

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

FSIS NOTICE

65-06

10/5/06

FSIS Has Extended The Expiration Date For This Notice To November 1, 2008

AVAILABILITY OF QUESTIONS AND ANSWERS EXPORT CERTIFICATION

This notice provides answers to questions FSIS personnel have raised regarding FSIS Directive 9000.1, Revision 1, Export Certification; FSIS Directive 9040.1, Revision 3, Reinspection of Product Intended for Export and FSIS Notice 19-06, Revised Notice for Certifying Products under Export Verification (EV) Programs.

I. FSIS Directive 9000.1, Revision 1, Export Certification

Q1: Please clarify Section V. E. (page 3). Does the first sentence mean that FSIS does not charge the company on FSIS Form 5110.1 for the time spent issuing the export certificate (FSIS Form 9060-5) and the re-inspection of the product? Is only the time spent on extra forms and other country required certification, charged?

A: Yes, the issuance of an export certificate, as defined by 9 CFR 322.2 or 9 CFR 381.105, is non-reimbursable at an official establishment. However, the time for any additional certification or reinspection required in order to issue any certificate other than Form 9060-5, Export Certificate of Wholesomeness, is reimbursable in an official establishment.

Q2: Section VIII. B. and C. (page 7) refers to making 4 copies of the continuation sheets and the letterhead certificate including signing. Is it acceptable to sign the original and then make three copies of the form, or is each copy to be signed individually?

A: Either way is acceptable; however, individual country requirements should be consulted in case there are special signature requirements.

Q3: Section VIII. C. (page 8) refers to a certification statement to be included on the letterhead certificate. Is this certification statement supposed to be like the one on the bottom of the export certificate (9060-5) itself? The letterhead certificate that can be downloaded from the informational page for Mexico does not include this certification statement. Is it to be added?

DISTRIBUTION: Inspection Offices; T/A Inspectors; Plant Mgt; T/A Plant Mgt; TRA; ABB; TSC; Import Offices

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A: The certification statements are the country specific animal and public health statements that were bilaterally agreed upon by the United States and the country, not what is already printed on the export certificate. The statements can be added by the plant to the "Remarks" section of FSIS Form 9060-5 or included on an FSIS letterhead certificate.

Q4: What date would an inspection program employee put on the application for export if the original export application, FSIS Form 9060-6, was signed and dated on 1/1/2006, the export certificate was signed and dated on 1/2/2006, and the establishment submitted an application to request a new certificate (in lieu of) on 2/6/2006, using that date (because the original certificate carried incorrect information)? Should the new application be signed and dated with the original date of the application of 1/1/2006, even if the inspection program employee was not the original inspection employee that signed the original application and never verified the information, re-inspected the product, etc.?

A: The date in block 8 of the application (FSIS Form 9060-6) should be the date the application is made for the replacement certificate. The date would be 2/6/2006 in the above example. The date in block 20 of the application (FSIS Form 9060-6) should be the date that the product was examined in accordance with Agency policy. This would be the same date that the original application was signed. This would be 1/1/2006 in the above example. In other words, the date in block 20 may be an earlier date than the date in block 8. If the inspection program employee is not the one who signed the original application, he/she can still sign the replacement application based on the original inspector's verification, as indicated by his/her signature on the original application. The date at the top of the replacement export certificate (FSIS Form 9060-5) should have the same date of issuance as the original export certificate. Replacement certificates may be issued without reinspection to verify the product's current condition based of FSIS Directive 9000.1, IX, A.

Q5: Section VII. G. (page 6) states that inspection personnel at an official establishment are to enter 06A01 code when procedures have been performed. Does this direction also apply to inspection personnel at non-official establishments that export? In the directive it does not say to enter the Inspection System Procedure code 06A01, only to charge for the services as set out in FSIS Directive 5110.1. Is the ISP code entered at these non-official establishments?

A: Yes, this section states to document the 06A01 procedure as performed once per day when performed during the shift. This direction covers official and non-official establishments, although the Directive does not refer to non-official establishments.

Q7: On the day inspection program personnel perform export procedures at official establishments, they are to record Inspection System Procedure code 06A01 as performed. Are inspection program personnel to record the procedure as performed once a day and not for each application received?

A: Yes, the procedure 06A01 would be marked performed once per day for each establishment when exports are certified.

Q8: Is a summary of the changes to FSIS Directive 9000.1, Revision 1 available?

A: No summary is available, but the changes are outlined in the “Purpose” section of the directive.

Q9: In Section VII. A., what does it mean to verify that the export application is complete and all pertinent information is included?

A: This means that before inspection personnel sign a certificate, they are to determine whether the required information on FSIS Form 9060-6 is complete and accurate; whether they have received any requests for additional certificates, seals, or certifications as set out in Block 14 of FSIS Form 9060-6 from the establishment; and whether these documents are appropriate.

Q10: Is certification of additional export documents (beyond the 9060-5) performed as a reimbursable service?

A: Yes, in accordance with Directive 9000.1, Rev. 1, FSIS inspection personnel may charge an official establishment for any additional certification beyond the preprinted certification statements on FSIS Form 9060-5. All export services to non-official facilities are reimbursable including driving time to and from the facility for that purpose.

Q11: If an establishment has two exports to Mexico, and each one has a letterhead certificate to be certified, would that be charged as 0.5 hr (2 x .25 hr minimum), or as .25 hr?

A: The inspection program employee should charge the establishment for the time it takes to perform the reimbursable service. There is a minimum charge of 0.25 hrs for reimbursable services. If the establishment presents two letterhead certificates, and it takes less than 15 minutes to perform the necessary verification and certification for both, then the inspector should charge the plant 0.25 hours. For additional guidance on charging for reimbursable services, refer to FSIS Directive 12,600.1, Rev. 1.

Q12: An inspection program employee may sign an application and issue (but not sign) an export certificate (FSIS Form 9060-5, Meat and Poultry Export Certificate of Wholesomeness) and export stamp, only after he or she has: 1. verified that the information on the application is correct, and the applicant has signed the application attesting to the accuracy of the information; 2. verified that the country requirements as specified in the Export Library have been met; and 3. re-inspected the product as set out in Section VII of this directive and has no reason to conclude that the product has become adulterated or unwholesome, or that the product is mislabeled or ineligible for export to the country listed on the application. Does this mean that the product must be re-inspected before the establishment is given the stamp and certificate? Directive 9000.1 does not mention the Canadian export certificate (FSIS Form 9135-3); is the policy the same for exports to Canada?

A: Section VII. F. of Directive 9000.1 allows for pre-stamping of boxes and providing the export certificate to an establishment prior to completion of the re-inspection at the inspector's discretion. FSIS' practice has been to consider an establishment's compliance history before allowing pre-stamping. This practice also applies to product exported to Canada, although the certification process for Canada is different than that for other countries.

Q13: What is the difference between “Export Certification” and “Export Verification?”

A: Export certification is when FSIS officially indicates, through the signature of an authorized person, that a product has met the applicable requirements for export, and that applicable certification statements are true. Verification is the process of reviewing documentation, inspecting products, or other activities that provide the basis for FSIS to certify that the product has met the applicable requirements.

Q14: If two inspectors perform export duties at the same establishment on the same shift is that recorded once or twice?

A: Enter once per shift, per establishment, per day, that export duties are performed regardless of the number of inspectors.

Q15: Is there a time limit on how long the applicant can take to prepare FSIS Form 9060-5 upon being issued a blank certificate before it is presented for signature?

A: FSIS Directive 9000.1 does not specify a time limit. Typically we expect the certificates to be signed within a few days (that being normal practice).

Q16: What are the procedures that inspection personnel should follow when issuing an export certificate for egg products?

A: Instructions to inspection personnel for egg products export are not included in FSIS Directive 9000.1, Revision 1.

If an inspection program employee is asked to issue and sign FSIS Form PY-200, *Egg Products Inspection and Grading Certificate*, the employee is to do so only after he or she has: 1. verified that the information on the certificate is correct; 2. verified that the country requirements as specified in the Export Library (Export Requirements for Egg Products) have been met; 3. verified that each product listed on the certificate complies with the egg product regulations and 4. has no reason to conclude that the product has become adulterated or unwholesome, or that the product is mislabeled or ineligible for export to the country listed on the application.

II. FSIS Directive 9040.1, Rev. 3, Reinspection of Product Intended for Export

Q1. Can inspectors elect to open boxes of product without observing any damage in an ID warehouse?

A: Yes, inspectors do have the authority under 9 CFR 318.2 to reinspect product as often as necessary to determine whether the product is wholesome and properly labeled in official establishments or off-site where inspection services are requested. FSIS Directive 9040.1, however, states that inspection personnel should focus on cartons showing evidence of mishandling or off-condition. Inspectors need not routinely open boxes showing no evidence of poor condition. In general, opening boxes is not necessary when product appears in good condition.

Q2. If opening of boxes is necessary, does the warehouse have to have a “clean room”?

A: No, a specific room is not required. However, warehouses should have a designated area where ID services can be performed under sanitary conditions. FSIS Directive 9040.1, Rev. 3, states that inspectors can request that the applicant open selected samples of boxes or containers in a sanitary environment (e.g., identification services area of the facility) or can open and examine boxes of product for export in a sanitary manner without the use of a dedicated “clean room.” Should further inspection be needed, the inspector may also request that samples be removed to another, suitable facility where inspection may be performed. Section 416.4(d) of 9 CFR applies to all situations:

416.4(d) Product must be protected from adulteration during processing, handling, storage, loading, and unloading at and during transportation from official establishments.

Q3. Is reinspection necessary when export certification occurs at the production plant?

A: In cases where the certificate is to be issued at the establishment that produced the product for export, very little reinspection should be required at the time of the export given that the product, and any subsequent storage of the product, has been subject to federal inspection. FSIS Directive 9040.1 requires more reinspection only if inspection program personnel find signs of poor product handling and storage.

III. FSIS Notice 19-06, Revised Notice For Certifying Products Under Export Verification (EV) Programs

Q1. An official establishment with an approved EV program ships product to a cold storage warehouse then brings the product back to the official establishment and exports the product from the official establishment. Does the cold storage warehouse need an approved EV program?

A: No. The product is prepared, packaged, and exported at the official establishment. Temporarily holding of the product at an off-site facility does not introduce additional documentation requirements.

Q2. A cold storage warehouse exports beef products stored at their facility for its customers. The customers are sending the cold storage warehouse copies of their EV certification documents (Agricultural Marketing Service (AMS) approvals). Does the cold storage warehouse need to include a copy of the EV certification documents with the request for an export certificate?

A: No, not with the application. A copy of the EV certification document is not required for requesting an export certificate, but a copy should accompany the export certificate as support for AMS EV approval when the export documents are presented for signature. The AMS approval is an internal document and does not accompany product to the foreign country.

Q3. Do ID Warehouses need to be on the EV list if they only handle boxed product?

A: No. Only warehouses that handle exposed product under an EV program need to be approved by AMS and placed on the EV list.

Q4. I provide inspection services to a cold storage establishment. None of the product that is being exported from that facility is being exported under an Export Verification (EV) program. Do I still need to follow the procedures in FSIS Notice 19-06?

A: No. FSIS Notice 19-06 only provides instructions to inspection program personnel that are asked to certify product under an Export Verification (EV) program.

Q5. Does FSIS Notice 19-06 only apply to EV beef products?

A: No. FSIS Notice 19-06 applies to any Agricultural Marketing Service (AMS) export verification (EV) program. At this time although beef is the predominant species exported, there are EV programs for sheep and goats. In the future there may be EV programs for poultry.

IV. FSIS Notice 10-06, Certifying Beef Products To Be Exported To Japan For United States (U.S.) Military Use

Q: I have a question about FSIS Notice 10-06 with regard to individual country requirements for export to military only. Can export certificates for products shipped to military bases, other than those to Japan and Mexico, be signed by an inspector instead of a veterinarian?

A: Exports to the military shipped under a military contract are generally exempt from country requirements, but some extra certification may be required. Exporters to the military are advised to check individual country requirements for information about military shipments. A veterinary signature should be provided if specifically required. Otherwise, inspectors may sign certificates for the U.S. Military.

Direct additional question to the Technical Service Center at 1-800-233-3935.



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