UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

08-13 | 2/1/13

CONTROL OF AGENCY TESTED IMPORTED PRODUCTS FOR ADULTERANTS

I. PURPOSE

This notice provides import inspection personnel with instructions related to the new policy and procedures discussed in the *Federal Register* on 12/10/12, Not Applying the Mark of Inspection Pending Certain Test Results. It instructs import inspection personnel to meet with the official import inspection establishment management to make it aware of the new policy. It also provides guidance to import inspection personnel on the importer of record's (IOR) responsibilities to control imported product when FSIS conducts verification testing of FSIS regulated products for adulterants.

NOTE: The importer of record is the named individual or company on the entry made with U.S. Customs and Border Protection (CBP). For locations where the local Customs authority is not U.S. CBP, the IOR is identified on the FSIS form 9540-1, Import Inspection Application.

II. BACKGROUND

A. FSIS announced in the *Federal Register* that it is changing its procedures and will withhold its determination as to whether imported meat and poultry products are not adulterated, and thus eligible to enter commerce, until all test results that bear on the determination have been received. FSIS recognizes that imported meat and poultry products that FSIS samples and tests for adulterants may continue to receive the U.S. mark of inspection pending the availability of results. However, starting February 8, 2013, the IOR cannot release such product for shipment into commerce until acceptable test results are available.

B. This policy covers FSIS testing of imported:

1. Non-intact raw beef product or intact raw beef product intended for non-intact use that is tested for *Escherichia coli* O157:H7 (*E. coli* O157:H7) and other shiga-toxin producing *E. coli* (STEC) that FSIS considers to be adulterants;

2. Ready-to-eat products tested for *Listeria monocytogenes* or *Salmonella;*

3. Livestock carcasses and meat products tested for residues; and

4. Products that are tested under FSIS Directive 9900.6, Laboratory Sampling Program for Imported Meat, Poultry, and Egg Products, Chapter II, Food Chemistry Testing for food safety and non-food safety consumer protection regulatory requirements (e.g. protein fat free, moisture in hams).

C. This policy does not cover FSIS testing of imported products for:

1. Raw meat or poultry products tested for *Salmonella* or other pathogens that FSIS has not designated as adulterants in those products; and

2. Poultry carcasses or raw poultry parts sampled for residues.

III. IMPORT INSPECTION PERSONNEL RESPONSIBILITY

A. At the next weekly meeting after the receipt of this notice, import inspection personnel are to meet with the official import inspection establishment management and inform it of this new policy. At the meeting, import inspection personnel are to explain:

1. FSIS will continue to allow imported meat and poultry products sampled and tested for adulterants to receive the mark of inspection. However, the IOR must ensure product sampled for adulterants by FSIS remains under their control and not released into commerce until acceptable results are reported.

2. The IOR has the option for sampled imported product to receive the mark of inspection and:

    a. To keep it on the premises of the official import inspection establishment where the product was sampled; or

    b. To move it from the official import inspection establishment premises for storage off site provided the IOR has effective controls in place for the product to move under the LOI's ownership so that product does not enter commerce until acceptable results are received. If the movement of product results in a change of ownership from the IOR that presented the product for FSIS reinspection at the official import inspection establishment to any other entity prior to receipt of laboratory results, the product is considered to have entered commerce.

NOTE: The policy regarding product assigned a Type of Inspection (TOI) at the Intensified Level of Reinspection (LOR) has not changed. Lots of imported product assigned at the intensified LOR are under FSIS mandatory hold and are not permitted to be stamped with the mark of inspection or move off-premises from the official import inspection establishment.

3. FSIS has prepared a FSIS Compliance Guideline for Controlling Meat and Poultry Products pending FSIS Test Results.

B. Import inspection personnel are to document the discussion in a Memorandum of Interview as set out in FSIS PHIS Directive 5000.1, Verifying an Establishment's Food Safety System.

C. Each time import inspection personnel have a laboratory sample TOI assigned to a lot, they are to notify the import establishment management and inquire whether the IOR will be holding the lot on-site at the official import establishment or off-site under the IOR's control. Import inspection personnel are to verify that the IOR is holding and controlling the product and are to record the information by completing the questionnaire portion of the sample documentation in the Public Health Information System (PHIS) when samples are collected.

D. When import inspection personnel are notified that a laboratory sample from a lot under an IOR's control has been discarded and will not be analyzed by the FSIS laboratory, import inspection personnel are to notify the official import inspection establishment so the IOR can release the product.

IV. ENFORCEMENT

If import inspection personnel become aware that an IOR did not hold or maintain control of product tested by FSIS for adulterants, import inspection personnel are to notify the Regional Import Field Office (RIFO). The RIFO is to coordinate with the Import Surveillance Liaison Officer and the Office of Program Evaluation, Enforcement and Review (OPEER), Compliance Investigation Division (CID), to investigate and take enforcement action or sanctions, when necessary.

V. QUESTIONS

The Office of Policy and Program Development (OPPD), International Policy Division (IPD), will review questions in askFSIS for clarity, understanding, and effectiveness of policy issuances.

Direct all questions through your supervisor or submit your questions through askFSIS.

ASKFSIS QUESTIONS

Submit any questions about these procedures to askFSIS. When submitting a question, use the Submit a Question tab, and enter the following information in the fields provided:

Subject Field:	Enter **Notice 08-13 Control of Agency Tested Imported Products for Adulterants**
Question Field:	Enter question with as much detail as possible.
Product Field:	Select **Import** from the drop-down menu.
Category Field:	Select **Basic Import Answers** from the drop-down menu.
Policy Arena:	Select **International (Import/Export)** from the drop-down menu.

When all fields are complete, press the **Submit** button.

Assistant Administrator
Office of Policy and Program Development