

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

FSIS DIRECTIVE

9010.1,
Revision 1

9/5/07

UNITED STATES EXPORTED AND RETURNED PRODUCTS

I. PURPOSE

This directive provides instructions and procedures for Food Safety and Inspection Service (FSIS) personnel to follow when meat, poultry, and egg products bearing the mark of inspection are exported from and subsequently returned to the United States (U.S.). This directive provides a series of questions to be used when determining whether to approve a U.S. exported product's return to the U.S. and provides program area responsibility for coordinating the return of U.S. exported product.

II. CANCELLATIONS

FSIS Directive 9010.1, 5/26/1999.

III. REASON FOR REISSUANCE

This directive is being reissued to provide instructions to FSIS personnel that define program responsibilities and activities when U.S. exported products are returned to the U.S. This directive also announces the issuance of two new FSIS Forms, 9010-1, Application for the Return of Exported Products to the United States, and 9010-2, U.S. Exported and Returned Product Facility for Reinspection Concurrence. The directive explains how Agency personnel will use the forms and the information provided on the forms.

IV. FSIS FORMS ASSOCIATED WITH THIS DIRECTIVE

FSIS Form 9010-1 Application for the Return of Exported Products to the United States – The headquarters Import Inspection Division (IID) of the Office of International Affairs (OIA) will use the information provided on this form to determine whether the product will be approved to enter the U.S., and whether the product will require reinspection at a federally-inspected facility. The form is available on-line at www.fsis.usda.gov/Forms/PDF/Form_9010-1.pdf and can be filled out and submitted electronically. The form can also be printed and submitted via FAX at (202) 720-6050, or a copy of the form can be obtained by contacting the IID at (202) 720-9904 or via email at USReturnedExports@fsis.usda.gov. The returned product application needs to be submitted and approved before the product returns to the U.S.

FSIS Form 9010-2 U.S. Exported and Returned Product Facility for Reinspection Concurrence - IID will use this form to request reinspection and concurrence with reentry from the Office of Field Operations, District Office (DO). The DO will use this form to document and send its concurrence to IID. This form is located in Outlook at Public Folders\Agency\Issuances\Forms\FSIS 9,000 Series.

V. REFERENCES

9 CFR 318.1, 318.2, 318.9, 325.10, 327.17, 381.145, 381.146, 381.209, 590.424, 590.426, and 590.965.

VI. BACKGROUND

As set out in 9 CFR 327.17, 381.209, and 590.965, meat, poultry, and egg products exported from and then returned to the U.S. are exempt from FSIS import inspection requirements. Depending on the product and its condition, OIA may approve or refuse the returned product entry into the U.S., or defer its decision until the product has been reinspected at a federally-inspected establishment.

OIA will make its decisions concerning U.S. returned product based on a number of factors, including (1) whether the product is safe and not adulterated or misbranded, (2) what condition the product is in, and (3) the conditions under which it has been held.

VII. PROCEDURES FOR DETERMINING APPROVAL FOR ENTRY, REINSPECTION, OR RELEASE INTO COMMERCE

A. Application Review Process

IID receives a completed (by the owner or agent of the product) FSIS Form 9010-1 via email at USReturnedExports@fsis.usda.gov or by FAX transmission at (202) 720-6050.

IID will review the application and any additional information submitted with the application to determine whether to approve the product's return to the U.S., to refuse the product's return to the U.S., or to require reinspection at a federally-inspected establishment in order to gather additional information to make its decision. IID will return incomplete applications to the applicant and may request additional information, if needed.

To determine whether a product should be approved for return to the U.S., IID will seek answers to questions such as:

1. What is the condition of the product and its immediate container?
2. How long has the product been out of the country?
3. Where has the product been since it was exported from the U.S.?
4. Under what conditions has the product been held?
5. What has been the chain of ownership of the product?
6. Was the product ever abandoned?
7. Is the product label in compliance with U.S. regulations?

8. Was the product refused entry by a foreign government, and, if so, what were the circumstances behind the refusal?
9. Is the product in its original container?
10. Based on the condition of the product, does the applicant have a plan for handling the product, including any examination, sorting, re-processing, reconditioning, relabeling, etc., that may be necessary?

IID may also contact other program areas, such as the Office of Public Health Science, Office of Field Operations, Office of Policy, Program, and Employee Development (Headquarters and Policy Development Division (formerly the Technical Service Center)), Office of Program Evaluation, Enforcement and Review (OPEER), and Office of Food Defense and Emergency Response for assistance in determining whether to allow the product return or to require reinspection.

B. Product Action Decisions

1. Allow or Refuse Entry

If IID determines on the basis of its review of the Form 9010-1 that the returned product is safe and not adulterated or misbranded, and thus can be allowed back into the U.S. and released directly into commerce, IID documents the decision in Block 22 of FSIS Form 9010-1, returns the application to the applicant, and keeps a copy on file. If IID determines based on its review of the form that the product is not safe, or that it is adulterated or misbranded, and thus that it must refuse reentry of the returned product, IID documents the decision in Block 23 of FSIS Form 9010-1, returns the application to the applicant, and keeps a copy on file.

2. Reinspection

When IID determines that the returned product needs to be reinspected based on information provided in the application, or because it cannot make a determination based on the information provided in the application, it will document the decision in Block 21 of FSIS Form 9010-1, return the application to the applicant, and keep a copy on file.

FSIS Form 9010-1 asks the applicant to identify a federally-inspected establishment where reinspection could occur, should it be required. If reinspection is necessary, IID will inform the applicant to work with the establishment, as well as the DO where the establishment is located, in developing a plan for the examination, possible testing, sorting, and presentation of the product for reinspection.

C. Notification of the District Office

IID will send FSIS Form 9010-2, U.S. Exported and Returned Product Facility for Reinspection Concurrence, to the DO with jurisdiction over the establishment identified by the applicant when it determines that inspection is necessary. IID will also forward a copy of FSIS Form 9010-1 and any additional information concerning the product to the DO. The DO will assess the availability of FSIS resources to perform the reinspection.

If reinspection can occur without undue disruption of regular inspection activities at the establishment identified by the applicant, the DO will document its concurrence and return the FSIS Form 9010-2 to IID.

After concurrence by the DO, IID will advise the applicant of the concurrence. The applicant can then arrange for the product to be transported to the federally-inspected establishment, in accordance with 9 CFR 325.10. All of the product's documentation, including FSIS Form 9010-1 and 9010-2, will travel with the returned product to the federally-inspected establishment.

The DO will direct the Inspector-in-Charge (IIC) at the establishment to perform the reinspection and advise him or her of the approximate date of arrival. The IIC at the federally-inspected establishment will contact the DO if the product does not arrive within two days of that date. The DO will inform the IID that the product has not arrived and contact the Compliance and Investigations Division (CID), OPEER to initiate tracing or other appropriate investigatory activities. CID will report its findings back to the DO and IID.

If the DO does not concur with the request for reinspection at the establishment, IID will ask the applicant to identify an alternate establishment and to submit a revised FSIS Form 9010-1. IID will continue to ask the applicant to identify a reinspection establishment until IID receives concurrence from the DO.

VIII. REINSPECTION PROCEDURES

Inspection program personnel at the federally-inspected establishment will reinspect the product presented for reinspection in accordance with 9 CFR 318.2, 381.145, or 590.424, including taking any samples that are needed, to determine whether it is not adulterated or misbranded and that there is no product tampering.

After reinspection of the returned product, the IIC will report the findings of the reinspection to the DO. The DO will report the findings of the reinspection via email to IID at USReturnedExports@fsis.usda.gov. IID will determine, based on the findings of the reinspection, whether to approve the release of the product. IID will communicate the results of the reinspection to the applicant and the DO.

If the product is adulterated or misbranded, the IIC will retain the product and proceed as set out in 9 CFR 318.2, 381.145, or 590.424. If the product is not adulterated or misbranded, it is released into commerce.

Direct questions to the Policy Development Division (formerly the Technical Service Center) at 1-800-233-3935.



Assistant Administrator
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