Seafood Inspection Program
U.S. Department of Commerce
1315 East-West Highway
Silver Spring, Maryland 20910-3282
USA

June 6, 2011

MEMORANDUM FOR: All USDC Seafood Inspection Program Staff

FROM: Timothy Hansen, Director

SUBJECT: Procedures for EU Policy Nonconformance

The Seafood Inspection Program (SIP) has occasionally received inaccurate information about consignments that need health certification for the European Union (EU). The European Commission's DG SANCO, the food safety agency for Europe, has noticed these problems and raised concerns about the integrity of the SIP process for issuing EU Health Certificates.

The purpose of this memorandum is to detail the procedures SIP will take when it is determined that false, misleading or inaccurate information has been provided by a SIP customer requesting inspection and / or certification services. Requesters/Customers should be aware that information related to requests for EU Health Certificates provided through SIP's online data system is subject to Title 18 of the United States Code. Specifically, 18 U.S.C. §1001(a) prohibits knowingly and willfully giving materially false information to a Federal official, which is punishable by fine or imprisonment up to five years. It is also a violation of the Agricultural Marketing Act and SIP regulations to falsely issue or knowingly cause issuance of false certificates. *See* 7 U.S.C. 1622(h)(4).

However, even erroneous information is enough to jeopardize future shipments to the EU. Accuracy is a must.

Moreover, SIP must provide a high level of integrity for its entire certification program, including certificates issued for exports to the EU. When requesters make false statements or provide inaccurate information regarding shipments, SIP must pursue corrective action to meet EU requirements and ensure that the certification process is reliable and truthful.

Currently SIP issues EU Health Certificates based on the processor, shipment and transport details provided by the requester and documentation review to establish that the requester/processor is in good regulatory standing with the U.S. Food and Drug Administration (FDA) and is on the list of firms approved by the EU to ship seafood to its member states. Physical inspections of individual shipments are performed on an audit basis.

Effectively immediately, all issues regarding requester status or non-compliance will be reviewed and resolved jointly by SIP Headquarters and supervisory staff for the region in which the non-conformance occurred. The scope and seriousness of the violation will be determined and appropriate action will be taken by SIP against the requester, ranging from placement in

probationary status to debarment from SIP services and referral to the NOAA Fisheries Office of Law Enforcement for possible criminal prosecution.

False, Misleading or Inaccurate Statements in Connection with Requests for Certificates

Violation	Threshold for Low Volume (<10 shipments per Quarter)	Threshold for High Volume (>10 shipments per Quarter)	Compliant Lot Inspections for Return to Audit Basis
False Statement	1	1	5
Misleading Statement	1	2	3
Inaccurate Statement	2	4	2

Definitions:

False Statement: Providing information to SIP that is completely untrue.

Misleading Statement: Providing information to SIP that is partially untrue.

Inaccurate Statement: Providing information to SIP that is erroneous.

In the event that SIP determines that corrective action is required, SIP will notify the requester that they will be placed in a probationary status. SIP will conduct a corrective action sequence that may include mandatory physical inspection of future EU shipments, review of labels and desk audits to determine compliance with all US and EU policies. The cost of these lot inspections, label reviews and/or audits will be borne by the requester/customer and shall be requested, completed and billed through regular SIP inspection office procedures. Certificates will be issued only after supervisory review of the corrective actions has been determined to be effective.

After the completion of the minimum required physical inspections, as specified above, the SIP Chief Quality Officer (CQO) will determine if the corrective action has been effective and report the status of future requests for the probationary requester to the Regional staff.