



**DEER INDUSTRY
NEW ZEALAND**

4 April 2003

**Docket Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane,
rm.1061,
Rockvillee,
MD 20852
UNITED STATES OF AMERICA**

SUBMISSION: DOCKET NO. 02N-0278 PRIOR NOTICE OF IMPORTED FOOD

1. Introduction:

Deer Industry New Zealand is the operating name for the New Zealand Game Industry Board established by the Game Industry Board Regulations 1985 under the Primary Products Marketing Act 1953.

Deer Industry New Zealand's function is to promote and assist with the orderly development of the New Zealand deer industry. It represents the interests of all sectors of the farmed deer industry including approximately 6,400 deer farmers as well as the venison and velvet processing and exporting sectors.

The United States of America (USA) is an important market for our industry. Approximately 1057 tonnes of venison was exported to the USA in 2002 (calendar year). About half of this total was chilled and half was frozen product. Most venison is transported by sea; a small amount is carried by air.

The New Zealand producers / exporters sell to importers who are domiciled in the USA. However, each New Zealand exporter can have two or more importing customers in the USA. Almost all New Zealand venison is on-sold by the USA based importers into the restaurant market.

All New Zealand venison is processed under the supervision of the New Zealand Food Safety Authority (NZFSA). Product for the USA market is processed in accordance with USA market access requirements and is certified by the New Zealand Ministry of Agriculture and Forestry (MAF).

02N-0278

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2. Executive Summary of Submission:

- We understand the present heightened need for security against bio-terrorism.
- We are concerned that there seems to have been no effort to integrate this new reporting requirement with other existing requirements.
- All companies processing venison for export to the USA are already licensed under existing market access requirements.
- Every consignment of venison is identified and certified using the NZFSA electronic certification system (E-cert).
- The FDA could already have access to detailed information on every consignment before it is landed in the USA.
- The new regulations simply overlay current reporting with a whole new requirement.
- We ask that there be commitment from the government agencies concerned (both in the USA and NZ) to work towards greater recognition of equivalence and harmonisation.
- If the new regulations are to be implemented, US Customs and FDA definitions need to be harmonised (specifically "port of entry").
- That there be further consideration of the requirements for airfreight consignments. At present these seem particularly difficult to comply with.
- We support the New Zealand Government's submissions made through the New Zealand embassy in Washington.

3. Submission:

Whilst we understand the present heightened need for security against bio-terrorism, we have some concerns regarding these new regulations. Not only do they involve additional mandatory reporting but also, it seems that there has been no effort made to integrate this new reporting with other existing requirements. As a consequence, for every shipment, the same or similar information will be supplied multiple times to government agencies either in New Zealand or in the USA. This seems to be totally at variance with the stated aim in recent years, in various international forums, to simplify and harmonise compliance requirements, thereby expediting and encouraging international trade.

As noted in our introduction, all companies processing venison for export to the USA are already licensed under existing market access requirements. Also, every consignment of venison is identified and certified using the electronic certification system (E-cert) that has been developed by the New Zealand Food Safety Authority. Using this system the FDA could already have access to

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detailed information on every consignment before it is landed in the USA. It seems to us that instead of using the E-cert system and making optimum use of the information already available, the new regulations simply overlay a whole new reporting requirement.

We ask that there be commitment from the government agencies concerned (US Customs, USDA, FDA) to work towards greater recognition of equivalence and harmonisation of their respective requirements and where appropriate, information sharing. We believe that there are opportunities for more international standardisation so that data submitted in the country of export can form a basis for meeting US import requirements. We intend pursuing this issue with the New Zealand Food Safety Authority, New Zealand Ministry of Agriculture and Forestry and with New Zealand Customs.

If the new regulations are to be implemented, it seems to us important that definitions are harmonised with those already being applied by US Customs. In particular, we note a difference in the meaning of "port of entry". US Customs consider that the port where the goods are cleared by Customs is the port of entry. However, these regulations regard it as the first US port of call. Of course vessels can off-load at more than one US port or goods can be moved internally under bond. The different meanings are likely to lead to confusion and errors. We suggest that the Customs definition be adopted.

Under the regulations, the latest time when a notice of shipment can be lodged with the FDA is noon of the calendar day prior to the intended day of arrival in the USA. This presents particular difficulties for goods being sent by airfreight. Frequently an exporter has no prior knowledge of the exact flight that a particular consignment will be carried on. We believe that for airfreight the time frame may be particularly difficult to comply with and ask that there be further consideration.

4. Conclusion:

In conclusion, we wish to confirm our support for the submissions that we understand the New Zealand Government has made through the New Zealand embassy in Washington.

Yours faithfully

John Moynihan - Contractor to Deer Industry New Zealand.

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