

January 28, 2008

Mr. Alfred Almanza, Administrator
Food Safety and Inspection Service
United States Department of Agriculture
331-E Jamie L. Whitten Building
12th Street and Jefferson Drive, S.W.
Washington, DC 20250

HAND DELIVERED

**CITIZEN PETITION FOR RULEMAKING
TO REMOVE CANADA AS A COUNTRY ELIGIBLE TO
EXPORT MEAT AND POULTRY PRODUCTS UNDER
9 CFR 327.2 (b) and 9 CFR 381.196 (b)**

Dear Administrator Almanza:

On behalf of the non-profit consumer organization, Food & Water Watch, I respectfully submit this petition for rulemaking to remove Canada as a country that is eligible to export meat and poultry products to the United States (U.S.) under 9 CFR 327.2 (b) and 9 CFR 381.196 (b). I bring this action under the provisions of 7 CFR 1.28 and 5 U.S.C. 533 (e). Food & Water Watch is requesting this action because of evidence that Canadian meat and poultry processors are exporting products to the U.S. that may be harmful to U.S. consumers and the inability of the United States Department of Agriculture (USDA) to take effective action to prevent those products from entering U.S. commerce.

I. Background

Canada is the largest exporter of meat and poultry products to the U.S. During FY 2006, it exported 1,783,882,689 pounds of meat and poultry products to the U.S.¹ that accounted for

¹Hearings before United States House of Representatives Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations, Fiscal Year 2008, Part 4, pp. 319-320. According to FSIS, the U.S. imported 696,115,641 pounds of beef products; 29,403,974 pounds of veal products; 383,158 of lamb products; 143,535 of mutton products; 885,644,447 pounds of pork products; 126,411,494 pounds of chicken products; 4,887,113 pounds of duck/geese products; 217 pounds of guinea/squab products;

45.9% of all imported meat and poultry products into the U.S.² There are currently 462 meat and poultry plants in Canada that are certified to export their products to the U.S.³

Canada has been deemed to have a food safety system that is equivalent to that of the U.S. and its food establishments are eligible to export meat and poultry products to the U.S. under the provisions of 9 CFR 327.2 and 9 CFR 381.196. In addition, its exports to the U.S. are subject to the provisions of 21 U.S.C. 620 (f)⁴ and 21 U.S.C. 466 (d)⁵.

20,577,440 pounds of turkey products; and 20,215,670 pounds of combination species products in FY 2006 from Canada.

²Food Safety and Inspection Service, United States Department of Agriculture. "Quarterly Enforcement Report," July 1, 2006 through September 30, 2006, p. 12.

³Food Safety and Inspection Service, United States Department of Agriculture. Eligible Foreign Establishments found at http://www.fsis.usda.gov/regulations_&_policies/Eligible_Foreign_Establishments/index.asp.

⁴21 U.S.C. 620 (f) Notwithstanding any other provision of law, all carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, offered for importation into the United States shall be subject to the inspection, sanitary, quality, species verification, and residue standards applied to products produced in the United States. Any such imported meat articles that do not meet such standards shall not be permitted entry in to the United States. The Secretary shall enforce this provision through

(1) the imposition of random inspections for such species verification and for residues, and

(2) random sampling and testing of internal organs and fat of the carcasses for residues at the point of slaughter by the exporting country in accordance with methods approved by the Secretary. Each foreign country from which such meat articles are offered for importation into the United States shall obtain a certification issued by the Secretary stating that the country maintains a program using reliable analytical methods to ensure compliance with the United States standards for residues in such meat articles. No such meat article shall be permitted entry into the United States from a country for which the Secretary has not issued such certification. The Secretary shall periodically review such certifications and shall revoke any certification if the Secretary determines that the country involved is not maintaining a program that uses reliable analytical methods to ensure compliance with United States standards for residues in such meat articles. The consideration of any application for a certification under this subsection and the review of any such certification, by the Secretary, shall include the inspection of individual establishments to ensure that the inspection program of the foreign country involved is meeting such United States standards.

⁵21 U.S.C. 466 (d)} (1) Notwithstanding any other provision of law, all poultry, or parts or products of poultry, capable of use as human food offered for importation into the United States shall -

(A) be subject to inspection, sanitary, quality, species verification, and residue standards that achieve a level of sanitary protection equivalent to that achieved under United States standards; and

(B) have been processed in facilities and under conditions that achieve a level of sanitary protection equivalent to that achieved under United States standards.

(2)

(A) The Secretary may treat as equivalent to a United States standard a standard of an exporting country described in paragraph (1) if the exporting country provides the Secretary with scientific evidence or other information, in accordance with risk assessment methodologies determined appropriate by the Secretary, to demonstrate that the standard of the exporting country achieves the level of sanitary protection achieved under the United States standard. For the purposes of this subsection, the term "sanitary protection" means protection to safeguard public health.

(B) The Secretary may -

(i) determine, on a scientific basis, that the standard of the exporting country does not achieve the level of protection that the Secretary considers appropriate; and

(ii) provide the basis for the determination in writing to the exporting country on request.

(3) Any such imported poultry article that does not meet such standards shall not be permitted entry into the United States.

(4) The Secretary shall enforce this subsection through -

(A) random inspections for such species verification and for residues; and

(B) random sampling and testing of internal organs and fat of carcasses for residues at the point of slaughter by the exporting country, in accordance with methods approved by the Secretary.

As it does with all countries that are eligible to export meat and poultry products, FSIS has conducted annual audits of a selected number of Canadian food establishments that are eligible to export to the U.S.⁶

In testimony to Congress, FSIS has repeatedly made the following assertions:

(Foreign) (e)stablishments with substandard practices can be delisted if found to have any serious deficiency that shows that they are not meeting standards equal to those required in U.S. domestic plants. Examples include instances of direct product contamination; poor environmental sanitation that could lead to direct product contamination; lack of a Sanitation SOP or failure to implement an existing procedure; no HACCP plan or an inadequate plan or not following an existing plan; no testing for generic *E. coli*; less than continuous inspection coverage; humane slaughter violations; and any other fundamental requirement of equivalence.⁷

While some Canadian food establishments have been delisted, FSIS auditors have found repeated violations of U.S. standards in their annual visits. It has also necessitated multiple visits to Canada in some years to verify that U.S. standards were being met at U.S. taxpayers' expense.⁸

II. The December 2005 USDA Inspector General's Audit Report

The chronic food safety issues that FSIS auditors have found in Canadian food establishments prompted the USDA Office of Inspector General (OIG) to conduct its own audit of the Canadian food safety system and the processes FSIS used to enforce its equivalence agreement with Canada. The OIG found the following:

For example, in July 2003, FSIS identified that Canadian inspection officials were not enforcing certain pathogen reduction and Hazard Analysis and Critical Control Point (HACCP) system regulations. These same types of concerns were identified again in

⁶See http://www.fsis.usda.gov/Regulations_&_Policies/Foreign_Audit_Reports/index.asp

⁷ U.S. House of Representatives Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations, Hearing for the Food Safety and Inspection Service, March 29, 2007, p. 332.

⁸This occurred in 2005 and 2007.

June 2005, almost 2 years later.

Timely actions were not taken because FSIS does not have protocols or guidelines for evaluating deficiencies in a country's inspection system that could jeopardize a country's overall equivalence determination...

In July 2003, as part of an onsite review, FSIS identified serious concerns with the Canadian inspection system. These concerns included the insufficient implementation of sanitation controls and HACCP requirements by establishments and the lack of enforcement in these areas by Canadian inspection officials.

Based on these concerns, FSIS proposed an enforcement review in 2004. (Enforcement reviews can lead to a determination that a country's system is not equivalent to U.S. standards and, thus, not eligible to export to the United States). The proposed 2004 enforcement review was not conducted and FSIS officials did not reassess Canada's implementation and enforcement of sanitation controls and HACCP requirements until almost 2 years later. When FSIS officials finally returned to Canada in May 2005, they continued to find the same types of deficiencies they had found in 2003. FSIS should analyze the deficiencies identified in the 2003 and 2005 reviews to determine whether immediate actions are needed to address concerns regarding public health and if additional enforcement measures are needed.

FSIS' analysis of the regulations governing the Canadian inspection system identified two areas which may not be equivalent to the United States inspection system. FSIS found that Canadian policy allowed less than daily inspection coverage in processing establishments. By contrast, FSIS has a long established history of requiring the presence of an inspector in a U.S. processing establishment at least once per shift per day. FSIS also identified differences in the testing performed for *Listeria monocytogenes*. Canadian inspection officials require establishments to perform risk-based environmental sampling, as opposed to the finished product sampling required by FSIS.⁹

The OIG also found inconsistencies as to the application of policy of establishment delisting. For example, FSIS moved to delist plants in Belgium and Australia because they were not subject to daily inspection, but failed to take the same action against Canada.¹⁰ In 2003, FSIS took the very strong step of suspending Argentina's ability to certify plants that could export to the United

⁹ United States Department of Agriculture Office of Inspector General. Audit Report: Food Safety and Inspection Service Assessment of the Equivalence of the Canadian Inspection System, Report No. 24601-05-Hy, December 2005, pp. i-ii.

¹⁰ *Ibid.*, p. ii.

States because “past audit findings revealed continuing problems with the implementation of U.S. inspection requirements in certified establishments in Argentina.”¹¹

III. Recent History of Canadian Violations

2003¹²

- In 22 of the 37 establishments visited, FSIS officials found that the Canadian inspection system did not have adequate sanitation controls. FSIS officials found that Canadian establishments did not ensure sanitation controls were adequately implemented or evaluated for effectiveness. FSIS also found that the establishments did not take corrective actions when sanitation controls failed to prevent direct product contamination or adulteration and did not maintain daily records of these activities.
- FSIS officials found that Canadian inspection officials did not implement certain HACCP requirements in 27 of the 37 establishments. FSIS found that Canadian establishments were deficient in validating their HACCP plans, documenting corrective actions, and reassessing the adequacy of the plans.
- As part of the review of specific establishments, FSIS evaluated whether Canadian inspection officials adequately enforced FSIS requirements. FSIS officials found that the Canadian inspection system did not have adequate controls to ensure FSIS requirements were enforced. FSIS officials identified deficiencies in the areas of sanitation controls and HACCP requirements that had not been previously noted by Canadian inspection officials. This condition occurred in 32 of the 37 establishments visited by FSIS officials.
- Of the 37 establishments visited, 28 were establishments that produced processed products. FSIS officials found that Canadian inspection officials provided less than daily inspection at 10 of the 28 processing establishments visited.

¹¹ Letter from Dr. Elsa Murano, USDA Under Secretary for Food Safety to Congressman Sherrod Brown, March 4, 2004, p. 6.

¹² Food Safety and Inspection Service, United States Department of Agriculture. “Final Report of an Audit Covering Canada’s Meat, Poultry, and Egg Products Inspection System, June 17 through July 31, 2003” (see <http://www.fsis.usda.gov/OPPDE/FAR/Canada/CanadaJun2003.pdf>)

2005¹³

- In 21 of the 35 establishments, FSIS officials found that the Canadian inspection system did not have adequate sanitation controls. FSIS continued to find that Canadian establishments did not ensure sanitation controls were adequately implemented or evaluated for effectiveness. In addition, the establishments did not take corrective actions when sanitation controls failed to prevent direct product contamination or adulteration and did not maintain daily records of these activities.
- FSIS officials found that Canadian inspection officials did not implement certain HACCP requirements in 19 of the 35 establishments. FSIS again found that Canadian establishments were deficient in validating their HACCP plans, documenting corrective actions, and reassessing the adequacy of the plans.
- As part of the review of specific establishments, FSIS again evaluated whether Canadian inspection officials adequately enforced FSIS requirements. FSIS officials found that the Canadian inspection system did not have adequate controls to ensure FSIS requirements were enforced. FSIS officials identified deficiencies in the areas of sanitation controls and HACCP requirements that had not been previously noted by Canadian inspection officials. This condition occurred in 29 of the 35 establishments visited by FSIS officials.

In addition, the USDA OIG notified FSIS that it wanted a complete review of Canadian processing plants that exported to the United States on the issue of daily inspection. The OIG found the following:

On July 29, 2005, we issued a management alert to FSIS which identified a condition that warranted the agency's immediate attention. We reported that FSIS had not taken timely action to resolve the agency's July 2003 finding that Canada does not require daily inspection coverage at processing establishments that export product to the United States.

¹³ Food Safety and Inspection Service, United States Department of Agriculture. "Final Report of an Enforcement Audit Carried Out in Canada Covering Canada's Meat and Poultry Inspection System, May 10 through June 16, 2005" (see <http://www.fsis.usda.gov/OPPDE/FAR/Canada/CanadaMay05.pdf>)

Specifically, the agency identified 10 processing establishments that received less than daily inspection and subsequently Canada reported 252 of its processing establishments did not receive daily inspection coverage during all processing shifts. Almost 700 million pounds of product entered U.S. commerce from these 252 establishments from January 1, 2003 through May 31, 2005. In FSIS' information system, the products were categorized as cuts and trimmings of raw product as well as products with additional processing from pork, veal, beef, poultry, and lamb.¹⁴

In August of 2005, the Canadian Food Inspection Agency (CFIA) did change its Animal Hygiene Regulations as they applied to exports to the United States that explicitly required daily inspection of processing establishments.¹⁵ However, FSIS agreed to permit Canada to conduct a study to prove that less-than-daily inspection in processing was equivalent to the U.S. inspection system. That study was to have been completed by November 2007. According to FSIS officials, CFIA is still evaluating the data it received from the study.¹⁶

In October 2005, FSIS dispatched an audit team to Canada to conduct a paper review of the new daily inspection procedures – FSIS did not conduct in-plant audits to verify whether the new inspection procedures had been actually implemented.

2006¹⁷

- In 10 of 21 establishments audited, there were deficiencies in the implementation of the Standard Sanitation Operating Procedures. For example, there was improper documentation of daily records for SSOP requirements; improper implementation of SSOPs in 5 establishments; no corrective action taken when SSOP failed to prevent direct product contamination in one establishment; no reference to pre-operational sanitation in the SSOP prerequisite program, although pre-operational sanitation was occurring one establishment.
- Nineteen of the 21 establishments had deficiencies in implementing of Sanitation

¹⁴ United States Department of Agriculture Office of Inspector General. Audit Report, *ibid.*, p. 9.

¹⁵ Canadian Food Inspection Agency. Meat Hygiene Directive: 2006-02 (see <http://www.inspection.gc.ca/english/anima/meavia/mmopmmhv/direct/2006/direct02e.shtml>)

¹⁶ Dr. William James, Acting Assistant Administrator for International Affairs, FSIS, meeting with Safe Food Coalition, November 28, 2007.

¹⁷ Food Safety and Inspection Service, United States Department of Agriculture. "Final Report of an Enforcement Audit Carried Out in Canada Covering Canada's Meat and Poultry Inspection System, April 25 through May 23, 2006" (see <http://www.fsis.usda.gov/OPPDE/FAR/Canada/CanadaApr2006.pdf>)

Performance Standards (SPS). Among the violations found included unsanitary conditions such as insects found in two empty containers used for rework of product and product residue found in bins ready for use.

- Fifteen of the 21 establishments had deficiencies in the implementation, corrective actions, verification and/or recordkeeping parts of HACCP. Among the violations found included inadequate recordkeeping documenting the written HACCP plan, the monitoring of the critical control points, and dates and times of specific occurrences in 11 establishments; in 7 establishments, verification and validation of the HACCP plans were not performed properly; in 4 establishments, the corrective action was written in the HACCP plan; in 3 establishments, the HACCP plan was not adequately reassessed; in 2 establishments, ongoing monitoring of the HACCP plan was not performed properly.
- Laboratories were using only 25 grams of ready-to-eat products to be tested for salmonella instead of 325 grams. FSIS auditors critiqued the lack of oversight exercised by CFIA over the private laboratories they retained to conduct microbial testing.

No establishments were recommended for deslistment.

2007

In August 2007, the USDA OIG issued an audit report on egg processing inspection. Among its findings included:

(W)e found that while FSIS had identified deficiencies in 2003 with Canada's controls over egg product processing plants that exported to the United States, no follow up visits had been made since then to verify that corrective actions had been implemented. FSIS officials gave greater priority to the review of meat and poultry establishments, since processed egg products were considered to pose less of a health risk than some meat products due to the use of the pasteurization process. In their last visit, FSIS reviewers found that two Canadian egg product processing plants broke and used eggs that were leaking or had foreign material on their shells.¹⁸

As a result of the OIG report, FSIS conducted audits of four Canadian egg products processing facilities in addition to twenty meat and poultry establishments.¹⁹

¹⁸ United States Department of Agriculture Office of Inspector General. Audit Report: Egg Products Processing Inspection, Report No. 24601-0008-Ch, August 2007, p. ii.

¹⁹ Food Safety and Inspection Service, United States Department of Agriculture. "Final Report of an Audit Carried Out in Canada Covering Canada's Meat, Poultry, and Egg Products Inspection System, May 1 through June 6, 2007" (see

On this visit, one Canadian establishment was recommended for delistment and six received Notices of Intent to Delist.

These were the deficiencies that were found in the 2007 audit:

- There was no Canadian method for Salmonella analysis of meat and poultry products that had been deemed equivalent by the U.S. Specifically, the problem of the sample size cited in the 2006 audit had not been corrected; only 25 grams of product was being sent in for laboratory analysis while the U.S. standard is 325 grams. As the FSIS audit stated: “Many of the establishments did not understand that they must make that specific request to satisfy U.S. requirements.”
- Seventeen of 20 slaughter and/or processing establishments had deficiencies in the implementation, maintenance, corrective actions, and/or recordkeeping requirements of the Standard Sanitation Operating Procedures (SSOPs). Among the problems discovered included descriptions of non-compliances, causes, corrective actions, and preventive measures were either missing or not written in sufficient detail for the establishments’ management or for CFIA personnel to verify the effectiveness of the actions; records were not completed in the manner described in the HACCP plans, including times and temperatures; the sanitation prerequisite programs did not address the cleaning and monitoring of some areas of the establishments; condensate was present in various rooms and was observed dripping on personnel, boxes, product and/or product contact surfaces; positioning of product presented a variety of cross-contamination scenarios; product handling practices also led to cross-contamination; heavy dust and protein residues were found on fans that led directly into an RTE slicing room; residue from previous day’s production was found on food contact areas; pre-operational sanitation monitoring by one establishment was done on slaughter days only and not on days when there was only processing performed; sanitation records revealed repetitive deficiencies with either no preventive measures or preventive measures were ineffective; hooks for edible product were not maintained in a sanitary manner.
- Nineteen of the 20 slaughter and/or processing establishments had deficiencies in Sanitation Performance Standards. Two of the four egg products processing facilities had SPS deficiencies. Among the problems found with SPS included: inedible containers were observed coming into contact with personnel working with edible product, edible product, edible product containers, and/or food contact areas; condensate was present in processing rooms, coolers, freezers; there was rust and corrosion on many pieces of equipment and overhead structures; there was no floor drain in the area of the sticker in a hog plant, and resulted in the operator standing on support pads in a pool of water and blood; establishment of pre-requisite programs for water and/or ice were not written or

followed in the manner specified in the CFIA Manual of Procedures; walls, floors, ceilings, and/or overhead structures were in poor repair; exposed insulation in processing room and cooler locations; freezers and storage areas not maintained in sanitary manner; excessive shell fragments were observed in breaking machines and collection pots; excessive shell fragments were also observed past the filtering system in the performance of the pour test.

- Thirteen of the 20 slaughter/processing/cold storage establishments audited had deficiencies in the implementation of HACCP requirements. Most involved deficiencies in recordkeeping. One of the egg processing facilities had a HACCP deficiency – calibration of equipment. Examples of the HACCP deficiencies included: descriptions of deviations, corrective actions, and preventive measures were either missing or not written in sufficient detail for the establishments' management or for CFIA personnel to verify the effectiveness of the actions; CCP monitoring and verification records had missing times, missing initials, missing temperatures, and entries that were not actual measured values; HACCP plans had poorly described hazards which led to critical limits, monitoring procedures, corrective actions, preventive measures, and verification procedures that did not follow in a logical manner or address the hazard; pre-shipment reviews were not conducted for all products.
- Three of the 9 slaughter facilities had deficiencies in their generic E.coli testing program. Among the problems found included: when total coliform and E. Coli counts exceeded the acceptable limits, no action was taken; the recording program for E. Coli results was not functioning properly.
- One of the 9 slaughter facilities never received its residue sampling schedule from CFIA for FY 2006-2007 and no meat was sampled for chemical residues during that time period.
- Two establishments that produced both single and multiple species ground products did not have species identification sampling scheduled for them by CFIA.
- The FSIS auditor made the following observation: "Inspection system controls at all levels were not fully developed and implemented. There were many instances of deficiencies both in the documentation reviews and in the operations audits that should have been addressed prior to the FSIS audit. Some inspection personnel were not well-trained in the performance of their inspection tasks. Inspection personnel were not conducting pre-operational sanitation inspection verification or were not conducting it at the frequency required."²⁰

While all establishments audited were receiving at least daily visits by CFIA inspection

²⁰ Ibid., p. 16.

personnel, one establishment – Eastern Protein Foods Limited (Canadian Establishment Number 203) – did not appear to be inspected from March 2 through May 3, 2007 for the second shift of production. In addition, for a three month period, CFIA inspection personnel did not appear to be conducting on-site pre-operational sanitation verification which is required to be performed at least twice monthly. Instead, CFIA inspection personnel were only conducting record reviews at this establishment.²¹

FSIS recently sent another audit team to look at the one plant that had been delisted as a result of this audit and the six that had received Notices of the Intent to Delist. According to FSIS officials, all of these plants corrected their deficiencies and continue to export to the United States.²²

IV. 2007 Recalls Involving Canadian Imports

Topps Meat Company, LLC Recall of Ground Beef Products

On September 25, 2007, FSIS announced a voluntary recall for 331,582 pounds of frozen ground beef products by the Topps Meat Company, LLC of Elizabeth, New Jersey²³ that was eventually expanded to 21.7 million pounds of frozen ground beef products on September 29, 2007.²⁴ The meat was contaminated with E. coli 0157:H7. This recall made it the fifth largest in U.S. history.²⁵ Because of the magnitude of the recall, Topps Meat Company was forced to shutter its doors and declare bankruptcy.²⁶ FSIS announced on October 26, 2007 that the likely source of the contamination was beef trim that Topps had imported from Canadian Establishment Number 630, Ranchers Beef, Ltd. Of Balzac, Alberta that itself had shut down operations in August 2007.²⁷

As part of the investigation, the U.S. Centers for Disease Control (CDC) reported that there were

²¹ Food Safety and Inspection Service, United States Department of Agriculture, “Foreign Establishment Audit Checklist – Eastern Protein Foods Limited,” May 31, 2007.

²² Letter from Dr. William James, Food Safety and Inspection Service to Dr. Bill Anderson, Canadian Food Inspection Agency, November 27, 2007 (see http://www.fsis.usda.gov/PDF/Canada_O157_Resume_Normal_Testing_Letter.pdf)

²³ See http://www.fsis.usda.gov/News_&_Events/Recall_040_2007_Release/index.asp

²⁴ See http://www.fsis.usda.gov/PDF/040_2007_Expanded_Recall.pdf

²⁵ See Transcript of Tele-News Conference on Topps Recall and E. Coli Reduction Efforts With Under Secretary for Food Safety Richard Raymond FSIS, Dr. Daniel Engeljohn, Deputy Assistant Administrator FSIS Dr. David Goldman, Assistant Administrator, Office of Public Health Science - Washington D.C. - October 4, 2007

²⁶ “Topps Meat to Close Down After Meat Recall,” Associated Press, October 5, 2007.

²⁷ “FSIS Provides Update on Topps Meat Company Recall Investigation,” October 27, 2007, see http://www.fsis.usda.gov/News_&_Events/NR_102607_01/index.asp

40 illnesses with 21 known hospitalizations in eight states. In Canada, the CFIA reported that there were 45 illnesses that seemed to be tied to meat produced by Ranchers Beef that included eleven hospitalizations and one death.²⁸ After its initial announcement, CFIA was forced to issue six additional press releases that expanded the scope of the recall of meat that was produced at Ranchers Beef.²⁹

It should be noted that FSIS never conducted an audit of Ranchers Beef, Ltd. FSIS officials indicated that Ranchers Beef was a new company that had come into existence in 2006 and that the agency did not have the opportunity to schedule it for an audit before it ceased operations in August 2007.³⁰ Yet, the CFIA had certified the new company to export its products to the U.S. FSIS did not delist Ranchers Beef until October 20, 2007 – some two months after it ceased operations.³¹

USDA officials admitted during an October 23, 2007 news teleconference that FSIS had not formally informed trading partners of the new FSIS policy of testing for beef trim that it had initiated for domestic beef plants in March 2007.³² Therefore, all countries that exported beef products to the U.S. between March 2007 and October 2007 were not in compliance with U.S. food safety standards.

In response to the findings of the Ranchers Beef investigation, FSIS announced that effective November 9, 2007 that it would institute increased testing of all imported meat and poultry products from Canada for e-coli 0157:H7, salmonella, listeria monocytogenes.³³ That enhanced testing regime ceased on November 28, 2007.³⁴

²⁸ “Investigation into E-coli Cases in Canada,” Canadian Food Inspection Agency, October 26, 2007, see <http://www.inspection.gc.ca/english/corpaffr/newcom/2007/20071026e.shtml>

²⁹ “Expanded Health Alert: Certain Beef Products May Contain E.coli 0157:H7 Bacteria,” Canadian Food Inspection Agency, November 15, 2007 (see <http://www.inspection.gc.ca/english/corpaffr/rearapp/2007/20071115e.shtml>)

³⁰ Dr. William James, Acting Assistant Administrator for International Affairs, FSIS, meeting with Safe Food Coalition, November 28, 2007.

³¹ “Canada – Eligible Plants Certified to Export Meat, Poultry and Egg Products to the United States, January 16, 2008” (see http://www.fsis.usda.gov/PDF/Canada_establishments.pdf)

³² “Transcript of Tele-News Regarding E.coli 0157:H7 Actions,” October 23, 2007 (see <http://www.usda.gov/wps/portal/usdahome?contentidonly=true&contentid=2007/10/0301.xml>)

³³ Letter from Dr. William James, Food Safety and Inspection Service to Dr. Bill Anderson, Canadian Food Inspection Agency, November 8, 2007 (see http://www.fsis.usda.gov/PDF/Canada_O157_Testing_Letter.pdf)

³⁴ Letter from Dr. William James, Food Safety and Inspection Service to Dr. Bill Anderson, Canadian Food Inspection Agency, November 27, 2007 (see http://www.fsis.usda.gov/PDF/Canada_O157_Resume_Normal_Testing_Letter.pdf)

Aliki Foods Recall of Chicken and Pasta Product for Listeria Monocytogenes Contamination³⁵

On October 9, 2007, FSIS announced the voluntary recall by Aliki Foods, Incorporated that had imported 70,400 pounds of chicken - broccoli fettuccine afredo frozen dinners that had been possibly contaminated with listeria monocytogenes. The product had been produced by Canadian Establishment Number 219, Otter Valley Foods Incorporated, located in Tillsonburg, Ontario. Discovery of the contamination came as result of FSIS microbiological testing at the import establishment.

Conclusions

The Canadian food safety system has numerous deficiencies that have been discovered and documented by FSIS auditors in recent years. There have been major recalls involving imported Canadian meat and poultry products that have called into question the safety of those products imported into the U.S. In spite of these findings, the FSIS continues to treat Canada deferentially.

Furthermore, we are extremely concerned that FSIS is seriously entertaining a proposal by Canada that would seriously undermine the continuous inspection standard that has been the underpinning of U.S. meat and poultry food safety law. It has become apparent that Canada's less rigorous inspection policies have led to some of the recent incidents involving contaminated food entering into our food supply.

In light of these food safety issues, we respectfully request that FSIS immediately begin rulemaking to remove Canada as country that is eligible to export meat and poultry products under 9 CFR 327.2 (b) and 9 CFR 381.196 (b).

Sincerely,

Wenonah Hauter, Executive Director

³⁵ See http://www.fsis.usda.gov/News_&_Events/Recall_043_2007_Release/index.asp

