

ID # 358409
AF

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Carroll

Date Correspondence Received (YY/MM/DD) 92.1/10/21

Name of Correspondent: Mr. Mrs. Miss Ms. Patrick Carroll

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Re: Onion export to Taiwan

ROUTE TO:		ACTION	DISPOSITION			
Official/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
	<u>CoKell</u>	ORIGINATOR	<u>92110122</u>			<u>921112</u>
	<u>USA</u>	Referral Note:	<u>R</u>		<u>*</u>	<u>921119</u>
		Referral Note:	<u>1 1</u>			<u>1 1</u>
		Referral Note:	<u>1 1</u>			<u>1 1</u>
		Referral Note:	<u>1 1</u>			<u>1 1</u>

RL
RL

- ACTION CODES:**
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply
- DISPOSITION CODES:**
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended
- FOR OUTGOING CORRESPONDENCE:**
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

#358409



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A Division of Misty Shores Trading, Inc.

1521 TOLLHOUSE ROAD, SUITE, A • CLOVIS, CA 93611 • FAX (209) 299-5137

PATRICK CARROLL 209-299-9704

MARK LALIBERTE 209-299-9664

F A X M E S S A G E

Action Office: aphis
Referral Code: 34



OCTOBER 19, 1992

TO: WHITE HOUSE
 ATTN: FRESIDENT GEORGE BUSH
 FROM: PATRICK CARROLL NO OF PAGES SENT 5
 SUBJECT: ONIONS EXPORT TO TAIWAN

I WAS WATCHING THE DEBATE IN VIRGINIA LAST WEEK AND YOU MENTIONED THAT EXPORTS WILL HELP THE COUNTRY OUT OF OUR ECONOMIC PROBLEMS. I HOPE SO SINCE I MAKE MY LIVING EXPORTING FRESH PRODUCE FROM THE USA TO OTHER COUNTRIES.

I AM NOT THE GROWER OR PACKER BUT THE MIDDLEMAN WHO IS NEEDED FOR MUCH OF OUR COUNTRIES FRESH PRODUCE TO EXPORT IT TO OUR TRADING PARTNERS. I BUY AND RESELL THE PRODUCE THUS TAKING SOME OF THE RISK FOR THE ARRIVAL QUALITY. I HAVE NO PROBLEM WITH THIS BUSINESS BECAUSE I TAKE CARE BY HAVING THE PRODUCT INSPECTED BEFORE SHIPMENT AS WELL AS GETTING THE PROPER DOCUMENTATION SUCH AS THE USDA PHYTO SANITARY CERTIFICATE ISSUED FOR THE APPROPRIATE COUNTRIES.

THIS IS WHERE I HAVE A PROBLEM THAT MAYBE YOU OR YOUR STAFF CAN FACILITATE TO THE APPROPRIATE OFFICIAL IN ORDER TO GET A RESOLUTION.

IN JULY OF THIS YEAR I SHIPPED ONE CONTAINER OF ONIONS TO TAIWAN FROM CALIFORNIA. THIS WAS NEW CROP CALIFORNIA ONIONS AND THE ONIONS LOOKED BEAUTIFUL. MY CUSTOMER REQUESTED US TO PUT A SPECIAL DECLARATION ON THE USDA PHYTO SANITARY CERTIFICATE IN ORDER TO GET THEM INTO TAIWAN. WE CHECKED WITH THE LOCAL COUNTY AG OFFICE, WHICH ISSUES THE PHYTOS FOR THE USDA. THE COUNTY AG OFFICE ADVISED THAT NO ADDITIONAL DECLARATIONS WERE REQUIRED. THEY TOLD US, THAT THEY COULD NOT JUST ADD THESE CLAUSES ON THE PHYTO WITHOUT IT BEING AUTHORIZED BY THE USDA FROM WASHINGTON.

THE ADDITIONAL DECLARATION WAS SUPPOSE TO READ AS FOLLOWS

"THIS SHIPMENTS ORIGINATES IN AN AREA FREE FROM DITYLENCHUS DESTROCTOR (POTATO ROT NEMATODE) AND D. DIPSACI (STEM NEMTODE). THE UNDERGROUND PORTION HAVE BEEN THOROUGHLY INPSECTED AND FOUND FREE FROM THESE NEMATODES

THUS ON JULY 23, 1992 WE SHIPPED 850 BAGS OF ONIONS WITH A CIF VALUE OF US\$8,840.00 WITHOUT THE REQUESTED CLAUSE. THE SHIPMENT ARRIVED IN TAIWAN AND WE WERE INFORMED ON AUG 13, 1992

USDA

Skull



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PAGE 2 PATRICK CARROLL 209-299-9704

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PRESIDENT GEORGE BUSH

OCTOBER 19, 1992

THAT THE TAIWAN PQ WAS REFUSING ENTRY BECAUSE THE THE USDA PHYTO-SANITARY CERTIFICATE DID NOT MEET THE TAIWANESE GOVERNMENT REGULATIONS NEGOTIATED WITH THE AMERICAN INSTITUTE OF TAIWAN.

WE THEN CHECKED WITH THE USDA OFFICE IN HYATTSVILLE, MARYLAND AND WE WERE THEN INFORMED BY MR. JONATHAN JONES THAT YES A NEW AGREEMENT HAD BEEN NEGOTIATED WITH THE TAIWAN GOVERNMENT BACK IN APRIL 92, EFFECTIVE JUNE 1992. HE INFORMED US THAT THE USDA HAD NOT GOTTEN THE INFORMATION OUT TO THE FIELD OFFICES AS USDA THOUGHT THERE WAS NO HURRY AND THE USDA'S ELECTRONIC MAIL WAS BROKEN.

AFTER TALKING WITH MR. JONES ON AUGUST 13, 1992 A PHYTO-SANTIARY NOTE WAS ISSUED FOR TAIWAN A COPY OF WHICH IS FAXED HEREIN. THIS WAS ISSUED AFTER I HAD CALLED TO FIND OUT WHY THE PHYTO ISSUED IN JULY WAS NOT BEING ACCEPTED BY THE TAIWANESE PLANT QUARANTINE INSPECTORS. WE HAD TO FAX A COPY OF THE PHYTO NOTE TO OUR COUNTY AG OFFICE AND TO THE CALIFORNIA STATE AG OFFICES ON AUGUST 13 BECAUSE THEY DID NOT BELIEVE SUCH A REGULATION EXISTED.

MR JONES THEN TRIED TO SHIFT THE RESPONSIBILITY TO US SAYING WE SHOULD HAVE INSISTED ON A COPY OF THE IPORT LICENSE(I/L). HAD AN I/L BEEN ISSUED SHOWING THESE DECLARATIONS THEN WE COULD HAVE HAD THE ADDITIONAL DECLARATION ADDED TO THE PHYTO. THIS WAS TOLD TO US AFTER THE FACT AND NOT BY THE COUNTY AG OFFICE WHICH WE RELY UPON TO GIVE US CORRECT INFORMATION. I SHOULD NOT HAVE TO CALL THE HYATTSVILLE OFFICE EACH TIME I HAVE A PHYTO PROBLEM.

FINALLY WE WERE TOLD BY THE USDA IN SAN FRANCISCO THAT WE COULD HAVE THE ONIONS FUMIAGATED IN TAIWAN. THIS WAS DONE BUT DAMAGE WAS DONE TO THE ONIONS, DUE TO THE TIME IT TOOK TO GET THIS INFORMATION.

OUR TERMS OF PAYMENT WITH THE CUSTOMER WAS 50% AT THE TIME OF SHIPMENT AND THE BALANCE UPON ARRIVAL. DUE TO THIS PROBLEM THEY REFUSED TO PAY ANY MORE MONEY TO US AND HAVE INCURRED AN ADDITONAL CHARGES TO HAVE THE PRODUCT FUMIGATED. MY CUSTOMER HAD TO SELL THE ONIONS AT A REDUCED VALUE, BECAUSE OF THE DAMAGE CAUSED BY THE FUMIGATION. MY LOSS WAS \$4,420.00 AND MY CUSTOMER'S LOSS IS \$3,994.00. MY CUSTOMER IS CLAIMING US FOR THIS PROBELM SINCE WE DID NOT PROVIDE THE CORRECT PHYTO MEETING TAIWANESE REGULATIONS. THUS ON AN INVOICE VALUE OF \$8,840.00 THE TOTAL AMOUNT OF MONEY RETURNED WAS \$426.00.



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PAGE 3 PATRICK CARROLL 209-299-9704

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PRESIDENT GEORGE BUSH

OCTOBER 19, 1992

HAD WE KNOWN OF THE REGULATION BEFORE SHIPMENT WE WOULD HAVE HAD TWO OPTIONS.

- 1) WE COULD HAVE FUMIGATED THE ONIONS BEFORE DEPARTING AND HAD THE PHYTO-SANITARY CERTIFICATE REFLECTING THE FUMIGATION.
- 2) WE COULD HAVE NOT SHIPPED THE PRODUCT AND THUS AVOIDED THE ENSUING PROBLEMS.

WE WOULD HAVE OPTED FOR NO. 2 RATHER THAN NO. 1.

THE PHYTO-SANITARY CERTIFICATES ARE REQUIREMENT FOR MANY COUNTRIES ESPECIALLY COUNTRIES LIKE TAIWAN AND JAPAN. OUR USDA HAS A RESPONSIBILITY TO INFORM BUSINESSES OF NEW REGULATIONS AS SOON AS POSSIBLE, IN ORDER THAT EXPORTERS SUCH AS MYSELF CAN BE GIVEN THE PROPER INFORMATION TO MAKE THE NECESSARY CHOICES WITH REGARDS TO A SHIPMENT AND RISK.

IF YOU CANNOT RELY THE INFORMATION PROVIDE BY THE GOVERNMENT OFFICE TO WHOM WE PAY TAXES THEN SURELY OUR EXPORTS WILL BEGIN TO SUFFER IN THE FUTURE.

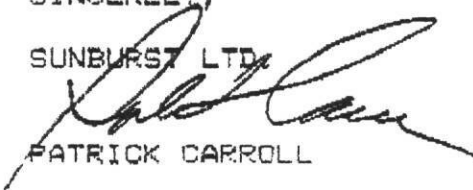
I THINK THE USDA IS RESPONSIBLE AND SHOULD AND MUST BE HELD ACCOUNTABLE. I WOULD LIKE TO KNOW TO WHERE I CAN FILE A CLAIM AND GET A FAIR AND IMPARTIAL REVIEW OF THIS MATTER. OTHER DOCUMENTATION CAN BE PROVIDED IF NECESSARY.

I WOULD APPRECIATE HEARING FROM YOU OR SOMEONE FROM YOUR STAFF REGARDING THIS MATTER AT YOUR EARLIEST CONVENIENCE.

FINALLY, BEST OF LUCK IN YOUR REELECTION BID.

SINCERELY,

SUNBURST LTD.


PATRICK CARROLL

358409



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

NOV 16 1992

Mr. Patrick Carroll
Sunburst Limited
1521 Tollhouse Road, Suite A
Clovis, California 93611

Dear Mr. Carroll:

Thank you for your letter of October 19, 1992, concerning your shipment of onions from California to Taiwan.

With few exceptions, the Department of Agriculture (USDA) does not restrict or prohibit the exportation of agricultural products to foreign countries. However, most foreign countries restrict the importation of certain commodities and may require phytosanitary inspection and certification. Our Animal and Plant Health Inspection Service (APHIS) issues Federal phytosanitary certificates as a service to help exporters meet these requirements. This certification informs officials in the importing country that we have inspected the shipment and that, to the best of our knowledge, it conforms with the current phytosanitary regulations of the importing country.

We certainly understand your concerns regarding your recent shipment. Under the Federal Tort Claims Act, you are entitled to seek compensation if you believe the losses incurred were a result of negligence on the part of APHIS. For an explanation of the procedures for filing a tort claim, you should contact APHIS' Field Servicing Office (FSO). The address is Claims and Payments, FSO, APHIS, USDA, Butler Square, Fifth Floor, 100 North Sixth Street, Minneapolis, Minnesota 55403. The telephone number is (612) 370-2225.

Sincerely,

/s/ John Frydenlund
for Jo Ann Smith

Jo Ann R. Smith
Assistant Secretary
Marketing and Inspection Services

✓cc: Ms. Sally Kelley, White House, Wash., DC