

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

# FSIS NOTICE

76-07

11/16/07

## IMPORTATION OF CANADIAN CATTLE, BISON, SHEEP, AND GOATS INTO THE UNITED STATES

### I. PURPOSE

This notice provides updated information to Food Safety and Inspection Service (FSIS) personnel about the receipt, slaughter, and inspection of cattle, bison, sheep, and goats imported from Canada. This notice cancels FSIS Notice 14-07 and updates the instructions for inspection of these animals from FSIS Notice 14-07 with the following changes:

1. Bovines born after March 1, 1999 arriving from Canada are eligible for slaughter;
2. Verification of animals coming from the feedlot refers to activities involving sheep and goats only in this notice and no longer involves bovines;
3. Inspection program personnel are to conduct another awareness meeting at establishments that have chosen to, or that may choose to, receive ruminants from Canada;
4. FSIS will no longer hold pregnant bovines. Pregnant cattle and bison are now eligible for slaughter;
5. Collection of fetal bovine serum from the fetuses of Canadian animals is no longer prohibited; and
6. This notice identifies a new place to send the VS Form 1-27, "Permit for Movement of Restricted Animals."

### II. BACKGROUND

In the Animal and Plant Health Inspection Service (APHIS) final regulation entitled, *Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Importation of Live Bovines and Products Derived from Bovines* (hereafter referred to as "the Rule"), animals not in

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**OPI:** OPED

compliance with the age and other provisions of the Rule are ineligible for import into the United States and, therefore, ineligible for slaughter. Under this rule, bovines born after March 1, 1999 are now eligible for entry into the United States. APHIS border personnel will make this determination at the border based on certifications by Canadian officials. Should FSIS personnel note any irregularities in this regard, FSIS will hold the affected bovines and will report their findings to the Area Veterinarian in Charge (AVIC) for disposition. For purposes of this notice, bovines will include cattle and bison.

The restrictions on sheep and goats in the Rule have not changed. Sheep and goats must be less than 12 months old and must not be pregnant to be eligible for slaughter. Inspection program personnel will still verify that establishments ensure the eligibility of sheep and goats arriving for immediate slaughter and from feedlots.

**A. Definitions** – For purposes of this notice, the following words have the following meanings:

**1. Hold:**

To “hold” the animals means that the establishment segregates the affected animals and does not move them to slaughter or outside the official premises. In all cases, the establishment is to move animals off the means of transportation, into an area or pen at the official establishment, and treat the animals under humane conditions. To execute the holding of animals and to restrict their movement, inspection program personnel are to apply an FSIS Form 6502-1, “U.S. Rejected - U.S. Retained” tag (in this notice referred to as “U.S. Retained” tag) to the pens containing the affected animals. Under the MOU and the Animal Health Protection Act with APHIS, FSIS personnel are to contact the APHIS AVIC through the District Office (DO).

**2. Authorized United States Department of Agriculture (USDA) Representative:**

Per 9 CFR 93.400, this term refers to an APHIS Veterinary Services (VS) employee; an FSIS inspection program employee; a State representative; an accredited veterinarian; or an employee of an accredited veterinarian, slaughtering establishment, or feedlot who is designated by the accredited veterinarian or management of the slaughtering establishment or feedlot to remove seals from the truck.

**B. Forms**

Since APHIS has broadened the definition of who is authorized to break seals on conveyances that bring certain ruminants from Canada, FSIS inspection program personnel are not required to be present or available when the trucks arrive with ruminants from Canada if another authorized person (e.g., authorized establishment employee) is available to break the seals. Establishments wishing to take advantage of the APHIS policy under which a slaughter establishment employee may break seals needs to enter into an agreement with APHIS. FSIS off-line inspection program personnel are to verify that one of the following is present to ensure that there is an agreement between APHIS and the establishment:

1. Slaughter Plant Compliance Agreement for Seal Breaking (hereafter known as Compliance Agreement) (see section V. C. and Attachment 1 as an example); or

2. VS Form 17-36, "Inspection Report of Establishment for Immediate Slaughter of Import Animals" (see Outlook Public Folders/All Public Folders/OFO/Technical Service Center/BSE Training Info for information about the VS Form 17-36).

In addition to Canadian health certificates, shipments of animals from Canada must be accompanied by the following APHIS Veterinary Services' (VS) forms:

1. for animals from Canada for immediate slaughter, VS Form 17-33, "Animals Imported for Immediate Slaughter;" and

2. for sheep and goats from Canada shipped to a designated/approved feedlot in the U.S. before shipment to an official establishment, VS Form 1-27, "Permit for Movement of Restricted Animals."

Sheep and goats should be less than 12 months of age. Bovines should be < 105 months as of November 1, 2007 (born after March 1, 1999).

### **III. AWARENESS MEETING WITH ESTABLISHMENT MANAGEMENT**

A. Upon receipt of this notice, Public Health Veterinarians (PHVs) are to have an awareness meeting at establishments that have chosen to, or that may choose to, receive ruminants from Canada. APHIS approves the establishments that receive restricted Canadian animals, and PHVs can obtain a list of establishments approved to handle animals for immediate slaughter at: [www.aphis.usda.gov/vs/ncie](http://www.aphis.usda.gov/vs/ncie).

B. The PHV is to discuss the following issues to the extent that they apply to the establishment that:

1. bovines eligible for slaughter must meet the new APHIS eligibility requirement of being born after March 1, 1999. There are no longer restrictions on the movements of Canadian bovines imported for purposes other than immediate slaughter (i.e., to a U.S. feedlot). Should FSIS personnel note any irregularities in this regard they are to hold the animals and report their findings to the Area Veterinarian in Charge (AVIC) for disposition;

2. there is no change in this notice in the verification of sheep and goats coming from a U.S. feedlot in this notice;

3. FSIS will no longer hold pregnant Canadian bovines but will continue to hold pregnant sheep and goats;

4. collection of fetal bovine serum from the fetuses of Canadian animals is no longer prohibited;

5. sheep and goats are slaughtered as a group until the marks of inspection are applied;

6. bovines are slaughtered as a group or separated into 2 groups, 30 months of ages and older and less than 30 months of age until the marks of inspection are applied.

7. only sheep and goats with a C brand or a CFIA ear tag will be held. Because bovines may move freely from the feedlot, inspection program personnel will no longer hold cattle and bison with Canadian eartags and brands.

C. In a memorandum of interview, the PHV is to document who was present at the meeting, the date and time of the meeting, what was discussed, and what documents the PHV shared with establishment management. The PHV is to maintain a copy of the memorandum of interview in the official government file and to provide a copy to the establishment management.

#### **IV. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES REGARDING HACCP SYSTEMS**

A. PHVs are to verify that the establishment's HACCP system is designed to ensure that any animals received from Canada are eligible to be slaughtered and that an establishment's food safety system reflects any necessary reassessments under the Rule.

B. Inspection program personnel are to:

1. verify the execution of the establishment's food safety systems, including verifying that, if the establishment decides to import Canadian ruminants, it reassesses its HACCP system in accordance with 9 CFR 417.4(a)(3) because the Canadian animals represent a new source of raw materials, and thus a change at the establishment that may affect its HACCP system;

2. issue a Noncompliance Record when warranted; and

3. take necessary enforcement actions if an establishment fails to follow the written procedures it has incorporated into its food safety systems (e.g., fails to implement appropriate corrective action if it presents animals above a specified age for slaughter) (see 9 CFR 417.3 and 416.15 and FSIS Directive 5000.1, Revision 2).

C. On-line inspection program personnel are to notify the PHV or, if he/she is unavailable, other off-line inspection program personnel if they believe that an establishment's SRM control program, or the establishment's segregation of Canadian animals, may be ineffective.

#### **V. VERIFICATION ACTIVITIES WHEN RUMINANTS FROM CANADA ARRIVE AT OFFICIAL ESTABLISHMENTS**

**A. Ruminants Shipped From Canada for Immediate Slaughter**

1. Establishments may still request that FSIS inspection program personnel break seals on trucks (e.g., at establishments where establishment employees have not been authorized to break seals under 9 CFR 93.400). If so, inspection program personnel should verify that a Canadian government seal or a U.S. government seal is present and intact on the shipping truck. If the seal on the truck is missing or broken, or has otherwise been tampered with, inspection program personnel are to:

- a. have all animals unloaded from the truck onto the official premises;

**NOTE:** Inspection program personnel are to consider Canadian animals that are on the truck and that are nonambulatory-disabled or dead on arrival as presented for inspection. Inspection program personnel are to verify that the establishment handles the animals humanely and euthanizes them when necessary.

- b. institute a “hold” on the animals in the pen and restrict movement by applying a “U.S. Retained” tag to the pens;

- c. promptly contact the District Office, so that it can notify the AVIC with jurisdiction in the state where the official establishment is located (see [http://www.aphis.usda.gov/animal\\_health/area\\_offices/](http://www.aphis.usda.gov/animal_health/area_offices/) for addresses of AVICs); and

- d. verify the disposition of the affected animals in accordance with the AVIC determinations (see Note below). If the PHV has concerns regarding the establishment's disposal of, or failure to dispose of, carcasses or parts of ineligible animals, he/she is to notify the DO so it can notify the APHIS AVIC. The AVIC will initiate any necessary investigation.

**NOTE:** The AVIC will directly notify the establishment on the disposition of the affected animals, or an establishment may have a letter on file from the AVIC regarding the disposition of animals from Canada. The establishment is to dispose of the animals in accordance with the letter.

2. If the seal on the truck is intact, inspection program personnel are to break the seal and verify that:

- a. the establishment follows its procedures for immediately off-loading the entire group of animals onto the official premises and then segregating those animals;

- b. a VS Form 17-33 and a Canadian health certificate are present (the establishment may present a VS Form 17-36 in addition to the VS Form 17-33);

- c. the establishment follows its procedures to ensure that the VS Form 17-33 or the health certificate do not list any animals that are not in the group or fail to list animals that are on the load; and

d. the establishment follows its procedures to ensure that the animals listed on the VS Form 17-33 are individually identified by an official Canadian Food Inspection Agency (CFIA) ear tag.

3. If the establishment does any of the following, inspection program personnel are to institute a hold on the affected animals with a "U.S. Retained" tag applied to the pens and promptly contact the DO, so that it can notify the APHIS AVIC:

- a. does not present the VS 17-33 or the Canadian health certificate;
- b. finds animals that are not listed on the health certificate;
- c. fails to follow its procedures referenced in section IV. A of this notice;
- d. finds Canadian ruminants with missing official Canadian ear tags;

e. uses procedures that do not detect the arrival of bovines born before March 1, 1999, or sheep and goats 12 months of age or older; or

f. breaks the truck seal without a VS Form 17-36 or "Compliance Agreement" on file.

FSIS inspection personnel are to verify disposition of the affected animals per V.A.1.d. above.

4. Inspection program personnel are to verify that the establishment takes the appropriate action as set out in its procedures for the removal, segregation, and disposition of SRMs as incorporated into its HACCP system.

### **B. Sheep and Goats Shipped to an Official Establishment After Being Shipped from Canada to a Feedlot in the U.S.**

Under the new MOU with APHIS, inspection program personnel will only verify the arrival of sheep and goats and not bovines from feedlots in the U.S. VS Form 17-33 is not required for sheep and goats arriving from a U.S. feedlot.

1. Inspection program personnel are to follow the instructions in Section V. A. above for sheep and goats arriving from feedlots in the U.S.

2. Inspection program personnel are to verify that:

a. a VS Form 1-27 and a Canadian health certificate accompany each shipment; and that

b. the establishment follows its procedures to ensure that the VS Form 1-27 does not list any sheep and goats that are not in the group.

**NOTE:** Sheep and goats originating from Canada may leave the feedlot at different times. Thus, the Canadian health certificates may have more animals listed than on the VS Forms 1-27, and there may be more than one Canadian health certificate attached

to the VS Forms 1-27. These circumstances are foreseeable and acceptable.

3. If an establishment moves sheep and goats to slaughter that had to be retagged at the feedlot (e.g., tags were lost), and all the animals are listed on **one** Canadian health certificate, the following is required:

a. VS Form 1-27 that lists the unique identification number of each animal transported on the vehicle and the official seal numbers;

b. a copy of the Canadian health certificate that contains the ID numbers of the sheep and goats on the vehicle and the additional “retag” numbers, **or** a separate document with the Canadian ID number cross-referenced to the additional “retag” numbers as well as to the Canadian health certificate reference number. This document should be attached to the appropriate Canadian health certificate. The documents need to contain the printed name and signature of the accredited veterinarian, State, or USDA representative who prepared them and the date on which they were signed; and

c. VS Form 17-130, Ruminants Imported to Designated/Approved Feedlots, which identifies the feedlot of destination.

**NOTE:** It is acceptable to have more than one truck listed on the VS Form 1-27. However, the first page of the form must list all official seal numbers, and a copy of the VS Form 1-27 must accompany each truck.

4. If an establishment moves sheep and goats to slaughter that required retagging at the feedlot (e.g., tags were lost), and the sheep and goats are listed on any one of **two or more** Canadian health certificates, the following is required:

a. VS Form 1-27 that lists the unique identification number of each sheep and goat transported on the vehicle and the official seal numbers;

**NOTE:** These sheep and goats are moved as a group.

b. copies of all Canadian health certificates that contain the ID numbers of the sheep and goats on the vehicle and the additional “retag” numbers, **or** a separate document with the Canadian ID numbers cross-referenced to the additional “retag” numbers as well as to the Canadian health certificate reference numbers. This document should be attached to the appropriate Canadian health certificates. The documents need to contain the printed name and signature of the accredited veterinarian, State, or USDA representative who prepared them and the date on which they were signed; and

c. copies of all VS Form 17-130's.

**C. When Establishments Elect to Break Seals Per a Compliance Agreement or a VS Form 17-36 On File with APHIS**

The PHV is to verify receipt from the APHIS AVIC of a Compliance Agreement or VS Form 17-36 when the establishment first indicates that it will begin using a Compliance Agreement to designate an employee to break seals on the conveyances coming directly from Canada to slaughter or from a feedlot for sheep and goats. The PHV is to maintain a copy of the Compliance Agreement or VS Form 17-36 in the government inspection file. If the PHV has any questions about the agreement or the form, he/she is to contact the DO who will then contact the AVIC for that state and discuss the Agreement with the AVIC.

If, from the awareness meeting, the PHV determines that the establishment has an approval from APHIS to break seals, but the PHV-Inspector-In-Charge (IIC) has not received a copy of the signed compliance agreement or completed VS Form 17-36 from APHIS, the PHV is to contact the DO. The DO will contact the APHIS AVIC regarding the forwarding of the documents.

#### **D. Bison Shipped from Canada**

Bison imported to the U.S. from Canada are handled in the manner that cattle are handled under section V of this notice and are to meet the eligibility requirements under III. B. 1., except there are no applicable SRM provisions.

### **VI. ANTE-MORTEM AND POST-MORTEM VERIFICATION ACTIVITIES**

#### **A. Ante-mortem Inspection**

1. While performing verification activities related to the age of Canadian ruminants:

a. inspection program personnel are to verify randomly, in establishments that use documentation, that the records support the establishment's determinations. If the records do not support the determinations, inspection program personnel are to issue a Noncompliance Record (NR) and verify that the establishment takes the proper action to restore regulatory compliance; and

**NOTE:** PHVs are not to use hands-on dentition examinations to determine the adequacy of the documentation. If a PHV is unsure whether the establishment's procedures are adequate, he or she is to contact the Policy Development Division (formerly the Technical Service Center) for technical assistance.

b. in establishments using dentition, inspection program personnel are to verify that the establishment's determinations, which the establishment would typically make at post-mortem, are consistent with the directions provided in FSIS Directive 6100.4, Verification Instructions Related to Specified Risk Materials. If the determinations made by the establishment are not consistent with the instructions, inspection program personnel are to issue a (NR) and verify that the establishment takes the proper action to restore regulatory compliance;

**NOTE:** For sheep and goats, inspection program personnel are to conduct routine ante-mortem inspection after the establishment has completed the procedures it has in place for segregating the animals as incorporated into its HACCP system.



Inspection program personnel are to follow the instructions above related to documentation to verify that such animals are not 12 months of age or older. Sheep and goats are considered to be 12 months of age or older if the first permanent incisor has erupted.

2. verify that the establishment is properly executing its procedures to ensure that

a. sheep and goats are slaughtered as a group until the marks of inspection are applied; and

b. bovines are slaughtered as a group or separated into 2 groups, 30 months of age and older and less than 30 months.

3. institute a hold on animals if inspection program personnel cannot verify that the establishment procedures are ensuring animals are meeting the requirements under V. B. and VI A. using a "U.S. Retained" tag applied to the pens and promptly contact the DO so that it can notify the APHIS AVIC if an establishment presents for slaughter Canadian origin animals that are ineligible for slaughter;

4. verify the disposition of the affected animals per V. A. 1. d.;

5. verify that the establishment takes the appropriate action as set out in its procedures and as incorporated into its HACCP system for the removal, segregation, and disposition of SRMs;

6. continue to follow the regulations and directives on ante-mortem condemnations of eligible animals from Canada under 9 CFR Part 309; and

7. institute a "hold" on sheep and goats if, while performing ante-mortem inspection, inspection program personnel observe any sheep and goats with a C brand or a CFIA ear tag. Inspection program personnel are to apply a "U.S. Retained" tag to the pens, and the PHV is to contact the DO so it can notify the APHIS AVIC.

## **B. Post-mortem Inspection**

1. Off-line inspection program personnel are to verify execution of establishment programs for ensuring that ineligible animals are not slaughtered, and that the establishment slaughters eligible animals direct from Canada as a group. Inspection program personnel are to hold pregnant sheep and goats. The sheep and goats from Canada stay together as a group through the slaughter process until the marks of inspection are applied. For bovines, after the establishment has unloaded the animals into holding pens, the establishment may elect to separate them into those under 30 months of age and those 30 months of age and older. Inspection program personnel are to verify that the bovines are moved through the establishment as an entire group or separated into 2 groups that may each move through separately.

2. If an establishment slaughters animals that are ineligible for slaughter, including pregnant sheep and goats, PHVs are to institute a hold on the carcass and parts with "U.S. Retained" tags. PHVs are to contact the DO promptly, so it can notify the AVIC. Inspection program personnel are to verify that the establishment takes the appropriate action as set out in its procedures and as incorporated into its HACCP system for the removal, segregation, and disposition of SRMs.

**NOTE:** Should inspection program personnel have reason to believe any animal at post-mortem inspection is ineligible for slaughter under the Rule, inspection program personnel are to hold the carcass and its parts and notify the AVIC.

a. PHVs are to collect and hold for the AVIC all means of identification (i.e., ear tags, VS Forms 1-27, and health certificates) and evidence regarding the age of the animals.

b. FSIS inspection program personnel are to verify the disposition of the affected animals per V. A. 1. d.

3. If PHVs have concerns regarding the establishment's disposal, or failure to dispose of, carcasses or parts of ineligible animals, they are to notify the DO, so it can notify the APHIS AVIC. The AVIC will initiate any necessary investigation. FSIS personnel are to verify that SRMs are disposed of in accordance with establishment programs under 9 CFR 310.22.

4. For post-mortem condemnations of eligible Canadian animals under 9 CFR Part 310, inspection program personnel are to follow FSIS regulations and directives. No special reporting of any condemnations of eligible animals is required.

## **VII. COMPLETING AND DISTRIBUTING FORMS**

### **A. For Ruminants from Canada that were Shipped for Immediate Slaughter**

After the slaughter of a shipment of Canadian ruminants, inspection program personnel are to:

1. sign and date VS Form 17-33 (see Outlook Public Folders/All Public Folders/OFO/Technical Service Center/BSE Training Info for information about the VS Form 17-33);

2. maintain in the inspection file for 2 years a copy of the VS Form 17-33, the Canadian health certificate, and any other documentation arriving with the shipment; and

3. send a copy of the signed and dated VS Form 17-33 (Part 3) to the Port of Entry as written on the form.

**NOTE:** Animals may arrive with forms in addition to the VS Form 17-33 and Canadian health certificate (e.g., farm records, age verification documents, shipping information, and bills of lading). Inspection program personnel are to maintain copies of any additional documents in the inspection file for 2 years; however, there are no verification

or distribution activities that inspection program personnel need to perform related to these other documents.

**B. Sheep and Goats Shipped to an Official Establishment After Being Shipped from Canada to a Feedlot in the U.S.**

After the slaughter of a shipment of animals, inspection program personnel are to:

1. sign and date VS Form 1-27 (see Outlook Public Folders/All Public Folders/OFO/Technical Service Center/BSE Training Info for information about the VS Form 1-27);
2. maintain in the inspection file for 2 years a copy of VS Form 1-27, Canadian health certificate (see above), and any other documentation arriving with the shipment; and
3. send a copy of the signed and dated VS Form 1-27 (Part 2) to the local APHIS office. Link to area offices is [http://www.aphis.usda.gov/animal\\_health/area\\_offices/](http://www.aphis.usda.gov/animal_health/area_offices/).

**VIII. ANALYSIS OF THE DATA**

OPPED-HQ personnel will analyze the data collected by inspection program personnel through this notice to track compliance with SRM regulations by industry. The analyses will include examining trends in the rate of NRs, and will report follow-up activities conducted by districts to any NRs.

Direct technical questions about this notice to the Policy Development Division at 1-800-233-3935 and all other questions through supervisory channels.



Assistant Administrator  
Office of Policy, Program, and Employee Development

Attachment 1 (For example only)

**SLAUGHTER PLANT COMPLIANCE AGREEMENT  
FOR SEAL BREAKING**

Slaughter Plant Name: \_\_\_\_\_

Mail Address: \_\_\_\_\_  
\_\_\_\_\_

Mail City/ST/Zip: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

I agree to follow all instructions regarding the slaughter of imported feeder cattle from Canada. This includes reviewing all shipments and documentation at the time of arrival at the slaughter plant (with the evaluation of the truck seals and confirmation of the animal count). I agree to report all discrepancies to the Area Veterinarian-in-Charge (AVIC) and/or the State Veterinarian's office.

**Responsibilities/Instructions of Designee:**

(1) Inspect and remove the intact Government seals on the vehicles transporting feeder cattle from the feedlot to the slaughter plant. Only the person listed below may break the seals.

(2) Broken or missing seals or those that do not match the seal numbers listed on VS Form 1-27, "Permit For Movement of Restricted Animals," will be reported by immediately notifying the AVIC or State Veterinarian.

(3) Verify the number of animals in the shipment and compare to the VS Form 1-27.

(4) Complete Nos. 26 to 34 on VS Form 1-27 and return it to the AVIC of the originating state within 14 days of receipt of the shipment.

(5) Review and maintain incoming documents at the slaughter plant in conjunction with the FSIS Inspector-in-Charge (IIC): VS Form 1-27, "Permit For Movement of Restricted Animals", listing all of the animals in the shipment; the Canadian health certificate listing all of the animals in the shipment by individual ear tag and age; and VS Form 17-130, "Ruminants Imported to Designated/Approved Feedlots."

Printed Name of Designee: \_\_\_\_\_

Printed Name of Plant Manager: \_\_\_\_\_

Signature of Plant Manager: \_\_\_\_\_

Date: \_\_\_\_\_

**Memorandum of Understanding  
Between  
United States Department of Agriculture  
Food Safety and Inspection Service (FSIS)  
And  
United States Department of Agriculture  
Animal and Plant Health Inspection Service (APHIS)**

**ARTICLE 1 – PURPOSE**

The purpose of this Memorandum of Understanding (MOU) is to describe roles, responsibilities, and authorities of the parties regarding implementation of the “Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Importation of Live Bovines and Products Derived from Bovines Final Rule” (hereafter called the Rule). This Rule (72 FR, Docket No. APHIS-2006-0041, pages 53314-53379) establishes conditions for the importation of certain live ruminants and ruminant products and byproducts from minimal risk regions identified by the Animal and Plant Health Inspection Service (APHIS). Animals not in compliance with the age and other provisions of the Rule are ineligible for import into the United States and, therefore, ineligible for slaughter.

**ARTICLE 2 – AUTHORITY**

Food Safety and Inspection Service (FSIS) personnel will function on the behalf of APHIS, under authority granted by the Animal Health Protection Act (AHPA), 7 U.S.C. 8301 et seq. Under this authority delegated by APHIS, FSIS is authorized to implement the provisions of the Rule, Title 9 Code of Federal Regulations sections 93.419 and 93.420 and 7 U.S.C. 8306 regarding holding of live animals or articles (carcasses and parts) that are found to be not in compliance with the Rule.

**ARTICLE 3 – FSIS RESPONSIBILITIES**

**A. Verification activities for animals shipped directly from Canada for immediate slaughter:**

At establishments in which an establishment employee has not been authorized under Title 9 of the *Code of Federal Regulations* (9 CFR) Section 93.400 to break official seals:

1. FSIS, on arrival of animals from Canada shipped for immediate slaughter, will verify that the means of conveyance is properly sealed by either a Canadian government seal or U.S. government seal. If the official seals are broken, missing, or otherwise tampered with, FSIS personnel will hold the animals after unloading and promptly notify the APHIS Area Veterinarian in Charge (AVIC) with jurisdiction in the State where the official establishment is located.

2. For shipments arriving under seal of the Canadian or U.S. government, FSIS personnel will verify that Veterinary Services (VS) Form 17-33 has accompanied the load, and verify that the number of animals on the load is the same as the number noted on the VS 17-33. FSIS personnel will promptly return the completed VS 17-33 to the VS Port of Entry.
3. FSIS personnel will verify plant programs by reviewing paperwork and monitoring plant activities to assure the animals arrive with a Canadian health certificate and that certificates for sheep and goats show the age of each of the animals in months, and that the age is less than 12 months for sheep and goats. If sheep and goats are determined to be 12 months of age or greater, FSIS will hold, under the AHPA, live animals or carcasses for APHIS disposition.
4. FSIS will hold, under the AHPA, and promptly report to the AVIC, any animal or shipments of animals arriving with missing Canadian ear tags, with broken or missing seals, or without appropriate APHIS forms and Canadian Health Certificates.
5. FSIS will hold pregnant sheep and goats sent to slaughter, under the AHPA, and contact the AVIC.

**B. Verification activities for Canadian sheep and goats shipped from a U.S. feedlot to slaughter:**

At establishments in which an establishment employee has not been authorized under 9 CFR 93.400 to break official seals:

1. FSIS, on arrival of Canadian sheep and goats from a U.S. feedlot, will verify that the means of conveyance is properly sealed with a U.S. government seal. If the official seals are broken, missing, or otherwise tampered with, FSIS personnel will hold the animals after unloading and promptly notify the APHIS AVIC with jurisdiction in the State where the official establishment is located.
2. FSIS will verify that the sheep and goats are accompanied by a VS Form 1-27 and Canadian Health Certificate(s), that the number of animals on the load is the same as the number recorded on the 1-27, and that the official identification numbers of the animals are included on the accompanying paperwork. FSIS personnel will complete appropriate sections and return completed official forms to the local APHIS office.

3. FSIS personnel will verify plant programs by reviewing paperwork and monitoring plant activities to ensure the sheep and goats arrive with a Canadian health certificate showing the age of each of the animals in months and that the age is less than 12 months for sheep and goats. If sheep and goats are determined to be 12 months of age or greater, FSIS will hold, under the AHPA, live animals or carcasses for APHIS disposition.
4. FSIS will hold, under the AHPA, and promptly report to the AVIC, any animal or shipments of animals arriving with missing seals or without appropriate APHIS forms and Canadian Health Certificates.
5. FSIS will hold pregnant sheep and goats sent to slaughter, under the AHPA, and contact the AVIC.

**C. Verification activities for Canadian animals either shipped directly from Canada for immediate slaughter or shipped from a U.S. feedlot to slaughter and the establishment has authorized an employee to break official seals.**

Should irregularities be identified by FSIS personnel at establishments at which an establishment employee has been authorized under 9 CFR 93.400 to break official seals, FSIS personnel will notify their District Office who in turn will advise the responsible APHIS AVIC.

**D. Post-mortem Activities.**

Should FSIS have reason to believe any animal at post mortem is ineligible for slaughter under the Rule, FSIS will hold, under the AHPA, the carcass and its parts and notify the AVIC. FSIS will collect all available identification (such as ear tags) and hold for pick-up by the AVIC.

**ARTICLE 4 – APHIS RESPONSIBILITIES**

- A. Only an authorized U.S. Department of Agriculture Representative (e.g., an APHIS VS employee, an FSIS inspector, a State Representative, an accredited veterinarian or an employee of an accredited veterinarian, or a slaughtering establishment or feedlot representative who has been designated to perform the functions involved) may break seals on shipments of Canadian animals at an official slaughter establishment.
- B. Upon notification by FSIS of live animals believed to be out of compliance with the Rule, APHIS will assume jurisdiction of the animals, typically within 24 hours.

- C. When notified by FSIS of any animal or carcass on hold under the Rule, APHIS will make the determination on animal or carcass eligibility under the Rule, and communicate directly (by phone, fax, e-mail, etc.) with the management of the official establishment regarding the requirements of the Rule — such as destruction and disposal requirements.
- D. When requested by FSIS, APHIS will provide written guidance (by fax, e-mail, etc.) on the appropriate disposition of animals, carcasses, or articles held by FSIS under the AHPA or the Rule.
- E. APHIS will provide FSIS, consistent with 7 U.S.C. 8306(c)(1), with a copy of any written order addressed to, and directing, official establishment management to dispose of ineligible animals, carcasses, and parts in a manner consistent with the Rule.
- F. APHIS will facilitate requests from official establishments to initiate compliance agreements that allow establishment employees to break seals in accordance with 9 CFR 93.400.
- G. The APHIS AVIC will provide the FSIS Inspector-in-Charge with a copy of the signed compliance agreement and completed VS Form 16-36 as related to the breaking of official seals by establishment employees. Should irregularities be noted by FSIS or APHIS in the carrying out of said compliance agreements or VS form 16-36 by establishment management, APHIS will take immediate action to ensure compliance.

#### **ARTICLE 5 – IT IS MUTUALLY AGREED**

- A. That the details of this cooperative undertaking shall be jointly planned and executed by the cooperating parties.
- B. That the Agencies will cooperate on any criminal/administrative investigation coming out of the Rule.
- C. That this MOU will be effective November 19, 2007, and remain in effect until terminated under the terms of Article 9.
- D. That eligibility for entry into the United States will be based on a bovine being certified by Canadian officials as being born after March 1, 1999, and will be determined at the border by APHIS border personnel. Should FSIS personnel note any irregularities in this regard FSIS will hold the animal(s), under the AHPA and will report their findings to the AVIC for disposition.



**ARTICLE 6 - STATEMENT OF FINANCIAL OBLIGATION**

Signature of this MOU does not constitute a financial obligation on the part of FSIS or APHIS. Each signatory party is to use and manage its own funds in carrying out the purpose of this MOU.

**ARTICLE 7- LIMITATION OF COMMITMENT**

It is understood and agreed that any monies allocated for purposes covered by the MOU shall be expended in accordance with its terms and in the manner prescribed by the fiscal regulations and/or administrative policies of the party making the funds available. A separate agreement must be developed by the parties, if fiscal resources are to transfer.

**ARTICLE 8 – AMENDMENTS**

This MOU may be amended at any time by mutual agreement of the parties in writing.

**ARTICLE 9 – TERMINATION**

This MOU may be terminated at any time by mutual agreement of the parties in writing, or by one party with 30 days' notice in writing of the other party.

**ARTICLE 10 – PREVIOUS AGREEMENTS**

This MOU does not modify any other existing agreements between FSIS and APHIS.

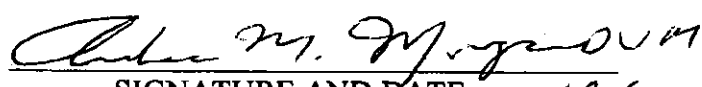
**FOR FSIS:**

Kenneth Petersen  
Assistant Administrator  
Office of Field Operations  
Washington, DC

 10/30/07  
SIGNATURE AND DATE

**FOR APHIS**

John R. Clifford  
Deputy Administrator  
Veterinary Services  
Washington, DC

 for  
SIGNATURE AND DATE JRC 10-29-07

1FO H 870  
10-30-07