

Sen. Rodney L. Whittemore, Chair  
Sen. Lisa Keim  
Sen. David Miramant  
Rep. Craig Hickman, Chair  
Rep. Stephen Stanley  
Rep. Stacey Guerin

Christy Daggett  
Sharon A. Treat



John Palmer  
Linda Pistner  
Ryan Hamden  
Randy Levesque  
Dr. Joel A. Kase

*Ex-Officio*  
Wade Merritt  
Pamela Megathlin  
Christina S. Hodgeman  
Jeffrey Wiley

*Staff:*  
Lock Kiermaier

STATE OF MAINE

## Citizen Trade Policy Commission

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June 22, 2018

Secretary Sonny Perdue  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington DC  
20250

re: USDA rule on importation of processed chicken from the People's Republic of China

Dear Secretary Perdue:

The Maine Citizen Trade Policy Commission is writing to state its concern regarding a recently adopted rule from the Food Safety and Inspection Service (FSIS) of the United States Department of Agriculture (USDA). The Maine Citizen Trade Policy Commission (CTPC) is established in Maine statute "to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environment; to provide a mechanism for citizens and Legislators to voice their concerns and recommendations; and to make policy recommendations designed to protect Maine's jobs, business environment and laws from any negative impact of trade agreements." In seeking to fulfill its statutory mandate, during its May 30, 2018, meeting, the Commission voted unanimously to send this letter outlining our position.

As you know, the FSIS recently proposed a rule allowing the importation of poultry processed in China into the United States. Most recently, according to an article dated May 10, 2018 published in Food Chemical News, the FSIS also plans to adopt a rule which would allow China to send poultry slaughtered in that country to the United States. Based on several presentations to the CTPC, we have learned a number of facts first-hand from poultry farmers based in Maine. Based on our understanding of this issue, we urge you to consider the following:

- In testimony dated February 26, 2018, a nonprofit private organization, the Maine Farm Bureau (MFB) stated that, "*Farming in Maine has grown, and Maine continues to lead the New England states with 8,200 farms and over 1.4 million acres of farmland. Maine's agricultural enterprises provide more than \$764 million through the sale of farm products and contribute more than \$2 billion annually to the State's economy.*";

Citizen Trade Policy Commission  
c/o Office of Policy & Legal Analysis  
State House Station #13, Augusta, ME 04333-0013 Telephone: 207 287-1670  
<http://www.maine.gov/legis/online/citpol.htm>

- The MFB testimony also stated that, “Maine was once a leading producer of poultry for the United States. Today, however, there are very few poultry farmers in Maine. The majority of poultry producers operate on a very small scale and primarily sell at farmers’ markets.”;
- In addition, the MFB testimony stated that, “The success of the few poultry farmers in Maine is due, in part, to a national movement to “Know Your Farmer”. There is a growing interest in Maine by consumers to purchase locally produced food, either directly from farmers or in retail markets. The Maine poultry market has a large potential for growth, but the importation of chicken from China raises many questions about the feasibility of market expansion in Maine.”;
- As a part of a “100 day action plan” with the Peoples Republic of China (PRC), the U.S. committed to permit the export to the U.S. of poultry products from birds slaughtered in the PRC;
- Subsequently, FSIS proposed by rule to allow such products to be exported to the U.S. without labeling by deeming Chinese food safety laws “equivalent” to those in the U.S.<sup>1</sup>;
- The regulatory oversight and enforcement of the Chinese government of food safety protection laws compares poorly to those in the United States;
- While Chinese food safety laws are purported to be equivalent to U.S. regulations, the Chinese enforcement level is clearly sub-standard to the U.S. effort;
- The USDA has only 2 inspectors located in China to inspect approximately 500,000 food processing facilities;
- Recent inspections of the Chinese poultry slaughter system by the FSIS found that the Chinese system continues to have serious deficiencies. Recent laws enacted in China have achieved theoretical equivalence which have satisfied FSIS standards but serious doubts remain regarding overall food safety and sanitary requirements regarding processed poultry which is exported to the U.S.;
- AsiaInspection, which audits the supply chains of food multinationals, found four in 10 of the several thousand Chinese facilities audited in 2016 failed their safety checks, with more than 500,000 food safety violations over 9 months<sup>2</sup>;
- The Chinese government has a relatively poor record in enforcing regulations regarding allowable food additives and what is then sold to consumers in the United States;
- In particular, there appear to have been numerous instances in which illegal food additives such as melamine and beta-agonists such as clenbuterol and ractopamine have been found in food processed in Chinese facilities;
- Chinese chickens are potentially contaminated with bacteria that resists the effects of a prominent antibiotic that goes by the name of colistin. While this bacterium has yet to show up in any significant way in American poultry and other farm animals, the potential threat to human health in the United States is significant; and
- In the interest of fairness, it is important to emphasize that when China imports meat, it requires extensive labeling requirements, including country of origin, to be included on both the exterior and interior of meat packaging.<sup>3</sup>

Given these and other public health concerns, the CTPC is most concerned that under current USDA regulations and laws, processed poultry products can be imported into the United States without any

<sup>1</sup> Eligibility of the People's Republic of China (PRC) To Export to the United States Poultry Products From Birds Slaughtered in the PRC, A Proposed Rule by the Food Safety and Inspection Service, 06/16/2017: <https://www.federalregister.gov/documents/2017/06/16/2017-12554/eligibility-of-the-peoples-republic-of-china-prc-to-export-to-the-united-states-poultry-products>

<sup>2</sup> China uncovers 500,000 food safety violations in nine months, Reuters, December 24, 2016: <https://www.reuters.com/article/us-china-food-safety/china-uncovers-500000-food-safety-violations-in-nine-months-idUSKBN14D046>

<sup>3</sup> <https://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-library-requirements-by-country/peoples-republic-of-china>

labeling as to the origins of where the meat was raised, slaughtered and processed. While the importation of these unlabeled poultry products from China raises serious health concerns, the CTPC is also troubled that these unlabeled poultry products are produced with fewer costs associated with food safety than in the United States, costs that we pay here to ensure a safe product, thereby threatening the ability of Maine's poultry farmers to fairly compete and even survive as a sustainable business.

During their most recent meeting on May 30, 2018, the CTPC voted unanimously to support a motion which urges the imposition of rules requiring the clear labeling of chicken meat that is imported from China with regards to where the chickens were raised, where they were slaughtered and where the meat was processed. The CTPC believes that the imposition of such a labeling rule would improve the prospects of public health and safety in the United States, ultimately improve the quality and fairness of trade between China and the United States and create a level playing field by which Maine poultry farmers can more fairly compete. The CTPC also plans to sponsor a Joint Resolution to this effect that will be submitted to the Maine State Legislature for its approval.

Please do not hesitate to contact us with any questions that you may have regarding our concerns on this issue.

Sincerely,

  
Senator Rod Whitemore, Chair

  
Representative Craig Hickman, Chair

cc:

Senator Susan Collins  
Senator Angus King  
Representative Bruce Poliquin  
Representative Chellie Pingree

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
WASHINGTON, D.C. 20508

April 30, 2018

Representative Craig Hickman  
Chairman  
Citizen Trade Policy Commission  
c/o Office of Policy & Legal Analysis  
State House Station #13  
Augusta, ME 04333-0013

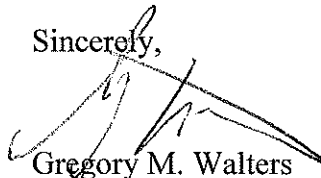
Dear Representative Hickman:

On behalf of Ambassador Lighthizer, thank you for your recent letter on the U.S. Department of Agriculture's (USDA) proposed rule on the importation of processed chicken from the People's Republic of China. We appreciate hearing your input and perspective.

The USDA is responsible for providing for the safety and labeling of imported poultry. Since this matter is under the authority of USDA, I encourage you to share your detailed concerns with USDA as well. At this time, USDA is still reviewing the public comments received during the comment period, and has not determined next steps.

President Trump is committed to advancing the interests of American workers, farmers and ranchers through fair and reciprocal trade. Maine's interests in trade policy are very important to us. Again, thank you for bringing this to our attention.

Sincerely,



Gregory M. Walters  
Assistant U.S. Trade Representative for  
Intergovernmental Affairs and Public Engagement

ANGUS S. KING, JR.

MAINE

133 HART SENATE OFFICE BUILDING  
(202) 224-5344  
Website: <http://www.King.Senate.gov>

United States Senate  
WASHINGTON, DC 20510-1905

COMMITTEES:  
ARMED SERVICES  
BUDGET  
ENERGY AND  
NATURAL RESOURCES  
INTELLIGENCE  
RULES AND ADMINISTRATION

April 24, 2018

Senator Rod Whittemore  
Co-Chair  
Maine Citizen Trade Policy Commission  
State House Station #13  
Augusta, ME 04333-0013

Dear Rod,

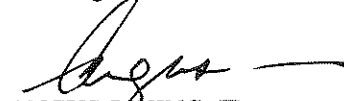
I'm with you on this—our nation deserves smarter, more transparent, and modernized trade agreements that better reflect the interests of the American people and are negotiated in an inclusive manner with input from the public and Members of Congress. Bilateral and multilateral trade agreements, like NAFTA, have historically helped open doors to new markets for U.S. businesses and consumers, but they have not adequately protected many traditional U.S. industries that have seen jobs outsourced abroad. Trade between the U.S. and Canada, for example, totals over a billion dollars a day, which only underscores the importance of this relationship on both sides of the border.

In Maine, our businesses and workers know all too well the difficulty and hardship of competing in markets that are tilted against them. Efforts to help Maine's trade-sensitive industries compete on a level playing field require us to get serious about setting a higher standard for the price of admission to our markets as well as more consistently prioritizing the enforcement of our existing trade agreements. I am committed to working with my colleagues in the Senate, as well as the Trump Administration, to ensure that any renegotiation of NAFTA both protects the interests of American workers and appropriately stimulates positive results for all three countries involved, while ensuring existing labor and environmental standards are not compromised. Underpinning all of these objectives, of course, is the need to remember the importance of the two-way trading relationship between Maine and Canada.

In connection with the challenge of balancing so many competing objectives, you may be interested in reading a letter I wrote to President Trump emphasizing trade priorities for our state, including the need to increase transparency in the renegotiation process; the full letter I sent can be viewed via the following link:  
<https://go.usa.gov/xNp6a>.

Knowing your thoughts on potential future and existing trade agreements helps inform my policy decisions here in the Senate; please be in touch as they or other issues come before the Senate for a vote in the future.

Best Regards,



ANGUS S. KING, JR.  
United States Senator

ASK/oh

Please visit my website, [www.king.senate.gov](http://www.king.senate.gov), or call one of my offices for information on meeting with me and my staff. You may also email me directly through my website's contact page—it's the best and fastest way to reach me.

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
WASHINGTON, D.C. 20508

April 30, 2018

Senator Rod Whittenmore  
Chairman  
Citizen Trade Policy Commission  
c/o Office of Policy & Legal Analysis  
State House Station #13  
Augusta, ME 04333-0013

Dear Senator Whittenmore:

On behalf of Ambassador Lighthizer, thank you for your recent letter on the U.S. Department of Agriculture's (USDA) proposed rule on the importation of processed chicken from the People's Republic of China. We appreciate hearing your input and perspective.

The USDA is responsible for providing for the safety and labeling of imported poultry. Since this matter is under the authority of USDA, I encourage you to share your detailed concerns with USDA as well. At this time, USDA is still reviewing the public comments received during the comment period, and has not determined next steps.

President Trump is committed to advancing the interests of American workers, farmers and ranchers through fair and reciprocal trade. Maine's interests in trade policy are very important to us. Again, thank you for bringing this to our attention.

Sincerely,

Gregory M. Walters  
Assistant U.S. Trade Representative for  
Intergovernmental Affairs and Public Engagement



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

Representative Craig Hickman  
Citizen Trade Policy Commission  
Office of Policy and Legal Analysis  
State House Station #13  
Augusta, Maine 04333

SEP 28 2018

Dear Representative Hickman:

Thank you for your letter of June 22, 2018, cosigned by Senator Rodney Whittemore, expressing concerns about the export of chicken products from the People's Republic of China (PRC) to the United States. I appreciate the opportunity to reply and apologize for the delayed response.

Food safety is a top priority for the U.S. Department of Agriculture (USDA) and for the USDA Food Safety and Inspection Service (FSIS). To export poultry products to the United States, a foreign country's inspection system must result in an equivalent level of public health protection to that provided by the FSIS inspection system. FSIS makes the initial determination concerning whether a country is equivalent based on review of records and an in-country audit. In addition, FSIS publishes a proposed rule to find the country equivalent and invites the public to comment on the determination.

FSIS takes into account any comments received in response to the proposed rule in developing the final rule that allows the country to begin shipping product, provided FSIS continues to find that the country maintains an equivalent inspection system to that of FSIS.

Once a country starts shipping products to the United States, all imported shipments are subject to FSIS reinspection and a subset of the shipments will be tested for residues, such as environmental contaminants and potential residues from use of antibiotics. I am confident that our equivalence and verification processes ensure food safety.

What is important to keep at the forefront of the discussion is that if China is able to export processed poultry to the United States, it will be because FSIS determined that the PRC's poultry processing inspection system provides a level of protection equivalent to that of the United States and, is safe for consumers.

Thank you again for your commitment to food safety. A similar letter is being sent to Senator Whittemore.

Sincerely,

Sonny Perdue  
Secretary

Enclosure

## Enclosure

Under FSIS regulations (9 CFR 381.205), immediate containers of poultry products imported into the United States must bear the country of origin on the label directly under the product name. However, when the product is shipped in bulk and repackaged in a Federally inspected establishment, the country of origin would not be required on the product label. This means that if the processed chicken products were shipped in larger bulk type containers, the product would likely be sent to a Federally inspected establishment for repackaging into consumer size containers (if intended for retail sale) and would not be required to bear the country of origin on the label under the product name. However, if the products are packaged in retail consumer size packages in China, the product label would be required to bear a reference to product of China under the product name.





United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

Senator Rodney Whittemore  
Citizen Trade Policy Commission  
Office of Policy and Legal Analysis  
State House Station #13  
Augusta, Maine 04333

SEP 28 2018

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Thank you again for your commitment to food safety. A similar letter is being sent to Representative Hickman.

Sincerely,

A handwritten signature in black ink that reads "Sonny Perdue". The signature is written in a cursive, flowing style.

Sonny Perdue  
Secretary

Enclosure

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Jeffrey Wiley

*Staff:*  
Lock Kiermaier

STATE OF MAINE

## Citizen Trade Policy Commission

November 9, 2018

Senator Susan Collins  
413 Dirksen Building  
Washington DC, 20510

Dear Senator Collins,

The 2018 Maine Citizen Trade Policy Commission is pleased to provide you with a copy of its 2018 Trade Policy Assessment, "*Turbulent Time for Trade: Impacts on Maine's Agriculture and Food Safety*", by Ms. Debbie Barker of Washington D.C. This report includes 3 major trade topics of significant interest to members of the CTPC:


1. Impact of Retaliatory Tariffs;
2. Poultry Imports from China; and
3. NAFTA 2.0 – Potential Threats to Food and Agriculture

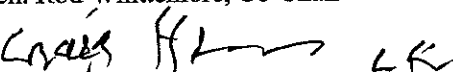
We believe that the 2018 Assessment includes important information about these trade topics and the particular effects on Maine's agriculture sector and overall economy. It is our hope that you and other members of Maine's Congressional Delegation will find this document to be useful in your upcoming deliberations regarding a revised NAFTA and other free trade agreements.

Copies of the complete document have been distributed to committees or individuals as directed by law and copies have been placed on file alongside the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Policy and Legal Analysis at [www.maine.gov/legis/opla](http://www.maine.gov/legis/opla).

Please do not hesitate to contact us with any questions that you may have about the 2018 Trade Policy Assessment.

Sincerely,

  
Sen. Rod Whittemore, Co-Chair

  
Rep. Craig Hickman, Co-Chair

Citizen Trade Policy Commission  
c/o Office of Policy & Legal Analysis  
State House Station #13, Augusta, ME 04333-0013 Telephone: 207 287-1670  
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STATE OF MAINE

## Citizen Trade Policy Commission

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November 9, 2018

Representative Bruce Poliquin  
426 Cannon House Office Building  
Washington, DC 20515

Dear Representative Poliquin,

The 2018 Maine Citizen Trade Policy Commission is pleased to provide you with a copy of its 2018 Trade Policy Assessment, "*Turbulent Time for Trade: Impacts on Maine's Agriculture and Food Safety*", by Ms. Debbie Barker of Washington D.C. This report includes 3 major trade topics of significant interest to members of the CTPC:

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Please do not hesitate to contact us with any questions that you may have about the 2018 Trade Policy Assessment.

Sincerely,

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Sen. Rod Whittemore, Co-Chair

Handwritten signature of Craig Hickman in black ink.

Rep. Craig Hickman, Co-Chair

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*Staff:*  
**Lock Kiermaier**

STATE OF MAINE

## Citizen Trade Policy Commission

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November 9, 2018

The Honorable Paul R. LePage  
Governor of Maine  
1 State House Station  
Augusta, Maine 04333

Dear Gov. LePage,

Pursuant to 10 MRSA §11, the 2018 Maine Citizen Trade Policy Commission is pleased to submit its 2018 Assessment. Copies of the complete document have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report online through the website of the Office of Policy and Legal Analysis at <https://legislature.maine.gov/opla>.

Sincerely,

  
Sen. Rodney Whittemore, Co-Chair

  
Rep. Craig Hickman, Co-Chair

Sen. Rodney L. Whittemore, Chair  
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Lock Kiermaier

STATE OF MAINE

## Citizen Trade Policy Commission

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November 9, 2018

The Honorable Michael D. Thibodeau, President  
Maine State Senate

The Honorable Sara Gideon  
Speaker of the Maine House of Representatives  
State House  
Augusta, ME 04333

Dear President Thibodeau and Speaker Gideon:

Pursuant to 10 MRSA §11, the 2018 Maine Citizen Trade Policy Commission is pleased to submit its 2018 Assessment. Copies of the complete document have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report online through the website of the Office of Policy and Legal Analysis at <https://legislature.maine.gov/opla>.

Sincerely,

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Sen. Rodney Whittemore, Co-Chair

Handwritten signature of Craig Hickman in black ink.

Rep. Craig Hickman, Co-Chair

Sen. Rodney L. Whittemore, Chair  
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Jeffrey Wiley

*Staff:*  
Lock Kiermaier

STATE OF MAINE

## Citizen Trade Policy Commission

November 9, 2018

Representative Chellie Pingree  
2162 Rayburn House Office Building  
Washington DC 20515

Dear Representative Pingree,

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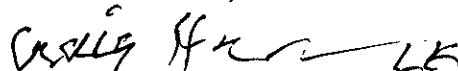
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Citizen Trade Policy Commission  
c/o Office of Policy & Legal Analysis  
State House Station #13, Augusta, ME 04333-0013 Telephone: 207 287-1670  
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STATE OF MAINE

## Citizen Trade Policy Commission

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November 9, 2018

Senator Angus S. King  
359 Dirksen Building  
Washington DC, 20510

Dear Senator King,

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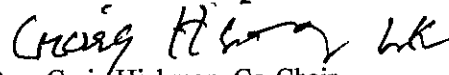
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c/o Office of Policy & Legal Analysis  
State House Station #13, Augusta, ME 04333-0013 Telephone: 207 287-1670  
<http://www.maine.gov/legis/opla/citpol.htm>