

May 11, 2004

Dockets Management Branch
U.S. Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20852

Michael S. Craig
PGA Coordinator
Bureau of Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Room 52C
Washington, D.C. 20229

Dear Sir/Madam:

The National Coalition of Food Importing Associations (NCFIA) is pleased to submit comments to the Food and Drug Administration (FDA) on the Joint FDA – Customs and Border Protection (CBP) Plan for Increasing Integration and Assessing the Coordination of Prior Notice Timeframes, 69 Fed. Reg. 19765 (April 14, 2004) (Joint Plan).

NCFIA is a coalition of trade associations that represent different segments of the food importing community. Members of NCFIA include the following associations: American Spice Trade Association, Cheese Importers Association of America, Association of Food Industries, The Cocoa Merchants' Association of America, and the National Fisheries Institute. Companies belonging to NCFIA members annually import over \$13.5 billion in food products.

FDA and CBP have developed a Joint Plan to increase integration between the FDA Prior Notice Rule and the CBP Advance Electronic Information Rule. Specifically, FDA and CBP intend to assess whether FDA can meet its prior notice statutory mandate under the Public Health Security and Bioterrorism Preparedness and Response Act of (Bioterrorism Act) while adopting the timeframes for notice CBP has adopted under the Advance Electronic Information Rule. Under the agencies' Joint Plan, notice under both the prior notice and Advance Electronic Information Rules would be:

- 1 hour before arrival by land by road, or 30 minutes for participants in Free and Secure Trade/Customs-Trade Partnership Against Terrorism;
- 2 hours before arrival by land by rail;
- By "wheels up" for flights originating in North and Central America, South America (north of the Equator only), the Caribbean, and Bermuda; otherwise 4 hours before arrival by air.

NCFIA strongly supports the integration of the FDA prior notice and CBP advance electronic cargo information rules. The smooth, rapid flow of lawful trade into the United States is aided significantly if differences between CBP and FDA requirements and systems are minimized to the extent possible. CBP is able to both meet the above timeframes and comply with the agency's statutory obligations under the Trade Act of 2002 and the Maritime Transportation Security Act of 2002 to assure the safety and security cargo coming into the United States. If CBP can accomplish its statutory mandate within these deadlines, FDA should be able to offer the same deadlines to the food industry while still meeting its statutory obligations under the Bioterrorism Act. Similarly, the information and risk

assessment technologies that allow CBP to protect United States borders while still meeting these expedited timeframes for legitimate trade should also be available to FDA.

NCFIA sincerely thanks FDA and CBP for their efforts to create a Joint Plan for the integration of their two advance notice systems. Our members are committed to continuing to work with FDA and CBP to assure a balance of food security needs and commercial realities.

Very truly yours,
Richard H. Koby
Coalition Coordinator