

**VERBATIM NOTES OF THE SEVENTH MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS, IN THE ARNOLD THOMASOS ROOM (EAST), SIXTH FLOOR, TOWER D, PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON FRIDAY, JUNE 17, 2016 AT 9.22 A.M.**

**PRESENT**

Miss Sophia Chote SC	Chairman
Mr. W. Michael Coppin	Vice-Chairman
Dr. Lovell Francis	Member
Mr. Clarence Rambharat	Member
Mr. Prakash Ramadhar	Member
Mr. Julien Ogilvie	Secretary
Mr. Indar Sieunarine	Asst. Secretary
Miss Roxanne Fournillier	Research Assistant

**ABSENT**

Mr. Wayne Sturge	Member [ <i>Excused</i> ]
Mr. Randall Mitchell	Member [ <i>Excused</i> ]
Miss Marlene Mc Donald	Member

**Madam Chairman:** Good morning, first allow me to apologise for my late arrival. I think we have a quorum, so we can kick off this morning's proceedings. I understand that Mr. Mitchell has sent his apologies, and yes, Mr. Sturge will also not be here. So other members may show up as the morning proceeds.

So I would like to take us to the Minutes of the last meeting. Does everyone have a copy? Okay. I am going to go through it page by page, and if anybody has any corrections, amendments you would like to draw to my attention, please do so.

I take it everybody has read the Minutes? Page 1? You have your copy?

**Mr. Coppin:** No, I think Indar has to give me one.

**Madam Chairman:** Oh, dear, okay. May we move on to page 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16? Now, I know this is a tedious process, but I think this is what the law of meetings requires. So we have to do it this way. Will someone move that the Minutes be confirmed?

*[Moved by Mr. W. M. Coppin]*

*[Seconded by Dr. L. Francis]*

**Madam Chairman:** Now, on the procedural brief which I have been very kindly been given by Mr. Ogilvie, we have some notes here that the TTBS provided the reports on the workshops that focused on sanitary and phytosanitary measures and technical barriers to trade. They were circulated by email. Did you all get it?

**Hon. Members:** Yes.

**Madam Chairman:** Okay, excellent, and also that correspondence was sent to the Ministry of Health, requesting the additional information. Are there any other Matters Arising out of these minutes? No? Okay.

Now, the next item on the agenda is the consideration of the draft first report into the criminal case-flow management. I got your comments. Has anybody else had the opportunity to look at the document? No? Well, then you are not alone, because I have only been able to read it very speedily, and certainly not with the depth and analysis that I would have liked to have. So I think perhaps what we can do is, defer this to the next date, the consideration of this report?

**Mr. Rambharat:** Well, maybe Mr. Ogilvie could guide us. In terms of time, do we have a deadline to submit in this session? Should it be submitted in this session of Parliament or—

**Mr. Ogilvie:** Madam Chair, through you, these Committees are not bound by the

prorogation of the session. So our work can be carried over to the second session.

**Madam Chairman:** Is there a difficulty with us deferring it to the next occasion?

**Mr. Ogilvie:** No.

**Madam Chairman:** Okay.

**Mr. Ogilvie:** Some Committees may decide that they want to put in a report before the end of first session, it depends on the workflow and whether the document is ready and of a certain standard to be presented to the House.

**Madam Chairman:** Well, I do not know if you all will agree perhaps instead of waiting for the end of July, which is when our next session would be, if you can look at it before, and perhaps we can round robin comments and, of course, we are authorized to convene a meeting at any time. So perhaps we should do that, to see if we can finalize the report on this aspect of our enquiries, before Parliament goes into recess.

**Mr. Ogilvie:** Which is carded for the first week in July.

**Madam Chairman:** First week in July?

**Mr. Ogilvie:** Well, that is what the Standing Orders provides for.

**Madam Chairman:** [*Laughter*] Well that leaves us with very little time.

**Mr. Rambharat:** Well, no correct me, we take the break in July and that is now a matter of interpretation, what is meant by the first week of July. But then the break ends first week of August, we will still have that period first September 01<sup>st</sup>, to September 22<sup>nd</sup> before we complete this session.

**Madam Chairman:** Oh, I see. Okay, okay.

**Mr. Rambharat:** But it is now actively being debated whether we go into that first week in July, we all hope not, but it seems to be the thinking of the Parliament, that first week means, the end of the first week, that the break starts at the end of the first week. Traditionally, it has been read as the break starts at the

beginning of the first week.

**Madam Chairman:** Okay. Well, let us give ourselves then, regardless of how it is going to be interpreted. Let us give ourselves two weeks to see if we can finalize this, and say that at least we have produced this report, okay? Now, it is not what I had hoped that it would be, obviously because the main stakeholder did not provide the information as requested, but we just have to press on and see it. So I have your agreement then, to try to review and possibly meet on this draft first report within next two weeks?

**Hon. Members:** Yes.

**Madam Chairman:** Good, excellent. Now, with respect to our continuing enquiry, we are expecting Customs, Poultry Association of Trinidad and Tobago, the TTMA to appear, and I think we had received a document from the Poultry Association of Trinidad and Tobago and Customs. You all saw that? In fact, we may have gotten the Customs document before the last meeting.

**Mr. Coppin:** Yes, correct.

**Madam Chairman:** Yes, just some very sort of summary thing. We received the stakeholder submissions from Seafood Industry Development Company Limited and Warnerville Grain Mills Group of Companies. You also should have gotten that by email?

**Mr. Rambharat:** Yes.

**Madam Chairman:** Okay. Mr. Ogilvie and Mr. Sieunarine have very kindly prepared some issues papers, containing possible questions we may want to ask, or areas we may want to focus upon during the enquiry. Anybody has any questions with respect to what I have just said, need anything cleared up?

**Mr. Rambharat:** Just a general comment. I think that the last hearing was very well received by the public. It generated—at first the topic sounded so innocuous,

but it generated a lot of media coverage, a lot of discussion on social media, to the extent that Solo has now gotten into a different, [*Laughter*] a new controversy, but I think it was important and especially the revelation about the food and drug lab, which generated a lot of interest amongst my colleagues, in getting, you know, getting back to somebody or some way in which we can have trade and health and agriculture, Customs really looked at this issue seriously. So I think it started off, you know, but it generated a lot of discussion, and I think that today's discussion would also generate a lot of interest.

**Madam Chairman:** Yes, this is what I am saying, I think we may have to do different reports for different areas, you know, of the food industry, because your seafood industry for, example, would not be the same as the cocoa farmers' industry, that kind of thing, but I certainly would like in our report to commend you, Minister, for that excellent suggestion.

I think it is also useful because if we do this right, we could link our report to one of the Sustainable Development Goals, and perhaps I do not know if—I am just speaking off the top of my head here, this is really a Government issue, you know, invite funding and input to create one regulatory authority, because it is quite clear to me from the last session, that one hand does not know what the other hand is doing.

**Mr. Rambharat:** The fact that this—the laws are ancient, and we have not looked at, for example, poultry. We have not—when you look at the provision, looking at Customs submissions and their reference to the law, the Ministry of Agriculture, Land and Fisheries, the chief technical officer issues a permit, but the permit has nothing to do with the actual substance of what is being imported. All the chief technical officer in the Ministry says is that this country, is a country that we allow importation from; that is all we do. Then Customs on the basis of that permit and

the application of the particular tariff—I am sure the Poultry Association would talk about it, one of the problems is the use of the tariffs, because different tariffs codes carry different duties, and because of the system, Customs would allow, you know, the duty-free tariff on things which should attract duty and so on. That is one of the problems, and then food and drug.

So far we have not examined the actual item and then food and drug is not testing or anything like that. What ends up on the shelf, none of us are certifying the quality. Now, going back to what you said about one body, that is where the NAFSA discussion, the National Authority on Food Safety. That has been a global model and which Caricom adopted, and it is a lot of international funding that went into the work that Trinidad did, and then we stopped in 2009. So what this forces us to do is, to have another look at bureau of standards, for example, simply to amend the law, to allow them to do what chemistry, food and drug is doing, and then to also create this agency, because it is really troubling, the deeper you get into it, the more you realise how open we have left the country.

**Dr. Francis:** Totally ad hoc.

**Madam Chairman:** Yeah, and I mean, the thing is, the people who will suffer most, are the poor people who will go and buy the cheaper food product, and then will fall ill and have to deal with the general hospitals and so on.

**Dr. Francis:** Will we find out something by the accident of somebody else's work? If another agency oversees, does not flag it, what happens?

**Mr. Rambharat:** There is a line in a PAHO report which really strengthens, the PAHO estimates about 30 per cent of the work-related absenteeism, is related to some condition brought on by bad food. Now, may just be what Trinidadians put on the application for sick leave or whatever, it is as much as 30 per cent of work-related ills come from what people consume.

**Madam Chairman:** There is also what I notice especially in terms the organic foods or the so-called organic foods. You have people who are preparing foods which they distribute to, like different shops and groceries and even SuperPharm and so on. There is no regulation with respect to what the food product contains, you know. It might contain lead or zinc or something like that, and we simply do not know. I think that it would have to be some sort of penalty for a business operation, that accepts and sells food which is not properly labelled and that kind of thing, for that to stop. I am not saying do not encourage local people who want to do, you know, small amounts of food and so on, that is fine, but it is that there must be some sort of regulation about that.

I will give you an example. I had been in West Mall some months ago, a store that sells, like you know, like bedding and what not, and this guy came in and he had created his own deodorants. So I just thought to myself, well, you know, nice fella trying to do something on his own. I bought some. Now, all it said was that it was labelled with the scent that it carried. When I used one, it burnt my skin. I kept meaning to go back to the shop to say, you know, “Maybe you should not sell this product” but, of course, I did not have the time to do that. So I am sure that happens with different kinds of products all over the country, you know, then, of course, the State foots the bill to deal with sick persons. So it is actually quite interesting. I bought a few books about food fraud and so on, they make good reading.

Mr. Ogilvie wants me to enquire whether we will be continuing with this enquiry in September? I think we will still be working on it because of the wealth of material that we are getting from these sources. I think it will take us a little while to consider the information, and put it together in some sort of coherent way.

**Mr. Ogilvie:** So the Committee intends to meet with some additional

stakeholders?

**Madam Chairman:** Yes, absolutely.

**Mr. Rambharat:** It might be useful, for example, to have PAHO.

**Madam Chairman:** Yes.

**Mr. Rambharat:** I am sure they will be happy to come, because they have done—and some of the other agencies that did work on the creation of this one, this NAFSA model.

**Madam Chairman:** Yeah. Did we say whether we were going to invite the supermarket association?

**Mr. Rambharat:** We did, yeah, and I sure they are anxious to come. They were listed, yeah.

**Madam Chairman:** I think they would need to be included.

**Mr. Ogilvie:** Any other stakeholders? [*Laughter*] So we can start preparing.

**Dr. Francis:** Do we have any kind of consumer among the group?

**Madam Chairman:** Lobby group? Not that I know of.

**Mr. Coppin:** We could enquire.

**Mr. Rambharat:** Hazel Brown was actively involved and, you know, that fella—

**Madam Chairman:** Supermarket association, I am trying to think—

**Mr. Coppin:** I think it might to be wise to have the actually manufacturers.

**Madam Chairman:** I guess we could give some thought to it and see how we will proceed. Okay, anything you all want to consider or talk about before we go into the session with these stakeholders? No? Well, you all want to take the next few minutes to just quickly refresh your memories from the documents before we go down, because we are expected at 10.00?

**Mr. Rambharat:** That is the order, right?—for us downstairs?

**Mr. Ogilvie:** Madam Chair, how are you going to interact with the witnesses?

One group at a time or we could have all of them sit together because it is—

**Madam Chairman:** No, once there is room.

**Mr. Ogilvie:** Yeah, well, there will be room to accommodate all witnesses.

**Madam Chairman:** So that they would have to shift around.

**Mr. Ogilvie:** Okay.

**9.46 a.m.:** *Meeting suspended.*

**10.08 a.m.:** *Meeting resumed.*

### **CUSTOMS AND EXCISE DIVISION**

Mr. Glen Singh

Comptroller, Customs and  
Exercise (Ag.)

Ms. Kathy Ann Matthews

Deputy Comptroller Operations

Ms. Shirley Sheppard

Senior State Counsel

### **POULTRY ASSOCIATION OF TRINIDAD AND TOBAGO**

Mr. Robin Phillips

President

Dr. Desmond Ali

Executive Director

Caribbean Poultry Association

### **TRINIDAD AND TOBAGO MANUFACTURERS' ASSOCIATION**

Dr. Mahindra Ramdeen

Chief Executive Officer

Mr. Peter Traboulay

Member of the Association

**Madam Chairman:** Good morning all, we were just waiting for the media part of the Parliament to tell us when we could start speaking, because this session, as you know, it is being carried on the Parliament Channel, and I believe it is also being carried by one of the radio stations. So I apologize for the short delay.

I welcome you to the second public hearing of the Joint Select Committee on Finance and Legal Affairs, which is currently dealing with the issue of food fraud in Trinidad and Tobago.

For our listening audience or viewing audience, you can contact us during the course of this session or even afterwards via email at [parl101@ttparliament.org](mailto:parl101@ttparliament.org) or you could go to the facebook page and make your comment or you may tweet @ttparliament.

I would like to welcome members of the Customs and Exercise Division, the Poultry Association of Trinidad and Tobago and the Trinidad and Tobago Manufacturers' Association. Before I ask you to introduce yourselves, I would like those of us way over at this end of the table to introduce us to you. So perhaps I can start from my right.

*[Introductions made]*

**Madam Chairman:** Now, if I go from left to right, will you all be good enough to just say your names and the organization that you represent?

*[Introductions made]*

**Madam Chairman:** Okay. Welcome to all of you. Now, I am just going to read out the enquiry objectives which I know you are fully aware of, but if someone is now tuning in to the Parliament Channel, they may not know, so I would read it out very briefly. Three objectives of this enquiry are:

- To understand the extent to which food fraud occurs or is perceived to occur in Trinidad and Tobago.
- To assess the effectiveness and adequacy of existing systems, policies and laws aimed at preventing and alleviating food fraud in Trinidad and Tobago.
- To make recommendations for the improvement of standards in the local food industry, both in the short and long term.

Now, we have so far in addition to having input from persons who attended at the last session, we have received submissions from customs, the Poultry

Association, the Seafood Industry Development Company Limited and the Warnerville Grain Mills Group of Companies. I would like to ask, I suppose the lead delegate from each of the groups represented here, to make a brief opening statement if they would be so kind. So, Mr. Singh, would you do us the honour of starting us off?

**Mr. Singh:** Thank you, Madam Chair. I represent the Customs and Excise Division, and in relation to the topic at hand I would just like to state, part of the mission of our organization will be to address three salient points: the first being facilitating trade; secondly, the collection of revenue and thirdly practising effective law enforcement. Regarding the enquiry at hand here, we would have been a bit—if I would find the word—put out, so to speak, in trying to define what food fraud would have really represented. So we more or less put it under the umbrella of what we perceive to be fraud in the wider context what we would be encountering on a daily basis within the division, and it will take other forms. And, certainly, there is a place for finding a small niche to say that if it is, even if it takes place, we would be aware and we have certain policies and guidelines in place to actually handle those issues when they come about. Thank you.

**Madam Chairman:** Okay. That sounds interesting. I am sure that members would want to explore those statements with you further. May I now ask Mr. Phillips if he would be minded to make a statement?

**Mr. Phillips:** Thank you, Madam Chair, and we want to thank you and the rest of the Committee for inviting us here today to make our contribution. Just a background on the poultry industry in Trinidad and Tobago, it is the largest agro sector in the industry, accounting for, according to FAO reports, of upward of 60 per cent of agricultural GDP.

In Trinidad and Tobago, we consume about 50 million heads of chicken a

year or almost one million heads a week, and 80 per cent of that is produced and supplied by local producers. In that context, you could imagine the impact of food fraud that would involve the poultry industry and in that regard, we have divided the food fraud into two major categories: one that impacts on food safety and consumer health and the second one that impacts on trade and the money coming into the exchequer.

We have looked at your objectives and responded in our written submission and would supplement that with what we present here today orally. We have also brought additional information which we would leave with the Committee at the end of the discussions.

In terms of the technical part of it, Dr. Desmond Ali would do the main presentation. His background is that he has a PhD in microbial biochemistry, which really fits—the hand that fits the glove here today in our presentation. In addition to that, he is Executive Director of the Caribbean Poultry Association, so he could give a perspective, not only for Trinidad but regionally and, more importantly, internationally. So that would be our opening remarks. Thank you.

**Madam Chairman:** Thank you very much. Dr. Ramdeen?

**Dr. Ramdeen:** Thank you, Madam Chair, for allowing the TTMA to have a presence here to voice our contribution towards this very informative session that I am sure a lot of information that is going to come out from the process of it will be beneficial to all the stakeholders involved.

Madam Chair, without reiterating what was said by the Comptroller and Mr. Phillips, we too at the TTMA have two main perspectives in looking at this whole issue, and predominantly it is about trade facilitation from our perspective. As Mr. Phillips rightly alluded to, it is about safeguarding the interest, the health of the citizens of Trinidad and Tobago.

We are living in a globalized environment and manufacturers like to operate in an environment that is transparent. It is predictable and this engagement and discussion we are having here this morning speaks to those issues. We are asked to meet certain standards going internationally because we are operating in a globalized environment, and we would want to do everything within our power to contribute to forming and shaping policy that would ensure that there is equitable treatment for goods coming into Trinidad and Tobago. Like Mr. Phillips, I do have a specialist with me here from one of my manufacturers who would probably speak on more of the technical aspects when questions are raised to the TTMA. Thank you very much.

**Madam Chairman:** Thank you all. Now, I am thinking that perhaps we should start with customs, the Customs and Excise Division.

**Mr. Rambharat:** Comptroller, I must say I was taken aback by your opening statement, which seems to afford very, very small amount of interest in this topic of food fraud. Correct me if I am wrong. At least 25 per cent of imports into the country relate to food. My understanding of food fraud is that it covers misdescription, it covers the risk of what the physical thing that is brought in being misrepresented in terms of its composition, its quality, its origin; and food fraud covers mislabelling, misdescription and issues of origin. So it is a number of things, a wide range of things, but ultimately food fraud deals with fooling, not only the consumer but the exchequer. If 23 per cent, 25 per cent of our imports comprise things that are food, I think it should command more than a sliver of attention of customs and that is my opening point.

My question is: what is in place in customs to deal with the issues I have raised in relation to mislabelling, misdescription and the physical quality of what is imported in the country under the description of food?

**Mr. Singh:** Thank you, Madam Chair. Hon. Minister if that was the impression that was conveyed, I assure you it is the furthest from the truth. That was just an opening line that I would have really put out. All those points that you made reference to would have formed part of what I am going to say. We too are deeply concerned, especially in the case of—you had referred to mislabelling, misdescription—and that is why I painted it in a broader context of all the other issues where we have encountered actually cases of fraud.

If I am to say, if I can maybe paint a picture as to what happens currently when a particular transaction is being entertained by any importing party. As we know now, we operate a platform with a single electronic window, TTBizLink and the Ministry of Trade and Industry and a host of other governmental agencies. Initially that document is submitted to the Customs and Excise Division, which certain governmental agencies have access to key blocks of information in that document. It is forwarded through this portal, through this medium, for all these agencies to view—the respective agencies that is. So if it is a food product, usually it would go to the Food and Drugs Division. They would review whatever they would need to see or whatever requirements for that particular transaction, and until they are satisfied, they will not give the okay for us to proceed further with that transaction.

So, in other words, while it is our duty, our responsibility to receive all documents for import transactions, the onus on the particular circumstance and the particular authority on a subject would reside with that particular agency, whether it be Food and Drugs, whether it is the Ministry of Health, whether it is Plant Quarantine, whether it is the Bureau of Standards, whichever agency will have an interest in it they will view. They will then communicate to us exactly what they would like to be done.

**Madam Chairman:** I am sorry to interrupt you, but when you say, “they will view”, what do you mean? Is it that they would look at the document which is on the database or will they go and look at the thing which is waiting to be admitted into the country?

**Mr. Singh:** Thank you, Madam Chair. So I was at the stage of the documents, just the documents. It may eventually lead to what you are describing. It may eventually lead. I am saying this initial document check, it is done by these respective agencies. They will then indicate to us, in the case of food, many possible scenarios: either they will exempt that transaction from their surveillance; they may say release; they may also say release to warehouse; they may also say hold for inspection and we are guided by whatever direction they give. That is solely their responsibility. So we have gone past the stage now of they giving us this notification, whether it be exempt, release, hold for inspection, release to warehouse.

So the necessities will be done by the broker/importer. They will cause the goods—let us assume it is a container—to be in a particular place. Assume, for example, it is hold for inspection, it means that together with the customs, they will also perform whatever examination is required on their end. They will know what they are looking for and they will give the ultimate sign-off as to release into the commerce of the country. We are guided by whatever they do.

There is a final document which is really a release order, only when satisfied with all the obligations, only then we would issue that release order for it to be entered into the commerce of the country.

**Madam Chairman:** I am not so sure I am following you, because as I understand it, customs has the legal authority to permit something or someone entry into our jurisdiction. That is not an authority which is invested in the Food and Drug

Division or, indeed, any other government department. So let me ask you this. When the initial information is put on your database: can you give us an idea how long does it take to get a response from the Food and Drug Department?

**Mr. Singh:** When that document is submitted to the customs, Madam Chair, it is almost simultaneous that it goes across to that agency. So it is almost—

**Madam Chairman:** Well, how long after do you tend to get a reply?

**Mr. Singh:** It depends. We do not know what they are looking for. They would be looking at certain particular aspects of it, so it is totally—

**Madam Chairman:** I appreciate that, but what I am asking is, from your end, you can tell us: is it that you intend to wait a week for the food and drugs people to get back to you on the database so that you can proceed? Is it the same day? What is it?

**Mr. Singh:** Again, we cannot quantify that time. Usually it is within the same day, but I am saying there are specific circumstances. So we cannot say by four o'clock this evening we will get that document. We cannot say that.

**Madam Chairman:** Okay. So, essentially, what that tells us—I do not know if you will agree with me—is that the Food and Drug Division will not do an inspection. They would simply look at what is put up on the database and give their go-ahead or not as the case may be. That is so?

**Mr. Singh:** That is correct, Madam Chair. If only to put it in perspective, there is a document we have here which is a listing of all the products that can possibly be imported, and the food and drugs has the responsibility for what we call chapters 1 to 39 in this tariff. So all such products automatically would go to them. If I am to also mention, it is provided for in the Food and Drugs Act where the food and drugs inspector has the right to examine customs entries, et cetera. It is provided for in law. As part of our custom border control system, they have been included

into that frame, so to speak. So the authority is there for doing it.

**Madam Chairman:** Sure. Perhaps you can tell us: have you encountered or has customs encountered instances where persons were trying to import contaminated food into the jurisdiction? What are the statistics? How often does it happen? In what particular industry or aspect of the food industry? Can you assist us with that?

**Mr. Singh:** At this stage, Madam Chair, I cannot because that would require some analysis and, in any event, as I am saying, we would be guided by what they do and I would not want to rely on memory for an occasion as important as this here.

**Madam Chairman:** Sorry to interrupt you again, but I see Mr. Phillips raising his hand. I think he might be able to assist you.

**Mr. Phillips:** Thank you, Madam Chair, for recognizing. It is very instructive. We in the poultry industry have a practical case, an actual case. Based on the information that we sourced on the USDA, which is the United States Department of Agriculture website, there was information that they exported a product called poultry offal meal. Poultry offal meal could include edible and non-edible, but the numbers—you are talking about an average during a period of July 2014 to September 2014—of nearly 200 metric tonnes a month. There was no evidence of that, whether the edible or the inedible offal meal coming to Trinidad and Tobago.

We enquired of the Office of the Chief Veterinary Officer, who have to give a health permit. According to them, no permit was given to import such a product. The Customs and Excise Department reported to us that there was no correspondent import of that product. So what happens after that? Is there some way we could contact the USDA or the exporting countries authorities to say well, what happen? They reported that it was exported to Trinidad and Tobago and we are reporting that it never came. It did not disappear into space. So there is an

actual information that is outside there that hit a wall and we did not know how to go over or under or through the wall. So I am not sure if the Customs and Excise Department could give us—what happens next?

**Madam Chairman:** I do not know. I mean, how does it work when you put stuff on board a ship for export? Is it that you would have to have whatever the product is on some sort of manifest on the vessel, so you could identify the vessel, you could identify what the vessel is supposed to be carrying and that kind of thing? Was there any information found with respect to that?

**Mr. Phillips:** Well the USDA information is given via tariff numbers, which is what you use for international trade, what you call—it is in that blue book.

**Mr. Singh:** Yes.

**Mr. Phillips:**—HS codes. So we went to the USDA website and we got this information. So we enquired, why are they bringing this product into Trinidad? Whether it is inedible or edible it is not something that we would expect to come to Trinidad, yet the Ministry of Agriculture, Land and Fisheries Chief Veterinary Officer advised no such import permit, health permit, was granted for a product like that. So we are not sure exactly what came into the country, if it came at all.

So my question is, in a situation where we actually have some sort of documentation that comes from a very reliable source, the United States Department of Agriculture, which shows that something amiss is taking place, what is the next step? If we do not find any evidence here in Trinidad, do we just leave it there and say, well it never came? Or did it come into Trinidad under a different tariff heading? That is part of food fraud as described by the acting director. So in a case like this, is there another step beyond what has taken place?

**Madam Chairman:** Well, I do not know if Mr. Singh—I do not want to sound as though I am taking over the questioning, but I just need to ask this burning

question before I allow Dr. Francis to ask his. To me, the logical next step is enforcement of the law, because if it has not come in legally, it means it has come in illegally. So certainly customs would have a role there. Would that not be so?

**Mr. Singh:** Thank you, Madam Chair. The fortunate thing about this particular matter is that Mr. Phillips, he had engaged me when that information came to hand. Now, a lot of things can happen there. I mean, I am not a lawyer, but most of it would really call for speculation as to what could have transpired. Getting the statistics from the USDA which I agree is a very valuable source, anything can happen. You are right, Madam Chair, that document that you are referring to, the Manifest and the Bill of Lading is what would really say that it has been shipped to Trinidad and Tobago.

I would have done some research on this particular matter and there is no evidence to show that it actually came to Trinidad. So whoever would have been using—and again I am suggesting, we can only suggest, no one knows—but I am telling you from our records that particular transaction was not shown to actually come to our shores. You are quite right again, if it is that we would have evidence of it coming, then we would have been in a particular place to take certain action to more or less stem that illegal importation, which is without the necessary permits, without the knowledge of the local food and drug authorities.

**10.35 a.m.**

**Madam Chairman:** So what you are saying is that you did conduct an investigation, you did have access to the information on the manifest and the bill of lading, and whatnot, and you concluded that there was no other trail to follow in order to ascertain whether the product arrived here? Is that correct?

**Mr. Singh:** That is correct, Ma'am.

**Dr. Francis:** Mr. Singh, good morning, again. Relatively simple questions: first

up, how confident are you in the protocols governing and then the quality of investigations carried out by your division? I am saying that in the context that some of the feedback I received is that these investigations are neither as strict or as thorough as perhaps they should be; that is one. I am concerned about foods that are labelled in languages other than English which can be found on our shelves in this nation. I would just like to know what are your views on that? And I will give you a “gimme”, I will hit you a long hop you could hit for six: how confident are you in the safety of the food imports coming into this country in general? Thank you.

**Mr. Singh:** Thank you, Dr. Francis. I just want to put the particular section, I guess you are referring to in the Customs and Excise Division, our Investigations Unit—I would disagree with that observation that you made. What I will say is that we are so depleted of resources the quality of the people that we have there I assure you they are some of the best that we have. And I need not go into specifics to tell you how short staffed we are, but from what we have coming out it is terrible—

**Dr. Francis:** Mr. Singh, it might be helpful if you were to tell us—it might be tremendously helpful, because, okay, let me provide the context. There are views that I have heard, for example, that investigations are carried out by officers supposedly who are miles away that they do not really look at the material they are supposed to look at. We hear these rumours and innuendo all the time. Now, this is a nation that is sometimes prone to rumour, so one does not just simply takes these things, but the public needs to be assured that the division is doing what it ought to do. If there are constraints preventing that then this is the forum for vetting, for explaining those concerns, because they might provide a greater picture of what is facing you. So it would be very helpful if you were to tell us the

constraints facing you.

**Mr. Singh:** Thank you, again, Dr. Francis. I think when you had mentioned the investigations, I was referring to actually a different section, which is after an infraction is detected we would send these specialists to really do what needs to be done. I guess what you are looking at is examination, which is slightly different in our context. Okay? Again, I would say that our investigators, I will not find any fault with my investigators; they go way beyond the call of duty. They are almost working 24 hours; that is not an issue. As far as the staffing constraints are concerned we are below 15 per cent of what our establishment is supposed to be.

**Madam Chairman:** 1-5?

**Dr. Francis:** 1-5?

**Mr. Singh:** 5-0.

**Dr. Francis:** Oh, 50 per cent.

**Madam Chairman:** 50 per cent, yes. Okay? So it calls for about 460 in our establishment, I think we are down to 220 to just thereabouts right now. If only to say that we have embarked on a certain course of action where we are more or less conforming with international trends in doing certain things. In other words then, and part of my opening presentation would have been facilitating compliant trade, what we try—the idea that is coming out now we want to get all importing and exporting members of this nation to become compliant. So you would more or less be on a certain level with us where we can de-risk you, so to speak. So we know who we are targeting, which group that we are targeting, in particular.

The incidence of—even the examinations you were referring to, in some cases, and I would tell you in the case of food, this vessel comes up on a Wednesday, and it is a vessel with only food products for Trinidad and Tobago. So it is a case where we have to remobilize our resources on that particular date to

handle this influx. We do not want those goods to stay for any length of time on the ports, et cetera, and that is done without dispatch. I do not think we have any complaints as to what measures we would have put in place to facilitate that type of transaction.

So I would not want to comment further on that part that you were referring to with the rumours because I treat rumours as rumours too, and if you cannot present something to me to tell me that on such and such a date, so it did not come, I could deal with that, but the rumours we will leave it there right now. What I will tell you is that our officers are some of the most dedicated and committed officers you would find.

**Dr. Francis:** I am happy to hear that. Is anything being done to deal with the personnel issue?

**Mr. Singh:** Dr. Francis, even as we speak certain measures are being put in place to fill that void, so to speak. But because for a period of time, it was not now—sometime in the past—recruiting really was not done because of the way that the division was supposed to go, we all know what happened with that. So there was a temporary halt on recruitment, and what is happening now even though some members are coming in they are fresh, they are being trained even as speak. We have a batch in training now, but it takes a certain amount of time to really get an officer up to an acceptable standard where you would really understand all the vagaries of what is required in the job, okay? So we are filling it gradually but it will take some time to get where we want to be. If only to say though, that we have adopted some new international techniques as far as the operations are concerned, and I was referring to the compliant nature of trade, on the one hand.

The emphasis now, and I know it may not be in its full operation right now, but it has to do with a lot of risk assessment, intelligence based, and if we have

narrowed down, more or less, the noncompliant people, we are trying to find the formula as to how we are actually going to target what we perceive to be the noncompliant section, because the world is going into compliance. The world is heading into a place now where there are what we call trusted trader programmes, authorized economic operators where you are given certain leeway, we have certain faith, certain confidence in you where you can operate after you have been sanctioned. We have a rudimentary voluntary compliance programme that is going on right now with six of the larger importers of products in Trinidad and Tobago, and it is working beautifully for us. This is the way that we see it will be going in the future.

**Madam Chairman:** Okay, Mr. Singh, I know you all are doing a lot of good work—sorry, **Dr. Francis**, I did not see your light was on, go ahead.

**Dr. Francis:** He has not answered my second question on labelling. Mr. Singh?

**Mr. Singh:** The labelling?

**Dr. Francis:** Labelling. Sorry, Chair.

**Mr. Singh:** Thank you for reminding me. I saw the first session where that, I think, would have actually been—

**Dr. Francis:** Yeah, I have been concerned with it for a while, so, yes. I keep asking the same question.

**Mr. Singh:** Okay. I want to tell you another importance statistic. Now remember, we were at the point where we would send these documents for vetting by the respective governmental agencies and they may determine whether they want to examine, whether they do not want to examine. We also have certain criteria in our selectivity process for examination. For the volumes that Trinidad and Tobago would normally do it is impossible to examine every container in Trinidad and Tobago—that is a given. We are aiming for between maybe 75, 80

per cent without examination. That is our aim, okay? So we deliver these goods without examination. What I am saying, if it is that the authority, the food and drug authority, having viewed whatever they would view and determined that they also do not have an interest in it, the chances are, and I am saying a hypothetical situation, the chances are that that particular product may never be examined by both Customs nor the respective governmental agency.

The reverse is also true, that we may not have an interest for examination based on our risk criteria, but the respective agency may want to examine that; in such a case we leave it up to them, they will do whatever it is that they are looking for. Why am I telling you this? That in some cases, especially with the larger importers which would present a lesser risk to us, we may not, based on our criteria, examine those containers, okay? Again, I would tell you that if we were to examine a container and we see what you are referring to, the foreign labels and so on, the duty is on us to draw that to the attention of the respective agency that is responsible, whether be it Bureau of Standards, or in the case of food, whether it is the Food and Drugs, and in such case we will refer that to them.

**Madam Chairman:** And have you ever encountered such a situation?

**Mr. Singh:** From my recollection, Madam Chair, no. My own recollection, I have not.

**Madam Chairman:** And you are aware that in supermarkets in this country there are products labelled in French, Spanish, Arabic, different Chinese languages, possibly Hindi, and other languages that I cannot read? So do you have a way of, or an idea of how this might be prevented, the importation of this kind of product?

**Mr. Singh:** Again, that will be based on intelligence. That is the only way we can successfully target that operation, bearing in mind the volume that I am saying. To my mind, and I do not want to speak for the Food and Drugs, even at that stage I

am certain things can be done when those offending products are seen. Many, many years ago, Madam Chair—I just want to correct what I just said concerning the foreign labels—I remember an importer brought in a shipment of sardines and the labelling was in Spanish; in that case it did not reach the shelves because we would have referred it to the Food and Drugs then. It was stored in the warehouse, and I understand then—I was about a junior officer then—I understand then they had to remake labels and every single can of sardine had to be affixed with that label before it went out. That is what I could tell you from my experience what would have transpired.

**Mr. Coppin:** Good morning, Mr. Singh. I know you would have said that a lot of the responsibility for inspection lies with the relevant Ministry, in this case would be the Food and Drug Division. From my own understanding though, as it relates to origin and countries from which we are allowed to import poultry, I have before me the animal disease and import control regulations, as well as the Importation of Poultry and Non-Poultry Products Permit Notice, I know the Poultry Association would have referred to in there, which I do not think you have a sight of, in their submission, one of the concerns they have is that import of products from non-approved sources as defined in those said regulations, section 15 of the control regulation speaks to poultry may only being imported from one of the countries specified in the Sixth Schedule, and those countries are, Antigua, Australia, Barbados, Belize, Canada, Denmark, Jamaica, Montserrat, Netherlands, New Zealand, Northern Ireland, St. Kitts and Nevis and Angola. From your experience is there any merit in suggestions or claims that apart—that there are imports currently in this country from non-approved sources as defined in those control regulations and the notices? Is there any merit in those claims?

**Mr. Singh:** Madam Chair, if I may, if we are speaking about poultry products, in

particular, the usual procedure for that—to answer your claim Mr. Coppin, let me say this first and then I will have to get back to your question. In the case of poultry products and the submission of these documents, as I mentioned to another agency, even at the point of delivery of the goods certain documents are required even from the Customs end; we need to see those documents physically, okay? The first being the health certificate from the exporting country, and, secondly, the permit from the local authorities here—usually, it is the Ministry of Health?

**Mr. Phillips:** Office of the CVO.

**Mr. Singh:** Right, okay, Chief Veterinary Officer, and we are guided by those two documents. In fact, that particular permit is one that we will actually mark off to say that this shipment is conforming with that. The specifics of the countries that you made mention, you are saying that those are the countries, only from those countries products can come?

**Mr. Coppin:** Yeah, there are some other ones, Dominica, St. Lucia, France, St. Vincent, Great Britain, Sweden, Grenada, United Kingdom, Guyana, United States and Israel.

**Mr. Singh:** So, reliance is placed really on those certificates that are submitted to the Customs. If I may also, Madam Chair, those initial documents that I was referring to, it is not just a Customs entry document, all supporting documents for that transaction are also uploaded by the customs broker. So if it is that a health certificate is required it has to be uploaded, if a permit import has to be provided it must be uploaded, so we would see all the attachments on that particular transaction as a bundle of documents for that particular occasion.

**Madam Chairman:** But how do you authenticate the certificate because anybody could upload anything on any information system?

**Mr. Singh:** At the point of examination, those original certificates will have to be to

be provided just prior to delivery. So whether it is examined or not we still deliver.

**Madam Chairman:** I am not following you at all.

**Mr. Singh:** We are talking about uploading in the initial phase—

**Madam Chairman:** Right, so the importer comes in and the broker is there and he has a bunch of documents, one of which is the health certificate, and this document is accompanied by supporting documents, which may or may not be authentic in themselves, is there any way through the unified system that you have described, for you to go up on the system and try to find out whether the documents you are seeing or which have been produced to you are in fact genuine?

**Mr. Singh:** Thank you, Madam Chair. You must also remember that the access to that system is only by special designated personnel from even the governmental agencies, so there has to be an element of trust even from the personnel who are reviewing, say from the Ministry of Health or the plant quarantine, whoever.

**Madam Chairman:** Mr. Singh, I am asking a straight question, you know. I think you can give me a direct answer.

**Mr. Singh:** Well, you see, you were referring to two different scenarios; one was the uploading which is a requirement for initial submission. I was also making reference to the delivery which is an operation removed from that initial uploading at which case the originals will be presented.

**Madam Chairman:** Yes. What I am asking you is, when you receive the originals how do you authenticate them? Or, how do you know that they are authentic? Is there some method whereby you can go to some sort of international governing website and determine whether what you are seeing is in fact a certificate issued from a particular industry in a particular country? Is that a capacity which Customs has?

**Mr. Singh:** Not at this time. Not at this time, Madam Chair.

**Madam Chairman:** I see.

**Mr. Singh:** If we have to do that we will to go through again with the local agency.

**Madam Chairman:** Okay, thank you. I think we have spent a great deal of time with Customs so far, and I know that as we ask questions, more questions will burgeon from this end of the table, so perhaps we should move on to Mr. Phillips, and then if we have some time we could tie it in with Customs.

**Dr. Rambharat:** Mr. Phillips, last September when I looked at the performance of the local poultry sector I saw that between 2010 and 2015 we had a sharp increase in imported poultry to the point that imported poultry may be about 20 per cent of the market, but more recently I noticed an even sharper increase in the importation of poultry. What are the issues relating to imported poultry on this question of food fraud in the country?

**Mr. Phillips:** That is a very good question, but, you know, it is very strange you ask that question, because based on the earlier discussion we are not sure—the data that we presented which highlighted that, again, was sourced from the United States Department of Agriculture, which is a very reputable source. Unfortunately, we have no corresponding data on imports into Trinidad from the Customs and Excise Department, or any other department to correlate or to see the matching. It has already been said here this morning that the 200 metric tonnes per month that was coming in of poultry offal never came into the country.

So, the numbers indicate that, based on the USDA export data, but I am not sure if the Customs Department information will confirm that, validate that, or say it did not happen, because at least in one case there is a big question mark over it. But what has happened is that—I think the chicken is coming because we see evidence of it, mainly chicken leg quarters. First of all I have to explain what the

main export/import source for us is the United States of America; they have what you call market segmentation where they use—the term is they harvest the breast and the wings which they get a premium price for, and then leg and thigh, as we call it here, they call it leg quarters, becomes a by-product. In fact, in the United States only 40 per cent of the leg quarters they produce is consumed domestically, so they have to export 60 per cent.

What happens from time to time is countries like China, like Russia, impose non-tariff barriers to defend their market if they find it is too much imported products coming into their market, mainly from the USA and sometimes from Brazil, they put non-tariff barriers in the way. Now, when a market, as in the case of China, 1.3 billion people; or in the case of Russia, 300 million people close their market, even for a short period of time, two, three, months, it creates a massive surplus in the warehouses in the United States.

So, therefore, leg quarters, which even at the discounted prices sell for in the United States, ex factory or ex warehouse, US 60 cents a pound; currently it is as low as US 20 cents a pound. The other factor is that in the developed countries the shelf life on meats, inclusive of chicken, is 180 days from date of slaughter. The product must be consumed within 180 days of date of slaughter, so when that product is approaching, or has exceeded the 180 days there is heavy, heavy, further discounting taking place. So one importer indicated to me that last year with this mountain of chickens they have in the United States, leg quarters, he got leg quarters for between US 18 cents and US 20 cents a pound. So that is way below cost even in the United States but it comes down here at 20 cents, whatever the tariffs are, it is supposed to be 40 per cent, it makes that product very, very, very inexperience.

How do we deal with that? Well, that will be a policy decision. So that

accounts for that part of it. In addition to that, there is raw chicken product, as all agricultural products coming into Trinidad that we have put on our WTO listing, affords a 40 per cent tariff, but there is a way around it called neutral marinade, which is basically applying water, a little bit of sodium, a little bit of phosphate, and it becomes—comes in under a different tariff quote, 16.02, and the 40 per cent tariff applied now becomes 20 per cent.

Whether it is neutral marinade or it is just raw chicken, as far as I know, nobody checks to confirm whether it is, but it is a raw product. And we have applied, when I say we—the Caribbean Poultry Association of which Trinidad and Tobago is a member—have applied to the COTED to bring all raw chicken up to have the same application, and the COTED approved it. I am not too sure where the status is in implementing it in Trinidad and Tobago, but, as far as I know, it is still at the 20 per cent.

So, those are the two main reasons: one, there is a way around the 40 per cent tariff, reducing it to only 20, and, more importantly, as of now, especially since the beginning of this year, there is a massive glut of chicken in the United States as a result of China and Russia closing their borders to US chicken for a period of time causing big, big discounts. We in Trinidad and Tobago are in the process of implementing poultry standards approved by COTED in December 2012. We understand it has reached the stage of legal drafting. The quicker we implement that the quicker it is—because our consumers should not be eating chicken that is deemed unfit for human consumption in the developed world, and that is what our consumers are exposed to right now, because once that chicken is over 180 days it is deemed unfit for human consumption. There is a case in Guyana where the chicken actually arrived in Guyana with “pet meat” stamped on the box, because in the United States if it reaches 180 days they cannot get an

export market that is willing to accept it where they do not have the 180 days standard, it is sent to their pet food industry. It actually went, it was stamped “pet food”, and it arrived in Guyana. The Guyanese were wise enough to dump it into the sea, but this is—so if it is going to the pet food market you could imagine the value. If they can get a higher price outside, like in Trinidad and Tobago, they take the higher price. So instead of selling it to the pet food market for 5 cents or 10 cents they sell it to Trinidad and Tobago for \$.20 cents, if they get 10 cents more per US per pound they are better off.

**Mr. Coppin:** Mr. Phillips, reading your position paper here again, I just want to, for the benefit of the listening audience as well, perhaps just to read a bit from it. It says:

The Caribbean Poultry Association, through the on-going vigilance of its members and working with the state sector inspectors have detected the following food fraud practices: products consigned for pet meat use being diverted to human use, marketing expired products over 180 days after slaughter and processing, thawing of imported frozen products being sold as fresh chilled products, mixing thawed foreign products, frozen products, with domestic fresh chilled products, and marketing as fully local fresh chilled products.

My question is, you say you have been investigating with the local authorities, could you tell me a bit, after the investigation what happens? You know, after these revelations are made, what effectively happens? Do they just go away and say, okay?

**Mr. Phillips:** The challenge that has been explained to us by the authorities is a similar situation to the Customs reporting this morning, they are understaffed, they do not have enough personnel to go around to do the necessary groundwork. There

are about 500 supermarkets in Trinidad alone, far less the various food establishments. So, therefore, we will report it but getting the officers there to go and confiscate the product, if that is what is necessary, is hard. That is why one of our recommendations, and this did not come from us, this came from inside one of the institutions, that they set up an MOU, a memorandum of understanding between the various organizations, and with some additional training somebody from public health could go and see something that they can deal with. They could be given the authority as somebody from the Department of Chemistry, Food and Drugs to go and seize products.

**11.05 a.m.**

**Mr. Phillips:** They would go in for their own job in an establishment, see an infraction, they know it is an infraction, but it is outside of their purview, outside of their jurisdiction. So what we need to do is set up MOUs. One of our recommendations is to set up MOUs and precept all of these officers across the Ministry of Agriculture, Land and Fisheries, across the various departments of the Ministry of Agriculture, Land and Fisheries, which would include Chemistry, Food and Drugs, Public Health, Veterinary Public Health, and also the local government authorities where they also have those types of inspectors, so that we have more feet on the ground. The problem is, as the Customs Department was explaining, there is a shortfall in the personnel out there to actually police all these issues.

Currently, for instance, we have a situation with chicken. We again have identified chicken coming in from a non-approved source, namely Chile, and when we contacted the CVO he said it is outside of his jurisdiction and contact somebody else; then we called them, they contact somebody else. So even when we identified the problem and it is recognized and it is reported, sometimes the reaction time takes too long. Once people know there are infractions and the

authorities are coming into their facility, they would do what is necessary to take the offending product off of the shelves.

**Mr. Coppin:** I was quite alarmed. In fact, one of the discoveries you say, or the Caribbean Poultry Association say they have made, relates to the import of duty-free frozen products intended for further manufacture, being diverted to the retail market, school feeding and the food service. There is someone from the Caribbean Poultry Association here, is there not?

**Dr. Ali:** Yes.

**Mr. Coppin:** Do you still have evidence of this type of practice or do you have any evidence in your database?

**Dr. Ali:** Thank you for the opportunity. Let me say that the issue of food fraud affects the poultry industry in the region dramatically. The poultry industry in the region is the largest agribusiness, and we employ a lot of people and we produce 82 per cent of animal protein that the Caribbean public requires.

We are facing two problems here. I have actually seen up the islands, 20-kilo boxes of chicken stamped "For pet meat only" by the USDA, and over stamped for export to the islands and being sold up the islands. So that is one of the problems.

You have to understand the structure of the industry. The poultry industry is growing all over the world and growing at a very fast rate. Every country seems to want to become self-sufficient in poultry and also to export. The Russians who used to import nearly one million tonnes a year are now down to 300,000 tonnes and they are falling dramatically, and they will be exporters. The same with the Chinese.

In the US and Canada almost the entire cost of production of a bird is amortized under white meat on the wings and on the breasts. Everything else can

be thrown away, given away. It is sold at whatever price the market will bear. Once that product is frozen, it is chilled, ex Georgia, the price as Robin said is 60 cents a pound. The minute that thing is frozen, it drops to 40 cents. After 180 days—and this magical 180 is not our invention; that is a Codex Alimentarius requirement. We are a member of Codex Alimentarius, and Codex Alimentarius says that 180 days after slaughter and frozen, poultry becomes inedible for human use. The reason for that is simple, that the fat in the poultry starts to go rancid and there is the greater opportunity of the meat becoming contaminated during the process of storage. Right now as I speak the Americans have nearly one billion pounds—one billion pounds—of dark meat in storage that they cannot even give away. So the minute it goes after 180 days, the price falls through the floor, because it is either going for pet meat or it is going to a country where there are no standards, and that is the problem we are facing.

The problem we are facing here in Trinidad and Tobago and in the Caribbean is that there is not a poultry standard that says what poultry meat is, how it is to be handled, how it is to be slaughtered, how it is to be sold. We in the Caribbean Poultry Association spent a number of years working with all the industry, all the Bureaus of Standards, all the Chemistry, Food and Drugs Departments to develop a poultry standard that is the regional standard. It has been approved by CROSQ, the Caricom Regional Organisation for Standards and Quality. That was sent to COTED at the 35<sup>th</sup> COTED in 2012. It was approved by COTED in 2012. To this day 2016, not a single country in the Caribbean has implemented it, because CROSQ standards and COTED approval are not mandatory, like in the EU, they are optional. A country is free to approve or not to approve it.

What happens here in Trinidad and Tobago, people import frozen leg

quarters more than 180 days; they probably get it at 15 cents. I have had offers of chicken, frozen leg quarters, for five cents a pound out of the US, but the chicken is five years old. That chicken is imported ostensibly for manufacturing, so it comes in at 5 per cent duty, and what do you see? You see full page ads from the companies that are importing that chicken ostensibly for manufacturing, being sold openly for retail. It happens in Jamaica, it happens here. It happens to a lesser extent in Barbados. Guyana and Belize seem to be much better off than we are, and that is because Belize has BAHA, they have a BAHA Act, we do not have a similar Act.

So it seems to me that the real problem here is that we have to approve a poultry standard by which we can judge our own product and by which we can judge the imported product. At the moment the CVO and the Chemistry, Food and Drugs Act are operating in a vacuum. There simply is not a standard that they can work from.

**Madam Chairman:** Dr. Ali, thank you very much. That was extremely helpful because I saw on Facebook, I think sometime last week—you know, there are these fora now where people put up stuff for sale, like expats putting up stuff for sale and so on, and one of the things put up for sale was five-year-old chicken. So it is interesting that you should mention that. But do you catalogue the instances or the breaches of this code? Do you catalogue it so that it can be shared and given to some agency to investigate and so on?

**Dr. Ali:** Thank you, Chair. We have members throughout the region, and our members are all looking at this issue of imported chicken and where there are breaches of the law, and collecting that data. I will be presenting some of that data certainly to the various Ministers in the countries and also to COTED.

**Madam Chairman:** Thank you very much. I know that some of the members

here are required to be in the House of Representatives at 1.30, so while this is going very well I think we have to move on to the representatives from the TTMA.

**Mr. Ramadhar:** Chair, if I may be permitted, I think it would be very helpful if we got from Customs, from the Poultry Association and from the Caribbean Poultry Association as we move forward, a list of what is required to improve our position forward, as we have the Minister here so that policy decisions can be taken. As Minister of Legal Affairs we had engagement with them, and work had already started along that route, but I think it is important now for us to put a line—what next, as we proceed. Thank you very much.

**Madam Chairman:** Certainly. It seems as though it is left to me to start the conversation going with the members of the TTMA. What I want to ask you first of all is how many of your members are from the food industry?

**Dr. Ramdeen:** Thank you, Chair. The TTMA has roughly 400 members belonging to the TTMA, with approximately 40 per cent of that belonging to the food and beverage sector.

**Madam Chairman:** Who are the largest ones in each, I would say chicken, pork or whatever it is.

**Dr. Ramdeen:** Of course Arawak group is the largest chicken producer in Trinidad and Tobago, but we also have Nutrimix and the like. In terms of the area of pork we have quite a few people, but Albrosco are the ones who do a lot of the pork sausages and these kinds of things. Of course things like flour we have National Flour Mills, Nutrimix. All the large players in Trinidad and Tobago belong to the TTMA.

**Madam Chairman:** Does the TTMA have any sort of educational sessions for its members, so that they may know that the world is moving toward certain standards and that their product may be required to meet those standards?

**Dr. Ramdeen:** Yes, Madam Chair, we do have on many occasions. Last year alone we had three sessions on food sensitization, what is happening with the US with the regulations taking place here, and prior to coming to this meeting we were discussing as a team that we need to get all the stakeholders together to have a further discussion and probably write—September we were alluding to?—to have a sensitization to the membership about what is happening in this particular area of food fraud.

**Madam Chairman:** Okay. Your members would be persons who are selling or trying to export processed food. Am I correct?

**Dr. Ramdeen:** Predominantly we are manufacturers and exporters, yes.

**Madam Chairman:** Yes. Okay. Have they brought any complaints to you with respect to unfair competitive practices that they may have encountered?

**Dr. Ramdeen:** Yes, Madam Chair, we have quite a number. You alluded to some of them earlier on when you spoke about labelling requirements. You are absolutely right. I could go on the supermarket shelves and get things in Portuguese, in Spanish. If you go to Charlotte Street, most of the things are written in Chinese. So those are some of the labelling infringements that we have, among others. I have one of my representatives here who could probably speak some more on the specific labelling infringements in his particular industry and area.

**Madam Chairman:** Certainly. Good morning Mr. Traboulay, thank you for joining the discussion this morning. But would you like to take it up from where Dr. Ramdeen ended?

**Mr. Traboulay:** Yes. The food and drug regulations as currently pertains, there are a number of requirements for food labelling, which we as manufacturers have to comply with. In fact, we as exporters also have even more rigid requirements in countries like Barbados, St. Lucia, Jamaica and Guyana, which we have to comply

with as well.

Recently for export, let us say to Guyana, we would have had to send certificates of quality from CARIRI as well as from the Food and Drugs, export certificates saying that the shipment meets a certain standard. However, end products coming into the market there does not seem to be a reciprocal requirement from Trinidad. In Jamaica, if you send a product into Jamaica without address for a distributor, the product is blocked at the port. In St. Lucia, if you send a product there and it does not have a certificate of analysis from CARIRI, not even our own, it must be from an independent lab such as CARIRI, it is blocked at the port, but the reciprocal does not exist.

In a sense the food and drug regulations locally were drafted in 1960 and there have been very, very few amendments over the years, minor amendments really. A lot of the law is in fact outdated, a lot of the standards which define what the product should be by certain standards are outdated. Some of them are not even covered any more, such as, we talked last time about flavoured water. There is no definition in Trinidad and Tobago law of flavoured water.

**Madam Chairman:** I am interested in this particular thing that you said. You say that you have to make sure that you have the certificate from the Food and Drug Division, but last week during the session that we had here we were told that the Food and Drug Division does not have an operational lab, that it was shut down I think by the union two years ago. So over the last two years, what has been happening? How have you managed to get these certificates?

**Mr. Traboulay:** Madam Chair, what has been happening is that the Food and Drugs lab—actually it is quite right—was shut two years ago, but actually has been non-functional maybe 10, 15 years now. The testing has been done by CARIRI. We would send for the export certificates, copies of our labels for review, by the

Food and Drugs. We would invite them to our plant to examine our facility to make sure that we are manufacturing under the requirements of the food and drug law, and based on that they would issue the export certificate. It is something we can apply for online, and having their records of our labels, that they have, in fact, examined our plant, they would issue the export certificate for every shipment that we need it for. There is a small fee for that. So based on that, that is what we have been doing. If they require an analysis, we would have to send the samples to CARIRI and submit the report to them.

**Dr. Francis:** Good morning again. In our previous hearing with the Bureau of Standards et al, we were informed that foodstuffs that were dumped, and I do not mean dumped in the economic sense, I mean dumped in the literal sense as in a dump, were subsequently being sold in Trinidad by some interesting sleight of hand. Have you encountered cases of this? Have you flagged them? What happened next?

**Dr. Ramdeen:** There are many occasions that we could cite where dumping in the literal sense would have taken place, and yes we have brought it to the relevant authorities. In some instances the goods have been taken off the shelf. A couple of years ago we had a situation with footwear, Timberland, false declaration or imitations that were coming in, and all were taken off the market. We do have a very good working relationship with the Customs Department. Every so often we would inform the Comptroller of what is happening, we would inform the Bureau of Standards of what is happening, and we would inform Chemistry, Food and Drugs, as the particular scenario rests with their authority.

Unfortunately there is a big problem working with the Chemistry, Food and Drugs. They are under-resourced, both financially, human resource capital inadequacies and they are just not up to scratch. You cannot even get the Food and

Drugs Division by phone. They do not have a phone working, they do not have their emails working. You have to call the respective people on their personal cell phone, it is that bad. It is really and truly a difficult challenge for us dealing with the Chemistry, Food and Drugs Division.

So whereas we may identify certain irregularities in the market and we bring it to the attention of the authority, and if it is a food item the Chemistry, Food and Drugs Division in this particular instance, there is very little that could be done. We also would bring to the Consumer Affairs Division at times, and it is a little better with the Consumer Affairs Division, but the real challenges continue to rest with the Chemistry, Food and Drugs Division. I do not know if you want to add anything.

**Mr. Traboulay:** Yes. I have been dealing with the Food and Drugs Division for maybe 30 years, in manufacturing, but what Dr. Ramdeen has just said is quite right.

There are two challenges, one, as was mentioned, under-resourced, under-equipped, under-funded. Sometimes I also wonder if the will exists quite frankly. Besides that too, there does not seem to be an appreciation for trade issues and, therefore, delays in certain certifications are done when products may be in some port waiting for something from Food and Drugs, and just waiting there collecting demurrage and so forth. This is why the TTMA and many members of the TTMA have advocated that food come under the TTBS rather than being under the Food and Drugs Division.

Let me explain something like that. Right now the food and drug regulations are one of law. If you are going to change it, it has go to Parliament and so forth. However, the Bureau of Standards has many, many standards that they can change at will, because of the way they operate. So in a way many

countries, St. Lucia and so on for example, have the food under the bureau, St. Kitts under the bureau, Jamaica under the bureau; they can change their requirements, their standards and keep with the times very easily. Whereas here we are 50, almost 60 years old in our regulations, and we have not changed our food standards.

If it was changed and the bureau had the authority to establish standards, we could have also kept pace, know what are the preservatives that are no longer used in the world, that we are still using. For example: what are the limits of use of certain ingredients that are no longer being used at the levels we are allowed to use here? Things like that. We could have done those things very easily, but having to change a food standard or a food law, a food standard under the bureau that takes 60 years to get it done under the Food and Drugs Ordinance.

So there was this advocate that many countries—I think we are probably the only one, Desmond, that still has it under Food and Drugs, all the other Caribbean islands have it under the Bureau of Standards. We are the only one in Caricom that still has it under Food and Drugs. Everybody else is bureau, for the same reason of keeping up with the standards and making sure that we have a relevant system.

**Madam Chairman:** I just want to bring this back to Mr. Singh. I understand what you have told us about being extremely short-staffed and so on, but do you think in the interim while some regulatory system is being created and put into place and that kind of thing, there would be any possibility of training some of your personnel and assigning them to deal with food imports and exports?

**Mr. Singh:** Thank you, Madam Chairman, I can answer in the affirmative. From the discussions that have been taking place nationally I think it is very opportune now that we embark on some form of further training to increase the sensitization levels. I will take that on as a recommendation and we will do it.

**Madam Chairman:** Thank you.

**Mr. Rambharat:** Just to come back to Customs, just taking the point that I think it is either Dr. Ali or Robin made. We are talking about food fraud, I also have seen what I would consider to be food laundering. So the leg and thighs come in, the quarters, and I heard the discussion about coming in under a particular duty for manufacturing, but then it enters the market without any further processing. Why I say “food laundering” is that my understanding is that this previously frozen meat is thawed out and sold as fresh poultry, or even in some of the more reputable establishments it is mixed with local chicken, because of course I as the consumer I stick to breast and wing, because I know that that is local; the import is the leg and thigh. But it is mixed, so you will get a pelau pack that is part five-year-old frozen leg and thigh from the US and part local breast and wing. I consider that to be food laundering. It is disguising and fooling the consumer.

My understanding too is that the same thing happens with pork. Pork for processing comes in duty free into the country, but the importers are putting that pork on the retail shelf. In the form in which it is brought in there is no alteration, no further processing and it is competing with local pork. So that of course has to do with where it ends up after it leaves Customs, and I imagine you would say to me that you have no role in that. But the overarching concern I have so far is that the single electronic window is merely a paper transaction. It is only an examination of documents. I see it as a triangle in which Customs has a role, Agriculture has a role. But correct me if I am wrong, when Agriculture works on the single electronic window, Agriculture is not seeing the tariff code; it does not. That is not what Agriculture is looking at the documentation for. Then Food and Drugs has a role and a very different and limited role.

But in all of this, nobody is examining the actual physical product that

comes into the country—that is the first thing. So while the documentation may talk about pork and chicken and whatever else, flour, rice, sugar, I am not getting the assurance that anybody in this country is looking at what is coming into the country—if chicken is chicken, if fish is fish. I know the crab meat that is being sold is fake, but nothing on the packaging tells the consumer that this is not real. If you go anywhere in North America where you see chicken being sold in a supermarket, you see “previously frozen”. There is a sign that says “previously frozen”, because the market recognizes there is a quality difference and a price difference between fresh chicken and previously frozen chicken that has been thawed out.

That is where my concern from the outset was and where it remains, that absolutely nothing in what I have heard tells me that the consumer has the assurance that what they are consuming is safe, what they are consuming is what it is and the price they are paying is what it should be. Then a side of that, part of that, is the fact that local producers are suffering; the local pig farmers are suffering, because for Christmas this duty-free pork was being retailed at four pounds for \$50. Local pig farmers who feed their animals with grass, and in many cases imported feed, cannot compete with a highly subsidized product imported duty-free and landing onto the shelves to compete when it should not be. And that is difficult, and that is where the difficulty lies to the local producers and the consumers. That is where my concern is.

To the TTMA—I am amazed. Water is water, flavoured water is soft drink, and that is how I feel as a consumer. That consumers are being misled and taken advantage of, and I am not going to talk today about bottled water, which is one of the biggest frauds being practised on the consumers in this country.

**Mr. Coppin:** Question to the Poultry Association again. I know the

Manufacturers Association representative would have spoken about their lack of confidence in the Chemistry, Food and Drugs Division, but in your estimation does the Chemistry, Food and Drugs Division exercise effective oversight of the local poultry industry through inspections, seizing of items and pursuing legislation—in your estimation.

**Mr. Phillips:** The situation with the Chemistry, Food and Drugs Department is by under the laws of Trinidad and Tobago they have legal oversight. Their interaction with the poultry industry is minimal. Our interaction with government authorities are, one, through the Ministry of Agriculture, Land and Fisheries and the office of the Chief Veterinary Officer and the Poultry Surveillance Unit they have jurisdiction over our farms. Two, once the chickens go to a processing plant the Ministry of Health takes over through the department of Veterinary Public Health. Three, if the chickens go to what we call pluck shops in Trinidad, poultry depots, that again could be Veterinary Public Health or it could be according to its location under the jurisdiction of local government, with their public health officers.

Chemistry, Food and Drugs should have jurisdiction when it is in the retail section. So they would at things like labelling and issues as described by us here today and by the various other contributors, as regards mislabelling, defrosting and freezing and ingredients and all of that. Their situation as we understand it is that they do not have enough feet on the ground to be able to efficiently do what is required.

### **11.35 a.m.**

And your member, Mr. P. Ramadhar, made reference to that he would expect after all our deliberations here today that we get recommendations to put forward. And we in the poultry industry, supported by the Caribbean Poultry Association, agree with that 100 per cent and we have put forward our

recommendations in all the areas that we have identified.

And in the case of, specific to your question, we have recommended a MOU, a memorandum of understanding, between the different government agencies who actually go to these establishments whether it is public health, veterinary public health, public health local government, Ministry of Agriculture, Land and Fisheries personnel in their various departments so that we can get better cover. It would take a little of extra training for all of them so that they will have—and precept them to take the necessary action. They see an infraction, they should be authorized and precepted to take whatever action that they deem necessary in accordance with laws of Trinidad and Tobago. Unfortunately, they go and they see and they cannot do anything because it outside of their purview.

The first case of chicken coming from an unauthorized country, in this case chicken, was identified in Tobago and a member of the veterinary public health department, Ministry of Health, saw it and he could not do anything about it other than to call us and tell us, look he has observed this and we should find the methodology to take action. And again of course, Tobago is another jurisdiction and we are not too sure exactly what happens over there. So it gets very, very complicated. So you have people who, by their training, know that it is an infraction, but by their job description cannot do anything.

**Mr. Coppin:** So, I want to return perhaps maybe to the first level that is the locally produced poultry. I think you said the Ministry of Agriculture, Land and Fisheries has some sort of oversight at the first level. Do you know how many producers, farmers have been requested, if at all, to seize or suspend any operations due to unsatisfactory health and safety standards or unsatisfactory sanitary conditions, local producers?

**Mr. Phillips:** Yeah. That is the jurisdiction of the CVO and the poultry

surveillance unit would be specific to the farms. The last known incident I know happened in, I think, it is 2005/2006 where there was an issue of the health of some chicken on a farm and they went on the farm, they isolated the farm and they destroyed all the chicken on the farm. There was some situation there are reportable diseases and once you have a reportable disease that is the action that they would take. So they would isolate the farm, they will actually create a quarantine zone on that farm and find the most feasible way to deal with the issue on the farm including depopulating the farm if that is what is required.

**Mr. Coppin:** I do not know if you would tell, but—one sees on the Internet sometime examples or instances of drugs being used to accelerate the rate of growth of chickens and that sort of stuff, I do not know if you would tell me, but is that a practice in Trinidad and Tobago—the use of enhancing, growth enhancing products in the poultry industry?

**Mr. Phillips:** What I can say is, that practice, first of all I want to say, is illegal and I think in every jurisdiction in every part of the world. Not that people do not break the law because we know they do, but in terms of the context of it is that, the main thing is the use of hormones supposedly and steroids. What I can say is that the genetics of the chicken that we have been using to produce two products from the poultry industry, one is meat and the other one is table eggs. If I was to go back a hundred years, the chickens that were producing eggs and the chickens that were used to produce meat was the same, exact chicken, basically the same genetics. But what was observed very early on in the evolution of the poultry industry is that some chickens had a better predisposition to grow fast and be better fleshed, and other chickens had a predisposition to produce eggs. So we have basically a 100 years ago one basic species producing eggs and meat. But because of the selection of chickens for the purpose, one line for meat, one line for eggs,

table eggs, we find today that they are almost like two different species.

For instance, a 100 years ago the same chicken took 16 to 20 weeks to get to four pounds. The female line will produce during its lifetime somewhere 80 to 100 eggs during its lifetime, but we have selected the chickens. The left line going for meat production, the right line going for egg production. And what has happened circa 2016? We can get, because of the selection genetically and the enhanced feed that we feed them and management and better environment where the chickens are farmed, 350 eggs per hen. Remember it was started at 80 to 100, it is already 350 and some above that. But if you keep the males of that line it will still take 16 to 20 weeks for it to reach four pounds and it will have what you call keel bone. You would not see the rounded breast that you see when you go into the supermarkets here because that line was selected for table egg production. They wanted eggs out of that.

If we look on the other side of the line that was selected for meat production, if you keep the females long enough, they will produce eggs, but because of enhanced nutrition you might get 100 to 120 eggs, but you would get four pounds in 40 days or less. So it has nothing to do with hormones. It has nothing to do with adding steroids in the feed. It has to do with 80 per cent enhanced genetics selection and two at 20 per cent nutrition, enhanced nutrition, and that is where we are today.

**Mr. Coppin:** So just for my clarification, you are saying that there has been no examples of performance enhancing or growth enhancing hormones being used in Trinidad and Tobago from your knowledge?

**Mr. Phillips:** From my knowledge, no. Categorically, no.

**Madam Chairman:** Well in any event would such things be put in the food? Would it not be from the food given to the chickens?

**Mr. Phillips:** The feed that we feed is a properly balanced diet based on the application. The feed that we feed the chickens that produce eggs is a completely different ration from the ones that we feed to the meat chickens or that we use to feed pigs or we use to feed dairy—ration, completely different rations. Rations are specific to the application or to the animal species that you are feeding and whether you want eggs or you want meat. All we use is grain, chiefly corn and soy, we fortify it with vitamins and minerals and trace minerals. So it is a very balanced diet specific to application for which we want the outcome to be. So if we want a meat chicken, we know we have to feed a high protein, high energy feed. If we are feeding a chicken that we want eggs, we have to increase the calcium and the phosphate in it because they are producing eggs which calls for a higher demand for that type of ration. So to answer your question, no, there is no addition even at the feed level.

**Madam Chairman:** Understood. Well I think we should try to wrap up because as I say, some of the members have to attend the House of Representatives.

Now, before I wrap up, I just want to say to Mr. Singh that we have not misunderstood you. We understand that a lot of what you do or a lot of what your officers do must necessarily be informed by the information coming from other agencies, but it is extremely important to us to see how you understand your role if any changes are to be made with respect to controls being established in relation to food. So I hope you will not go away from here thinking that these people are asking you questions had no idea what custom officers do. We have a fair idea.

So I want to thank all of you for your extremely useful input. This has been an excellent session. I think that persons looking at the Parliament channel or perhaps listening in on the radio may have a lot of questions and comments, and if we get any of those which I think you might be able to answer, you will perhaps be

hearing from Mr. Ogilvie with those questions so that we can answer any queries from members of the public. So thank you all very much for coming today and this meeting is adjourned.

**11.45 a.m.:** *Meeting adjourned.*