
FSIS DIRECTIVE

5220.3

2/7/06

ISSUANCE OF A TEN-DAY LETTER FOR INACTIVE OPERATIONS

I. PURPOSE

This directive sets out the actions that a District Manager (DM) or the Deputy of Operations of the Import Inspection Division (IID) may take when an establishment that is not operating and that has not responded to District Office (DO) or Headquarters IID inquiries about its operational status and intentions (i.e., the issuance of a ten-day letter). This directive also provides instructions for recording an establishment's activity status in the Performance Based Inspection System (PBIS).

II. RESERVED

III. RESERVED

IV. REFERENCES

9 CFR part 302.1 and 381.6
FSIS Directive 5220.1, Revision 1

V. BACKGROUND

On June 23, 2003, FSIS issued FSIS Notice 25-03, Issuance of a Ten Day Letter for Inactive Operations. That notice set out the policy and instructions that District Offices should follow when an establishment is inactive for more than 120 days and does not communicate its intentions to resume operations. This directive makes the policy and instructions permanent.

VI. PROCEDURES FOR COMMUNICATING WITH INACTIVE ESTABLISHMENTS

A. How should a DM or Headquarters IID contact an establishment that has been inactive for more than 120 days?

If an establishment is inactive for more than 120 days and does not communicate its intentions to the District Office or Headquarter IID, or if it ceases operations and does not communicate with the District Office or Headquarter IID, the DM or Director of IID should send a letter providing the establishment ten days to address why its grant of inspection should not be considered to have been voluntarily abandoned, and the grant of inspection withdrawn. The letter should be sent "return receipt requested" and inform the establishment that:

DISTRIBUTION: Inspection Offices; T/A Inspectors; OPI: OPPED
Plant Mgt; T/A Plant Mgt; TRA; ABB; TSC; Import
Offices

1. failure to respond will result in a determination that the grant of inspection has been voluntarily abandoned,

2. FSIS will withdraw the grant of inspection and the establishment will no longer retain its number,

3. if the establishment plans to resume operation, it should respond to the letter and provide an approximate time period in which it plans to do so, and

4. inspection services will begin at establishments resuming operations after the DM or Director of IID has made the proper determination about the sanitary conditions at the establishment (See C. below).

B. What does the DM or Director of IID do if the establishment does not respond within ten days?

If the establishment does not respond within ten days of receipt of the letter, or if the letter is not deliverable, the DM or Director of IID will treat the grant of inspection as being voluntarily abandoned, terminate the inspectional assignment for the establishment, and consider the grant of inspection as withdrawn.

C. What does the DM or Director of IID do if the establishment responds within ten days?

1. If the establishment responds and provides an explanation as to when it plans to resume operations, the grant has not been voluntarily abandoned and no action to remove the grant is to be taken. The establishment's response or the fact that it has been inactive may, however, cause the DM or Director of IID to make additional inquiries before reinstating inspection services. For example, given the establishment's inactivity, the DM or Director of IID may question whether sanitary conditions exist in the establishment. Therefore, the DM or Director of IID can direct that the front-line supervisor assess the facility's sanitation before reassigning inspectors to the establishment. Should the DM or Director of IID determine that a review of the facility's sanitation is necessary, he or she should see that it is scheduled as soon as practicable.

2. If an establishment indicates that it plans to maintain its grant but does not indicate when it plans to resume operations, the DM or Director of IID will notify the establishment in writing that:

a. he or she will continue to consider the establishment's grant as voluntarily abandoned and will not make inspection assignments for that establishment, and

b. before inspection services resume at the establishment, a front-line or regional IID supervisor will need to assess the facility's sanitation.

IV. UPDATING PBIS 5.1.3

A. How is PBIS updated for voluntarily abandonment of the Grant of Inspection?

The DM's or Director IID's designee will:

1. select "Update" from the "File" drop down menu;
2. enter the establishment number in the "Select Establishment" box;
3. wait for the establishment profile tabs to appear;
4. select the "Status" tab in the establishment's profile; and
5. on the Status tab, locate the "Current Status" section; select "Withdrawal" from the drop down menu; and check the new box labeled "Abandoned Grant."

B. How is PBIS updated for all voluntary suspensions as provided for in FSIS Directive 5220.1, Revision 1?

The DM's or Director of IID's designee will:

1. select "Update" from the "File" drop down menu;
2. enter the Establishment number in the "Select Establishment" box;
3. wait for the establishment profile tabs to appear;
4. select the "Status" tab in the establishment's profile; and
5. on the Status tab, click the Add button in the "Periods of Inactivity" section to specify the date the closure period began and projected ending date. Enter "voluntary suspension" in the comments section.



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