FSIS Hold and Test Conference Call with Industry
(February 7, 2013)

1. Will FSIS be implementing new procedures so that importers of record will need to maintain control of imported meat and poultry product pending the results of FSIS tests for adulterants, including residues?

Yes. FSIS has emphasized the importance of Agency port-of-entry testing for adulterants, including residues. Effective February 8, 2013, FSIS will not allow product that it tests for adulterants to enter commerce in the U.S. until test results become available. FSIS labs will expedite the availability of test results to the extent practical, and FSIS will issue any additional necessary instructions to import inspection personnel to ensure the new policy and procedures are effectively implemented.

2. Does fresh product that is subject to residue testing at reinspection need to be frozen prior to being submitted to the labs for testing?

No. Import inspection personnel have the option to submit residue samples frozen or cold to the designated laboratory. FSIS will issue instructions re-emphasizing that fresh product sampled for a residue does not need to be frozen.

3. Can a lot of fresh product presented for FSIS reinspection and assigned a laboratory residue type of inspection (TOI) be withdrawn and returned to Canada, (e.g., canceling the import application)?

No. The shipment would be U.S. Refused Entry because it was presented to FSIS for reinspection as required and denied the sampling TOI assigned to that lot.

4. Can a lot of fresh product presented to FSIS for reinspection and assigned a laboratory TOI be controlled by returning it to the production facility in Canada?

No. However, the product could move under control of the importer to a facility in the United States for storage until acceptable results on the sampled lot are received.

5. What defines a lot?

Lot groupings are based on the product species, process/product category, and product group, which are identified and certified on the foreign inspection certificate. Importers (or agents) should coordinate with the exporting establishment in the foreign country to designate lots during the certification process in the foreign country. This question was addressed in a response to question number 15 of a previous Q & A posted on the FSIS web site at: http://www.fsis.usda.gov/PHIS/PHIS_Import_Q&A_050212/index.asp

6. Can importers of record receive LEARN results?

Not at this time. The importer of record and customs broker may provide an email on the import application to receive lab results. FSIS import inspection personnel receive results and communicate them to the official import inspection establishment.

7. Are sampling rates changing?

No. FSIS sampling protocols and rates of sampling are not changing with the test and hold policy.

8. Can beef product found *E. coli* O157 and non-O157 STEC positive at reinspection be diverted to an official establishment for thermal lethality treatment?

No. That product is adulterated and cannot enter commerce in the U.S. The positive lot is U.S. Refused Entry with the standard disposition options available, including re-export.

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9. Can U.S Refused Entry product be re-exported to a third country?

Yes, however FSIS would provide notification to the competent authority where the U.S. Refused Entry shipment is destined.

10. Can the sampled lot be moved to the final destination and controlled at an official establishment pending FSIS results for adulterants?

Yes, the importer of record must maintain ownership of the product and ensure the product does not enter commerce until acceptable lab results are received. Imported product destined for further processing and stored at an official establishment under control of the importer cannot be further processed until acceptable lab results are received, as this product would be considered to have entered commerce.

11. Are fully cooked products required to be held under the new policy and procedures?

Yes, ready-to-eat (RTE) products are subject to the new policy and procedures when sampled for adulterants. The importer of record would need to maintain control of the product pending receipt of acceptable analysis results.

12. The change in ownership may occur prior to filing the Customs entry, though the original importer of record proceeds with filing the entry. What impact does this have on this policy?

The importer of record that files the entry with CBP is the responsible party that must maintain adequate control of the product, so that it does not enter commerce until acceptable results are received.

13. Is there a limit to how many lots can be on a foreign inspection certificate?

No. There is no limit to how many lots can be certified on a foreign inspection certificate. The importer must work with the exporting establishment and competent authority regarding the number of lots on the inspection certificate.