

## Records Examination

### Objectives

Upon completion of this module, the trainee will be able to:

1. Write the section reference from the statute that covers records requirements.
2. List the authorities related to records that are given to FSIS in the statute.
3. Write the section reference from the livestock regulations that gives the requirements for businesses to maintain records.
4. List the types of businesses that are required to meet the recordkeeping requirements.
5. List the types of records required to be kept by subject businesses.
6. Describe how long records are required to be kept.
7. Identify the authorities given FSIS in the regulations regarding recordkeeping.
8. Describe when you would copy establishment records and what records you would copy.

## Records Examination

Now, let's look at the requirements in the statutes for recordkeeping related to the production of meat and poultry products. It is very important for us to have access to plant records, particularly relating to the regulatory verification of the food safety systems. A review of those records can tell us important information about how product was handled and prepared to help us in making the determination about whether product that is being produced is wholesome and not adulterated.

### Statutory Basis for Records Examination

**21 U.S.C. 642** of the FMIA and **460(b)** of the PPIA provide the statutory requirements for records. Section 642 of the FMIA states:

*(a) The following classes of persons, firms, and corporations shall keep such records as will fully and correctly disclose all transactions involved in their business; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value.*

*(1) Any persons, firms, or corporations that engage, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;*

*(2) Any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals;*

*(3) Any persons, firms, or corporations that engage in business, in or for commerce, as renderers, or engage in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.*

*(b) Any record required to be maintained by this section shall be maintained for such period of time as the Secretary may by regulations prescribe. (21 U.S.C. 642.)*

This section of the statute requires establishments to maintain production records and provides FSIS the authority to:

1. Access places of business;
2. Examine the facilities, inventory, and records of the business;
3. Copy all such records;
4. Take reasonable samples of inventory upon payment of fair market value.

## Regulatory Basis for Records Examination

The regulations provide more detailed information on the recordkeeping requirements. In 9 C.F.R. **320.1 (a)(1-3)** the following types of businesses are required to keep records:

*1) Any person that engages, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;*

*(2) Any person that engages in the business of buying or selling (as a meat broker, wholesaler, or otherwise), or transporting in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals;*

*(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.*

We interpret section 320.1(a)(3) to include renderers, landfill operators, incinerator operators, or any business that uses any other means to dispose of condemned animals.

9 CFR **320.1(b)(1) through (11)** describes the types of records establishments are required to maintain. For example, under Section 320.1(b)(1), records could include, among other items, bills of lading, bills of sale, receiving and shipping records and these records must describe the livestock article, the weight, the method of shipment, date of shipment, name and address of the seller and buyer.

Section **320.2** requires records to be maintained at the business for a period of 2 years plus the current year.

Section **320.4** provides FSIS program personnel the authority to access and inspect records, facilities and inventory and to copy these records.

Section **320.5** requires meat brokers, renderers, animal food manufacturers, wholesalers, warehouse operators, and all persons engaged in buying, selling, transporting or importing any dead, dying, diseased, disabled animals to register with the Administrator.

Section **320.6** requires establishments to make daily reports of the amount of products prepared or handled available to FSIS and to report quarterly the number of pounds of product produced at the establishment.

Section **320.7** requires consignees of products that bear an official inspection legend that refuse to accept delivery of product on the grounds that it is adulterated or misbranded to notify the Inspector in Charge.

9 CFR Part **325** prescribes records requirements for transportation of meat and poultry carcasses and parts and products of carcasses. Section **325.1** prohibits the transportation of products in commerce without an official inspection legend or certificate when required and designates the conditions for shipment. It also prescribes vehicle sanitation requirements. Subsequent sections of 325 prescribe requirements for meat and poultry products transported in various situations. Section **325.20** requires that:

*no persons engaged in the transportation of dead, dying, diseased or disabled to buy, sell, transport, or offer for sale or transportation in commerce or import dead animals that died otherwise than by slaughter if: 1) the hide has been removed; 2) animals are not consigned and delivered, without unavoidable delay, to animal food manufacturers, renderers, or collection stations that are registered in accordance with 9 CFR 320; 3) buy in commerce or import 4D animals unless he is an animal food manufacturer or renderer and is registered per section 320; (4) unload 4D animals en route or (5) load into any conveyance 4D animals while in the course of importation or transportation in commerce.*

With respect to requirements regarding downer animals and specified risk materials, we will expect establishments to maintain records to show that animals were humanely slaughtered and properly disposed of. We will expect records at the slaughter facility to document the actions taken, after the condemnation is made by FSIS program personnel, to kill the animal, to denature the animal, to secure the appropriate facility (per the State or municipal authorities) to receive the condemned animal, to load and to ship the condemned animal onto an appropriate conveyance and to ensure receipt by the appropriate renderer, landfill or incinerator operator.

The HACCP and sanitation regulations (**417, 416**) both outline specific recordkeeping requirements. For example, this right of FSIS to access plant records is reflected in the HACCP regulations in **417.5**, which outlines the recordkeeping requirements related to HACCP plans. FSIS Directive 5000.1, Revision 1, outlines inspection methods for verification of these recordkeeping requirements. An example of a key Directive dealing with plant records is FSIS Directive 5000.2, which reminds inspection personnel that they have access to any type of record that the plant maintains if it relates to maintaining its food safety system, whether the records are referenced in the HACCP plan or not (e.g., records of microbiological sampling).

When conducting records examinations, FSIS inspection program personnel should rely on the authorities as described above in the statutes and regulations. Records examinations are a critical component of FSIS' verification responsibility and you have full authority to access records but use judgment as to when they are needed.

## Records Examination Workshop

1. What section of the FMIA provides the statutory basis for record requirements?
2. List the authorities given to FSIS by this section of the *statute*.
3. What section of the livestock regulations gives the requirements for businesses to maintain records?
4. List the types of businesses that are required to meet the recordkeeping requirements in that section of the regulations?
5. List the types of records required to be kept by subject businesses.
6. How long records are required to be kept under this section?
7. What are the authorities given FSIS in the *regulations* regarding recordkeeping?
8. Describe in general terms when you would consider copying records under the authority of Section 320.4 and what records you would copy.