
FSIS DIRECTIVE	9010.1	5/26/1999
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EXPORT PRODUCTS RETURNED TO THE UNITED STATES

I. PURPOSE

The purpose of this Directive is to provide the District Offices (DO) and inspection personnel information on handling United States (U.S.) inspected and passed products that were exported to a foreign country and then returned.

II. [RESERVED]

III. [RESERVED]

IV. REFERENCES

9 CFR 318.2, 327.17, 381.145 and 381.209.

V. BACKGROUND

Marked U.S. inspected and passed meat and poultry products may be returned for a variety of reasons such as refusal by a foreign government inspection system, the owner's decision, or rejection by a foreign buyer for non-health related reasons. Before products are returned, the owner/broker/agent must notify the DO and receive its approval. If the DO determines that such returned product is not adulterated or misbranded, the DO may permit the product to be returned without being subject to FSIS re-inspection. Approval is granted on a case-by-case basis. The DO considers the reason why the product is being returned to the U.S. when determining what action needs to be taken with the product.

VI. RE-ENTRY PROCEDURES

A. Upon notification that product is being returned, the DO should request documentation from the owner/broker/agent stating the reason for the return. The DO also should request a copy of FSIS Form 9060-5, Meat and Poultry Export Certificate of Wholesomeness, or for Canada, FSIS Form 9135-3, Certificate for Export of Meat and Poultry (Canada).

B. If the export certificate is not available, the DO should request the owner/broker/agent to provide the following information:

1. Name of Product
2. Quantity/weight of product
3. U.S. export establishment number and, if different, the establishment number on the product.

C. The DO should request the owner/broker/agent to provide the U.S. Customs Entry Number for the product's re-entry to the United States. This number is necessary for FSIS to correlate with U.S. Customs' records.

D. The DO may need additional information from the owner/broker/agent such as:

1. Name of country from which product was returned
2. Length of time product was out of the country
3. Name, address, telephone, and fax number of owner/broker/agent
4. Intended use of product after return to U.S.
5. Projected date of return
6. U.S. port-of-arrival

E. The DO will decide whether the product should be released into commerce or held for re-inspection as specified in 9 CFR 318.2 or 381.145. Re-inspection can occur at the port, at the originating establishment, or at any approved FSIS establishment. To determine the location of the re-inspection, the DO will consider factors such as the

availability of FSIS staff, the preference of the owner/broker/agent, and whether the facility is capable of conducting the re-inspection.

VII. RE-INSPECTION DECISIONS

A. If the DO determines that re-inspection is necessary, the product will travel under a modified FSIS 7350-1, Request and Notice of Shipment of MPI Sealed Meat/Poultry, (old MP-408) or an FSIS seal to the re-inspection location. The DO may consult with other DO's, OPHS, OPPDE, TSC, or any other appropriate offices in making its decision.

B. The DO will notify (phone or fax) the owner/broker/agent of its decision, followed by a letter.

C. When product requires re-inspection, the originating DO will notify the appropriate inspection personnel in their district or will notify the DO where the re-inspection will take place so that the appropriate inspection personnel can be notified in that District.

D. The DO will provide inspection personnel with the necessary information regarding the reason for the return.

E. The product must be re-inspected in accordance with 9 CFR 318.2 or 381.145.

F. The originating DO will maintain a copy of the information provided by the owner/broker/agent and its response.

/s/ Philip S. Derfler

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