

## SUMMARY OF MEETING

Extensive discussions were held on April 18 and 20, 1988 between the United States Food and Drug Administration (FDA) and a delegation of the Ministry of Commerce, India, led by Joint Secretary to the Government of India, Mr. M. R. Sivaraman.

Both parties agreed to commence the negotiation of a Memorandum of Understanding covering Indian black pepper exported directly to the United States. Mr. Brahm Dutt, Counsellor (Commerce and Finance) Embassy of India, Washington, DC and Mr. Frank M. MacKeith, Assistant to the Director for International Activities, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration will serve as liaison during these negotiations.

The Automatic Detention of black pepper from India will be lifted when the Government of India either by implementing a successful certification program or, as per Schedule I Annex I, by presenting evidence, in the form of a sufficient number of released entries, shows that the problems have been solved.

In addition, both parties discussed and agreed that at a minimum:

- a. The Government of India will name the Export Inspection Council (EIC) as the sole agency responsible for inspecting and certifying all consignments of Indian black pepper exported directly to the United States.
- b. The EIC will subject all Indian black pepper exports to all tests as are required to ensure that all consignments fully conform to FDA standards as contained in Schedule I Annex I.
- c. The EIC will issue export certificates for only those lots which meet the criteria specified in Schedule I as well as the requirements of the Federal Food, Drug and Cosmetic Act.
- d. The certificate, issued by the EIC, for each lot of Indian black pepper exported directly to the United States will contain the following information:
  - a. Lot identification number;
  - b. Number and size of containers in the lot;
  - c. Methodology and analytical results of the tests for conformance to FDA standards as contained in Schedule I,
  - d. Date of the certificate; and,
  - e. Name of the authorizing official and seal of the office.

The validated certificate(s) will accompany the shipping manifest.

e. The EIC will furnish to FDA a copy of the regulations and procedures used to ensure that black pepper exported directly from India to the United States conforms to FDA standards.

f. The Spices Board of India and the EIC will share with FDA such information as required from time to time.

g. FDA will audit sample certified lots of Indian black pepper shipped directly to the United States to ensure the effectiveness and reliability of the certification process.

h. FDA shall share information gathered as a result of its audit sampling of certified lots of Indian black pepper with the Government of India.

i. FDA shall detain the entry of all lots of Indian black pepper not accompanied by a valid certificate from the EIC or those exceeding the criteria of Schedule I.

It was also agreed that:

a. Both parties will share and provide assistance to each other when necessary to assure the safety of black pepper exported directly to the United States.

b. Areas of mutual cooperation will include but not be limited to: training; personnel exchanges; data gathering; technical information updating; and, the exchange of new and/or improved methods of inspecting, sampling and testing, black pepper.

c. Compliance with the standards of Schedule I will be determined by using the analytical procedures described in the current edition of "Official Methods of Analysis, Association of Analytical Chemists" (currently the 14th Ed., 1984) or "Macroanalytical Procedures Manual" (FDA Technical Bulletin Number 5) as appropriate.

d. Both parties will work towards arriving at a Memorandum of Understanding incorporating the above points.

By: *Richard A. ...*  
Title: *Act. Director*  
*Center for Food Safety FDA.*  
Date: *4-20-88*

By: *M. R. Swaraman*  
Title: *JOINT SECRETARY*  
*MINISTRY OF COMMERCE*  
*GOVT OF INDIA*  
Date: *20 APRIL 1988*