Appendix D

Comprehensive Review and Determination Report

FY 2012

Georgia

Federal/State Audit Branch
Internal Control and Audit Division
Office of Program Evaluation, Enforcement and Review
Food Safety and Inspection Service
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Introduction

Purpose
This report presents the Food Safety and Inspection Service (FSIS) annual review results for the Georgia meat inspection program and an overview of the review methodology. FSIS determined that the Georgia meat inspection program met the "at least equal to" standard, based on its review of the self-assessment documents.

Background
The Federal Meat Inspection Act (FMIA) (21 U.S.C. 661) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 454) provide for FSIS to cooperate with State agencies in developing and administering State Meat and Poultry Inspection (MPI) programs. Individual State MPI programs need to operate in a manner and with authorities that are "at least equal to" the programs that FSIS has implemented under the antemortem and postmortem inspection, reinspection, sanitation, record-keeping, and enforcement provisions of the FMIA and PPIA. In addition, State MPI programs are expected to ensure that livestock are treated humanely by imposing humane handling requirements that are "at least equal to" those FSIS has established under the Humane Methods of Slaughter Act of 1978 (HMSA)(7 U.S.C. 1901 – 1906). The jurisdiction of a State MPI program is limited to product that is produced and sold within the State.

The FMIA and PPIA provide for FSIS to conduct at least annual reviews of State MPI programs and their requirements, including enforcement of those requirements, with respect to slaughter, preparation, processing, storage, handling, and distribution of livestock carcasses and parts, meat and meat food products of such animals, or poultry products (21 U.S.C. 661 (c) (4); 21 U.S.C. 454 (c) (4)). Cooperative agreements and annual certifications of State MPI programs are contingent upon FSIS determining that each State MPI program enforces requirements "at least equal to" those imposed under the Federal Acts. FSIS performs annual reviews to determine whether each State MPI program meets, and can maintain for a period of 12 months, the mandated "at least equal to" standard.

FSIS Directive 5720.3, *Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs,* and the *"At Least Equal To" Guidelines for State Meat and Poultry Cooperative Inspection Programs* describe the policies and procedures for FSIS comprehensive reviews. FSIS Directive 5720.3 provides FSIS personnel with the methodology to perform these reviews. The *"At Least Equal To" Guidelines for State Meat and Poultry Cooperative Inspection Programs* were developed to assist the State MPI programs establish and maintain inspection programs that are "at least equal to" the Federal inspection program.

Review Methodology
The comprehensive State MPI program review process consists of two parts: (1) an annual review of the State MPI program's self-assessment submission; and (2) a triennial verification on-site review to observe the State MPI program. Through the annual self-assessment and triennial verification on-site reviews, FSIS determines whether the State MPI program is "at least equal to" the Federal inspection program.

Each year, FSIS determines the "at least equal to" status of each State MPI program based on one or both parts of the comprehensive review. If the State MPI program is not scheduled for an on-site review during the fiscal year, FSIS makes an annual determination based on the results of the self-assessment review. If the State MPI program is scheduled for an on-site review during the fiscal year, FSIS makes an annual determination based on the results of both the self-assessment and the on-site review.

Description of State MPI Program
The Georgia Department of Agriculture, Animal Industry Division (GDA/AID) administers the Georgia meat inspection program under authority of the Official Code of Georgia Annotated (§§26-2-60 *et.seq*.). The program verifies and enforces regulatory requirements at 50 inspected facilities and 63 custom exempt

establishments.[1] In addition, GDA/AID provides inspection to 50 facilities in the Federal State Cooperative Agreement Inspection Program.[2]

Annual Determination (Based on Self-Assessment Review Only)
FSIS determined that GDA/AID is operating a meat inspection program "at least equal to" the Federal requirements. GDA/AID has adopted laws, regulations, and programs, and implemented them in a manner that is "at least equal to" the Federal inspection program for all review components. FSIS based its annual determination on review of the self-assessment documents only, since GDA/AID was not subject to an on-site review during Fiscal Year (FY) 2012. This determination is fully explained in the Self-Assessment Review section.

Overview of Review Methodology

The review methodology is published in two companion documents: FSIS Directive 5720.3, (March 14, 2011), *Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs,* and the *"At Least Equal To" Guidelines for State Meat and Poultry Cooperative Inspection Programs* (July 2008). These documents describe the methodology used by FSIS' reviewers and provide information to State MPI programs on the criteria that FSIS uses to make its annual determination of whether State MPI programs are "at least equal to" the Federal inspection program. This review process consists of an annual review of the State MPI program's self-assessment submission and a triennial on-site review.

In addition to the annual reviews of each State MPI program, FSIS may perform a targeted review of a State MPI program in response to a condition or event that evidences program weaknesses, or as a reaction to a situation that could clearly result in a risk to public health. These targeted reviews may be conducted in addition to the scheduled reviews or may be performed at the same time. FSIS focuses the scope and activities of the targeted review on the conditions and evidence that triggered the need for the review and analyzes the review results to determine if the State MPI program is maintaining an "at least equal to" MPI program.

The comprehensive review process evaluates the following nine components:

1. Statutory Authority and Food Safety Regulations – This component evaluates whether the State MPI program operates under laws and regulations that provide legal authorities "at least equal to" those provided under the FMIA, PPIA, and HMSA.

2. Inspection – This component evaluates whether State MPI program personnel perform inspection activities to verify whether establishments comply with applicable regulations and take appropriate enforcement actions when establishments are not in compliance with provisions that are "at least equal to" those of FSIS.

3. Product Sampling – This component evaluates whether State MPI program personnel sample meat or poultry products to verify whether they are free of adulterants (e.g., *E. coli* O157:H7 in non-intact, raw beef products and raw ground beef components, Shiga Toxin-producing *Escherichia coli* (STEC)

[1] Custom exempt establishments are slaughter and processing establishments, which are not subject to the routine inspection requirements of the FMIA and PPIA, provided the specified operations meet the exemption requirements of Section 23 of the FMIA and Section 15 of the PPIA.

[2] Facilities operating under the Federal State Cooperative Agreement Inspection Program (FSCIP), also known as Talmadge-Aiken plants or cross-utilization facilities, are under Federal inspection, but operate with State inspection personnel. As a result, these facilities are not reviewed as part of the State MPI program review. However, since State inspection personnel staff these establishments, the number of these establishments is applicable to determinations on Component 4 – Staffing and Training.

serotypes in beef manufacturing trimmings, *Listeria monocytogenes* and *Salmonella* in ready-to-eat products, or drug residues at violative levels), comply with *Salmonella* Performance Standards in raw classes of meat and poultry, comply with other consumer protection standards, and are accurately labeled (e.g., with nutrition information).

4. Staffing and Training – This component evaluates whether the State MPI program provides competent inspection coverage in each establishment on days the establishment produces products that, if found to be safe, wholesome, unadulterated, and properly labeled, are to bear the State mark of inspection.

5. Humane Handling – This component evaluates whether State MPI program personnel perform regulatory verification procedures to assess whether establishment personnel humanely handle all livestock and take appropriate regulatory actions in response to noncompliance. State MPI program personnel are to also perform regulatory verification procedures to assess whether poultry carcasses showing evidence of having died from causes other than slaughter are considered adulterated and condemned, and to assess whether poultry is slaughtered in accordance with good commercial practices, in a manner that results in thorough bleeding of the poultry carcass and ensures that breathing has stopped before scalding so that the birds do not drown.

6. Non-Food Safety Consumer Protection – This component evaluates whether State MPI program personnel perform verification procedures to confirm that meat and poultry products are wholesome, not economically adulterated, truthfully labeled, and meet the non-food safety regulatory requirements; and take appropriate actions in response to noncompliance.

7. Compliance – This component evaluates whether State MPI program personnel perform surveillance activities with respect to meat or poultry products in intrastate commerce and take appropriate enforcement actions in the event that adulterated or misbranded products enter intrastate commerce.

8. Civil Rights – This component evaluates whether the State MPI program adheres to Federal civil rights laws and U.S. Department of Agriculture (USDA) civil rights regulations.

9. Funding and Financial Accountability[3] – This component evaluates whether the State MPI program conforms to 7 CFR 3016, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* and follows FSIS Directive 3300.1, Rev. 2, *Fiscal Guidelines for Cooperative Inspection Programs.*

FSIS determines whether the State's MPI program constitutes an inspection program "at least equal to" the Federal requirements based on the aforementioned criteria.

[3] In light of the current economic conditions, some State governments are experiencing financial challenges, which may result in overall budget cuts that could effect their meat and poultry inspection programs. To ensure the safety of State-inspected meat and poultry products, FSIS has initiated more vigilant monitoring to track and analyze circumstances and conditions that adversely affect the State MPI program's financial resources. When FSIS identifies concerns with a State MPI program's financial resources, the Agency will further examine each situation to determine the impact on the State MPI program's inspection activities, product sampling programs, staffing, and compliance activities, and determine if the State MPI program is maintaining its "at least equal to" status.

Self-Assessment Review

This section includes:

- A description of the self-assessment review methodology followed for all State MPI programs.
- The review of Georgia's self-assessment submission.
- The self-assessment determination for Georgia.

Self-Assessment Review Methodology
The annual self-assessment is designed for each State MPI program to provide sufficient information to adequately demonstrate an "at least equal to" program. The self-assessment submission provides documentation regarding the State's laws, rules, policies, procedures, and programs to provide a basis for FSIS to determine whether the State MPI program meets the "at least equal to" Federal requirements standard. The self-assessment documents are to include evidence and documentation to support that the State MPI program's processes are in effect and current with FSIS policies. Following this submission, FSIS thoroughly reviews the self-assessment documentation.

FSIS' review of the self-assessment submissions begins with the formation of a review team. The review team, comprised of representatives from the Federal State Audit Branch (FSAB), Civil Rights Division (CRD), Financial Review and Analysis Section (FRAS), and other program areas, as needed, evaluates each State MPI program's self-assessment submission to determine whether it meets the "at least equal to" criteria for all nine review components.

As questions arise during the self-assessment review, or if more information or supporting documentation is needed, FSIS requests clarifying information from the State MPI program. The FSIS review team then makes a determination based on review of the entire self-assessment submission. For each State MPI program, FSIS makes one of the following three determinations for each component and the State's overall ability to maintain a MPI program "at least equal to" the Federal requirements:

(1) "At least equal to": Means the State MPI program has adopted laws, regulations, and programs, and implemented them in a manner that is at least equivalent to the Federal inspection program for all review components.

(2) Not "at least equal to": Means the State MPI program has not adopted laws, regulations, or programs, or does not implement them in a manner that is at least equivalent to the Federal inspection program for one or more of the review components.

(3) Deferred: Means FSIS is unable to make a determination of the State MPI program's status because of the program's inability to immediately implement corrective actions resulting from the review findings.

Review of Georgia's Self-Assessment Submission
FSIS evaluated the self-assessment documents for the nine review components to determine whether GDA/AID constitutes an inspection program "at least equal to" the Federal program. The determination and rationale for each review component are listed below.

FSAB received GDA/AID's self-assessment submission, for components 1 through 7, on November 15, 2011. On March 20, 2012, FSAB requested additional clarifying information from the GDA/AID staff, which was provided on April 10, 2012.

Component 1 – Statutory Authority and Food Safety Regulations

FSAB compared the submitted self-assessment and supporting documentation to the legal authority provided under the FMIA and HMSA, and the regulations promulgated under these laws. The supporting documentation included the Official Code of Georgia Annotated (Titles 2, 16, and 26) and Georgia Department of Agriculture, Animal Industry Rules. The Official Code of Georgia Annotated provides authorities for mandatory antemortem and postmortem inspection, and reinspection (§§26-2-102 through 26-2-104); sanitation requirements (§26-2-108); record-keeping requirements (§26-2-132); and humane methods of slaughter requirements (§§26-2-102 and 26-2-110).

The Official Code of Georgia Annotated provides authorities that are "at least equal to" the FMIA regarding adulteration (§26-2-26), misbranding (§26-2-28), prohibited acts (§26-2-22), access and examination (§26-2-36), and product control actions (§§26-2-84 and 26-2-85), as well as criminal, civil, and administrative sanctions to address violators.

The Official Code of Georgia Annotated grants authority to promulgate rules and regulations (§26-2-80) and Georgia adopts by reference Title 9, Code of Federal Regulations (9 CFR), Chapter III, Parts 307, 309 – 311, 313 – 320, 325, 329, 381, 416, 417, 424, 430, 441, 442, and 500 in the Georgia Department of Agriculture, Animal Industry Rules (§40-10-1-.01).

In conclusion, GDA/AID provided evidence to show it operates under State laws and regulations that provide legal authority "at least equal to" that provided under the FMIA and HMSA, and the accompanying issuances.

Component 2 – Inspection

FSAB compared the self-assessment submission and supporting documentation regarding inspection policies and procedures, and verification of establishments' compliance to the Federal requirements. GDA/AID uses the Performance Based Inspection System (PBIS) to guide inspection program activities, collect establishment information, establish and maintain in-plant inspection procedure plans, and document establishment noncompliance. In addition, GDA/AID reviews custom exempt operations in accordance with FSIS Directive 5930.1, *Custom Exempt Review Process.*

GDA /AID verifies that establishments develop, implement, and maintain Sanitation Standard Operating Procedures (SOPs) and Hazard Analysis and Critical Control Point (HACCP) systems. In addition to the inspectors' ongoing verification activities, an enforcement, investigation, and analysis officer performs Food Safety Assessments (FSAs) to examine the design and validity of the establishments' hazard analyses, HACCP plans, Sanitation SOPs, prerequisite programs, sampling programs, and any other programs that constitute the establishments' HACCP systems. The noncompliance records, FSA records, notices of suspension, and letters of warning support the conclusion that GDA/AID personnel identify and document noncompliance, and initiate appropriate regulatory actions

GDA/AID enforces the Georgia Department of Agriculture, Animal Industry Rules (§40-10-1-.01), which adopts by reference 9 CFR Part 500, Rules of Practice, when establishments do not comply with State authorities that are "at least equal to" the FMIA. GDA/AID has procedures to document relevant facts for administrative actions and ensure that administrative actions are fully supported, and based on relevant facts and legal authority.

The submitted documents support the conclusion that GDA/AID:

- Performs inspection and regulatory verification procedures to confirm that State-inspected establishments comply with applicable regulations.

- Maintains a system to carry out administrative enforcement actions when establishments do not comply with State authorities that are "at least equal to" the FMIA.
- Achieves inspection activities "at least equal to" the Federal requirements.
- Monitors these activities through control measures to verify that the inspection system functions as intended.

Component 3 – Product Sampling

FSAB compared GDA/AID's sampling protocols, procedures, and results to the Federal policies and procedures.

GDA/AID provided documentation to show that it maintains sampling programs with sound rationale and goals for *E. coli* O157:H7 in raw non-intact beef products and raw ground beef components, *Listeria monocytogenes* and *Salmonella* in ready-to eat products, *Salmonella* Performance Standards in raw classes of meat, and other consumer protection standards. GDA/AID participates in the National Residue Program, and collects and analyzes inspector-generated samples for violative drug residues. The sampling plans include procedures for sample collection, sample integrity, and laboratory analysis. GDA/AID developed an action plan to respond to positive results. This plan includes actions to prevent adulterated product from entering commerce.

In conclusion, detailed review of the sampling protocols, procedures, and results confirmed that GDA/AID maintains verification testing to address adulterants, other measures of properly operating food safety systems, and other consumer protection standards "at least equal to" the Federal requirements and has control measures in effect to confirm that its product sampling system functions as intended.

Component 4 – Staffing and Training

GDA/AID developed methods to determine staffing requirements, which consider the inspectors' workloads and the number of inspectors required to provide daily inspection coverage in each establishment on days when the establishment produces products bearing the State mark of inspection. Procedures are in effect to document staffing in each establishment, identify failures to meet staffing requirements, and correct staffing deficiencies. GDA/AID assigns relief inspectors to each geographical district, as needed. A district veterinary supervisor and an assistant district supervisor together supervise each of five geographical districts. Each supervisor is available to fill inspection assignments during emergency-leave or insufficient staffing circumstances. The director relieves the veterinary supervisors, when needed. To verify daily inspection coverage, Supervisors review daily activities sheets and PBIS data, and make unannounced establishment visits and telephone calls. Supervisors also use the In-Plant Performance System (IPPS) assessments to verify employees' work performance and monitor daily inspection coverage. GDA/AID employs a director, 43 inspectors, 4 veterinary supervisors, 1 enforcement, investigations, and analysis officer, and 3 compliance officers, as of October 12, 2011.

GDA/AID established a training program for new entry-level inspection personnel a database to record training completions. This training program covers basic slaughter techniques and all inspection techniques required to perform slaughter duties, including basic Sanitation SOPs and HACCP procedures. Each new employee is subject to one-year probation to ascertain job fitness. The designated on-the-job-trainer provides new inspectors with administrative orientation, followed by inspection training. The initial training subjects include livestock inspection, slaughter inspection, processing inspection, HACCP, Sanitation SOPs, and Sanitation Performance Standards (SPS). Subsequent trainings include food safety regulatory essentials.

GDA/AID follows the guidelines in FSIS Directive 4430.3, *In-Plant Performance System (IPPS)*, to set performance standards, and complete and record ongoing performance evaluations. The supervisors perform full IPPS assessments for each inspector biannually and partial IPPS assessment quarterly. In addition to the

IPPS assessments, GDA/AID supervisors perform and document biannual performance appraisals. GDA/AID has control measures in effect to examine the IPPS assessments for quality, completeness, and accuracy. This performance evaluation system communicates the employees' work responsibilities, performance goals and objectives, and the results of the annual performance evaluations.

After thorough review of the submitted documents, FSAB concluded that GDA/AID has sufficient resources to provide the required inspection coverage at State-inspected establishments to ensure that only safe, wholesome, unadulterated, and properly labeled meat products receive the State mark of inspection. The information supports the conclusion that inspection personnel have the education and training needed to apply GDA/AID's inspection methodology, document findings, and initiate regulatory actions, when necessary. Control measures are in effect to confirm that GDA/AID's staffing and training systems function as intended.

Component 5 – Humane Handling

The PBIS records demonstrate that GDA/MIS schedules and performs regulatory verification procedures to assess whether establishment personnel humanely handle all livestock throughout the time they are on official establishment premises and takes appropriate regulatory action in response to noncompliance.

GDA/AID uses FSIS Directive 6900.2, *Humane Handling and Slaughter of Livestock,* to instruct inspection personnel. Inspectors perform humane handling verification procedures each day an establishment slaughters livestock and record the results in PBIS. In addition, GDA/AID personnel record the time spent verifying humane handling and slaughter requirements on State slaughter reports and separate that time into nine specific categories. Inspectors verify all available humane handling categories each week. In addition to the inspectors' routine humane handling verifications, supervisors confirm humane handling during routine establishment visits. Supervisors also visit establishments, at least annually, to specifically examine humane handling practices, and conduct follow-up visits as deemed necessary.

In conclusion, the information made evident that GDA/AID verifies compliance with the humane handling requirements and takes regulatory action "at least equal to" the Federal program. Control measures are in effect to confirm that the humane handling verification system functions as intended.

Component 6 – Non-Food Safety Consumer Protection

GDA/AID verifies establishment compliance with the non-food safety consumer protection regulatory requirements. GDA/AID uses applicable FSIS Directives to communicate instructions to inspection personnel, and uses PBIS to schedule ongoing verification procedures and to document noncompliance. Review of the PBIS data for a 12-month period supports the conclusion that GDA/AID inspectors correctly apply inspection methodology and document noncompliance.

GDA/AID maintains a label-approval policy and process to verify that labels are accurate and meet regulatory requirements. Prior to applying a label, mark, or device to an inspected meat product, an establishment representative must submit a completed application for label approval and a label sketch to obtain approval from GDA/AID.

In conclusion, the submitted documents provided evidence to show that GDA /AID protects consumers from meat products that are unwholesome, economically adulterated, or not truthfully labeled, and is "at least equal to" the Federal program. Control measures are in effect to confirm that the non-food safety consumer protection verification system functions as intended.

Component 7 – Compliance

The GDA/AID compliance review methods are consistent with FSIS' Surveillance, Investigations, and Enforcement Methodology (SIEM). GDA/AID personnel conduct surveillance activities to verify that persons

or firms who prepare, transport, sell, or offer for sale meat products in intrastate commerce comply with State statutory and regulatory requirements, and that meat products in intrastate commerce are wholesome, correctly packaged and labeled, and secure from threats or intentional acts of contamination.

GDA/AID investigates apparent violations and food safety incidents; detains products when there is reason to believe that the products are adulterated, misbranded, or otherwise in violation of the Official Code of Georgia Annotated; and takes enforcement action when needed, up to and including prosecution of individuals or firms that have violated the Official Code of Georgia Annotated. GDA/AID has procedures to obtain and preserve legal integrity of documentary and other evidence to support legal action. GDA/AID reports transportation accidents that involve State-inspected and passed meat products.

GDA/AID's compliance supervisor reviews all compliance reports for accuracy and completeness, extracts pertinent information for reporting purposes, enters the information in a database, and files the hard copies. The program director reviews all violations and relevant evidence and determines the appropriate case disposition and course of action.

GDA/AID developed procedures for the recall of meat products subject to its jurisdiction that are equal to the procedures described in FSIS Directive 8080.1, *Recall of Meat and Poultry Products*. The procedures include health hazard evaluation, recall classification, public notification, effectiveness checks, and closure. GDA/AID oversees the recall activities, coordinates actions to determine whether adulterated product was removed from commerce, and issues press releases as necessary to serve the interest of public health. No GDA/AID-inspected establishments recalled products in FY 2011.

GDA/AID established methods to record, triage, analyze, and track consumer complaints that involve State-regulated meat products. These methods follow the guidance in FSIS Directive 5610.1, *Consumer Complaint Monitoring System*. After GDA/AID receives such a complaint, the compliance supervisor assigns a compliance officer to investigate. The investigative methods include procedures to collect and safeguard evidence, conduct interviews, submit product samples to the laboratory, initiate recall procedures or regulatory enforcement actions, and report potential food safety threats.

The submitted documents support the conclusion that GDA/AID maintains a system to verify compliance of meat products in intrastate commerce and take appropriate enforcement actions in the event that adulterated or misbranded products enter intrastate commerce. Control measures are in effect to confirm that the compliance program functions as intended.

<u>Component 8 – Civil Rights</u>
On November 7, 2011, GAD/AID submitted the required FSIS Form 1520-1, Civil Rights Compliance of State Inspection Programs, to demonstrate adherence to Federal civil rights laws and USDA civil rights regulations. CRD concluded that GDA/AID functions "at least equal to" the Federal civil rights requirements.

<u>Component 9 – Financial Accountability</u>
GDA/AID submitted quarterly and final Financial Status Reports (SF-425), and an annual Indirect Cost Proposal to demonstrate it conforms with 7 CFR, Part 3016, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,* and follows FSIS Directive 3300.1, *Fiscal Guidelines for Cooperative Inspection Programs.* On October 24, 2012, FRAS determined that GDA/AID is "at least equal to" Federal standards for financial accountability for FY 2012.

Self-Assessment Determination for Georgia
Based on the evidence and review results described above, FSIS determined that GDA/AID provided adequate documentation to show it is operating a meat inspection program "at least equal to" the Federal requirements.