

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

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<b>FSIS PHIS DIRECTIVE</b>	9900.8	5/24/12
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**MEAT, POULTRY, EGG PRODUCTS, AND SHELL EGGS REFUSED ENTRY INTO THE UNITED STATES (U.S.)**

**DO NOT IMPLEMENT THIS DIRECTIVE UNTIL MAY 29, 2012.**

**I. PURPOSE**

This directive provides instructions to import inspection personnel concerning the identification, control, documentation, and disposition of imported meat, poultry, egg products, and shell eggs packed for consumer use that are refused entry into the United States.

*KEY POINTS*

- *Outlines activities for FSIS import inspection personnel concerning refused entry shipments*
- *Outlines disposition of imported product that is refused entry*

**II. CANCELTION**

FSIS Directive 9020.1, Rev. 1, Meat and Poultry Products Refused Entry into the United States, 05/18/09

**III. REFERENCES**

9 CFR 327.3(a), 327.10(c), 327.13, 327.24, 327.25, 327.26(c), (d), 381.195(b), 381.202, 381.204(c), 500.1, 500.2, 500.3(a) (5), and 590.945

FSIS Directive 9900.1, Imported Product Shipment Presentation

FSIS Directive 9900 2, Import Inspection of Meat, Poultry, and Egg Products

FSIS Directive 9900.6, Laboratory Sampling Program for Imported Meat, Poultry, and Egg Products

## **IV. FORMS**

### **FSIS Forms**

6502-1, U.S. Rejected – U.S. Retained Tag

9540-1, Import Inspection Application and Report

5110-1, Services Rendered

9135-1, Notification of Shipment of Refused Entry Product

9840-3, Refused Entry Notification

9840-4, Voluntary Destruction of Imported Meat and Poultry Products

## **V. BACKGROUND**

Imported meat, poultry, egg products, and shell eggs packed for consumer use that do not comply with U.S. requirements are not allowed to enter U.S. commerce and are to be identified as “United States Refused Entry” product. For the purposes of this directive, the owner or consignee is intended to include importer of record. Products that may be identified as “United States Refused Entry” include those that are:

1. Not eligible for importation into the United States (see VII A.), or
2. Eligible for importation into the United States but in a condition that causes them to be refused entry (see VII B. and C.).

## **VI. IDENTIFYING REASONS FOR REFUSED ENTRY IN THE PUBLIC HEALTH INFORMATION SYSTEM (PHIS)**

### **A. Ineligible Product- product source and eligibility requirements**

Import inspection personnel are to refuse entry to a product when they find that any of the following conditions apply:

1. The source or producing country is not eligible to export to the United States;
2. The source, processing, or preparing establishment is not certified to export to the United States;
3. The product is ineligible under FSIS or Animal and Plant Health Inspection Service (APHIS) regulations;
4. The production date shows that the product was produced when the source or exporting country was not eligible to export to the United States;
5. The production date shows that the product was sourced from or produced when the processing or preparing establishment was not eligible to export to the United States;
6. The product is derived from a species that the exporting country is not eligible to export to the United States;
7. The product is not eligible for export to the United States; or

8. The foreign inspection certificate is incorrect or invalid under 9 CFR 327.4, 381.197, or 590.915.

#### B. Failed Type of Inspection (TOI)

Eligible lots of meat, poultry, egg products, and shell eggs that are reinspected may be refused entry for failure of the following TOIs which are addressed in FSIS Directives 9900.1, 9900.2 and 9900.6.

1. Physical Exam –Examination that focuses on the physical condition, for example, the product's certification, labeling, net weight, or ambient temperature, the condition of the products' container, or evaluation for pink juices, as well as food defense considerations.
2. Laboratory Analysis:
  - a. Microbiological (e.g., *E. coli* O157:H7, *Salmonella*, *Listeria*, Pathology, Species);
  - b. Food Chemistry (e.g., added water, nitrite, total fat); or
  - c. Residues (e.g., arsenic, carbadox, florfenicol, and zeranol).

#### C. Partial Lot Refused Entries

When import inspection personnel identify that a portion of a lot of product presented for reinspection is non-compliant with FSIS requirements, the non-compliant product can be sorted and removed from the lot before continuing with the reinspection. The most common reasons for partial refused entries are that shipments include immediate containers that have transportation damage, missing shipping marks, or illegible shipping marks.

### VII. REFUSED ENTRY PROCEDURES

A. When a lot of meat, poultry, egg products, or shell eggs is submitted in PHIS and is ineligible for any of the reasons identified in VII. A., import inspection personnel are to:

1. Review for accuracy the data entry in PHIS pertaining to the lot by comparing it to any other supporting documentation that is available for the lot (e.g., inspection certificates and applications).
2. Based on this review if import inspection personnel find any data entry errors in the PHIS entry, they are to correct the application in PHIS.
3. If import inspection personnel find no data entry errors, they are to submit the application as ineligible, then:
  - a. Retrieve the application in PHIS;
  - b. Access the Lot Manager page in PHIS for the lot;

- c. Receive the lot, and PHIS should assign no reinspections;
- d. Click on Close;
- e. Click on the Refused Entry button;
- f. Click on Add New Reason, and then from the drop down menu select reason;
- g. Select Defect and Save; and
- h. Send notification to applicant.

B. Meat, poultry, egg products, or shell eggs that fail a TOI for any of the reasons identified in VII. B., are to be identified as “United States Refused Entry” product. Access PHIS and enter defects/comments as applicable. Import inspection personnel are to enter all data concerning a lot that fails a TOI in PHIS following the completion of the reinspection. If PHIS is not accessible, import inspection personnel are to enter the data as soon as PHIS is accessible.

C. When meat, poultry, egg products, or shell eggs are refused entry for transportation damage or missing or illegible shipping marks, identify the non-compliant product and have the official import establishment sort the product and remove the non-compliant product from the lot before continuing with reinspection. Refuse the entire lot if the official import establishment refuses to sort the lot. Control the sorted product until it is marked “United States Refused Entry.” Record all data concerning partially refused entries in PHIS as soon as possible following completion of reinspection.

D. Import inspection personnel are to:

1. Ensure that the refused entry product is under FSIS control until properly identified as “United States Refused Entry.”
2. Notify import establishment management of each refused entry.
3. Verify that the application of the refused entry stamp occurs in a designated staging area. Import inspection personnel are to maintain control of the “United States Refused Entry” stamp at all times and keep an accurate count of the number of units stamped for each refused entry occurrence.

**NOTE:** When livestock carcass shipments or tankers from Canada are labeled with a placard, the placard, not the product or the conveyance, is to be stamped “United States Refused Entry.”

4. Submit notification to the applicant in PHIS of the refused entry of the lot.
5. Print and submit copy of FSIS Form 9840-3 to Customs and Border Protection (CBP) at the local Port of Entry.
6. Notify APHIS and the Regional Import Field Office (RIFO) when a lot or any portion of a lot from an APHIS restricted country fails an animal health TOI or other APHIS requirement (e.g., pink juices observed in cooked meat, missing or incorrect

certification, failed Maximum Internal Temperature (MIT) laboratory analysis). APHIS will advise import inspection personnel regarding the product's disposition.

7. Stamp the paper foreign inspection certificate with the "U.S. Refused Entry Amount" and record the amount of refused entry in units and pounds in the blank area of the stamp. If part of the lot is not refused entry, also stamp the paper foreign inspection certificate "U.S. Inspected & Passed." To the extent possible, apply the stamps to an area of the certificate that does not obstruct required information. If there is no paper inspection certificate (electronic certificate), then a certificate does not get stamped.
8. Retain paper foreign inspection certificates in the FSIS in-plant files by country and calendar year.
9. Verify that there is proper disposition of product designated as "refused entry" is (refer to section XII below).
10. When final product disposition of the refused entry occurs, access PHIS, enter the disposition status of the product, complete the TOI, record as completed in PHIS, then release the lot in PHIS.

## **VIII. STORAGE AND MONITORING OF REFUSED ENTRY PRODUCT**

A. Import inspection personnel are to verify that refused entry product is stored and segregated from other product at the official import inspection establishment until final disposition occurs, or permission to move the shipment is granted by the RIFO (e.g., movement to the port for direct and immediate exportation or to the end-user, such as an animal food manufacturer).

B. Import inspection personnel are to verify storage, monitor refused entry product, and record the verification on the Lot Manager screen using the Lot Tracking function and selecting Verified Refused Entry. The Regional Import Field Supervisor (RIFS) is to set the frequency of how often the refused entry product is monitored by import inspection personnel while being stored at the official import inspection establishment. The RIFS is to verify that inspection program personnel are monitoring refused entry product according to the set frequencies. Set frequencies are to be posted or entered in the case file at each official import inspection establishment. Import inspection personnel are to file the refused entry documentation in the FSIS files at the official import inspection establishment.

C. If import inspection personnel cannot locate refused entry product, they are to contact official import establishment management to ascertain the location of the product.

D. When import inspection personnel determine that refused entry product has been moved from the official import inspection establishment without FSIS knowledge, the official import inspection establishment is in violation of 9 CFR 500.3(a) (5). Import inspection personnel are to:

1. Withhold inspection of imported products;
2. Notify the RIFS or designee;

3. Meet with official import establishment management to discuss this finding;
4. Document the meeting in a Memorandum of Interview(MOI) in PHIS;
5. Provide a copy of the MOI to the official import establishment and inform the RIFS or designee of the MOI; and
6. Await instruction through supervisory channels.

E. The Import Inspection Division (IID) Director is to decide whether this violation requires the initiation of a suspension under 9 CFR 500.3(a)(5) and update the establishment profile. The IID Director is to consider the public health significance of the reason the import inspection personnel refused entry to the product in deciding whether to take a suspension or withholding action.

1. If the IID Director determines that a suspension is warranted, the IID Director is to notify the official import inspection establishment management, as per 9 CFR 500.5(a).
2. If the IID Director decides not to initiate a suspension, he or she is to issue a letter to the management of the official import establishment regarding the serious nature of removing or losing control of refused entry product.
3. The IID Director is to provide direction through supervisory channels during this period.

F. The RIFO may direct an import surveillance liaison officer (ISLO) to investigate the whereabouts of the refused entry product removed from the official import inspection establishment.

G. The ISLOs are to:

1. Investigate, locate, and control all missing refused entry product, if possible;
2. Provide the RIFO with any pertinent facts or observations pertaining to the missing refused entry product; and
3. Coordinate efforts with the local Office of Program Evaluation Enforcement and Review personnel for any further enforcement action.

## **IX. TIME PERIOD FOR DISPOSITION**

A. After notice is given by FSIS to the Director of Customs at the original port of entry, the owner or consignee has 30 days for egg products and shell eggs, and 45 days for meat or poultry products, to take the action as required by 9 CFR 327.13(a)(2), 381.202(a)(2), or 590.945(a) for product that has been refused entry. For product that is refused entry because of APHIS animal disease restrictions, APHIS or CBP will notify import inspection personnel and the RIFO regarding the products' disposition and timeframes for required disposition (e.g., 72 hours), including the method of the disposal of the product.

B. The applicant contact the RIFO may request an extension of the time limit for disposition. Requests for extension beyond the regulatory time period for disposition are only to be granted

by the IID Director and only when extreme circumstances warrant, such as an unforeseeable vessel delay.

C. If final disposition of the refused entry product has not been accomplished within the regulatory time period, import inspection personnel are to:

1. Take control of refused entry product using FSIS Form 6502-1;
2. Notify the RIFO by phone or e-mail and IID HQ at [importinspection@fsis.usda.gov](mailto:importinspection@fsis.usda.gov); and
3. Follow instructions provided by the RIFO to ensure that proper disposition of the product occurs.

D. The RIFO is to notify an ISLO to contact the owner or consignee to arrange for disposition of the refused entry product.

## **X. TYPES OF DISPOSITION**

Import inspection personnel are to verify that disposition of refused entry product occurs within the regulatory time limits. The owner or consignee is to decide on using one of the methods of disposition listed below. The import inspection personnel are to verify that final refused entry product disposition is completed.

1. Exportation (return) of the product to the originating country or to a third country, if permitted (see 9 CFR 327.13(a)(2), 381.202(a)(2), 590.945(a)).
2. Destruction of the product for human food purposes (9 CFR 327.13(a) (2), 381.202(a) (2), 590.945(a)) by one of the following methods:
  - a. Landfill;
  - b. Rendering;
  - c. Incineration – normally required by the APHIS when product is refused entry for animal disease restrictions; or
  - d. Denaturing the product so it cannot be used for human food (9 CFR 325.13, 327.25, 381.202(e)).
3. Conversion of the product to animal food (9 CFR 327.13(a)(2), 381.202(a)(2)) if permitted and approved by the Food and Drug Administration (FDA), and that permission is communicated to the RIFO.
4. Rectified – The reason for refusal has been corrected (e.g. new inspection certificate, re-labeling)

**NOTE:** The intended disposition needs to be communicated in writing to FSIS (9 CFR 327.13(a)(5)). Import inspection personnel are to enter the method of disposition in PHIS, and retain the documentation (FSIS Form 9840-4 Voluntary Disposition of Imported Meat and Poultry Products) in the case file.

## XI. VERIFYING DISPOSITIONS

### A. Exportation of Refused Entry Product

1. General: import inspection personnel are to:
  - a. Access PHIS and document that the applicant has requested re-export (for Canadian product this request can be made to the import inspector; for other countries, the RIFS);
  - b. Select the “Released to Port Date” in PHIS and save;
  - c. Notify import establishment management that the lot may be moved for export;
  - d. Send a “Request Redelivery” notification to CBP;
  - e. Receive required “proof of export” documentation from the importer or consignee;
  - f. Complete and distribute forms, as applicable; and

**NOTE:** The RIFS is to correlate with import inspection personnel regarding acceptable “proof of export” documentation.

- g. Access PHIS and check “Disposition Complete” for the lot disposition.
  2. Exportation of Canadian Refused Entry Product to Canada. In addition to the steps outlined above, import inspection personnel are to:
    - a. Complete and print FSIS Forms 9135-1 and 9840-3 from PHIS;
    - b. Have a copy of the inspection certificate made;
    - c. Place FSIS Form 9135-1, the inspection certificate, and a copy of FSIS Form 9840-3 in an envelope, seal the envelope, and write “Attention: CFIA” on the outside of the envelope;
      - i. Place the envelope prominently inside at the rear of the shipping conveyance; and
      - ii. Seal the shipping conveyance with USDA Foreign Meat (Red Ball) seals.
    - d. Notify the appropriate Canadian Food Inspection Agency (CFIA) contact by e-mail, with a cc to the e-mailbox for the RIFO for the region in which the official import establishment is located. (The list of CFIA contacts is located in the Import Inspection Division site at: <http://dcvm4sps1/sites/OIA/IID/Test/Forms/AllItems.aspx>)
3. Exportation from a Port Other than the original Port-of-Entry (requires IID-HQ approval). RIFS are to:



- a. Enter the information provided by the applicant in PHIS (including the port of exit, vessel name, and date of export) and ensure that export is to occur within regulatory time limit (9 CFR 327.13(a)(2), 381.202(a)(2), 590.945(a));
  - b. Notify IID-HQ of the request to export from a port other than the original point of entry;
  - c. If the request is approved by IID-HQ, verify that the General Requirements in A.1. above are completed by import inspection personnel.
4. Refused Entry Product Transiting Through Canada.
- a. Occasionally, refused entry product will transit through Canada on its way to the country of destination. When this mode of exit is used, import inspection personnel are to verify that the requirements in XII. A. above, are completed, and
    - i. Verify that the shipping conveyance is appropriately sealed with USDA Foreign Meat (Red Ball) seals at the official import inspection establishment;
    - ii. Access PHIS and enter the seal numbers used to seal the conveyance; and
    - iii. Provide IID-HQ by email ([importinspection@fsis.usda.gov](mailto:importinspection@fsis.usda.gov)) the following information: name of the trucking company; the vehicle license number of truck/trailer; the truck, container, or trailer number; and the seal numbers used to seal the conveyance.
  - b. IID-HQ is to forward notification to CFIA.

B. Destruction:

Import inspection personnel are to:

1. Access PHIS to enter the applicant provided intended disposition;
2. Verify that the selected disposition is acceptable;
3. Verify that control of the product is maintained until destruction is complete; and
4. Observe the destruction, access PHIS, and complete the Disposition, Destruction date, and Destruction Witnessed by blocks and save.

C. Conversion to Animal Food:

Import inspection personnel are to:

1. Obtain from the product's owner or consignee a copy of written approval from the Department of Health and Human Services (DHHS), Food and Drug Administration

(FDA), authorizing the movement of specific products to a manufacturer of animal foods;

2. Review the letter of approval to verify that it is intended for the refused product involved;
3. If documentation is acceptable, access the PHIS, enter the Intended Disposition, place a check mark in the FDA Approval box, enter the released for conversion date, and save;
4. Inform official import establishment management that the product may move from the official import inspection establishment;
5. Through records review, verify that the refused entry product was received and used by the pet food manufacturer within the time period specified (e.g. 45 days for meat or poultry products). Verify all forms, certifying that the product's conversion to animal food has been properly completed; and
6. Access PHIS, enter the disposition as complete, and save.

## **XII. DATA ANALYSIS**

On a quarterly basis, the Data Analysis and Integration Group (DAIG) within the Office of Data Integration and Food Protection (ODIFP) is to review the PHIS data on refused entry of products presented for import inspection, based on available data, and starting 90 days after full implementation of Import PHIS. The data analysis is to identify potential trends that could lead to improvements in import reinspection procedures or in guidance to foreign countries. Annually, DAIG is to review these analyses with the Office of International Affairs (OIA) and the Office of Policy and Program Development (OPPD) to determine whether the findings suggest potential improvements that should be made in import reinspection procedures or in guidance to foreign countries.

Refer questions through supervisory channels or *askFSIS* at <http://askfsis.custhelp.com>.



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