

FSIS Review of State Meat and Poultry Inspection Programs

Summary Report

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Executive Summary

The purpose of this report is to summarize the results from the Food Safety and Inspection Service (FSIS) comprehensive reviews of the 27 States that currently operate State Meat and Poultry Inspection (MPI) programs. These reviews occurred during Federal fiscal year 2007.

The 27 States that currently operate State MPI programs are: Alabama, Arizona, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. These 27 State MPI programs provide inspection to more than 1900 small and very small establishments.

Each State MPI program operates under a cooperative agreement with FSIS. Under the cooperative agreement, a State's MPI program must enforce requirements "at least equal to" those imposed under the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA), and the Humane Methods of Slaughter Act (HMSA). This cooperative agreement, as well as an annual certification of each State's MPI program, is contingent upon FSIS determining that the State MPI program is enforcing requirements "at least equal to" those imposed under the Acts. If any State MPI establishment or program is deemed unable to enforce these requirements, the Secretary of Agriculture may designate the establishment/State as not being "at least equal to." Following regulatory procedures, the establishment/State will be subject to Federal inspection.

The comprehensive State review process is based on FSIS Directive 5720.2, Revision 3, *State Cooperative Inspection Programs*¹ and the *FSIS Manual for State Meat and Poultry Inspection Program Reviews*. The manual provides direction to State MPI program management and FSIS officials and describes FSIS' approach for conducting comprehensive reviews of State MPI programs. This manual provides the methodology, criteria, and process to determine if a State MPI program meets the mandated "at least equal to" requirements. The comprehensive State MPI program review consists of a two-part methodology – self-assessment and on-site review – and evaluates the following nine components: (1) Statutory Authority and Food Safety Regulations, (2) Inspection, (3) Product Sampling, (4) Staffing and Training, (5) Humane Handling, (6) Other Consumer Protection, (7) Enforcement, (8) Civil Rights, and (9) Funding and Financial Accountability.

Based on the self-assessment documents received during Federal Fiscal Year 2007, FSIS determined that 27 of the 27 State MPI programs have provided adequate documentation to support that they have implemented and can maintain MPI programs "at least equal to" the Federal requirements. FSIS determined that four of the four State MPI programs reviewed on-site were enforcing requirements "at least equal to" those imposed under the Federal Acts. One State MPI program (New Mexico) was designated to receive Federal inspection with respect to operations and transactions involving meat and poultry products within the State because representatives of the State requested such designation. FSIS assumed responsibility for the MPI program in New Mexico on August 13, 2007.

¹Available at <http://www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/5720-2Rev3.pdf>.

Introduction

In FY 2007, the Food Safety Inspection Service (FSIS) conducted comprehensive reviews of the 27 States that operate Meat and Poultry Inspection (MPI) programs to determine if the MPI programs were enforcing requirements “at least equal to” those imposed under the Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA), and Humane Methods of Slaughter Act (HMSA). This report summarizes the annual comprehensive review results of 27 State MPI programs. Detailed review results for each State MPI program are presented as an attached appendix for each of the 27 States.

Background

Under the FMIA and the PPIA, FSIS sets national standards for meat and poultry inspection. Under a cooperative agreement with FSIS, States may operate their own MPI program if they meet and enforce requirements “at least equal to” those imposed under the FMIA, PPIA, and HMSA. The FMIA (21 U.S.C. 601 et seq.) and PPIA (21 U.S.C. 451 et seq.) provide that it is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and poultry products distributed to them are wholesome, not adulterated, and accurately labeled and packaged.

Cooperative agreements and annual certifications of State MPI programs are contingent upon FSIS determining that the State MPI program is enforcing requirements “at least equal to” those imposed under the FMIA, PPIA, and HMSA. FSIS performs annual comprehensive reviews to determine whether each State MPI program meets, and can maintain for a period of 12 months, the mandated “at least equal to” standard.

The FMIA (21 U.S.C. 661) and PPIA (21 U.S.C. 454) give FSIS the authority to designate a State as one in which the provisions of Titles I and IV of the FMIA and Sections 451 to 453, 455 to 459, and 461 to 467d of the PPIA shall apply to operations and transactions wholly within such State. FSIS may assume direct responsibility at State inspected establishments when the State MPI program fails to develop or effectively enforce inspection requirements that are “at least equal to” the Federal requirements.

Currently, 27 States operate MPI Programs. These States are: Alabama, Arizona, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. These 27 States provide inspection to more than 1900 small and very small establishments.

Review Methodology

FSIS Directive 5720.2, Revision 3, *State Cooperative Inspection Programs* and the *FSIS Manual for State Meat and Poultry Inspection Program Reviews* describe the policies and procedures for FSIS comprehensive reviews. In order to improve the State MPI program review process, FSIS collaborates with FSIS subject matter experts and State officials at least annually. Currently,

FSIS is revising Directive 5720.2 to update procedures and include the *FSIS Manual for State Meat and Poultry Inspection Program Reviews*.

The manual divides the comprehensive review process into the following nine components:

1. Statutory Authority and Food Safety Regulations – This component evaluates whether the State MPI program operates under laws and regulations that grant legal authority “at least equal to” that provided under the FMIA, the PPIA, and the regulations that FSIS has promulgated under these laws.
2. Inspection – This component evaluates whether the State MPI program has an inspection system “at least equal to” that of the Federal program which ensures safe, wholesome, and unadulterated meat and poultry products.
3. Product Sampling – This component evaluates whether the State MPI program prevents pathogenic bacteria and violative residues in products through reliable, timely laboratory analyses of samples required to support program operations.
4. Staffing and Training – This component evaluates whether there is inspection coverage at official establishments that ensures that only safe, wholesome, and properly labeled meat and poultry products receive the State mark of inspection and whether all personnel have the education and training needed to apply and make decisions based upon the State MPI program’s inspection methodology.
5. Humane Handling – This component evaluates whether the State MPI program has implemented regulations and are effectively ensuring that animals are humanely handled and maintained under appropriate conditions.
6. Other Consumer Protection – This component evaluates whether the State MPI program protects consumers from meat and poultry products that are unwholesome, economically adulterated, or not truthfully labeled and packaged.
7. Enforcement – This component evaluates whether the State MPI program enforces all applicable regulations and takes appropriate enforcement action and corrective follow-up actions in the event of noncompliance or potentially unsafe product.
8. Civil Rights – This component evaluates whether the State MPI program adheres to Federal civil rights laws and USDA civil rights regulations; and whether civil rights are respected and the organization conducts its operations in a non-discriminatory manner that complies with the laws and regulations.
9. Funding and Financial Accountability – This component evaluates whether resources are sufficient for conducting inspections and related activities that are required of State MPI programs operating under the FMIA and the PPIA authorized Cooperative Agreements; and whether the State MPI program adheres to Federal financial requirements as outlined in OMB Circular A-102 and FSIS Directive 3300.1, Rev. 2.

FSIS review teams performed the comprehensive reviews. The review teams were multi-disciplinary and included subject matter experts in meat and poultry inspection systems, enforcement programs, staffing, civil rights, and financial accountability. Subject matter experts in meat and poultry inspection systems, staffing, and enforcement programs reviewed components 1 through 7. A civil rights specialist reviewed component 8. A financial specialist reviewed Component 9.

For each State MPI program, FSIS made one of the following three determinations for each component and the State's overall ability to maintain a MPI program "at least equal to" the Federal requirements:

- (1) Supported "at least equal to": Supported "at least equal to" means that the State MPI program has adopted and implemented equivalent laws and regulations for the review component.
- (2) Did not support "at least equal to" finding: Did not support "at least equal to" means that the State MPI program has not adopted and/or implemented equivalent laws and regulations for the review component.
- (3) Deferred: Deferred means a determination of status could not be made because of lack of sufficient evidence during the comprehensive review. The State MPI program is required to submit a corrective action plan to rectify identified areas of concern. FSIS performs a follow-up review to verify the effective implementation of the State MPI program's corrective action plan.

The manual presents a two-part methodology for conducting the comprehensive reviews of State MPI programs: (1) FSIS verification of the self-assessments through annual document reviews and (2) FSIS on-site reviews of State MPI program offices and a sample of establishments at a minimum of once every three years. Using the criteria stated in the manual for each component during both the self-assessment and on-site reviews, FSIS makes an annual determination on each State MPI program based on the "at least equal to" standard.

Part 1. Self-Assessment Review

In the first part of this methodology, State MPI programs are required to submit annual self-assessment documentation and certification statements by November 15 of every year. This information provides complete documentation for all 9 review components, including information about the rules, regulations, and policies within each State, and details how the State MPI program is "at least equal to" the Federal program for meat and poultry inspection. FSIS relies on the accuracy of the information in self-assessment materials to make an informed decision regarding the "at least equal to" status of the State MPI program. FSIS considers the information provided to be an accurate portrayal of how the State MPI program system is currently functioning and will continue to function.

A FSIS review team makes a determination based on review of the State MPI program's annual self-assessment submission. When questions arise during FSIS' review of the annual self-assessment, FSIS requests clarifying information from the State MPI program. When FSIS

determines through its review of the self-assessment that the State MPI program is “at least equal to,” the State MPI program receives an official memorandum to that effect. If FSIS determines through its review of the self-assessment that the State program is not “at least equal to,” FSIS will move forward with taking appropriate action, up to and including procedures to designate the State program (i.e., the establishments in the State MPI program receive Federal inspection).

Part 2. On-Site Review

In the second part of this methodology, FSIS conducts on-site reviews. Generally, State MPI programs are subject to an on-site review at a minimum frequency of once every three years. The purpose of the on-site review is to verify that the State MPI program has implemented and can maintain its inspection system in accordance with their submitted self-assessment and to determine if the State MPI program is enforcing requirements “at least equal to” the Federal requirements. During these reviews, FSIS review teams conduct thorough record reviews at State MPI program offices, and establishment reviews at a sample of State MPI inspected establishments in order to verify the accuracy and implementation of the State MPI program’s self-assessment submissions, resulting in an overall annual determination.²

Prior to arriving on-site for the review, the review team conducts a thorough review of the State MPI program’s self-assessment submission, supporting documentation, and inspection data; develops questions for the on-site review; and obtains any additional information needed from State MPI program officials. (Note that Component 1, Statutory Authority and Food Safety Regulations, is not reviewed on-site, as it receives full review during the annual self-assessment review.) The review team also selects the number of official and custom-exempt establishments for review, based on the total number of official and custom-exempt establishments in the State MPI program.

The on-site review begins with an entrance meeting teleconference with FSIS and State MPI program officials. During these meetings, FSIS explains the purpose and methodology of the review and confirms the schedule for establishment reviews.

Following the entrance meetings, FSIS reviews State MPI program records at the State MPI program office; and a selected sample of State MPI program inspected establishments. For each on-site review component, the review team members review the documents and reports pertaining to the State MPI program’s self-assessment and compare them with the documents provided on-site. In each selected establishment, the entire facility, operations being conducted at the time of review, and the food safety systems, procedures, and plans are reviewed for compliance with the Federal requirements. The review team uses standardized forms, reference guides, and worksheets to gather information and document findings.

The on-site review concludes with an exit meeting teleconference, during which review findings are discussed. The State MPI programs are required to implement corrective actions to rectify the findings identified during the on-site review. After FSIS determines, through its on-site

² The review team schedules and conducts the main on-site review for components 2 – 7. The on-site reviews for components 8 and 9 – Civil Rights and Funding and Financial Accountability – are scheduled separately and conducted, respectively, by the FSIS Civil Rights Division and FSIS Financial Management Division.

review, that the State MPI program is “at least equal to” the Federal requirements, the State MPI program receives an official memorandum to that effect.

If the on-site review results in a determination that a State MPI program is not “at least equal to” or a determination is “deferred,” FSIS will determine what actions are necessary by FSIS to protect public health and safety. FSIS may determine that the State should be designated (i.e., the establishments in the State MPI program receive Federal inspection) and will proceed with the designation action. FSIS may determine that the State does not need to be designated and request that the State MPI program submit an adequate corrective action plan to address all issues identified during the on-site review. FSIS performs a follow-up review to verify the effective implementation of the State MPI program’s corrective action plan.

If any State MPI program or establishment is unable to continue on an “at least equal to” basis, the Secretary of Agriculture will notify the Governor of the State that the State MPI program or establishment does not meet the “at least equal to” requirements. Before the Secretary takes such actions, FSIS and State MPI program officials will have conferred and tried to remedy the deficiencies in the State MPI program or establishment. Further, the Secretary of Agriculture will designate the State/establishment as not being “at least equal to”. Following regulatory procedures, the State/ establishment will be subject to Federal inspection.

Review Findings

The findings of the FSIS review teams are summarized here and in Tables 1 and 2. Detailed findings for each State MPI program are available in the attached appendices.

Based on the self-assessments received during FY 2007, FSIS determined that 27 of the 27 State MPI programs have provided adequate documentation to support they have implemented and can maintain a MPI program “at least equal to” the Federal requirements. These determinations are summarized in Table 1 (FSIS’ 2007 Self-Assessment Determinations of 27 State MPI Programs).

Four State MPI programs (Kansas, Mississippi, Missouri, and Wisconsin) received both self-assessment and on-site reviews. After completion of the self-assessment reviews, FSIS conducted on-site reviews. Based on the FY 2007 self-assessment and on-site reviews, FSIS determined that four of the four State MPI programs are enforcing requirements “at least equal to” those imposed under the FMIA, PPIA, and HMSA. These determinations are summarized in Table 2 (FSIS’ 2007 On-Site Determinations of 4 State MPI programs).

One State MPI program (New Mexico) was designated to receive Federal inspection with respect to operations and transactions involving meat and poultry products within the State because representatives of the State requested such designation. FSIS assumed responsibility for the MPI program in New Mexico on August 13, 2007.

Next Steps

FSIS will continue to work with State MPI program officials to improve the State MPI program review process. Currently, FSIS is revising FSIS Directive 5720.2 to update procedures and include the *FSIS Manual for State Meat and Poultry Inspection Program Reviews*.

During FY 2008, FSIS will conduct annual reviews of all 27 self-assessment submissions and initiate 12 on-site reviews. The State MPI programs scheduled to receive on-site reviews will be notified no later than 75 days prior to the commencement of the on-site review.

At the end of CY 2008, FSIS will publish a report summarizing the results of the comprehensive reviews and determinations for all 27 State MPI programs.

Table 1. FSIS’ 2007 Self-Assessment Determinations of 27 State MPI Programs

State	Supported “at least equal to”³	Did Not Support “at least equal to”⁴	Deferred⁵
Alabama	√		
Arizona	√		
Delaware	√		
Georgia	√		
Illinois	√		
Indiana	√		
Iowa	√		
Kansas	√		
Louisiana	√		
Maine	√		
Minnesota	√		
Mississippi	√		
Missouri	√		
Montana	√		
North Carolina	√		
North Dakota	√		
Ohio	√		
Oklahoma	√		
South Carolina	√		
South Dakota	√		
Texas	√		
Utah	√		
Vermont	√		
Virginia	√		
West Virginia	√		
Wisconsin	√		
Wyoming	√		

³ “Supported ‘at least equal to’ finding” means that the State program had adopted and had implemented equivalent laws and regulations for all review components.

⁴ “Did not support ‘at least equal to’ finding” means that the State program had not adopted and/or had not implemented equivalent laws and regulations for one or more of the review components.

⁵ “Deferred” means a determination of status could not be made because of observations made during the initial review. The State is required to submit a plan of corrective action to rectify identified areas of concern. A follow-up will be made to verify the effective implementation of the State corrective action plan.

Table 2. FSIS’ 2007 On-Site Determinations of 4 State MPI Programs

State	Supported “at least equal to” ⁶	Did Not Support “at least equal to”⁷	Deferred⁸
Kansas	√		
Mississippi	√		
Missouri	√		
Wisconsin	√		

⁶ “Supported ‘at least equal to’ finding” means that the State program had adopted and had implemented equivalent laws and regulations for all review components.

⁷ “Did not support ‘at least equal to’ finding” means that the State program had not adopted and/or had not implemented equivalent laws and regulations for one or more of the review components.

⁸ “Deferred” means a determination of status could not be made because of observations made during the initial review. The State is required to submit a plan of corrective action to rectify identified areas of concern. A follow-up will be made to verify the effective implementation of the State corrective action plan.