

DESIGNATION OF STATES FOR FEDERAL MEAT OR POULTRY INSPECTION

I. PURPOSE

This directive outlines the procedures for designation of States for Federal meat and/or poultry inspection. The Directive should be considered a guide and must be used in conjunction with applicable parts of the Meat and Poultry Inspection Acts and Regulations, especially those parts dealing with exemptions, facilities, and labeling. Variations may be necessary since conditions or circumstances can vary in different parts of the country. However, all variations must be approved by the Deputy Administrator, Meat and Poultry Inspection Operations (MPIO), or his designee.

II. CANCELLATION

Cancel Directive 915.2.

III. REASON FOR REISSUANCE

To update designation procedures.

IV. REFERENCES

Section 301(c) of the Federal Meat Inspection, Act (FMIA) and section 5(c) of the Poultry Products Inspection Act (PPIA) set forth provisions for designating any State as being subject to provisions of Titles I and IV of the FMIA, and/or sections 1-4, 6-10, and 12-22 of the PPIA, respectively; MPI Directive 910.1; and MPI Directive 915.1, Rev. 3.

V. POLICY

A. As much advance notice as possible should be given when a State is to be designated for Federal inspection. The cooperative meat and poultry inspection agreements require 60 days' notice be given by either party wishing to terminate the agreement.

B. A State designation is effective 30 days after publication of the intent to designate notice in the Federal Register. Prior to the effective date of designation, surveys will be made of all known establishments (1) slaughtering livestock or poultry or (2) preparing or processing carcasses, parts, or products thereof for use as human food. These surveys determine which establishments are required to operate under Federal inspection, those that are eligible for exemption, and to identify minimum staffing required to operate under Federal inspection. These surveys also provide information regarding designation procedures and allow plant operators to ask questions or discuss specific situations involving their operations.

VI. RESPONSIBILITIES

A. The Deputy Administrator, MPIO shall appoint a coordinator at the Headquarters level who shall:

1. Notify organizational units within the Food Safety and Inspection Service (FSIS) such as: Regional Director, Personnel Division, Compliance, Regulations Office, Administrative Services Division, Resource Management and Analysis Staff, Meat and Poultry Inspection Technical Service and Information and Legislative Affairs.

2. Coordinate designation procedures with the Regional Office.

3. Serve as a focal point for questions or problems when the Regional Coordinator requests assistance.

B. The Regional Director shall appoint a coordinator at the regional level who shall:

1. Coordinate all designation procedures with field personnel and State and Headquarters officials.

2. Designate an individual to start an immediate review of labels in the central file in conjunction with the Standards and Labeling Division, Meat and Poultry Inspection Technical Services (SLD-MPITS).

3. Review all available information concerning meat or poultry establishments and prepare a list to include (1) name and address of establishment, (2) type of operation (meat or poultry), and (3) commercial or custom slaughterer, processor, etc. This information should be readily available from the State inspection program.

4. Select, in concert with the head of the State inspection program when possible, survey teams composed of Federal and State personnel and schedule initial planning meetings to establish a timetable for completion of the State designation. The timetable should establish dates when (1) plant surveys are to begin and end, (2) commitment letter is to be submitted (day of survey is preferred), (3) completed MP Form 401 is to be submitted, (4) labeling, marking, and information material is to be delivered, (5) State is to be designated, (6) labels and plant drawings are to be submitted, (7) organization charts are to be finalized and submitted, (8) jobs are to be offered to former State employees and when final offers will be tendered, and (9) meetings will be held with plant operators and State employees.

5. Serve as focal point to provide answers for questions and solve problems raised by the designation process.

6. Acquire a block of establishment numbers.

C. The Personnel Officer, Personnel Operations Branch (POB), shall upon notification, appoint a personnel specialist who shall:

1. Participate with the Regional Coordinator in initial planning meetings to establish a timetable which will integrate the personnel

requirements with the nonpersonnel aspects of the State designation.

2. Contact appropriate officials in the State organization to obtain names, addresses, and other needed personnel information.

3. Send Federal employment information packets to all affected State employees.

4. Participate in group meetings with State employees to explain benefits and procedures involved in conversion to Federal employment.

5. Work with Regional Office and the Classification and Organization Branch to identify positions, rate and rank applicants, and assist with the offer of positions to State employees.

6. Complete the conversion of satisfactory special tenure employees to status employees within 6 months of the State designation.

VII. PROCEDURES

A. The Regional Coordinator, in cooperation with the appropriate Area Supervisor shall:

1. Arrange for appropriate meetings with affected industry and State employees.

2. Initiate action to conduct surveys.

3. Notify establishments of the approximate survey date Attachment 1) and send each a copy of the publication, "The Designation Process."

4. Arrange to provide necessary supplies and equipment.

B. The survey team shall:

1. Conduct individual plant surveys, as assigned by the Area Supervisor. Survey teams should be composed of Federal and State personnel whenever possible. If plant management resists or declines to be surveyed, notify the Area Supervisor by telephone.

2. Furnish and discuss with plant management the FMIA and/or PPIA, Meat and Poultry Inspection Regulations, Meat and Poultry Inspection Manual, Handbook 570, U.S. Inspected Meat and Poultry Packing Plants, the booklet "Federal Facilities Requirements for Existing Meat and/or Poultry Plants", appropriate information relating to exemptions, and copies of MP Form 401, Application for Meat, Poultry, or Import Inspection, (original, 3 copies to be completed by management if Federal inspection is desired, and returned to the survey team during the final followup survey--survey team will forwarded to the Area Supervisor) including Instruction Sheet and Privacy Act Notice (Attachment 2).

3. Request plant management to complete the "Intention" form letter, FSIS Form 9020-1 (Attachment 3). This affords plant management an opportunity to declare inspection intentions and request any assistance that may be needed relating to Federal inspection or exemption. Forward

original to Area Supervisor, provide plant management a copy and retain a copy.

4. Complete "Plant Information" sheet, FSIS Form 9020-2 (Attachment 4). If plant management has declared on the FSIS Form 9020-1 that they will operate under exemption, do a walk through observation, affording plant management the opportunity to accompany and observe, and complete items E and F of FSIS Form 9020-2 with a brief narrative. This will constitute the survey report of an exempt facility. If plant management has declared on the FSIS Form 9020-1 that they wish to operate under Federal inspection or are uncertain, complete items E and F with "See FSIS Form 9020-3, Survey Report" and proceed to VII.B.5 below with an initial indepth survey. If plant management declares they will close their business, no survey will be made. Forward original of the FSIS Form 9020-2 to the Area Supervisor, provide plant management a copy and retain a copy.

5. Afford plant management an opportunity to accompany and observe when an initial indepth facility survey is conducted. Surveys should be conducted in accordance with the current issue of MPI Directive 910.1, and/or current instructions. During or upon completion, explain to plant management and indicate on the "Survey Report," FSIS Form 9020-3 (Attachment 5) all minimum improvements required before Federal inspection can be granted. The date water and sewage disposal systems were approved should also be recorded. Indicate on the FSIS Form 9020-3 longrange improvements and requirements, and discuss submission of plant drawings and labels and obtaining necessary brands. Provide plant a copy of "Survey Report," send a copy to the Area Supervisor and retain the original and one copy.

6. Provide plant management requesting Federal inspection (or if uncertain) with the letter from the Regional Director or his designee (Attachment 6) along with the copy of the FSIS Form 9020-3. These documents will identify establishment's deficiencies and actions necessary to obtain Federal inspection. If plant management requests exempt status or intends to close their business, provide them with the letter Attachment 7) from the Regional Director or his designee.

7. Request plant management to sign one of the "Receipt Information" sheets, FSIS Form 9020-4 (Attachment 8) indicating their intentions. Forward original to Area Supervisor and give a copy to plant management.

8. Make followup visits, prior to designation date, to all plants that have declared on the FSIS Form 9020-1 that they wish to operate under Federal inspection or are uncertain. Make followup survey on plants that have deficiencies needing correction before inspection is granted as indicated on the FSIS Form 9020-3 to ascertain if corrections have been made. Record whether corrections have or have not been made on the retained original and remaining copy of the FSIS Form 9020-3. Classify plants on the FSIS Form 9020-3 according to the following:

a. Category A--Those plants that had no deficiencies on the initial survey and those on the followup review that have made all necessary corrections before inspection can be granted. Record on the FSIS Form 9020-3 "Recommend Federal Inspection be Granted, plant meets minimum requirements under designation procedures", retrieve the completed MP Form 401's and deliver temporary brands and labels (See Attachment 8). Forward the original of the FSIS Form 9020-3 along with completed MP Form 401's (1 original, 3 copies) to the Area Supervisor and retain the remaining copy of the FSIS Form 9020-3 for the inspector-in-charge (IIC).

b. Category B--Those plants that had deficiencies on the initial survey and those plants on the followup survey that have not completed all necessary corrections before inspection can be granted. Make arrangements with plant management for a third survey. Before designation date, make the third survey to determine if all necessary corrections have been made. If all corrections have been made, record on the FSIS Form 9020-3 "Recommend Federal Inspection be Granted, plant meets minimum requirements under designation procedures", retrieve the completed MP Form 401's and deliver temporary brands and labels. Distribution of forms should be made as for Category A plants above. For those Category B plants that have not corrected all necessary items, record on the FSIS Form 9020-3 "Do Not Recommend Federal Inspection be Granted." The MP Form 401's may be retrieved and distribution of forms should be as for Category A plants above; however, do not issue temporary brands and labels to the plant. The Regional Director in consultation with MPIO Headquarters in Washington will take appropriate action regarding these plants.

9. Contact promptly by telephone the Area Supervisor if a plant, during the initial or followup surveys, clearly falls into the category of endangering public health as outlined in MPI Directive 910.1, Review Procedures for Federal Plants and Nonfederally Inspected Plants Including Certified State Meat and Poultry Inspection Programs, and/or current instructions. The Area Supervisor will notify the Regional Director by telephone. After consultation and concurrence, indicate on the FSIS Form 9020-3 that the plant is endangering public health. If product contamination deficiencies are not corrected prior to the subsequent survey, document the FSIS Form 9020-3 accordingly and telephone the Area Supervisor. Federal inspection will not be granted and procedures in MPI Directive 910.1, and/or current instructions be followed.

10. Review "Distribution Summary" (Attachment 9)--a summary of materials left with plant management and the distribution flow.

C. The Area Supervisor shall:

1. Compile all material from the surveys on each plant, make copies, and forward originals to the Regional Coordinator prior to designation date.

2. Complete MP Form 490's, Assignment Development Record, with supporting documentation and forward to the Regional Coordinator.

D. The Regional Coordinator shall:

1. Submit copies of MP Form 490's and supporting documentation to Personnel Operations Branch (POB), Minneapolis, Minnesota, for classification and establishment of the needed positions.
2. Grant inspection to establishments meeting Federal inspection requirements in accordance with MPI Directive 915.1, Rev. 3.
 - a. Inspection service may be granted without approved plant drawings with the understanding that applicant has such drawings approved within 18 months after the effective date of designation.
 - b. The plant--including all facilities--will be placed in compliance with approved drawings as soon as possible, but no later than 36 months after the effective date of designation.
 - c. A sewage disposal approval letter by the appropriate official approving the system is required.
 - d. MP Form 451, Grant of Inspection (Attachment 10), carries a statement in the "Remarks" section stating conditions under which inspection is granted. If the timetable for the plant improvement program--including approved drawings--is not met, the grant of inspection automatically expires.
3. Select and assign inspectors and supervisors to plants granted inspection and arrange for training, if necessary.
4. Schedule "post-designation" meetings with plant operators and inspectors to implement facility and label requirements.
5. Send a letter to each plant manager approximately 1 year after the designation date reminding them of the deadline for obtaining approval of plant drawings (see Attachment 11).

Donald L. Houston
Administrator

Attachments

- 1-Sample letter--notification of survey date
- 2-MP Form 401 and guidelines for completing MP Form 401
- 3-FSIS Form 9020-1 (See hard copy of directive)
- 4-FSIS Form 9020-2 (See hard copy of directive)
- 5-FSIS Form 9020-3 (See hard copy of directive)
- 6-Sample letter to plant management--transmits survey form
- 7-Sample letter to plant management--exempt status or closing business
- 8-FSIS Form 9020-4 (See hard copy of directive)
- 9-Distribution Summary
- 10-MP Form 451 (See hard copy of directive)

11-Sample letter--reminder of approval of plant drawings

FSIS DIRECTIVE 5710.1
ATTACHMENT 1
2/27/84

Name and Address
(Include Zip Code)

Gentlemen:

The Federal Meat Inspection Act was amended by Congress in 1967 to assure all consumers of a wholesome meat supply. The Act encourages States to develop and maintain a meat inspection system equal to the Federal system. In the event States fail to meet or are not in a position to maintain these requirements, the Act requires the Secretary of Agriculture to designate slaughter and preparation of livestock within a State as subject to Federal requirements.

The State of _____ (has not maintained) or (is not in a position to maintain)) an adequate program; therefore, it is necessary that the Department of Agriculture arrange to provide inspection. For this purpose, a Federal representative will be contacting you during the period _____. During the visit to your plant, you will be advised concerning corrective measures, if any, that may be necessary to meet Federal requirements.

We would appreciate your cooperation in this task. If you have any questions or if you wish to discuss the inspection program, please feel free to contact the Area Supervisor at the address shown below, or contact this office.

(address)

The publication titled "The Designation Process" is enclosed. This will provide some general information concerning the designation process. Our representative will also be available to answer questions during visits to your plant.

Sincerely,

Regional Director

Enclosure

(Note: Use also for designations under the PPIA with appropriate citations.)

FSIS DIRECTIVE 5710.1

ATTACHMENT 2
2/27/84

GUIDELINES FOR COMPLETING MP FORM 401

1. Date of application: Shall be the date on which the form is executed.
2. Type of application: New
3. Type of inspection required: Check applicable block.
4. Form of organization: Check applicable block.
5. Self-explanatory.
6. Self-explanatory.
7. Name of applicant, company name, and mailing address (include ZIP code). This should be the name by which the company wishes to be known and will be the name listed in the Meat and Poultry Inspection Directory.
8. Area code and telephone number: Organization's telephone number.
9. Location of plant and mailing address if different from item 7 (include ZIP code): If the mailing address in item 7 is a post office box number there must be some type of location listed in item 9, a farm-to-market road number, a highway number, or direction and mileage from nearest town.
10. Area code and telephone number: Telephone number of the location. This need not be repeated if the telephone number is the same as listed in item 8.
11. Other names (if any) under which business will be conducted. This is important if different names are intended to be used on various labels.
12. Self-explanatory.
13. Self-explanatory.
14. Days per year plant will operate: May be an estimate or average.
15. Hours per week plant will operate: May be an estimate or average.
16. Hours per day plant will operate: May be an estimate or average.
17. Self-explanatory.
18. Self-explanatory.
19. Estimate weekly volume (pounds) of fresh meat or ready-to-cook poultry to be disposed of in commerce: Carcasses broken down no further than quarters (red meat).
20. & 21. Estimated weekly volume (pounds) of fresh/frozen meat carcasses or parts to be imported: Mark N/A at this time.
22. Estimated weekly volume to be prepared, processed, or imported when inspection is inaugurated: (1) Type of product--Meat, Poultry, Both--if processing is done, one of these must be checked.
 - (1) a, b, c, d, e, f, h, and i: Could be a part of block 22(1)g. Any breaking further than quarters (red meat).
 - (2) Total pounds to be produced: Estimated number of pounds of each item produced in plant.

(3) Total pounds to be disposed of in commerce: Estimated number of pounds to be sold and transported across State lines.

(4) Total pounds to be imported: Leave blank at this time.

23. List all persons responsibly connected with the applicant. Include all partners, officers, directors, holders or owners of 10 per centum or more of voting stock, and employees in a managerial or executive capacity in the business. Notify the Area Supervisor of any changes in the listing given: Must be completed. On all, show name, title, social security number, date of birth, place of birth, present home address, and if a corporation, check space provided concerning the holding of voting stock. Must include person signing the application.

24. Self-explanatory. If none, write word "NONE."

25. Self-explanatory. If none, write word "NONE."

26. Self-explanatory. Privacy Act Notice should be provided when MP Form 401 is provided.

27. Type name of person signing application. If not typewritten, may be legible printed.

28. Self-explanatory.

29. Title. Should agree with title designation listed in item 23.

30. Through 34. To be completed by USDA. Self-explanatory.

FSIS DIRECTIVE 5710.1

ATTACHMENT 6

2/27/84

(Firm Name)

(Street Name)

(City, State ZIP)

Gentlemen:

A survey of your (meat and/or poultry) plant was made by our representative during the weeks of (insert dates), in accordance with (insert one or both Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA)). If deficiencies were observed, they were discussed with you during the survey, and a copy of the survey report is enclosed.

Your establishment will not be eligible for inspection service until the deficiencies, if any, referenced in the surclosed.

Your establishment will not be eligible for inspection service until the deficiencies, if any, referenced in the survey are corrected, and until

your plant is substantially in compliance with requirements for existing (meat and/or poultry) plants.

Effective (insert date) all (meat and/or poultry) plants in (insert State) will be subject to Federal requirements.

To help you bring your plant and equipment into compliance, our area supervisor is available to furnish advice and information. His name, address, and telephone number are as follows: (Name)
(Address)
(Telephone number)

In addition, the field supervisor visiting with you will indicate what, if anything, must be done before inspection is granted. Plants that receive a grant of inspection must be able to produce a clean, wholesome product in a sanitary environment. Some construction projects may be required. Therefore, our supervisor will help you program completion of any necessary projects. This will be specified in writing before inspection is granted so that all concerned will have an exact understanding.

On (insert date), a ("Notice of Designation under the Federal Meat Inspection Act") and/or ("Notice of Designation under the Poultry Products Inspection Act") relating to (insert State) (appeared) (will appear) in the Federal Register (copy enclosed, if printed). The notice (explained) (will explain,) all provisions of the Act under which such a designation is authorized.

Federal requirements must be met when the State designation of (insert State) becomes effective in order for you to legally slaughter, process, or distribute meat or poultry or their products. Should you continue to process or prepare products at your plant after the designation is effective and without having Federal inspection or exemption therefrom or be otherwise in violation of the Act, all such products will be subject to detention by a USDA official for disposition in accordance with provisions of the FMIA or PPIA.

If you have any questions, contact the Area Supervisor in your area or this office.

Sincerely,

Director
(Insert Region)

Enclosures

FSIS DIRECTIVE 5710.1
ATTACHMENT 7
2/27/84

(Firm name)

(Street Name)
(City, State ZIP)

Gentlemen:

Our representative visited your establishment during the weeks of (insert dates), in accordance with (insert one or both Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA)). Although you have ((elected to operate under exemption from inspection) or (to close your business)) after (insert date), additional information is hereby provided. On (insert date), a ("Notice of Designation under the Federal Meat Inspection Act" and/or "Notice of Designation under the Poultry Products Inspection Act") relating to (State) (appeared) (will appear) in the Federal Register (copy enclosed, if printed). The notice (explained) (will explain) all provisions of the Act under which such a designation is authorized.

Federal requirements must be met when the State designation of (State) becomes effective in order for you to legally slaughter, process, or distribute meat or poultry or their products. Should you process or prepare products at your plant after the designation is effective and without having Federal inspection or exemption therefrom or be otherwise in violation of the Act, all such products will be subject to detention by a USDA official for disposition in accordance provisions of the FMIA and/or PPIA.

If you have questions, contact the Area Supervisor listed below or this office.

(Name)
(Address)
(Telephone Number)

Sincerely,
Director
(Insert Region)

Enclosures
FSIS DIRECTIVE 5710.1
ATTACHMENT 9
2/27/84

DISTRIBUTION SUMMARY

I. Survey team shall:

A. During or on completion of the initial in-depth survey, furnish the following to plants who have or will declare on the FSIS Form 9020-1 (Attachment 3) that they want Federal inspection or are uncertain.

1. FMIA and/or PPIA.

2. Meat and Poultry Inspection Regulations.
3. Meat and Poultry Inspection Manual.
4. Handbook 570, U.S. Inspected Meat and Poultry Packing Plants.
5. Federal Facilities Requirements for Existing Meat and/or Poultry Plants.
6. One copy of each appropriate "Policies on Custom Exemption" and Retail Exemption".
7. MP-401's (4 copies, 3 carbon manifold) with instructions and Privacy Act information (Attachment 2).
8. One completed copy of the FSIS Form 9020-1 (Attachment 3)--carbon manifold (original, 2 copies)--original to Area Supervisor, retain remaining copy.
9. One completed copy of FSIS Form 9020-2 (Attachment 4)--carbon manifold (original, 2 copies)--original to Area Supervisor with original of FSIS Form 9020-1 (Attachment 3), retain remaining copy.
10. One copy of completed FSIS Form 9020-3 (Attachment 5) stapled to letter from Regional Director (Attachment 6). FSIS Form 9020-3 is a carbon manifold (original, 3 copies)--one copy to Area Supervisor with originals of FSIS Forms 9020-1 and 9020-2 and retain original report and remaining copy. (The retained copy is for the IIC).
11. Completed copy of FSIS Form 9020-4 (Attachment 8)--carbon manifold (original, 1 copy)--send original to Area Supervisor with originals of FSIS Forms 9020-1 and 9020-2 and a copy of FSIS Form 9020-3.
 - B. Furnish the following to plants who have or will declare on the FSIS Form 9020-1 (Attachment 3) that they will either operate under exemption or will close their business.
 1. through 9, same as I.A., 1 through 9 above.
 10. Letter from Regional Director indicating status of plant (Attachment 7).
 11. Completed copy of FSIS Form 9020-4 (Attachment 8)--carbon manifold (original, 1 copy)--send original to Area Supervisor with originals of FSIS Forms 9020-1 and 9020-2.
- C. On plants (I.A. above) requiring followup visits or surveys, complete the original and copy of FSIS Form 9020-3 (Attachment 5) according to instructions in VII.B. 8a or b of this directive, and forward original to the Area Supervisor--copy to IIC. Also forward completed original and 3 copies of MP Form 401 to the Area Supervisor.

II. Area supervisor shall:

- A. Make copies of all material received from survey team.
- B. Forward originals to the Regional Coordinator.

FSIS DIRECTIVE 5710.1
ATTACHMENT 11
2/27/84

(Firm Name)
(Street Name)
(City, State Zip)

The (insert State name) State Meat and Poultry Inspection Program was designated under Federal inspection on (insert date). This was done in accordance with the Meat and Poultry Inspection Regulations, Part 330. One of the requirements in this designation is that former State plants which come under Federal inspection submit and receive approval of their blueprints within 18 months. This would, of course, mean that your plant must have federally approved blueprints by (insert date). Part 331.3 (a) of the Meat and Poultry Inspection Regulations states that if a plant's blueprints are not approved within 18 months after designation of the State program, the grant of inspection will be withdrawn.

Our concern is that you are aware of this deadline which may directly affect your business. The Circuit Supervisors involved in the (insert State name) takeover will give whatever help that is necessary to outline Federal facility standards as you complete your blueprints. If you should need help from this office, after having contacted the Circuit Supervisor, please do not hesitate to call us.

Sincerely,

Director
(Insert Region)