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July 20, 2018

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Secretary Perdue:

As you know, I am committed to ensuring the safety of our nation's food supply. Today, I write to express my concern regarding the way in which the Department of Agriculture (USDA) has approved three new Chinese poultry processing plants as eligible to export product to the United States.

Under current law, the USDA's Food Safety and Inspection Service (FSIS) is required to make an equivalence determination of a country's food safety system prior to granting them eligibility to export. As such, FSIS must ensure that the exporting country's regulatory procedures provide the same level of protection as those in the United States. In August 2013, following years of controversy, FSIS granted equivalency to China's poultry processing system.

At the time, I vocally opposed that determination because it irresponsibly granted equivalency to the entire country's poultry processing system despite FSIS having only audited a limited number of China's poultry processing plants. For years, China has dealt with issues caused by the deficiencies of a fragmented food safety system. Most recently, researchers have identified multiple antibiotic-resistant genes being carried by the country's commercial chicken flock.¹

I strongly believe FSIS must be much more proactive and thorough when it comes to the evaluation of other countries' food safety systems, which is why I am alarmed by the recent release of internal emails² that show FSIS taking a stunningly passive approach in approving three new Chinese poultry processing as eligible to export to the United States.

These documents show an email exchange between representatives from China's Certification and Accreditation Administration (CNCA) and FSIS officials. On November 16, 2017, the CNCA recommended that FSIS approve three new Chinese poultry processing plants as eligible

¹ See <https://www.poultryworld.net/Health/Articles/2018/5/Multiple-resistance-genes-found-in-chickens-in-China-286813E/>.

² FOIA 2018-FSIS-00138-F

to export. On November 18, 2017, an FSIS official, realizing that two of the new processing plants are located in provinces not audited by FSIS, questioned the CNCA about the adequacy of oversight at the plants:

“Upon reviewing the list, I wanted to confirm that the new establishments, 4100/03078 and 3500/03066, have AQSIQ³ oversight. Based on previous correspondence from China (attached), only Shandong and Anhui Provinces maintain government oversight of the certified establishments.”

The above request went unanswered, prompting the same FSIS official to send a follow up email request on November 29, 2017:

“I am following up on my last correspondence to check the status of your response. I would like to post the list that you sent but need a simple confirmation that AQSIQ maintains a similar arrangement in all provinces per the December 31, 2015 response (attached).”

On December 10, 2017, the CNCA responded to the FSIS inquiry:

“Local CIQs⁴ and animal husbandry and veterinary departments take individual responsibility for supervision, and conduct official oversight on all the poultry establishment including those two potential poultry export establishments (No. 4100/03078 and 3500/03066) to the U.S. recommended by CNCA, based on U.S. standards.”

The email exchange seems to show that FSIS accepted the response from CNCA and moved forward with certification of the new plants. Not only is it inappropriate for FSIS to accept a “simple confirmation” of China’s food safety oversight procedures through email, but the exchange also raises serious questions about whether the inspection and oversight processes occurring in the newly certified poultry plants are equivalent to those of the United States.

With this in mind, I request written responses to the following questions by August 31, 2018:

1. Does USDA believe that granting equivalency to the entire Chinese poultry processing system based on a small number of audits in a limited amount of Chinese provinces was a responsible decision? If so, how does the Department justify the determination?
2. The email exchange between FSIS and CNCA officials reveals that FSIS believed only Shandong and Anhui Provinces maintained government oversight of certified establishments, “based on previous correspondence.” What was that previous correspondence? Previously, what documentation had been given to FSIS to validate government oversight in Shandong and Anhui Provinces? Does FSIS still believe that only Shandong and Anhui Provinces maintain government oversight of certified establishments? Why or why not?

³ Refers to China’s Administration for Quality Supervision, Inspection, and Quarantine (AQSIQ)

⁴ Refers to China’s Inspection and Quarantine (CIQ)

3. The email exchange also shows an FSIS official questioning whether establishments 4100/03078 and 3500/03066 have adequate AFSIS oversight. CNCA replied by saying that “local CIQs and animal husbandry and veterinary departments take individual responsibility for supervision.” Does FSIS believe that this local level oversight is equivalent to the United States? If so, why does FSIS believe this? Has FSIS ever audited local CIQs? If not, what is FSIS’ justification for not doing so?
4. Were any of the newly certified Chinese poultry processing plants recently inspected by the CNCA, or a similar authority? Has FSIS requested documentation and details from any such inspections? If not, what is FSIS’ justification for not doing so?
5. Per FSIS policy, each country eligible to export product to the United States should be identified, by performance, as adequate, average, or well-performing to determine the frequency at which FSIS will conduct Ongoing Equivalence Verification Audits. Countries classified as “adequately performing” would be audited every year, “average performing” countries every two years, and “well performing” countries every three years.

According to a September 2017 report⁵ by the USDA’s Office of Inspector General, the FSIS performance rating for China was “adequate,” and thus, per FSIS policy, there should be an Ongoing Equivalence Verification Audit every year. However, according to FSIS’ website, the last on-site audit occurred in July 2016. Were on-site audit conducted in China during 2017 and 2018? If not, why? If so, when will these audit reports be publicly available? Is there an on-site audit planned for China in 2019? If not, why?

Should you have any questions related to this request, please contact Christian Lovell (christian.lovell@mail.house.gov) of my staff at (202) 225-3661.

Sincerely,


ROSA L. DeLAURO
Member of Congress

⁵ USDA Office of Inspector General. (2017, September). Evaluation of Food Safety and Inspection Service’s Equivalency Assessments of Exporting Countries. (Audit Report 24601-0002-21). <https://www.usda.gov/oig/webdocs/24601-0002-21.pdf>.