

**Congress of the United States**  
**Washington, DC 20515**

## **American Workers Hurt by Phony “Food Safety” Provision**

July 8, 2009

Dear Colleague,

This week, the House will consider H.R. 2997, the Agriculture Appropriations bill for fiscal year 2010. Even though it is an appropriations measure, H.R. 2997 inappropriately includes a provision that would prevent under any circumstance the importation of poultry from China.

This chicken provision is pointless and dangerous.

There is no food safety issue. The United States does not currently import, nor has it recently imported, poultry products from China. Furthermore, the United States already has in place a system to ensure the safety of imported poultry products before they can even leave foreign shores.

While doing nothing on the safety front, the provision puts at risk American jobs and millions of dollars of U.S. poultry exports to China. In retaliation for this unnecessary measure, China will reportedly block our exports.

Under current law, before any country can export a poultry product to the United States, the U.S. Department of Agriculture Food Safety and Inspection Service (“FSIS”) must first determine that the country’s food safety requirements are equivalent to those in the United States. In the case of China, FSIS has not made this determination, except with respect to one narrow category of product – U.S.-origin poultry shipped to China for processing into a fully cooked, shelf stable product for export back to the United States. Although FSIS made this determination in 2006 with respect to this restricted category, such poultry would still not enjoy unfettered access to the U.S. market because any qualifying Chinese processing facility is subject to additional FSIS audits, and any such Chinese exports are subject to FSIS inspection at the U.S. border.

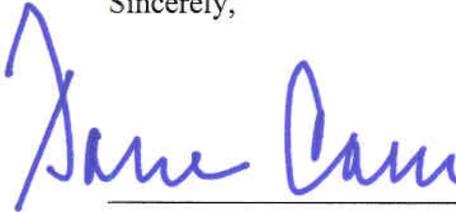
It’s bad enough that the provision is pointless, but more troubling is that it also provokes a trade war. In response to the inclusion of this provision in this year’s Agriculture Appropriations bill, China reportedly plans to block imports of U.S. poultry for the remainder of 2009, with a projected value of \$370 million. Between 2005 and 2008, U.S. exports of poultry to China increased from \$132 million to \$720 million. Today, China is our second largest export market for poultry. This provision, however, will close off that important market for U.S. chicken farmers while leaving unchanged the amount of poultry—zero—we import from China.

That explains why even the domestic poultry industry, which would theoretically have the most to gain from keeping out products from other countries, does not support this provision. Attached is a letter from a wide range of associations opposed to this language. In addition, the Obama Administration has noted its concerns with the provision in its Statement of Administration Policy on the bill.

Mr. Kingston filed an amendment with the Rules Committee to strike this misguided provision, but the majority refused to allow the House to vote.

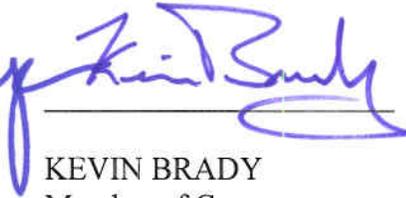
We support legitimate, science-based oversight of food safety, but this chicken provision hurts American farmers without any impact on food safety.

Sincerely,



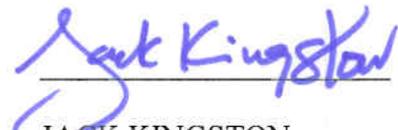
---

DAVE CAMP  
Member of Congress



---

KEVIN BRADY  
Member of Congress



---

JACK KINGSTON  
Member of Congress

April 30, 2009

The Honorable Barack Obama  
President, United States of America  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

We are writing to urge you to oppose any provisions in the annual appropriations bills that may be inconsistent with our trade obligations under the provisions of World Trade Organization (WTO) agreements. In particular, we urge your Administration to actively oppose a provision that would bar implementation of a U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) regulation governing the importation of cooked poultry products from China. We respectfully request that your Administration work with Congress to amend the Omnibus Appropriations Act of 2009 to eliminate the current application of this provision and to help prevent its inclusion in future Appropriations measures.

We agree that the U.S. Government must effectively regulate the safety and quality of food products sold in this country. However, to maintain the effectiveness and integrity of the food safety system, such regulations must be based on sound science and an appropriate risk assessment. Laws and regulations must also be crafted such that the U.S. does not ignore its international trade obligations -- obligations that the U.S. Government has helped to develop and in particular, to prevent other countries from adopting protectionist, non-science based measures against U.S. food and agriculture exports under the guise of food safety. At a time when U.S. producers are seeking to sell their goods and services abroad during a difficult global economic crisis, it is vital that we uphold our trade obligations, lest we find access to vital overseas markets cut off to American products.

Section 727 of the Omnibus Appropriations Act of 2009 forbids funds from being used to "establish or implement a rule allowing poultry products to be imported into the U.S. from the People's Republic of China." Similar provisions have been included in annual appropriations since FSIS issued a final rule on cooked chicken imports from China in 2006 and another prohibition is to be proposed for the bill for Fiscal Year 2010.

Section 727 and its predecessors effectively bar FSIS from conducting a necessary and appropriate risk assessment on whether imports of cooked chicken from China pose any risk to American consumers. Because the provision specifically targets imports from only one country, it conflicts with the U.S. obligation to treat trading partners equally. Indeed, the People's Republic of China has already filed a dispute settlement case against the U.S. at the WTO on this matter.

If there are concerns about the safety of cooked chicken imports from China -- and we should note that this includes poultry that originates in the U.S. -- they should be addressed through sound science in the regulatory channels, not through *ad hoc* legislation or appropriations bills. Section 727, however, precludes scientific analysis from being conducted, therefore adversely affecting U.S. credibility and potentially hindering U.S. market access overseas.

If the U.S. cannot uphold the basic rules of international trade, our trading partners may take similar actions against U.S. exports, which will ultimately harm American workers, farmers, businesses and the U.S. economy as a whole.

Respectfully,

Advanced Medical Technology Association  
Agri Beef Company  
AJC International, Incorporated  
American Farm Bureau Federation  
American Meat Institute  
Animal Health Institute  
Butterball, LLC  
Cargill, Incorporated  
DGM Commodities, Corporation  
Edwards Lifesciences  
Elanco  
Emergency Committee for American Trade  
Fieldale Farms Corporation  
Grocery Manufacturers Association  
Grove Services, Incorporated  
Hormel Foods Corporation  
Interra International, Incorporated  
JBS S.A.  
Keystone Foods, LLC  
Kraft Foods, Incorporated  
Maritime Products International  
Mar-Jac Poultry, Incorporated  
MetaFoods, LLC  
Michigan Corn Growers Association  
Monsanto Company  
National Cattlemen's Beef Association  
National Chicken Council  
National Fisheries Institute  
National Foreign Trade Council  
National Meat Association  
National Pork Producers Council  
National Retail Federation

National Turkey Federation  
New Orleans Cold Storage and Warehouse Company, Limited  
O.K. Foods, Incorporated  
Pilgrim's Pride Corporation  
Sanderson Farms, Incorporated  
Seaboard Corporation  
Sellari Enterprises, Incorporated  
Shelf-Stable Food Processors Association  
Simmons Prepared Foods, Incorporated  
Smithfield Foods, Incorporated  
The American Chamber of Commerce in Hong Kong  
The American Chamber of Commerce in Shanghai  
The American Chamber of Commerce in South China  
The American Chamber of Commerce People's Republic of China  
Tyson Foods, Incorporated  
United Egg Association  
United Egg Producers  
USA Poultry & Egg Export Council  
U.S. Chamber of Commerce  
U.S.-China Business Council  
U.S. Dairy Export Council  
U.S. Hide, Skin and Leather Association  
U.S. Meat Export Federation  
U.S. Premium Beef, LLC

Cc:

The Honorable Ronald Kirk  
The Honorable Hilary Rodham Clinton  
The Honorable Thomas J. Vilsak  
The Honorable Timothy F. Geithner  
The Honorable Gary F. Locke  
The Honorable Lawrence H. Summers  
Gen. James L. Jones, Jr., USMC (Ret.)  
The Honorable Daniel K. Inouye  
The Honorable Thad Cochran  
The Honorable Herbert H. Kohl  
The Honorable Sam Brownback  
The Honorable Max Baucus  
The Honorable Charles E. Grassley  
The Honorable Ron Wyden  
The Honorable Mike Crapo  
The Honorable David R. Obey  
The Honorable Jerry Lewis  
The Honorable Jack Kingston  
The Honorable Charles B. Rangel  
The Honorable Dave Camp