

**The US Food Import System:  
Issues, Processes and Proposals  
[Addendum: Imported Food Safety]**

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Since our report, *The US Food Import System: Issues, Processes and Proposals*, was finalized in March 2008, the federal government has moved forward in efforts to improve food safety for the American consumer. Such efforts are critical, as in the interim since the report's completion the US public has continued to be confronted with food contamination on a repeated basis, most notably of *Salmonella* in cantaloupe and tomatoes, and *E.coli* in ground beef. This addendum provides updated information on imported food safety reform through the bilateral agreement on food and feed safety of December 2007 between the US and Chinese regulatory agencies.

### Imported Food Safety

In December 2007, the United States Department of Health and Human Services (HHS) and the General Administration of Quality Suspension, Inspection and Quarantine (AQSIQ) of the People's Republic of China signed a bilateral Memorandum of Agreement on food and feed safety under the United States-China Strategic Economic Dialogue. This bilateral agreement established the mechanisms for the exchange of information and assurances regarding the safety of food and feed products traded between the two countries using a science-based, pragmatic approach to food safety.

The Agreement posits that Chinese companies that produce goods for American consumers must meet US standards for quality and safety through a three-pronged strategy of registration, certification, and quality assurance to verify compliance (HHS, 2008). This phased program will initially focus on four products with a high US import refusal rate and associated risk, which are low-acid canned products or acidified food, pet food and pet treats of plant or animal origin, ingredients of food and feed (i.e., wheat gluten and rice protein), and all aquaculture farm products (except for mollusk shellfish). In March 2008, the decision was made to focus on farm-raised fish initially<sup>1</sup>. Currently 83% of all US seafood is imported (Virginia Sea Grant, 2008), and China was the second largest importer of seafood in 2006 (Becker, 2007). Based on the success of this first phase--which would be defined through the rate of import shipment refusal, the percentage of shipments that do not come from certified facilities, and "volume, frequency and significance in terms of public health hazard of recall" (HHS, 2008) of products covered by the agreement--the list of products will be expanded.

The Chinese government has also agreed to share information with US regulators in a time-specific manner on such issues as facility failures to meet inspection requirements and suspension or revocation of a company's certification, as well as will allow FDA inspectors greater access to production facilities. Immediate notification is required for concerns of significant risk to public health, such as manufacturing conditions, recalls or gross deception of consumers. Training programs, information exchange, and measures for performance evaluation were also built into the agreement. Additionally, responsible agencies in each country will meet annually to discuss and evaluate progress under the agreement.

In March of 2008, representatives from the FDA, the HHS, and the AQSIQ held the first Bilateral Meeting on the Safety of Food and Feed in Beijing, China. Their initial focus was on cooperation and exchange regarding inspections and supervision, and laboratory testing to ensure food safety. A timetable of action items was established, so that before the opening of the Olympic Games in August 2008 the US would gain a more thorough understanding of the Chinese regulatory system; by the fall of 2008, the US would conduct training for Chinese officials on US standards and requirements, and by early 2009 the US would conduct onsite reviews in China.

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<sup>1</sup> The Center For Science in the Public Interest (1999) found that seafood was responsible for the majority of contaminated food outbreaks.

In the *Joint Progress Statement Regarding the Five-Year Work Plan* (FDA, 2008), which was released in June 2008, it was concluded that in the prior three months the implementation of the Agreement had promoted mutual understanding. Progress in food safety improvements was fostered through a review of existing standards for food regulations in an attempt to find common ground and recognition of processes for regulating food safety. Timelines for review of documentation were established with the goal for potentially accepting certain food products and ingredients as early as March 2009 (HHS, 2008). In conjunction with the release of the report, the US Department of Health and Human Services announced progress in several areas:

1. Establishment of a mechanism for cooperation on significant events related to food and feed safety, including designated points of contact, emergency contacts, and thresholds for notifications; enhancing the exchange of information on the safety of food and feed safety; and developing a better understanding by both sides of each others' respective regulatory systems.
2. Development of concrete steps that will lead to a system whereby AQSIQ will electronically certify to FDA that specific products sent for export to the United States meet FDA standards for safety and manufacturing quality.
3. Focus efforts on inspections and supervision and laboratory testing standards to ensure food and feed safety. The United States agreed to conduct training for Chinese officials on U.S. regulatory standards and requirements.
4. Establishment of a cooperative mechanism to notify each other of significant risks to public health related to product safety or the gross deception of consumers, and to share information to facilitate each other's investigation (HHS, 2008b).

In their analysis of the bilateral agreement, the Institute for Agriculture and Trade Policy (IATP; 2008) commented, "it is hard to be sanguine about the likelihood of the agreement's success in protecting public health." They raised concerns about the potential third-party credentialing of government authorities or private entities to certify food processing facilities in China, based on a shortfall of FDA inspection capability and the food industry's opposition to increased inspection and testing. This could result in AQSIQ being designated as a third-party certifier, which would give China preferred treatment over Mexico and Canada, as well as raise the potential for all World Trade Organization members to demand such preferential treatment. Recognizing also that AQSIQ has no control over farm practices for fresh produce, of which China is a leading exporter, the ability of the agreement to control water quality, pesticide use, microbial contamination etc. for future food products to be included in the Agreement does not look promising, according to IATP.

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