

OPPED Correlation
with State Directors
5/31/2007

Custom Exempt Review Process
FSIS Directive 5930.1, Rev. 3,
4/26/07

Key Points of Directive

- Re-issued to update the review process
 - Last updated 1992
- Focus on facilities not on product
 - SPS Regulations issued 1999
 - Regulation 416.1-5 applicable
- Added requirements for control of Specified Risk Materials (SRMs)
- FSIS Organizational changes
- Review of operations, Not Inspections

Custom Slaughter or Processing

- Exempt from inspection requirements if slaughtered or processed for owner of animal or product for use in household or non-paying guests
- Custom operators must meet non-inspection provisions of Acts and certain regulations, i.e., 416.1-5
- Custom operations in Inspected plants meet 416.1-16

Custom Slaughter or Processing

- FMIA and PPIA require custom operators to ensure that carcasses and products are:
 - Not adulterated or misbranded
 - Prepared under sanitary conditions
 - Properly marked and packaged
 - Stored separately from inspected products
- PPIA (21 USC 464(c)(1)(B) – Custom poultry operators cannot buy or sell poultry, e.g., inspected poultry plant cannot provide custom service for poultry

Who Conducts Reviews

- Custom Reviews at Federal Plants conducted by OFO inspection personnel
- Custom Reviews at Custom Facilities conducted by FSIS Personnel DMs and OPEER RMs will coordinate based on resources and Agency priorities
- Custom Reviews in Non-designated States conducted by State Program in “Equal-to” manner
 - Program monitored by OPEER on State Review

Review Methodology

- Review broken down into major areas of concern:
 - A. Recordkeeping and Documentation
 - B. Sanitation and Facilities Maintenance
 - C. Pest Control
 - D. Inedible Material Control
 - E. Marking and Labeling Custom Products
 - F. Pathogen Control
 - G. Water Supply
 - H. Sewage and Waste Disposal

Review Methodology

- FSIS Form 5930-1 Developed to record findings
- Each area of concern has series of questions to prompt reviewers thinking
 - Form and questions are not a checklist
- Unacceptable - non compliant - findings to be recorded with details to support enforcement actions if warranted – supporting statutory of regulatory cites included

Review Methodology

- Focus of reviews should be:
 - Are facilities maintained in a manner to prevent the adulteration of product
 - Are Custom products segregated from inspected product
 - Are Operations Conducted eligible for exemption, for example:
 - Does Poultry Custom Operator buy and sell poultry
 - Are custom products sold

Frequency of Reviews

- Reviews conducted periodically
- Operations found in compliance typically reviewed once per year
- Follow-up reviews scheduled more frequently based on:
 - Compliance history
 - Observed adulterated or misbranded product
 - Recordkeeping non-compliance
 - Sanitation non-compliance
 - Consumer complaints
 - Available resources

Enforcement Actions

- Document and fully describe non-compliant findings (FSIS will use form 5930-1)
- DM or RM decide when follow-up reviews are warranted
- Failure to correct deficiencies documented in letters to custom operators
- Continued failure to operate in compliance with statutes or regulations, Agency moves to remove custom eligibility – operators to cease custom operations