



United States Department of Agriculture

Office of the Secretary
Washington D.C. 20250

April 22, 2020

Commissioner Gary Black
Georgia Department of Agriculture
19 Martin Luther King Jr. Drive SW
Suite 204
Atlanta, GA 30334

Dear Commissioner Black:

Thank you for your e-mail correspondence dated April 16, 2020. In your message you raised two concerns Georgian producers elevated to your attention related to actions by both the Animal and Plant Health Inspection Service and the Agricultural Marketing Service.

Regarding your China Phase One agreement concern and the finalization of the import rule for Chinese citrus, I offer the responses below to each of your questions.

What is the anticipated import volume of Chinese citrus?

As part of the requirements for market access, China anticipates that they will export approximately 19,570 tons in total/year. Moreover, APHIS's analysis indicates it is unlikely that China will export a significant amount of citrus to the United States as almost all Chinese citrus is consumed domestically and in Southeast Asia. It is unlikely that exports to the United States will heavily displace domestic production or existing sources of foreign supply.

How will food safety protocols be enforced?

The Food and Drug Administration (FDA) is the agency with the primary responsibility for food safety. FDA will conduct their inspections following their guidelines for imported food shipments and follow their inspection protocols.

Does the trade policy decision contemplate Chinese environmental or labor policies?

USTR would be in the best position to answer this question. APHIS's involvement was specific to phytosanitary concerns. That said, APHIS has implemented a cohesive set of measures including: inspection and registration of production areas and packing facilities, requirements for establishing and monitoring pest management programs including for fruit flies, fruit inspection upon arrival at the packing house, export inspection and issuance of phytosanitary certificates, bagged pummelo fruit, the other citrus fruit cold treated in transit to the United States and all shipments inspected at the U.S. port of arrival.

Your second set of questions pertained to the recently announced flexibilities that AMS instituted regarding Country of Origin Labeling. Below are responses to your questions, however, I would initially note that the action is not a change in COOL regulations. All requirements remain in place. The flexibility, however, states that USDA will not take compliance enforcement action during this 60-day period against a retailer who is marketing product that was originally shipped for foodservice. The singular purpose for this is to allow otherwise unmarketable products, currently frozen in institutional

supply chains, to be released into the retail channels and fill the gap that exists in supermarkets from the extremely elevated retail consumer demand due to COVID-19 social distancing and shelter in place guidance in place around the country.

How will the COOL waiver be enforced?

USDA will not take compliance enforcement action (notice of noncompliance) during this 60-day period against a retailer who is marketing product that was originally shipped for foodservice and therefore does not have country of origin labeling.

What can we tell growers to assure them that retailers will not see this as an avenue to blend or disguise imported product during the waiver period?

The COOL enforcement discretion action only applies to products sold and shipped to food service distributors and marketers and that is currently held in foodservice inventories. It does not apply to imported products entering the United States. Imported products must still be labeled with the country of origin and meet all other applicable Federal laws including those enforced by CBP.

How will guidance be communicated to retailers?

AMS released a notice to trade on April 13, 2020 and AMS staff continue to be available to answer retailers' and consumers' questions regarding the COOL program.

Is there an estimate of the volume and specific types of produce that will be eligible?

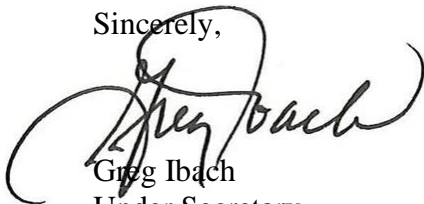
AMS does not have an estimate of the volume or varieties of produce being redirected from foodservice to retail channels at this time.

Does USDA plan to avert these concerns through some type of official explanation, webinar or additional news release?

At this time AMS believes that sufficient notice has been provided to affected stakeholders. If, however, you believe additional notice is needed, we will reevaluate the current level of public awareness.

As always, I greatly appreciate our continued partnership as we both attempt to serve U.S. agricultural producers and ranchers.

Sincerely,



Greg Ibach
Under Secretary
Marketing and Regulatory Programs