable period of time beyond the shelf-life of the food."

The Act should also be amended to permit access to those records by amending section 704 by adding a new paragraph (a)(4) as follows:

"An officer or employee making an inspection under paragraph 704(a)(1) of a food which may pose a hazard to public health or has been associated with foodborne illness shall be permitted at all reasonable times to have access to and to copy and verify any records required to be kept under section 415."

Finally, the act would be amended to make it a prohibited act (subject to injunction or prosecution) to fail to maintain required records for traceback. A new subsection 301(x) should be added as follows:

“The failure to maintain the records required under the authority of section 415.”

c. The Administration should also pursue mandatory recall authority for FDA; as previously proposed by the agency.

Resources:

Bill Schultz

FY 99
11/25/98

By end of yr GAO/GMM
4 major food security
brief 10-15
30-day comment

Should be ready to go

Oct 99 - HARP 499
6-2000 - final

1

proposal rest:
Oct 2000
Final yr later

Good Ag Practices

Dec 97

HAIP proposal

05 98

w/ Bm FY 98

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	Phone No. (Partial) (1 page)	ca. 09/23/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Elena Kagan
OA/Box Number: 14357

FOLDER TITLE:

Consumer Protection - Food Safety Fruits & Vegetables [3]

2009-1006-F
kh552

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Elena--

In case this helps, I drafted a short outline on the current option on the table as well as the option that we discussed over the phone.

Give me a call if you have any questions or want to discuss. I'll call you after the meeting tomorrow morning. Thanks.

Eric
720-3808

P6/(b)(6) (b)

[001]

8. Country of Origin Labeling (?)

OPTION 1

1. In cooperation with USDA and producers, consumers etc, FDA would develop Good Agricultural Practices and Good Manufacturing Practices for fruits and vegetables.

USDA/FDA would work with producers to encourage adoption of such practices.

2. FDA would propose mandatory HACCP for fruits and vegetables.

--Issue: Regulating on farm practices? (Option: could regulate at point of entry into market. Issue: Critical control points could be on the farm i.e. manure)

--Ag Groups Oppose

--Consumer Group Unsure that HACCP is proper response for fruits and vegetables

3. USDA would (1) accelerate research to provide scientific basis for HACCP for fruits and vegetables and (2) conduct education/outreach to assist in adoption of practices and HACCP.

4. Country of Origin Labeling?

OPTION 2

Rather than announcing HACCP for fruits and vegetables,

1. Good Agricultural and Manufacturing Practices for Fruits and Vegetables
2. USDA/FDA work with producers to encourage adoption
3. Using practices as guide, survey exporting countries to develop baseline of potential problem areas
4. Provide technical assistance and resources (?) to exporting countries to develop agricultural and manufacturing practices
5. Expand FDA resources and increase testing, targeted to countries likely to have problems based on survey and domestic product where practices not adopted
6. Accelerate USDA research on interventions for food safety and on rapid tests
7. Report back to WH with any additional actions, including HACCP or other preventative measures and interventions to improve safety (1999 budget initiative)
8. Country of Origin Labeling (?)

USTR Comments on the Proposed FDA Food Safety Legislation:

USTR suggests that the following changes be made to the draft FDA language presented at the noon meeting on September 23, 1997 (please see bolded text).

2. Legislative proposal:

- Directive: a. **Consistent with U.S. rights and obligations under international trade agreements**, FDA will develop a legislative proposal, to be put forward by the Administration, requiring that no food may be imported into the U.S. unless it is produced under a food safety system **or conditions** that provides **at least** the same level of protection as provided by the U.S. food safety system. This proposal will enhance FDA's ability to prevent the importation of unsafe food in a manner consistent with **U.S. international trade agreements**.

[USTR comment: The introductory clause is needed to provide assurance that the measure is not intended to be a non-tariff barrier to imports. The next language ensures FDA flexibility to recognize conditions in a particular plant as equivalent, when there is no foreign "system" that could be equivalent. The addition of "at least" ensures that exports from countries with greater levels of protection are not excluded.]

Section 402 of the FFDCFA should be amended by adding at the end thereof the following new subsection (h):

"(h)(1) If it is a food offered for import into the United States, unless such food has been prepared, packed or held under a system or conditions, or subject to measures, that provide a level of protection that is **at least** the same as the level of protection provided under this Act for food prepared, packed or held in the United States. ~~at the time such food is offered for import. The importer of the good shall be required to demonstrate objectively that the system, conditions, or measures relevant to such food achieve the same level of protection.~~

[USTR comment: As above, the addition of "at least" ensures that exports from countries with greater levels of protection are not excluded. The phrase at the end of the first sentence does not make sense. The second sentence requires something that is not feasible, nor needed to achieve the apparent objective.]

- (2) The Secretary may promulgate regulations to implement this subsection, including regulations identifying those systems, conditions, or

measures that are equivalent with the meaning of this section.”

b. FDA will ~~also~~ develop a legislative proposal to facilitate traceback of foodborne illness to the causative food. The Act should be amended by adding a new section 415 requiring maintenance of records as follows:

“Manufacturers and distributors of food, including importers, shall include among the records they maintain, records of receipt and distribution of such food, which shall include such information as the Secretary finds necessary to permit the distribution of such food to be traced. These records shall be maintained for a reasonable period of time beyond the shelf-life of the food.”

The Act should also be amended to permit access to those records by amending section 704 by adding a new paragraph (a)(4) as follows:

“An officer or employee making an inspection under paragraph 704(a)(1) of a food which may pose a hazard to public health or has been associated with foodborne illness shall be permitted at all reasonable times to have access to and to copy and verify any records required to be kept under section 415.”

Finally, the Act would be amended to make it a prohibited act (subject to injunction or prosecution) to fail to maintain required records for traceback. A new subsection 301(x) should be added as follows:

“The failure to maintain the records required under the authority of section 415.”

C. The Administration should also pursue mandatory recall authority for FDA; as previously proposed by the agency.

412-565-4660

John Durvan

1+2+3

Olsen/Ottawa/Schultz

Useful points -

1. Don't focus on farms only

products/dish/d handling of f/v

contaminant not occur anywhere

not targeting farms -

(and their efforts)

pitch for education (USDA)

whip together w/ industry to dev. guidance (w/in particular industry)

~~we w/ importing practices provide technical development assistance~~
other countries also -

Perfectly willing *
to play on:

Fast Track
FDA Reform
USDA Approps

2. They would prefer we go slower.
timetable

⇒
Fruit + Veg Assn
Western Growers
Apples
not
vol. volunteers
NFPA associat.

3. On labelling - need to see where politics are

Schultz - telecon 11:00 pm

basic sanit stds

water qual / whr health

guidance - all

Then go into more detail on at least 12

Dec 31 - ??

proposed stage - all
this year.

final - basic + most
this yr.

enhancement
standards -

standards
we use to
make cur-
rent decisions

If a reg:
proposal ^{within} this year.
final - summer 99

Food Safety - Eric Olson

← like CFR labeling → fruit growers
→

Grower groups - ag industry - showing neg. reactive to fruits + veps.
mtg sat Jan 10:00 tomorrow - talk about

→ Consumer groups also not sure it's applicable to fruits + veps. -
They like GAPs/CMPS (what do grower groups think of this?)

Report back ^{Annual} actions - HACCP or some other approach.

do baseline of countries ← Resources to do testing??
target ^{resources} [your testing] there where probs not occur -
at same time - don't target testing to those areas
cut off product. at point of entry

~~grower groups~~

Peter Shen - Food Safety

1. FDA language - just tweaking
basic concept OK.

until to make print: trade ags give us vt to do this.

2. Country of origin proposal

Trade policy perspective - not a prob. Other countries do.

PSL perspective - some disag. among ags -
not sure helping ourselves

} Fast track
political
perspective.

standards - will give of powers

Sally - Think abt fast track timing - negotiati-

Preserve "propos" approach.

Don't lock into too
many details

while → countries that don't have
adeq reg syts

Telecon w/ Schultz -

low budget FY98

↔

Propose something FY99

DS - end of this yr - GAPs/GMPs for 4 major sps of fruits/vegs
apples/lettuce/mangoes/strawberries
gen'l adulterative stds ← → sanitati- / whr/health-guidance
what food contains - ~~product~~ } do by regs (etc) -
if prepared/packed/cr } ??
held under unsanitary conds }

FY99 - regs??

AU - FY98 - all fruits/vegs

?
guidance/regs

FY98 - should be able to do this -

1. country of origin labeling

Can be done in diff ways - direct ags to promulgate regs

~~Could be~~ burden on ~~importer~~ retailers

Processors - fruit like

Growers usually like -

(Farmers Unions / Farmers Bureau - YES
cattle - YES / Pork - NO
Tomatoes - YES /

though USTR says some may fear reciprocal treatment

Compliance costs to USDA

2. Upgrade food safety standards (domestic too) and

give FDA authority to prevent imports if they aren't equivalently protected from contaminants.

A. Upgrade U.S. stds

1. End yr - propose "good ag practices" + "good manure practices" (sanitation, worker health, water, etc.)

2. within year - propose HACCP req - (like meat/seafood) - identify critical points + set up safety systems focusing on them.

B. Give FDA power to prevent the importation of food if the safety system under which it is produced doesn't provide an equivalent level of protection

1. Included w/in this - "inspection authority (if foreign grower refuses inspection, FDA can refuse import)"

C. Funding for both

1. Develop the stds

FY 98 / 99

2. Enforce the stds

~~3133 Connected~~

Memorandum

From: ELENA KAGAN

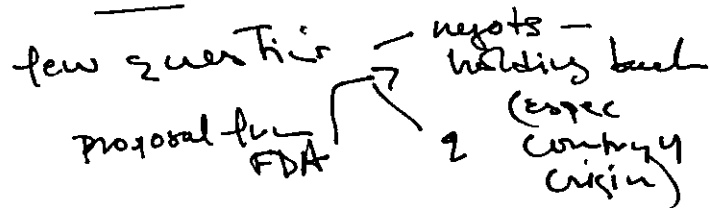
To: _____

10:00 am mtg. - reviews + processes

- not used
1. Equivalency authority (USA support)
 2. New [voluntary] standards (with toward reqs)
 3. Id enforcement - domestic & abroad + at port of entry.
 4. Country of origin labelling

targeted to countries that are potential problem spots

current rec. -



user fees?

WTR

Any rel to limit/req? NO

WTR-legislati-

legislati-

FDA IMPORTED FOOD SAFETY PROPOSAL

1. Develop and Implement HACCP for Fruits and Vegetables

- Propose Good Agricultural Practices Regulations and Good Manufacturing Practices regulations for fruits and vegetables by December 31, 1997. *As guidance*
- Propose fruit juice HACCP regulations by December 31, 1997.
- Propose HACCP regulations for all fruits and vegetables by ~~October 4, 1998~~ July 1, 1998

90 days

July 1, 1998

2. Propose legislation requiring that food entering the United States be imported only from countries meeting U.S. food safety standards (i.e., expand the current requirement for imported meat and poultry to all foods)

*Water health
Kind of water
Sanitation*

Revenues — FY 98 → 15m
 100 ~~FTE~~ 127 FTEs → 13m 95 + out

90 FTEs 10m enforcement

235 today (only at home) 5 inspectors
inspections - new prevention (under HACCP)
 $\frac{1}{3} \uparrow$ *at - look abroad.*

80 more - 60 additional overseas (more abroad)

many times abroad

MEMORANDUM TO ERSKINE BOWLES

To Elena

FROM: Sally Katzen

SUBJECT: Food Safety Initiative

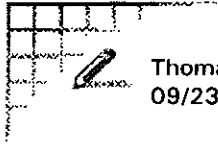
We have been working with the DPC on an FDA/USDA food safety package to be announced to preempt the New York Times article. There are some good ideas and some that need a lot more work but should not be thrown over board just because of the shortness of time.

The most important piece, and the one that can be done administratively, is to develop good agricultural practices and good manufacturing practices, and subsequently develop HACCP procedures, for fresh fruits and vegetables. This is an extension of what we've done for meat and poultry and seafood, and are in the process of doing for fruit juices. There is also a piece that will accelerate the research outlined in the food safety initiative that the Vice President announced several months ago.

The legislative piece is more problematic, with both international relations implications and the request for additional enforcement powers. There is merit in both proposals, but the likelihood of success would be greatly enhanced if we had additional time to refine the proposals and to vet them with various affected entities. In the past, every time we have even mentioned increased enforcement authority, the industry has come out swinging. It is particularly awkward now with the FDA reform bill up on the Hill, where we are trying to make sure that the bill does not cut back on the FDA's authority on food safety. In short, the legislative piece, while promising, is not ready for prime time.

We recognize that there is a felt need to announce something right away and that this is so even though an announcement now means that we will not be able to offer some of these initiatives in the course of our negotiations on Fast Track, and that we would not have anything left for a major Presidential event on food safety that Chris Jennings and others had wanted to do in late October or early November (past Presidential events on food safety have scored very well for us, particularly where we have had time to reach out to families, consumer groups, health groups, and even industry).

Trying to be constructive, I thought we might be able to announce something now but not either risk rejection (by Congress or the industry) and give ourselves another press opportunity by announcing that FDA/USDA have sent the White House a proposal for a food safety initiative (sketchy details to be provided), but not announce a White House decision. We could say that you have received the proposal and have tasked the relevant offices to review it expeditiously. This would show that we are proactive (thereby preempting the New York Times Article) but give us the needed time to refine the proposal properly and vet it with the appropriate groups.



Thomas L. Freedman
09/23/97 07:45:17 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Food Safety

FYI. I don't know if this is helpful or not, but Olsen at USDA just left me a message saying two things: he thought CSPI (the consumer group) was suspicious about HACCP for fruits and veggies because they weren't ready and that farmers would be nervous about it too. If you are getting pressure for a very rigorous program this would argue for some caution because of domestic concerns. Hope things are going fine. Tom

MEMORANDUM

TO: BRUCE REED, ELENA KAGAN
FROM: TOM FREEDMAN, MARY L. SMITH
RE: COUNTRY OF ORIGIN LABELING FOR FOOD
DATE: SEPTEMBER 23, 1997

SUMMARY

A search of Nexis on the keywords "country" and "origin" revealed basically 3 pieces of legislation pending on the Hill that require labeling of country of origin: (1) "Imported Produce Labeling Act of 1997," (2) "Imported Meat Labeling Act of 1997," and (3) H.R. 2332, which amends the Tariff Act of 1930 to require country of origin. All three pieces of legislation have bipartisan support. USDA indicated that it has taken no formal position on any of these pieces of legislation.

LEGISLATION PENDING ON THE HILL

1. **Imported Produce Labeling Act of 1997**
H.R. 1232 (65 Co-sponsors --31 Democrats and 33 Republicans)
S. 1042 (7 Cosponsors --5 Democrats and 2 Republicans)
Sponsored by Rep. Bono (R-CA) and Sen. Larry Craig (R-ID).

This legislation provides that a retailer of a perishable agricultural commodity is required to inform consumers of the country of origin by "means of a label, stamp, mark, placard, or other clear and visible sign." There are fines for failure to inform consumers.

2. **Imported Meat Labeling Act of 1997**
H.R. 1371 (25 Co-sponsors --11 Democrats and 14 Republicans)
S. 617 (9 Cosponsors --3 Democrats and 6 Republicans)
Sponsored by Rep. Chenoweth (R-ID) and Sen. Tim Johnson (D-SD).

This legislation amends the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

3. **H.R. 2332 (40 Cosponsors --21 Democrats and 19 Republicans)**, Sponsored by Rep. Everett (R-AL): This bill amends section 304 of the Tariff Act of 1930 to require the marking of frozen produce with the country of origin on the front panel of the package for retail sale.

OTHER RELATED LEGISLATION THAT DOES NOT INVOLVE IMPORTS

1. **S.16, "Cattle Industry Improvement Act of 1997,"** Sponsored by Sen. Daschle (D-SD): Part of this legislation amends section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) to require the labeling of meat produced in the United States to indicate the United States origin of the meat.

456-7431

DRAFT

Costs of labeling imported meat

S. 617 would amend the Federal Meat Inspection Act (FMIA) to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin. Meat from animals imported less than 10 days prior to slaughter would also have to be labeled to identify the country of origin. Meat food products prepared in the United States using any carcass, part thereof, or meat imported into the United States would have to be labeled to identify the country of origin.

The current situation

In 1995, the United States imported 2.4 billion pounds of meat and poultry from 34 countries. FSIS reviews meat and poultry inspection systems in countries that export to the United States. FSIS also reinspects meat and poultry at port-of-entry before they are allowed into U.S. commerce. Because health certificates indicating the wholesomeness of the product and other documents accompany the meat, at the point of reinspection, all meat is identified by its country of origin. However, the country of origin identity is not preserved as the meat moves through the U.S. processing and distribution system.

Meat imports into the United States in 1996 totaled 2.764 billion pounds carcass weight or 1.985 billion pounds retail weight (table 1). Domestic consumption of meat in 1996 was 119.1 pounds per capita or about 31.616 billion pounds, retail basis. Assuming all imported meat is consumed within the United States, imported meats account for about 6.3 percent of domestic meat consumption.

Meat production from imported animals slaughtered with 10 days of arrival is estimated at 1.229 billion pounds, retail weight (table 2). Adding this quantity to amounts imported as meat gives total imported meat of 3.214 billion pounds, retail weight. Thus, using the concept of imported meat from the proposed amendment to the FMIA, imported meat accounted for 10.2 percent of domestic meat consumption in 1996. This assumes that no imported meat or meat from imported animals is exported.

Table 1--Meat imports, 1996

Meat	Carcass weight 1,000 pounds	Retail weight 1,000 pounds	Conversion factor
Beef and veal	2,072,173	1,440,160	.695
Lamb and mutton	72,452	64,483	.890
Pork	618,884	480,254	.776
Total	2,763,509	1,984,897	

Table 2--Live cattle and hog imports, 1996

Animal	Head	Retail weight 1,000 pounds	Conversion factor

Total cattle	1,965,448		
Feeder stock	74,293		
For slaughter	1,891,155	944,790	2.402
Total hogs	2,779,175		
Feeder stock	766,974		
For slaughter	2,012,201	284,075	1.70
Total	4,744,623	1,228,865	

Note: Feed stock number for cattle is only for imports from Canada. Because feeder stock cattle from other origins, primarily Mexico, have not been not accounted for, the number of cattle for slaughter is likely overstated. Imported cattle for slaughter are assumed to average 1,200 pounds live weight. Imported hogs for slaughter are assumed to average 240 pounds live weight. Conversion factors apply to live weight.

Analysis of costs

It is assumed that the intent of the proposed amendment to the FMIA is to require labeling of retail packages of raw and processed meat products, but not to require labeling on imported meat that is served for consumption in hotels, restaurants, and institutions. An unknown amount of imported meat is used in this later way. However, for purpose of analysis, and to present the likely range of costs, it is assumed that all imported meat is sold at retail establishments that would be required to label the packages with the country of origin of the meat.

Costs of the labeling requirement include

- Costs of preserving the country of origin identification of imported meat from the point of entry into the United States to the retail counter. Distributors and retailers would incur costs of marking shipments and segregating imported meat from domestic meat. Retailers or meat packaging firms would incur the costs of affixing the correct label on imported meats.
- Costs of preserving the country of origin of live imported animals and the meat derived from them through to the retail counter. Slaughter plants would incur costs to segregate imported animals in holding pens and to mark carcasses and parts of carcasses shipped to processors and retailers.
- FSIS enforcement costs to ensure compliance. FSIS has little presence in retail establishments. There were 24,557 supermarkets (annual sales of at least \$3.469 million) in 1994. There were even more grocery stores and specialized food stores such as meat markets.

Costs of preserving Country of Origin of Imported Meat

Consider first the costs of affixing labels. USDA's analysis of the costs of applying safe food handling labels to meat and poultry provides a basis for estimating this cost (*Federal Register* November 4, 1993, pp. 58992-58934). It was estimated that the label cost for large retailers who

have efficient equipment that prints and affixes labels would be \$0.00375 per package and that other retailers would have costs for labels averaging \$0.01 per package. Large retailers were believed to account for 80 percent of the retail packages sold. The safe food handling analysis has an implied average retail package size for meat of about 3 pounds. Thus, the 3.214 billion pounds of imported meat and meat from imported animals equates to about 1.07 billion packages. The cost for labels is about \$5,356,000 = $((1.07 \text{ bil.} * .8 * \$0.00375) + (1.07 \text{ bil.} * .2 * \$0.01))$. These label costs may be understated because the safe food handling label analysis dealt with the addition of a generic statement while country of origin labeling will require labels for each of the 34 countries exporting to the United States.

Large retailers are assumed to have equipment that simultaneously prints and affixes labels so they have no new recurring costs for applying labels. Other retailers will have recurring labor costs. The safe handling analysis estimated the recurring labor cost associated with the 20 percent of packages labeled by other retailers to be \$3.2 million. Adjusting this figure for a smaller number of packages of imported meat (214.3 million) and increases in the employment cost index (1996/1993 of 1.083) gives a recurring labor cost of \$371,368. This is just the labor cost involved in affixing labels.

There are other labor, material, and management costs for preserving the identify of imported meat prior to retail packaging. There is little empirical information from which to estimate these costs, but they could be large. Distributors and retailers might have to add separate cold storage rooms or use different trucks to carry domestic and imported product. Costs would depend on the number of shipments of meat and animals, the number businesses dealing in imported meat or animals, the penalties for noncompliance, the level of enforcement, and other factors.

Businesses handling imported meat and animals have little incentive to preserve the identity of imported meat unless it commands a market price premium over domestic meat or the penalties for noncompliance are larger than the potential savings from not labeling. If there is a premium for imported meat, e.g., Danish pork or New Zealand lamb, the industry will voluntarily label retail packages with the country of origin and will have an incentive to misbrand domestic meat as imported.

Costs of Preserving the Country of Origin of Imported Live Animals

Importers of live animals intended for slaughter would likely have costs for maintaining segregating holding pens to ensure that the country of origin is preserved. Batch processing of imported and domestic animals would avoid the need for separate pens but would involve added management costs. Slaughter plants would face costs to mark, tag, or otherwise identify carcasses or carcass parts to preserve the identity. Estimates of the costs of preserving the identity of imported animals cannot be estimated because we do not know what steps importers will take. Ear tags are a low cost system but once slaughter is initiated these tags are separated from the meat. Annual costs can be expected to run into the millions of dollars, because approximately 4 million animals are imported for slaughter every year.

Feeder stock animals--younger, lighter weight animals--are generally fed to higher weights and then slaughtered, but they can be slaughtered at any age. Depending on the enforcement policies

adopted, importers might need to maintain the identity of imported feeder stock, for at least 10 days to establish that imported animals are not being slaughtered and their meat marketed without a country of origin label. Thus, importers of feeder stock would bear the costs of temporarily maintaining the identity of imports and postponing the commingling of anonymous animals.

FSIS Enforcement Costs

Enforcement costs could be very high. Costs will depend on the potential penalty for violations, incentives for noncompliance, and how strictly USDA pursues enforcement. USDA does not now have a routine presence in retail establishments. If USDA visited each retail establishment just 3 times a year, that would involve about 750,000 site visits. If the cost of a visit--labor time, travel costs, records, etc--is conservatively estimated at \$100 a visit, the annual costs to taxpayers would be \$75 million. This is a low estimate because USDA would also need to visit wholesalers, meat processors, and slaughter plants. Credible monitoring and enforcement could require hiring and training 1,000 additional staff years. Taxpayers at large would bear the costs of enforcement.

Other Costs

The analysis has assumed that meat from domestically produced and slaughtered animals would not be labeled. If it were necessary to label domestic meat, the costs for labels would increase by \$87 million and the annual recurring costs for affixing the labels would increase by \$6 million. It might be necessary to require labeling domestic meat if labeling foreign meat only were found to violate trade agreements.

Summary

The costs for labeling only imported meat include the following quantifiable costs: label costs, \$5.4 million, recurring labor costs to affix labels, \$0.4 million, enforcement costs, \$75 million. Total quantified costs are \$80.8 million per year. Other costs, which could be quite large, include the costs of maintaining the country of origin identity of imported meat and animals from the point of entry through to the retail sales case.

We need additional knowledge and tools to make these new food safety regulations for fruits and vegetables as effective as possible. For example, we need to improve our understanding of how food becomes contaminated -- at every point in its production -- and we need better scientific tests and procedures to more rapidly identify and eliminate dangerous pathogens from our food supply.

I am therefore directing the Department of Agriculture to work cooperatively with other food safety agencies, agricultural producers, consumers, industry, and others to develop a strategic research and education initiative to support these new regulations and better ensure the safety's of America's food supply-- both homegrown and imported.

We have made great improvements in food safety during my Administration, most notably our HACCP plans for seafood, meat and poultry. A similar plan for fruits and vegetables will ensure one high standard of safety for all our consumers. It is not the last step, but a critical next step in our ongoing food safety efforts.

USDA Draft Food Safety Directive
9/22/97

Food safety research is critically needed to develop the means to identify and characterize food borne hazards more rapidly and accurately, to develop effective interventions that can be used to prevent hazards at each step from farm to table, and to provide this information to farmers, processors, and consumers. I instruct the U.S. Department of Agriculture to develop and implement research and extension education programs in consultation with agricultural producers to support the implementation of HACCP procedures for fruits and vegetables. The programs should integrate research and extension activities to better understand the ecology of food borne pathogens and to reduce the time for implementing new techniques. The program should consist of:

- Improved methods for rapid, cost-effective testing for pathogens in food animals and their manures, in wildlife, in agriculture and aquaculture products, animal feeds, and processed food products. Methods development must address the low-level, sporadic incidence of many pathogens in foods.
- Determine how microorganisms associated with food borne disease become tolerant to various types of antimicrobials and to traditional food-safety safeguards, such as heat or cold treatment, low pH, high salt, and disinfectants, and to elucidate factors in animal- and plant-production systems and processing environments that influence the development of resistance. Such research will help identify food production practices that are likely to contribute to pathogen contamination or proliferation, and lead to the improvements in traditional practices and the development of new interventions.
- Pathogens in food-producing animals and their manures may become resistant to antibiotics and drugs, particularly when used improperly. Research should focus on understanding antibiotic drug resistance and lead to the development of ways to reduce drug resistance.
- Research in direct support of HACCP approaches for fruits and vegetables, including: the microbial ecology of human pathogens colonizing plants, methods to reduce or eliminate pathogenic microorganisms from plants before harvest and decontamination post-harvest, and effective packaging and proper food storage conditions.
- Develop and deliver research based educational programs to food producers, processors, handlers, and consumers that meet HACCP principles and also provide guidance and procedures to reduce or eliminate contaminants, improve diagnostics and detection.

Rahm --

We're meeting again with HHS/FDA, USDA, USTR, OMB and others tomorrow at noon, and the proposal might change as a result of that meeting. But right now we're considering the following:

1. A Presidential directive to FDA to upgrade safety standards applying to domestic growers of fruits and vegetables, and demand equivalence from foreign growers before they can import any of their products. These standards would deal with such matters as farm sanitation and worker health. With the new standards in place, FDA would have the ability to evaluate the safety systems of foreign producers (and stop all imports if not produced under these systems), rather than attempt to determine whether a particular import -- e.g., a batch of strawberries -- is harmful to health.
2. A Presidential directive to USDA to support this FDA effort through education and research programs.
3. A financial commitment enabling FDA and USDA to enforce the new safety standards through inspections of production facilities in foreign countries (as well as some increased inspections of food imports at the border). We obviously will try to keep this commitment within bounds, but some additional resources will be necessary to give the directive credibility.

In addition, we are considering two legislative proposals: *(There are much more uncertain.)*

1. A requirement that all food be labeled with its country of origin. This proposal gives consumers a choice as to whether to purchase domestic or foreign food. Domestic growers and consumer groups like the proposal; retailers do not.
2. A legislative proposal to give FDA authority to certify countries as having adequate food safety regulatory systems, and stop countries that have not been certified from importing food products. USTR and others may view this proposal as inconsistent with fast track (and our position on labor and environmental protections), but we think that the proposed authority for FDA is exactly equivalent to authority that USDA already has for meat and poultry.



September 21, 1997

MEMORANDUM FOR ERSKINE BOWLES

**FROM: BRUCE REED
ELENA KAGAN**

RE: FOOD SAFETY AND FAST TRACK

This morning we convened a meeting of representatives from FDA, USDA, USTR, the White House Fast Track Working Group, and OMB including Sally Katzen, to discuss possible food safety initiatives to mitigate health concerns from imports following passage of fast track legislation.

Below is a list of policy options that we've asked the agencies to explore and respond to by tomorrow morning. We asked that they consider these proposals for their feasibility for a formal Administration announcement within the next two days.

1. Upgrade Standards. We are currently implementing new procedures for domestic seafood and meat and poultry production, the Hazard Analysis and Critical Control Points system (HACCP). This is a regulatory scheme, considered more effective than simply increasing the number of inspectors, that involves companies identifying the danger points in their processing system, actions to take to avoid the contamination, and creation of a paper trail for inspectors to periodically review and see whether the program is working. Imported products must be produced under equivalent food safety systems. The proposal would expand HACCP to include fruits and vegetables, essentially creating US standards and then applying them to foreign countries. The FDA is developing this proposal.

2. Application of Existing US Standards. There already exist a limited patchwork of existing US standards for fruits and vegetables. This approach would delineate what the existing US standards are, and require them to be applied to imports. This has been tasked to FDA.

3. Expand USDA Involvement. USDA has research and education programs in this area that could be expanded. Further, if HACCP is enlarged to include fruits and vegetables, there will be a need for the creation of an education program for US farmers, a program that could be a model for foreign farmers and companies. USDA has a presence in foreign countries and could work cooperatively to

encourage the adoption of equivalent practices there.

4. Applications to Trade. Explore the feasibility of the Administration committing that as imports increase there will be a commensurate increase in inspections/safety. Key to critics analysis is the argument that Fast Track will result in increased imports of food. This proposal would involve an Administration funding commitment to increase the level of inspections to keep pace with this increased supply of foreign food.

5. Point of Origin Labeling. This would require all food to be labeled as to origin (US or other nation's) at the grocery store. It would give consumers the choice to purchase domestic or foreign grown food. The proposal requires vetting by USTR. Retailers do not like this proposal.

1. Raising standards - ^{e.g.} sanitation / water health

equivalency

HACCP
where?

2. Inspection piece

for import inspection in foreign countries - or use USDA inspectors

More MRAs

As foreign

Dan's know
how much.

3. Legal auth to - can certify other countries - ref. system
Ask for legislative

Greater danger from imported foods? Increase since NAFTA? ^{imported}

Respective USDA/FDA systems for ensuring food products meet safety standards?

Anything Food Safety Initiative did in this regard?

→ Diffs re inspection requirements?

other operating requirements?

Function of bilateral agreements? binding?

Anything executive?? - for USDA/FDA

↳ Reform bill??

NYT Story
September 17, 1997

*The story will not run until next week.

*In short, it is an investigative piece on how free trade increases food safety risks. Their argument is that there is no comprehensive way to test food at the borders, so we cannot be certain that the food is safe until it is consumed (Of course, U.S. produced foods cannot be tested either.).

*NYT has invested in this story. They sent reporters to Guatemala to research food safety precautions there.

*The reporters have talked to Public Affairs officials and agency officials at FDA (Malcolm Lee), USDA, USTR, and HHS. It is unclear how many people they have interviewed.

*USDA is working on interagency guidance. Sean will fax it today and I will get you a copy.

VP Interview

While in NY, the VP **may** do an interview with Jeff Gerth today. The VP's office received a list of proposed questions last night. Ginny is handling the interview preparations. They have tps from various agencies (copy is attached). Roger will update me.

Darby Stott per conversations with Sean Darragh, USTR, Jim Peterson, USDA, and Roger Salazar VP.

~~The New York Times~~

To: Vice President Al Gore

Dear Mr. Vice President,

Thank you for taking time to respond to our questions. We have interviewed officials at numerous agencies, from the CDC and FDA to USTR and USDA. You have taken a personal interest in many of the issues that have arisen during our reporting: food safety, the threat from infectious diseases and global trade.

Here is some background.

The scientists we have talked to are concerned about increasing outbreaks from new or unknown pathogens in fresh produce. The National Advisory Committee for Microbial Criteria for Foods (the Micro Committee) reported last month on the increase in produce outbreaks traced to imported foods.

Meanwhile, FDA inspections of imported food are steadily declining. To help, the President's Food Safety Initiative wants the FDA to rely more on foreign regulators---through Mutual Recognition Agreements---as long as the agreements provide equivalent protection for consumers. But the General Accounting Office has questioned the adequacy of FDA's agreements with foreign countries because FDA's legal powers on bilateral agreements are voluntary and unenforceable, unlike the USDA's.

change this?

The USTR tells us they were unaware of the plan for MRAs, though they negotiate them. The USTR and Kerri Ann Jones, the White House science specialist for international affairs, were unaware of the work of the Micro Committee, whose scientists are increasingly worried about the effects of trade on foodborne disease.

How does the Administration insure that this complicated issue, which cuts across so many areas, is effectively coordinated?

Has the Administration proposed or considered proposing changes to FDA's legal authority so that its agreements with foreign regulators can be more enforceable?

~~The United States wants to open markets but not lower its safety standards, a task that is easier said than done, according to Mickey Kantor.~~

The report to the President last May on food safety noted that the FDA only inspects domestic food plants once every ten years now. The GAO points out that this will enable foreign health regulators seeking "equivalent" status with the US to meet only this weak threshold to qualify.

Can the US do more to raise international health standards? How?

Mr. Kantor says there is a tension between food safety and food trade. How do you resolve this thorny issue, especially since it touches two central goals of this Administration?

The scientists we have talked to all express caution in making sweeping generalizations from the data on food illnesses, since so much goes unreported or undetected. Yet both sides in the

debate on fast track have tried to make general or sweeping statements about trade and food safety.

The White House (in its fact sheet on fast track) says food imports 'are no more likely to present health risks from microbial pathogens' than domestic food. We're not sure whether scientific data was used to reach this conclusion. A top CDC official tells us that the Centers 'don't have an adequate database' to support that conclusion.

Can you provide us any more (or less) assurance on this point?

Finally, is there someone on your staff who can talk to us more about these issues?

Thanks again for agreeing to talk with us. We will be awaiting your call at 3:45 pm on Wednesday at 202-862-0362.

Sincerely,

Jeff Gerth
Tim Weiner

NEW YORK TIMES PHONE INTERVIEW

3:00 -- 3:45pm, Conference Room C,
ABC News Headquarters, New York
Wednesday, September 17, 1997

Phone Call requested by Lorraine Voles.
Briefing prepared by Roger Salazar.

EVENT

You are doing a 15 minute phone interview with the New York Times' Tim Weiner and Jeff Gerth. Tim and Jeff are working on a story about the globalization of the American food supply. They have requested an interview with you because of your involvement in trade and food safety issues.

LOGISTICS

You will talk with Jeff and Tim via telephone in your hold. Ginny Terzano will brief you prior to the interview.

NOTE: Ginny will facilitate getting Jeff and Tim on the phone for you. Tim Weiner will be at his work number: **202-862-0314**. (Back-up -- 202-862-0300). Jeff Gerth will get on the phone with Tim at the same location.

PROGRAM NOTES

Tim Weiner and Jeffrey Gerth of the New York Times have spent the summer looking at the relationship between global trade, the globalization of the American food supply, and emerging food borne disease in the United States. Their assertion is that as global trade increases, so does the importation of food borne pathogens -- or more food trade means less food safety. They are looking into the "growing tension between the two goals of safety and trade." You should emphasize several points.

- Foreign supplied food products must meet the same standards as domestic foods.
- The U.S economy benefits a great deal from agricultural trade, both in providing Americans with access to a variety fruits and vegetables throughout the year and from the access to foreign markets for domestic agricultural products.
- Gerth and Weiner may press you on how the U.S. will be able to coordinate an issue as complicated as ensuring food safety of imported foods. You should say that the solution is as complex as the issue and we are addressing it in a systematic manner.

ATTACHMENTS

- Talking Points on ensuring the safety of imported foods.
- Talking Points on NAFTA/Fast Track and Food Safety.
- Talking Points from the FDA on food safety and traditional trade negotiating authority.
- EPA Fast Track talking points.
- Potential Q & A's will be provided to you tomorrow.

##

TALKING POINTS ENSURING THE SAFETY OF IMPORTED FOODS

POINTS TO MAKE

- The U.S. economy benefits greatly from agricultural trade. Agriculture is one of the few U.S. industries that consistently shows a trade surplus, with a surplus every year since 1960. U.S. agricultural exports support almost 1 million jobs.
- Fruits and vegetables are an essential component of a healthy diet, and agricultural trade helps make available to Americans a variety of fresh fruits and vegetables throughout the year.
- At a time when the Congress is considering legislation that would renew presidential authority to negotiate trade agreements that would increase U.S. access to foreign agricultural markets, concerns about the safety of imported foods are being expressed.
- However, data show that the risk of food-borne illness from domestically produced foods and imported foods are similar.
- The food safety standards that apply to domestically produced foods also apply to imported foods.
- For example, the U.S. standards, or "tolerances," for permissible levels of pesticide residues in foods also apply to imported foods.
- The Federal Government monitors food imported into the United States. Foods that are in violation of U.S. tolerances are not allowed to enter the country.
- The Federal Government has in place programs to help ensure that imported food is safe and wholesome to eat.

NAFTA

- NAFTA did not change the requirement that imported foods comply with the same food safety standards as domestically produced food.
- Recent data from an investigation of outbreaks of food-borne illness find no evidence that the instances of food-borne illnesses have increased because of expanded trade through NAFTA.
- In fact, NAFTA provides a framework for increasing the likelihood that food produced in other countries meet U.S. standards.
- For example, under NAFTA, Canada and Mexico have established a Technical Working Group (TWG) to promote greater cooperation and harmonization of pesticide standards among the three countries.

- The TWG is addressing health, safety, and environmental issues associated with pesticides.
- Through the TWG, the three countries share information about their pesticide regulatory systems and are working to coordinate the systems more closely.
- The United States, Canada, and Mexico have established a technical cooperative initiative to promote staff exchanges and sharing of information to help the three countries.
- In the case of Mexico, the United States is providing information and technical assistance to the Mexican Government and Mexican grower groups to help that country meet U.S. safety standards for foods intended for export to the United States.
- The Federal Government has reported a 12 percent decrease from 1995 to 1996 in the number of detentions of fruits and vegetables from Canada and a 30 percent decrease in the number of detentions of fruits and vegetables from Mexico. Further, for a significant number of those detentions, the action was taken to verify that the produce was safe, and the product was later released.

ADMINISTRATION STEPS TO REDUCE THE INCIDENCE OF FOOD-BORNE ILLNESS

- Evaluate new methods for testing the safety of imported products. The development of new early warning systems by Federal, State, and local governments to help detect outbreaks of food-borne illness earlier, which would allow the regulatory network to respond to contain future problems. Actions would include stopping shipments at the border and increasing the frequency of testing imported products.
- With regard to meat and poultry products specifically, the Federal inspection laws require countries that export meat or poultry to the United States to impose inspection requirements equivalent to U.S. requirements.
- Countries exporting meat or poultry to the United States undergo a rigorous review to gain eligibility to export meat or poultry in the United States.
- The United States evaluates a foreign country's controls on livestock and poultry slaughter and processing establishments in specific areas of risk: animal diseases, residues, contamination, food processing, and economic fraud.
- With regard to foods other than meat or poultry, the United States is working with trading partners to increase the number of mutual recognition agreements (MRA). Under an MRA, trading partners ensure that food is produced and manufactured under equivalent systems.

How?
What?

Why not
FDA?

BITO

Why is this
so much
weaker?
Can we
make
stronger?
Go w/ USDA
rules?

NAFTA/FAST TRACK and Food Safety

ISSUE:

Recent Congressional attacks on the NAFTA and Fast Track authority have been fueled by press reports on the hepatitis A outbreak in Michigan attributed to Mexican strawberries, a cyclospora infection traced to imported Guatemalan raspberries. As Hudson Foods' E. Coll hamburger recall and the Sutton Place Gourmet pesto contamination demonstrate, food safety is a domestic issue, not a trade issue.

POINTS TO MAKE:

- Recent data from the Food and Drug Administration do not substantiate the charge that food-borne illness has increased because of expanded trade through NAFTA.
- In fact, the FDA reported a 12% decrease in the detention rate of Canadian origin food products and a 30% drop in the detention rate for Mexican-origin products compared with 1995. Indeed, it should be further emphasized that the majority of the products that were detained were found not to be in violation of US standards and were held up temporarily because of very stringent US entry procedures.
- During 1995 and 1996, the total number of pest detections by APHIS at US points of entry dropped by almost 10,000. This drop clearly shows that increased trade in agricultural goods has not increased the risks to US animal and plant health.
- In order to protect U.S. animal and plant health from imported pests and disease, [APHIS] has increased funding for inspections 78% and added 44% more personnel since 1980.
- On August 29, Secretary Glickman announced he would seek enhanced powers to require recall of food and agricultural products which could pose a danger to public health.
- The Department of Health and Human Services and the FDA are proposing legislation (The Food Safety Enforcement and Enhancement Act(s)) to strengthen food safety enforcement within the United States.

What is the Administration doing to reduce the incidence of food borne illness?

- In May, Vice President Gore announced a five point plan to increase the safety of the nations food supply. The \$43.2 million plan, "Food Safety From Farm to Table", was developed by the Departments of Agriculture, HHS, and FDA. Working with state and local officials, the food industry, scientists, consumer and producer groups, these federal agencies will build on previous Administration steps to modernize the nation's food safety programs. Among the plan's provisions:
 - Build an "Early Warning System" to detect and respond to outbreaks of food-borne illnesses earlier and collect data to help prevent future outbreaks.
 - The Administration requested \$ 8.5 million to hire new inspectors to bolster monitoring of seafood, fruits and vegetables, and egg products.
 - Ensure compliance with the seafood, meat and poultry Hazard Analysis and Critical Control Points (HACCP pronounced "Hasip") regulations. These regulations include specific provisions related to imported foods, to prevent food safety hazards before the product enters the marketplace.
 - USDA, FDA and EPA are conducting research to find more efficient ways of testing for food borne hazards like Campylobacter, Salmonella, E. Coli, hepatitis A, mycotoxins and marine toxins in food. \$16.5 million has been targeted to these critical research needs.
 - An unprecedented public education campaign was launched by industry, consumer groups and the Vice President in May.

If asked about Guatemalan raspberries only:

- The outbreak of cyclospora due to Guatemalan raspberries would not have been avoided even with 100% inspection. Phytosanitary and food safety health inspection procedures cannot detect cyclospora. In fact, cyclospora outbreaks occur in domestic produce as well.

If asked about the frozen strawberries only:

- The source of contamination for the frozen strawberries originally imported from Mexico is unknown. The Centers for Disease Control and Prevention, the US Food and Drug Administration, the California Department of Health, and the California Department of Food and Agriculture are still conducting an investigation to determine whether the strawberries were contaminated in Mexico, the US processing plant or some other location. (Still fact checking this bullet).

BACKGROUND:

FDA Draft Talking Points - Traditional Trade Negotiating Authority

- ▶ United States food safety agencies (FDA, USDA, EPA and CDC) continuously gather and evaluate information from around the world on potential sources of food-borne illnesses in order to anticipate and prevent entry of suspect foods into the United States. When this intelligence indicates a possible problem with any imported food, FDA and USDA step up their monitoring of that food at border checkpoints and take other actions to prevent distribution of the suspect food within the United States. President Clinton announced last summer, as part of the Administration's Food Safety Initiative, that surveillance and sentinel site activities designed to detect food-borne illnesses before they spread will be enhanced even further in the near future.
- ▶ FDA, CDC and USDA maintain strong research and surveillance activities intended to identify emerging food-borne hazards and effect their control in foods. FDA's Bacteriological Analytical Manual is among the most respected and widely used references in the world by food analysis laboratories. [If desired, add some additional specifics here on research prowess at the federal level]
- ▶ Officials from FDA and USDA meet frequently with their foreign government counterparts to evaluate and address emerging food safety issues. Bilateral meetings take place routinely in the United States and in foreign countries, independent of any specific trade agreements or discussions, to develop programs to control microbiological and chemical contaminants in foods. FDA and USDA also provide technical training and other assistance to many countries which export food to the United States in order to improve the food safety systems in these countries. These activities often result in an overall strengthening of food safety control measures in the foreign country and substantially increased monitoring of imported foods by the government of the exporting country, thus providing an additional buffer against potentially contaminated foods entering the United States.
- ▶ FDA, USDA and EPA officials participate fully in the Sanitary and Phytosanitary Committee of the World Trade Organization (WTO) on food safety issues. The agencies' participation ensures that food safety trade issues are addressed and that United States food safety standards are emphasized and are not compromised in the interest of facilitating trade. In addition, United States federal agency ~~representatives have been and will continue to be active in international organizations that work~~ ensuring the safety of foods produced around the world. For example, the United States participates in all committees of the Codex Alimentarius Commission (Codex), an international food standard setting forum created in 1962 under the joint sponsorship of the World Health Organization and Food and Agriculture Organization of the United Nations. United States participation in Codex ensures that United States' views on critical food safety issues will be reflected in development of all international food standards to which all countries are encouraged to adhere.

} Food
Safety
Initiative

- ▶ The United States holds the chairmanships of the Codex Committee on Food Hygiene and the Codex Committee on Residues of Veterinary Drugs in Foods, which meet each year in Washington, DC to develop and strengthen worldwide standards for food safety with regard to microbiological contaminants and animal drugs. Over sixty countries, including many which export foods to the United States, are members of these Committees. The Food Hygiene Committee is currently developing strong, new food safety guidelines based on the principle of preventive measures known as Hazard Analysis and Critical Control Points (HACCP). These guidelines, when implemented extensively around the world, will provide greater assurance that foods, wherever they are produced in the world, meet strong international safety standards.

- ▶ FDA, USDA, and EPA officials hold leadership positions on committees of the North American Free Trade Agreement (NAFTA). NAFTA-related committees and technical working groups (TWGs) meet regularly to address specific food safety issues that arise among Canada, Mexico and the United States. TWGs have been established to address safety issues for specific foods such as fruits, vegetables, dairy products and fishery products and to deal with longstanding issues such as pesticides and chemical contaminants. In addition to NAFTA-related cooperation on food safety issues, United States food safety agencies work continuously and effectively with Canadian and Mexican counterparts on a daily basis along the borders to monitor cross-border food shipments and, when necessary, to stop any suspect shipment before it enters the United States. This type of cooperation has resulted in a recent overall decrease in the number of FDA detentions of food shipments from Canada and Mexico for failure to meet United States requirements.

- ▶ FDA maintains a comprehensive Home Page internet site which provides an extensive amount of up-to-date technical, regulatory and consumer information on numerous food safety issues. The internet site provides immediate access to many United States food safety requirements, particularly those related to control of microbiological and chemical hazards, to foreign governments, producers and exporters so that they are aware of the critical importance of food safety in the United States. In addition, the site lists all of FDA's import alert notices, providing food importers and exporters with current information on which foreign and domestic firms have been cited by the agency for violations of United States regulations. This list reinforces the need for domestic and foreign producers to comply with United States food safety requirements to avoid significant economic losses associated with rejected food shipments. The FDA site also provides extensive links to other major food safety sites in the United States and around the world, providing unprecedented public access to information on food safety issues.

1. EPA sets standards called tolerances for the permissible level of pesticide residues in foods. To ensure that foods imported into the U.S. are as safe as domestically grown foods, EPA applies the same standards to imported foods as it does to domestic foods; i.e., all foods coming into the U.S. must meet the same high standards as foods grown here do. While EPA sets tolerances, FDA is responsible for monitoring imported foods to ensure they meet U.S. tolerances. Any foods from foreign sources that are in violation of U.S. tolerances are not allowed to enter the country.
2. NAFTA does not change this requirement. This trade agreement does not override U.S. law which requires both domestic and imported foods to adhere to U.S. pesticide food safety standards. NAFTA, in fact, provides a framework for increasing the ability of foreign-grown foods to meet U.S. standards. Under this trade agreement, the U.S., Canada and Mexico have established a Technical Working Group (TWG) to promote greater cooperation and harmonization of pesticide standards among the three countries. The activities of the TWG address health, safety and environmental issues associated with pesticides as well as trade-related issues. Through the TWG, the three countries share information about each others' pesticide regulatory systems and are working to coordinate the systems more closely.
3. As part of the work under NAFTA, EPA is providing information and technical assistance to Mexico to help them understand and meet U.S. safety standards for foods grown in Mexico intended for the U.S. market. Through NAFTA meetings and additional bilateral meetings and workshops in Mexico, EPA works with the Mexican government and grower groups to promote understanding and adherence to U.S. tolerances for foods exported from Mexico to the U.S.
4. Further, the U.S., Canada and Mexico have established a technical cooperation initiative under NAFTA that promotes staff exchanges and information sharing to help the three countries make compatible decisions about pesticide use and regulation. The NAFTA partners are working to harmonize the registration of pesticide products among all three countries to ensure that these products meet the most stringent health and safety standards. This type of cooperation strengthens the ability of all three countries to ensure the safety of food traded across borders.

Crisis Protection - Food Safety/Fast Track

1. Does FDA have sufficient authority to enter into bilateral agreements concerning food imports with foreign countries?

Yes, FDA does have authority to enter into such agreements.

2. Can FDA make such agreements binding?

In some cases these agreements are binding, and in other cases, they are not binding.

3. How will the Administration ensure effective coordination among federal agencies involved with foreign food importation?

For those cases for which USTR feels that it needs to play a lead coordinating role, it does and it has. In most cases, FDA works directly with foreign counterparts and clears its agreements with the State Department. FDA, USDA, and EPA have various mechanisms for coordinating their positions regarding international food safety issues (e.g., the Codex Alimentarius, an international standard-setting organization for food).

4. Has the Administration proposed or considered proposing changes to FDA's legal authority so that its agreements with foreign regulatory agencies can be more enforceable?

No. The Administration believes that FDA has sufficient authority to enforce international agreements where necessary.

5. Can the U.S. do more to raise international health standards? How?

Yes. The U.S. government works with foreign countries that import food into the United States to ensure that they inspect their food for export at levels equivalent to U.S. requirements, provides technical assistance to these countries when problems are found, and serves on international standard-setting organizations that are intended to raise food-safety standards worldwide.

6. How do you resolve the tension between food safety and food trade?

The major international trade agreements have not changed the requirement that imported foods comply with the same food safety standards as domestically produced food.

7. What assurance can you offer that food imports under a "fast track" system would be no more likely to present health risks than domestically produced food?

Fast track authority does not affect food safety standards. These standards would remain the same for imported foods and for domestic foods.

ENSURING THE SAFETY OF IMPORTED FOODS

Are Imported Foods Safe to Eat?

- At a time when the Congress is considering legislation that would renew presidential authority to negotiate trade agreements that would increase U.S. access to foreign agricultural markets, concerns about the safety of imported foods are being expressed.
- The food safety standards that apply to domestically produced foods also apply to imported foods. For example, the U.S. standards, or "tolerances," for permissible levels of pesticide residues in foods also apply to imported foods.
- The Centers for Disease Control and Prevention (CDC) reports that, while foodborne illnesses associated with imported foods may be different than those associated with domestic products, the overall risks to consumers appear, in general, to be similar for both imported and domestic foods.
- The President's Food Safety Initiative announced earlier this year includes many activities to strengthen the programs already in place to help ensure the safety of both domestic and imported foods.

Benefits to the United States of Agricultural Trade

- The U.S. economy benefits greatly from agricultural trade. Agriculture has consistently shown a trade surplus, every year since 1960. U.S. agricultural exports support almost 1 million jobs.
- Fruits and vegetables are an essential component of a healthy diet, and agricultural trade helps make available to Americans a variety of fresh fruits and vegetables throughout the year.

The Federal Government's Food Safety Programs

- As announced last summer by President Clinton, surveillance and sentinel site activities designed to detect food-borne illness before it spreads are being enhanced as part of the Administration's Food Safety Initiative.
- The initiative includes the development of a new early warning system by Federal, State, and local governments to help detect outbreaks of food-borne illness earlier and allow the regulatory network to respond more quickly. Actions would include stopping shipments at the border and increasing the frequency of testing of imported meat and poultry products.
- The Food Safety Initiative includes risk assessment and research on better detection methods for foodborne pathogens and toxins.

SAFETY OF IMPORTED FOODS

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- U.S. food safety agencies continually gather and evaluate information from around the world on potential sources of food-borne illness to prevent entry of suspect foods into the United States.
- When this intelligence indicates a possible problem with an imported food from a given country, the Federal Government increases the monitoring of that food at border checkpoints and takes other action to prevent distribution of the food within the United States. When necessary, the Federal Government will work with the exporting country to address the underlying problems.
- The Federal Government maintains strong research and surveillance activities intended to identify emerging food-borne hazards.
- With regard to meat and poultry products specifically, the Federal inspection laws require countries that export meat or poultry to the United States to impose inspection requirements equivalent to U.S. requirements.
- Countries exporting meat or poultry to the United States undergo a rigorous review of their infrastructure and programs to gain eligibility to export meat or poultry to the United States.
- The United States evaluates a foreign country's controls on livestock and poultry slaughter and processing establishments in specific areas of risk: animal diseases, residues, contamination, food processing, economic fraud, and labeling.
- In July 1996, a final rule on pathogen reduction and Hazard Analysis and Critical Control Point (HACCP) systems for meat and poultry plants was published.
- In January 1997, the first two components of a new food safety system for meat and poultry became mandatory:
 - All domestic meat and poultry plants and foreign meat and poultry plants exporting to the United States are required to adopt and follow written standard operating procedures (SOP) for sanitation to reduce the likelihood of harmful contamination or adulteration of products.
 - All domestic and foreign meat and poultry slaughter plants that produce carcasses used in products exported to the United States will be required to conduct microbial testing for generic *E. coli*, to verify that controls on processing are working.
- All domestic meat and poultry plants and foreign plants meat and poultry plants exporting to the United States are required to implement HACCP by January 2000.

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Food & Drug Administration

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SAFETY OF IMPORTED FOODS

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- In December 1995, the United States government published a final rule requiring HACCP programs at seafood processing plants. That requirement will go into effect on December 18, 1997. HACCP programs will be required at all domestic and foreign seafood processing plants shipping products into the United States.
- The United States regulatory agencies are working with their foreign counterparts to increase the number of international cooperative agreements. Under these agreements, regulatory agencies in each country ensure that food is produced and manufactured under equivalent systems that provide a comparable level of safety.
- U.S. laws require food agencies to go through a public notice and comment process before finding another country's system equivalent.

NAFTA

- U.S. food safety officials hold leadership positions on committees of the North American Free Trade Agreement (NAFTA).
- NAFTA did not change the requirement that imported foods comply with the same food safety standards as domestically produced food. Indeed the ability of countries to preserve safety requirements is explicitly protected.
- In fact, NAFTA provides a framework for increasing the likelihood that food produced in other countries meet U.S. standards.
- For example, under NAFTA, technical working groups have been established to address specific food safety issues, such as microbial contaminants, pesticides and chemical contaminants, for specific food groups such as fruits, vegetables, dairy products, and seafood.
- Through the technical working groups, the three countries share information about their pesticide regulatory systems and are working to coordinate the systems more closely.
- U.S., Canadian, and Mexican officials work together along the borders to monitor food shipments and, if necessary, to stop suspect shipments. This cooperation has resulted in a decrease in the number of detentions of food shipments from Canada and Mexico.
- The United States, Canada, and Mexico have established a technical cooperative initiative to promote staff exchanges and the sharing of information among the three countries.
- In the case of Mexico, the United States is providing information and technical assistance to the Mexican Government and groups of Mexican growers to help that country meet U.S. safety standards for foods intended for export to the United States.

SAFETY OF IMPORTED FOODS

4

Other International Cooperation

- U.S. representatives have leadership positions in the international organizations charged with ensuring the safety of food produced around the world.
- U.S. food safety officials frequently meet with their counterparts in foreign governments to evaluate and discuss emerging food safety issues. The bilateral meetings take place routinely--independent of any specific trade agreements or discussions--to develop programs to control microbiological and chemical contaminants in foods.
- The United States participates in the Sanitary and Phytosanitary Committee of the World Trade Organization (WTO) on food safety issues. The U.S. participation ensures that U.S. food safety standards are emphasized and not compromised in the interest of facilitating trade.
- The United States participates in all committees of the Codex Alimentarius Commission, an international food standard-setting forum created in 1962 under the sponsorship of the WHO and the Food and Agriculture Organization of the United Nations.
- U.S. participation in Codex ensures that the views of the United States on critical food safety issues will be addressed in the development of all international food standards.
- The United States holds the chairmanships of the Codex Committee on Food Hygiene and the Codex Committee on Residues of Veterinary Drugs in Foods.
- The Food Hygiene Committee is now developing strong, new food safety guidelines based on systems of preventive measures, that is, HACCP systems.
- In summary, the U.S. government's international activities help to raise the global standards for food safety.

OSTP Talking Points - Food Safety

- As we take on the important issue of agricultural trade, the health of U.S. citizens is our highest priority.
- The Administration has taken major steps to protect the health of our citizens from foodborne infections, as well as other infectious diseases.
- Just over a year ago, I announced a new policy directive calling for the creation of a world-wide infectious disease surveillance and response system. Nearly two dozen agencies are working together with our international partners to develop this system, which will include surveillance of foodborne diseases.
- We have greatly bolstered CDC's disease surveillance at the national, state, and local levels by increasing their budget for these programs by 150% in FY 1997 and 34% in the President's FY 1998 budget. (FY 1994 - \$1 million; FY 1995 - \$7.7 million; FY 1996 - \$18.4 million; FY 1997 - \$44.1 million; FY 1998 - \$59.1 million)
- Specifically on food safety, the President's FY 1998 budget calls for a \$43 million plan to increase the safety of our nation's food supply.
- A cornerstone of the food safety plan is the creation of an "Early Warning System" to detect and respond to outbreaks of foodborne illnesses earlier.
- This "Early Warning System" will build upon our efforts to develop a global infectious disease surveillance network.
- Science and technology are critical to our ability to detect foodborne and other infectious diseases. That's why we have increased the budget for research on infectious diseases each year of this Administration.
- On foodborne diseases alone, the President's FY 1998 budget calls for \$18.5 million for research on such hazards as Salmonella, Hepatitis A, and the deadly strain of *E. Coli*.
- Internationally, we have engaged many of our partners in the effort to combat foodborne and other infectious diseases. Through the U.S.-Japan Common Agenda and the U.S.-E.U. TransAtlantic Alliance, we have agreed to develop a surveillance system for two important foodborne hazards - E.Coli 0157:H7 and Salmonella. At the Denver Summit, we obtained a commitment from the Heads of State to make the development of a surveillance system for infectious diseases a priority.

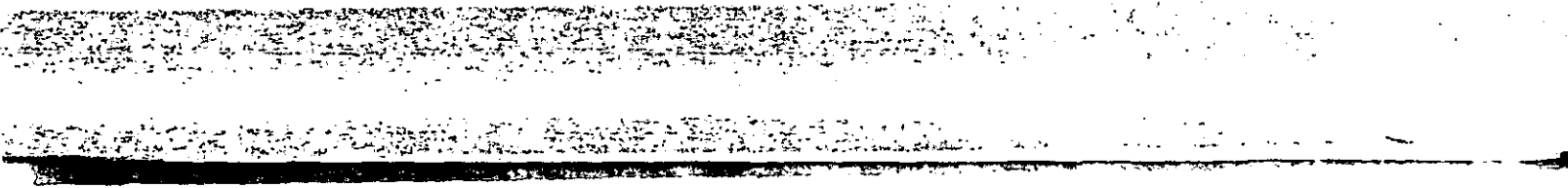
TRADE AGREEMENTS AND FOOD SAFETY

12

America applies the same food safety standards to imports as we do to domestic products.

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- **Safety of Imported Foods.** The Food and Drug Administration (FDA) figures show that, in general, agricultural imports are no more likely to present health risks from microbial pathogens than domestic agricultural products.
- **Funding Up For Inspections For Imported Pests and Diseases.** In order to protect U.S. animal and plant health from imported pests and disease, the Agricultural and Plant Health Inspection Services has increased funding for inspections 78 percent and added percent more personnel since 1990.
- **Drop In Tainted Food Entering the United States.** The FDA reports that detentions of Canadian origin food products dropped 12 percent and detentions of Mexican origin products declined 30 percent in 1996.
- **NAFTA and Food-Borne Illnesses.** Recent data from investigation of food-borne illness outbreaks by the American government do not substantiate the charge that food borne illness has increased because of expanded trade through NAFTA.
- **This Year, Vice-President Gore Announced Plan To Modernize and Increase U.S Food Safety.** In May, Vice-President Gore announced initiative, "Food Safety from Farm to Table", to modernize and increase the safety of the nation's supply. The plan would, among other things:
 - Enhance coverage of imported foods and evaluate new methods for testing imports.
 - The Hazard Analysis and Critical Control Points regulations include specific provisions related to food imports to prevent food safety hazards before the product enters the marketplace. USDA, FDA, and EPA are also researching more efficient ways of testing for food-borne hazards.
 - Federal, state, and local governments will build a new early warning system to help detect outbreaks of food-borne illness earlier, so the food safety regulatory network can quickly respond to contain any future problems, including stopping shipments at the border and increasing testing.



1. Require all food eligible for import into the U.S. - not just meat and poultry- be produced under equivalent food safety systems (p. 78-1994 GAO Report)

1 yr.

2. Increase U.S. determination of equivalency of trading partners through evaluation of

- A. Infrastructure
- B. Regulatory systems
- C. Scientific capability
- D. Knowledge of products where problems demonstrated (products of concern)

(This would lead to MRA's and allow us to prioritize more efficiently)

Identify certain countries as having equiv syms. seals etc.

Send

3. Increase before export to U.S. surveillance of products of potential concern

Need resources

- A. Have FDA personnel assigned to major importers.
- B. Have FDA personnel assigned to foreign countries.
- C. Work more closely with Military personnel assigned to do inspection overseas - transfer of information, etc.
- D. Partnership agreements with USDA staff located in foreign countries.

1 needs 3 units do 1 w/cont.

4. FDA will initiate a system for certifying and accrediting private laboratories, including use of a QAS procedure that will be authorized to test samples of food products for contaminants. Such private parties would provide a service to food firms wishing to demonstrate that these products meet applicable federal standards. (P. 41 - FSI - \$500,000)

Already in FSI tracking FY98

5a. Increase surveillance at port of entry with targets of (1) microbiological and (2) chemical contaminants contamination. Would require increased inspectors, chemists/microbiologists.

Companion to this would be to modify policy so FDA would not be required to pay for samples that are not violative. Change policy to allow reduction in sample sizes resulting in lowered shipping costs to central laboratories. However, this would not be statistical.

5b. Increase surveillance of imports at the border for bacterial pathogens

- to increase to 1% - need 24 CSI's and 77 additional microbiologists

- to increase to 5% - need 145 CSI's - 466 microbiologists

1996 - 0.2% of import entries ^{samp'd} for micro

to be
needs ↑

6. Require certificates from exporters that imported products do not violate FDA standards re: microbiological and chemical contamination.

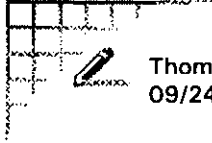
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7. Increase research for rapid methods development.

8. 1998 appropriation language to ARS

400,000 plus to NAS

Cms pro -
food safety -
fruits/vegs



Thomas L. Freedman
09/24/97 02:54:50 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: food safety

1. Barry Clendenon who runs this at OMB, and was at our meeting yesterday, hadn't seen your \$20-25 mill. figure cited in this a.m. request, said he thought it would be much lower at \$5-10, but wanted to get FDA's scrubbed numbers. He said he hadn't talked to Josh Gotbaum about this.
2. Janice Oliver at FDA says they will send numbers over to OMB in an hour, she expects the figure to be \$28 mill.
3. I encouraged Barry to talk to Gotbaum (who I haven't heard back from) and come up with a figure, even if it is a range, that can be floated.
4. FYI. USDA says that the groups will be very unhappy if this is just supporting fruits and vegs and FDA. They plan to ask for \$40 mill. (testing, outreach, etc) according to Olsen and will send that figure over to their OMB guy Wetherly.

A range seems preferable to a figure given the speed of these calculations, but a substantial figure seems better than a minimal commitment. Barry at one point said it was a \$1-20 million range. That is obviously so small as to not imply not being a significant commitment. It might be worth making a call to Josh G. and reminding him we need a defensible number here.

Regards, Tom