

July 9, 2004

**Comments by the Government of Japan on the United States' Interim Final Rule
"Prior Notice of Imported Food" under the Public Health Security and Bioterrorism
Preparedness and Response Act of 2002
(Docket No. 2002N-0278)**

The Government of Japan welcomes the opportunity to provide comments as follows on the United States' Interim Final Rule of "Prior Notice of Imported Food" (hereinafter referred to as "the Rule") under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, published in the United States' Federal Register dated October 10, 2003, notified to the WTO Members dated May 27, 2004 (G/SPS/N/USA/690/Add.7), and whose comment period was extended to July 13.

For better understanding of the Bioterrorism Act by international mail users in Japan, the Japan Post has been continuously informing them of the outline of the Act through its website and post offices. Despite such efforts, however, it is very difficult for the majority of Japanese international mail users to implement the procedure to send food products to the U.S., as the Government of Japan articulated in its previous comments filed on May 13. It is mainly because the Prior Notice System Interface (PNSI) is accessible only at the website of the U.S. Food and Drug Administration (FDA) in English only, therefore not friendly to users who cannot access the Internet or who do not comprehend English sufficiently.

Accordingly, the Government of Japan strongly requests the FDA to accept one of the two following proposals, preferably the former one.

- 1. With regard to the documents required to send food products to the U.S., the FDA is requested to accept postal customs documentation, namely the Customs Declaration Forms CN22 and CN23, with the details of the contents described accurately and appropriately, in place of the PNSI and PN Confirmation Number.** These forms are the official documents prescribed by the Universal Postal Convention and used around the world to be affixed to international mail items to describe their contents for customs clearance procedures. It is also much easier for international mail users to fill in these documents than to enter data on food products in PNSI.
- 2. The FDA is alternatively requested to accept the data entered in PNSI by individual food senders in Japan in accordance with the patterns of data to be provided by the Japan Post to its customers for major food products.**

(1) If the use of the PNSI and PN Confirmation Number for mailing U.S.-bound items

containing food products is required on and after August 12, when the Rule will be strictly enforced, the majority of Japanese international mail users will find difficulty in choosing the exact "FDA Product code", "Product name" and "Process applied" to be declared on PNSI for every single food product they send. The Government of Japan believes that this requirement will be extremely difficult especially for those who do not understand English sufficiently.

- (2) Accordingly, the Japan Post will first request the manufacturers located in Japan of about 50 major food products mailed from Japan to the U.S. to provide the accurate information to be entered into the PNSI website for the respective products. Japan Post will then consolidate the data and make it available to international mail users on its website and at post offices. As a result, international mail users will be simply able to use such "patterned" data to be declared through PNSI to obtain Prior Notice Confirmation Numbers when they send food items listed in these top 50 major products to the U.S.
- (3) The above-described method may not be able to rule out potential problems as international mail users are still obligated to enter data into the PNSI. The Government of Japan nonetheless believes that the method proposed above would greatly reduce such problems and make it much easier for Japanese international mail users to send food items by mail to their family members and friends residing in the U.S.

The Government of Japan hopes that the FDA will accept one of these proposals before July 30, 2004, to notify all parties concerned prior to the August 12 enforcement of the Rule in a timely and complete manner.