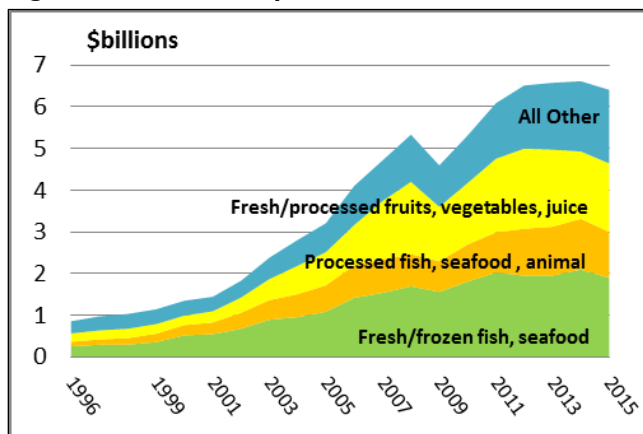


September 9, 2016

China's Efforts to Address Ongoing Food Safety Concerns

China's role in global agricultural trade has grown significantly, with China now a major supplier of fish and seafood, fruits and vegetables, juices, and processed foods. Agricultural trade between China and the United States has grown sharply since the 1990s (**Figure 1**). In 2015, U.S. imports from China were valued at \$6.4 billion, accounting for about 5% of the value of all U.S. food imports. Many in the U.S. Congress, however, are concerned about the safety of food produced in China. They cite numerous past incidents of unsafe or tainted food, the perception of poor hygiene practices in production and manufacturing, alleged lack of adequate regulatory oversight from the Chinese government, and persistent evidence of economically incentivized food fraud with public health implications.

Figure 1. U.S. Food Imports from China



Source: CRS from U.S. International Trade Commission trade data (Harmonized Trade Schedule codes in chapters 1 through 22).

One of China's more high-profile food safety incidents, in 2008, involved companies that knowingly added the chemical melamine—used to make plastic—to a number of their food products including infant formula. Reportedly, melamine-tainted milk products and related ingredients were exported worldwide. Substitution of melamine for wheat gluten and rice protein as an ingredient in pet food was also implicated in a recall of pet food in the United States that sickened and killed cats and dogs in 2007. Members of Congress voiced alarm at this situation at the time, which contributed to the backdrop leading up to the enactment of comprehensive food safety legislation in 2010 with the FDA Food Safety Modernization Act (P.L. 111-353). This legislation tightened U.S. safety regulations of both domestically-produced and imported foods.

Food and food ingredients from China continue to be a concern. Media reports repeatedly highlight a series of food safety scandals involving contaminated and counterfeit meat and fish products, adulterated fruit and vegetable products including juices, illicit cooking oils, and a range of tainted processed foods, spices and herbs, distilled spirits,

and pet treats. Other safety scandals have involved a range of pharmaceutical drugs, body products, and other consumer goods. Foods have been found to be tainted with chemical compounds, unlawful drug residues, additives and dyes, pathogens, and other pests. Some foods enter the market well past their expiration dates or are unsanitary. The U.S. Department of Agriculture (USDA) reports that the most frequently reported safety violations in Chinese foods involve pesticide and pathogen contamination.

The Food and Drug Administration (FDA) maintains “import alerts” regarding a range of products from China—mostly fish and seafood products but also certain produce—under which products can be subject to detention without physical examination upon arrival in the United States. USDA has also blocked some meat and fish shipments from China. FDA now maintains an office in China to address the safety, quality, and effectiveness of food and medical products produced in China for export to the United States.

Congress has held a number of hearings on public health and safety concerns related to food and food ingredients from China. A subcommittee of the House Foreign Affairs Committee conducted a 2013 hearing on the “threat of China’s unsafe consumables,” largely focused on food safety. The Congressional-Executive Commission on China conducted a 2014 hearing on pet treats and processed chicken from China and a 2013 hearing on China’s food and drug safety concerns. In 2008, the U.S.-China Economic and Security Review Commission examined safety and trade issues associated with Chinese seafood.

China's Food Safety Regime

No single agency is responsible for China's food safety regulations and enforcement. China's principal food safety authorities include the following:

- **China Food and Drug Administration (CFDA):** oversees food production and distribution—including food additives and health food—and the administrative licensing of foods (<http://eng.sfda.gov.cn/>);
- **General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ):** oversees food imports and exports, including entry/exit inspections, certifications and standardizations, quality management, and health quarantines (<http://english.aqsic.gov.cn/>); and
- **National Health and Family Planning Commission (NHFPC):** conducts food safety risk monitoring and assessment, develops national food safety standards, and reviews the safety of food, food additives, and new materials and related products (<http://en.nhfpc.gov.cn/>).

Other agencies also play a role, including China's Ministry of Agriculture, as well as provincial government agencies.

The Chinese government has taken steps to improve its food safety. Reports that China was addressing its food safety laws date back to 2006 when the government announced its intention to standardize the production, processing, sales, and supervision of its food products. In 2009, China passed a major food safety law to regulate food production and business operations and to prevent foodborne incidents and enhance controls. The 2009 law mandated the creation of a Food Safety Committee answering to China's cabinet, the State Council. The commission was established in 2010 and serves as a high-level coordinating body on food safety in China. Among its other provisions, the 2009 law also called for the creation of a national surveillance system and a food recall system, along with mandatory food safety standards.

Despite the 2009 law, food safety incidents continued to persist in China. In 2014, a former high-ranking food safety official reportedly told Chinese lawmakers that the newly established regulatory system was ineffective and that penalties were too light to deter offenders—sentiments shared by other Chinese leaders. As a result, a plan was launched to further amend China's food safety laws and related regulations. China's National People's Congress Standing Committee passed revisions to its food safety law in April 2015, which went into effect in October that year. (See text box for a summary).

The 2015 law expanded upon the 2009 law, added new provisions concerning penalties for food safety violations, and imposed stricter requirements for some products, such as infant formula. The 2015 revisions further centralized the government's food safety oversight (improving on the mostly fragmented former system), emphasized the need for supervision and control of each of the production steps in the supply chain, and required additional recordkeeping. The law further prohibits the government's food safety agencies from granting exemptions from inspections that had been allowed under the former system. The law also established stricter rules for risk surveillance and assessment, as well as guidelines for food safety standards and inspection and the handling of foodborne incidents. Under the law, food producers who do not meet food safety standards are required to stop production. They must also recall all of the food already in the market; notify related producers, business operators, and consumers; and keep records of the recall and notification information.

The revised 2015 law further outlined a system of fines and penalties and also civil compensation, giving consumers the right to claim a refund and to seek damages if a product fails to meet safety standards. Among its other provisions, the law introduced rules regarding biotechnology products, prohibited certain health claims on labels, and required the registration of certain foods for special medical purposes.

Considerations for Congress

Concerns remain about China's commitment to fully implement and enforce the law's provisions. In part, this is due to the nature of China's food production, processing, and distribution system whereby regulatory responsibility is fragmented across several different departments and

agencies at several levels of government. Concerns also remain about whether China lacks the necessary institutional framework, and whether it has adequate staff and resources to fully implement and enforce its law and regulate its own products. Others worry that most Chinese food facilities might not have sufficient training or equipment to ensure that adequate safety standards are met. Lack of transparency and independent oversight and certification capabilities are also concerns.

Some Members of Congress continue to highlight safety concerns regarding certain foods that appear to show evidence of poor hygiene and mishandling throughout the supply chain. Laboratory tests showing *E. coli* and *Salmonella* contamination, such as with processed chicken and seafood from China, further amplify these concerns. As a result, Congress has included provisions in recently enacted appropriations bills that explicitly prohibit the use of USDA funds to purchase imported processed poultry products from China for use in the U.S. school lunch program and other feeding programs. For these reasons, it seems likely that continued monitoring of food safety in China could remain an issue for Congress.

China's 2015 Food Safety Law

- **Chapter 1, General Provisions:** establishes jurisdiction over food business activities carried out in China.
- **Chapter 2, Risk Monitoring and Assessment:** establishes a risk monitoring system for food safety, to track foodborne diseases, contamination, and harmful factors.
- **Chapter 3, Food Safety Standards:** establishes that food safety standards be developed and published based on risk assessments and international standards.
- **Chapter 4, Food Production and Distribution:** establishes requirements for food producers and distributors, including process management and requirements for labeling, product description, and advertisement.
- **Chapter 5, Food Inspection:** requires inspection by an accredited food testing agency in accordance with relevant national requirements on certification and accreditation.
- **Chapter 6, Food Import and Export:** requires safety supervision and administration of imported and exported foods and food additives, including exit-entry inspection requirements and inspection certificates required by AQSIQ.
- **Chapter 7, Settlement of Food Safety Incidents:** requires producers/distributors to develop response plans for food safety incidents; national emergency plans are organized by the State Council working with local governments.
- **Chapter 8, Supervision and Administration:** establishes priorities, methods, and frequency of regulatory work.
- **Chapter 9, Legal Liabilities:** establishes a framework for addressing food safety violations, including penalties.
- **Chapter 10, Supplementary Provisions** (definitions)

Source: U.S. Department of Agriculture, "China's Food Safety Law (2015)," *GAIN Report* CH15016, May 18, 2015.

Renée Johnson, Specialist in Agricultural Policy

IF10465

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.