

# **FSIS Review of State Meat and Poultry Inspection Programs**

## **Summary Report**

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United States Department of Agriculture  
January 2009

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## Executive Summary

This report presents the Food Safety and Inspection Service (FSIS) comprehensive review results for the 27 State Meat and Poultry Inspection (MPI) programs that currently operate under cooperative agreements with FSIS. These reviews occurred during Federal fiscal year (FY) 2008.

The 27 States that currently operate MPI programs are: Alabama, Arizona, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. These 27 State MPI programs provide inspection to more than 1900 small and very small establishments. The jurisdiction of the State MPI programs is limited to product that is produced and sold within the State.

The Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) provide for FSIS to cooperate with State agencies in developing and administering State MPI programs. Each State MPI program needs 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. State MPI programs are also expected to ensure that livestock are treated humanely by imposing humane handling requirements that are “at least equal to” that FSIS has established under the Humane Methods of Slaughter Act of 1978 (HMSA). If a State fails to administer a MPI program that is “at least equal to” the program that FSIS has established under the applicable provisions of the FMIA and PPIA, the Secretary of the United States Department of Agriculture will move to “designate” the State in accordance with 21 USC 661 (c) and 454 (c).

The FY 2008 comprehensive State MPI program review process was based on FSIS Directive 5720.2, Revision 3, *State Cooperative Inspection Programs*<sup>1</sup> and the FSIS “At Least Equal To” *Guidelines for State Meat and Poultry Cooperative Inspection Programs* (July 2008)<sup>2</sup>. The FSIS comprehensive State MPI program review consists of two parts: (1) an annual review of the State MPI program’s self-assessment submission; and (2) an on-site review to observe the State MPI program and to verify the accuracy of the State MPI program’s self-assessment submission. Through the on-site and annual reviews, FSIS determines whether the State MPI program is “at least equal to” the Federal inspection program. FSIS schedules on-site reviews of each State MPI program at a minimum of once every three years.

Based on the self-assessment documents received during FY 2008, FSIS determined that 27 of the 27 State MPI programs have provided adequate documentation to support that they have implemented and can maintain MPI programs “at least equal to” the Federal requirements. FSIS determined that 12 of the 12 State MPI programs reviewed on-site<sup>3</sup> were enforcing requirements “at least equal to” those imposed under the Federal Acts.

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<sup>1</sup> Available at <http://www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/5720-2Rev3.pdf>.

<sup>2</sup> Available at [http://www.fsis.usda.gov/PDF/At\\_Least\\_Equal\\_to\\_Guidelines.pdf](http://www.fsis.usda.gov/PDF/At_Least_Equal_to_Guidelines.pdf).

<sup>3</sup> FSIS conducted on-site reviews in the following States: Alabama, Delaware, Georgia, Illinois, Indiana, Minnesota, North Dakota, Ohio, South Dakota, Utah, Vermont, and Wyoming.

## **Introduction**

In FY 2008, the Food Safety and Inspection Service (FSIS) conducted comprehensive reviews of the 27 States that operate Meat and Poultry Inspection (MPI) programs to determine if the MPI programs were enforcing requirements “at least equal to” those imposed under the Federal Acts. This report presents the annual comprehensive review results for the 27 State MPI programs. Detailed review results for each State MPI program are presented as an attached appendix for each of the 27 States.

## **Background**

Under the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), FSIS sets national standards for meat and poultry inspection. Under a cooperative agreement with FSIS, States may operate their own MPI programs if they meet and enforce requirements “at least equal to” those imposed under the FMIA, PPIA, and Humane Methods of Slaughter Act of 1978 (HMSA). The FMIA (21 U.S.C. 601 *et seq.*) and PPIA (21 U.S.C. 451 *et seq.*) provide that it is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and poultry products distributed to them are wholesome, not adulterated, and accurately labeled and packaged.

The FMIA and PPIA provide for FSIS to cooperate with State agencies in developing and administering State MPI programs. Each State MPI program is expected 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. State MPI programs are also expected to ensure that livestock are treated humanely by imposing humane handling requirements that are “at least equal to” that FSIS has established under the HMSA.

If a State fails to administer a MPI program that is “at least equal to” the program that FSIS has established under the applicable provisions of the FMIA and PPIA, the Secretary of the United States Department of Agriculture will move to designate the State as one in which the provisions of titles I and IV of the FMIA and sections 451 to 453, 455 to 459, and 461 to 467d of the PPIA shall apply to operations and transactions wholly within such 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, and poultry products.

Cooperative agreements and annual certifications of State MPI programs are contingent upon FSIS determining that the State MPI program is enforcing requirements “at least equal to” those imposed under the Federal Acts. FSIS performs annual comprehensive 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.

## **Review Methodology**

FSIS Directive 5720.2, Revision 3, *State Cooperative Inspection Programs*, and the companion “*At Least Equal To*” *Guidelines for State Meat and Poultry Cooperative Inspection Programs* (July 2008) 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. The guidelines are intended to assist the State MPI programs in establishing and maintaining inspection programs that are “at least equal to” the Federal inspection requirements. Currently, FSIS is developing Directive 5720.3, *Comprehensive Review Methodology of State Meat and Poultry Inspection Programs*, to provide greater transparency regarding the methodology and guiding principles that FSIS will use in conducting comprehensive reviews of State MPI programs.

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 grant legal authority “at least equal to” that provided under the FMIA, PPIA, HMSA, and the regulations that FSIS has promulgated under these laws.
2. Inspection – This component evaluates whether the State MPI program has an inspection system “at least equal to” the Federal program which ensures safe, wholesome, and unadulterated meat and poultry products.
3. Product Sampling – This component evaluates whether the State MPI program prevents pathogenic bacteria and violative residues in products through reliable, timely laboratory analyses of samples required to support program operations.
4. Staffing and Training – This component evaluates whether there is inspection coverage at official establishments that ensures that only safe, wholesome, and properly labeled meat and poultry products receive the State mark of inspection and whether all personnel have the education and training needed to apply and make decisions based upon the State MPI program’s inspection methodology.
5. Humane Handling – This component evaluates whether the State MPI program has implemented regulations and is effectively ensuring that animals are humanely handled and maintained under appropriate conditions.
6. Non-Food Safety Consumer Protection – This component evaluates whether the State MPI program protects consumers from meat and poultry products that are unwholesome, economically adulterated, or not truthfully labeled and packaged.
7. Compliance – This component evaluates whether the State MPI program enforces all applicable regulations and takes appropriate enforcement actions and follow-up actions in the event of noncompliance or potentially unsafe product.

8. Civil Rights – This component evaluates whether the State MPI program adheres to Federal civil rights laws and USDA civil rights regulations; and whether civil rights are respected and the organization conducts its operations in a non-discriminatory manner that complies with the laws and regulations.
9. Funding and Financial Accountability – This component evaluates whether the State MPI program conforms with 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 assembles multi-disciplinary review teams to perform the comprehensive reviews. The review teams include subject matter experts in meat and poultry inspection systems, compliance and enforcement programs, staffing, civil rights, and financial accountability. Subject matter experts in meat and poultry inspection systems, staffing, and compliance and enforcement programs review components 1 through 7. A civil rights specialist reviews component 8. A financial specialist reviews component 9.

The review process consists of two parts: (1) an annual review of the State MPI program's self-assessment submission; and (2) an on-site review to observe the State MPI program and to verify the accuracy of the State MPI program's self-assessment submission. Through the on-site and annual reviews, FSIS determines whether the State MPI program is "at least equal to" the Federal requirements. FSIS schedules on-site reviews of each State MPI program at a minimum of once every three years.

#### Part 1. Self-Assessment Review

In the first part of this methodology, State MPI programs are required to submit annual self-assessment documentation and certification statements by November 15 of every year. The self-assessment submission provides documentation concerning the rules, regulations, and policies within the State for the purpose of providing a basis for FSIS to make a determination whether the State MPI program meets the mandated "at least equal to" Federal requirements. FSIS considers the information provided to represent an auditable description of how the State MPI program system is currently functioning and will continue to function.

The FSIS review team performs a comprehensive review to determine whether the State MPI program's annual self-assessment submission demonstrates that the State MPI program is "at least equal to" the Federal inspection requirements and that it includes evidence and documents that support that the processes are in effect and current with FSIS policies. As questions arise during review of the self-assessment submission, 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.

#### Part 2. On-Site Review

In the second part of this methodology, FSIS conducts on-site reviews to observe the State MPI program and to verify that the State MPI program has implemented and can maintain its inspection system in accordance with its self-assessment submission, and to determine whether the State MPI program is enforcing requirements "at least equal to" the Federal requirements. FSIS schedules on-site reviews of each State MPI program at a minimum of once every three

years. During the on-site review, FSIS reviews State MPI program records at the State MPI program office and a sample set of establishments, resulting in an overall annual determination.<sup>4</sup>

Before traveling to the on-site review location, the review team begins preparation for the on-site review with a thorough review of the State MPI program's most recent self-assessment submission. Prior to the scheduled start of the review, the review team sends written notification to the Director of the State MPI program to announce the scheduled dates for the forthcoming on-site review.

The on-site review begins with an entrance meeting teleconference with FSIS and State MPI program officials. During this meeting, FSIS introduces the team members and explains the purpose and methodology of the review. At this time, the FSIS team leader requests that State MPI program officials submit the following information within 10 business days of the teleconference: Descriptions of any changes in the MPI program that occurred since the most recent self-assessment submission, a current list of State-inspected establishments and the supervisory boundaries, the Hazard Analysis Critical Control Point (HACCP) processing categories for each establishment, a ranking of the highest producers for each HACCP processing category, and a list of all establishments the State MPI program reviewed during the preceding 12 months. In order to base establishment selection on public health risk factors, State officials must also identify all establishments with a history of any of the following: positive sample results for pathogens (i.e., *E. coli* O157:H7 in ground beef, and *Listeria monocytogenes* and *Salmonella* in ready-to-eat products); highly variable process control for *Salmonella* reduction; enforcement actions; recalls; and/or structural damage due to a natural disaster during the preceding 12 months.

For each State MPI program, the FSIS review team selects the total number of establishments for the on-site review using a statistically valid sampling method. After determining the total number of establishments for the on-site review, the review team selects specific establishments for review based on public health risk factors. FSIS selects all establishments with a history of positive sample results for pathogens; highly variable process control for *Salmonella* reduction; enforcement actions; recalls; and/or structural damage due to a natural disaster during the preceding 12 months. The sample set of establishments includes at least 3 establishments that the State MPI program reviewed during the preceding 12 months. The FSIS review team provides State MPI program officials with a list of the selected establishments at least five business days before the on-site review.

During the on-site review, FSIS begins each establishment review with an entrance meeting with State MPI program officials and establishment management to explain the purpose and methodology for the review. During each establishment review, FSIS observes State MPI program officials executing the State MPI program's implementation and oversight functions. At each establishment, FSIS reviews the State MPI program's verification of compliance with applicable State requirements on Sanitation Standard Operating Procedures (SSOP), HACCP, non-food safety consumer protection, control of specified risk material, humane handling, and

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<sup>4</sup> The review team schedules and conducts the main on-site review for components 1 – 7. The on-site reviews for components 8 and 9 – Civil Rights and Funding and Financial Accountability – are scheduled separately and conducted, respectively, by the FSIS Civil Rights Division and FSIS Financial Management Division.

custom/retail exempt requirements. The FSIS review team member observes the State MPI program inspectors as they perform antemortem and postmortem inspection procedures. Based on observation and records review, the FSIS review team member documents any establishment noncompliance that the State MPI program failed to recognize or take an appropriate regulatory action on standardized forms.

After completion of the establishment reviews, the FSIS team reviews documents at the State MPI program office to determine whether the results of the review support a determination that the State MPI program is “at least equal to” the Federal inspection program with respect to product sampling, staffing, training, and compliance, and that the State MPI program has an internal control system that identifies and mitigates risk and ensures the program is functioning as intended.

After the on-site review of State establishments and document review at the State MPI program office, the FSIS review team analyzes all information gathered during the on-site review and identifies the program findings. Program findings are both independent results of the on-site review, as well as the comparison of the on-site review results with the State MPI program’s operations and records. The review team’s evaluation focuses on evaluating whether the State MPI program meets the criteria for the nine components detailed in the Review Methodology section. The FSIS review team’s findings focus on the implementation of food safety policy and procedures.

The FSIS review team leader presents the program findings to State MPI program officials at the scheduled exit meeting teleconference. The State MPI program is to submit an action plan to correct all program findings identified during the review within 10 business days of the exit conference. The action plan needs to identify the underlying causes of the program findings that may be system-wide and ensure that there is statewide correction of such findings; and identify the underlying causes of specific findings at individual establishments and ensure that the State MPI program verifies that the establishments address such findings.

### **Determination Process**

Each year, FSIS makes an “at least equal to” determination on each State MPI program. 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 on-site review.

Following each self-assessment and on-site review, FSIS makes a determination on each State MPI program based on the “at least equal to” standard. FSIS makes one of the following three determinations for each component and on the State’s overall ability to maintain a MPI program:

- (1) “At least equal to”: Means the State MPI program is based on, and has adopted and implemented equivalent laws, regulations, and programs for all review components.

- (2) Not “at least equal to”: Means the State MPI program is not based on, or has not enacted or implemented, equivalent laws, regulations, or programs, 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 comprehensive review findings.

If the determination of the self-assessment or of the on-site review is that the State MPI program is “at least equal to” the Federal inspection program, FSIS promptly notifies State MPI program officials in writing of the status. If FSIS needs additional information from State MPI program officials to reach a determination, FSIS requests that State MPI program officials provide that information. If FSIS determines that a State MPI program is unable or unwilling to maintain an inspection program that is “at least equal to” the Federal inspection program, the Secretary of the United States Department of Agriculture will promptly notify the Governor of the State of this fact. If a State MPI program becomes subject to the designation process, FSIS will rescind the cooperative agreement between FSIS and the subject State, and all meat and poultry establishments within the State will become subject to the Federal inspection program.

### **Review Findings**

The findings of the FSIS review teams are summarized here and in Tables 1 and 2. Detailed findings for each State MPI program are available in the attached appendices.

Based on the self-assessments received during FY 2008, FSIS determined that 27 of the 27 State MPI programs have provided adequate documentation to support that they have implemented and can maintain a MPI program “at least equal to” the Federal requirements. These determinations are summarized in Table 1 (FSIS’ 2008 Self-Assessment Determinations of 27 State MPI Programs).

FSIS performed on-site reviews of 12 State MPI programs (Alabama, Delaware, Georgia, Illinois, Indiana, Minnesota, North Dakota, Ohio, South Dakota, Utah, Vermont, and Wyoming) Based on the FY 2008 self-assessment and on-site reviews, FSIS determined that 12 of the 12 State MPI programs are enforcing requirements “at least equal to” those imposed under the Federal Acts. These determinations are summarized in Table 2 (FSIS’ 2008 On-Site Determinations of 12 State MPI programs).

### **Next Steps**

FSIS will continue to work with State MPI program officials to improve the State MPI program review process. Currently, FSIS is developing Directive 5720.3, *Comprehensive Review Methodology of State Meat and Poultry Inspection Programs*, to provide greater transparency regarding the methodology and guiding principles that FSIS will use in conducting comprehensive reviews of State MPI programs

During FY 2009, FSIS will conduct annual reviews of all 27 State MPI program’s self-assessment submissions and will complete 11 on-site reviews. FSIS will send written

notification to the Directors of the State MPI programs selected for on-site reviews at least 30 days before the scheduled start of the review.

At the end of calendar year 2009, FSIS will develop an end-of-year report that summarizes the findings and final determinations for all 27 State MPI programs and post this report on the FSIS Web site.

**Table 1. FSIS’ 2008 Self-Assessment Determinations of 27 State MPI Programs**

State	“At least equal to” <sup>5</sup>	Not “at least equal to” <sup>6</sup>	Deferred <sup>7</sup>
Alabama	✓		
Arizona	✓		
Delaware	✓		
Georgia	✓		
Illinois	✓		
Indiana	✓		
Iowa	✓		
Kansas	✓		
Louisiana	✓		
Maine	✓		
Minnesota	✓		
Mississippi	✓		
Missouri	✓		
Montana	✓		
North Carolina	✓		
North Dakota	✓		
Ohio	✓		
Oklahoma	✓		
South Carolina	✓		
South Dakota	✓		
Texas	✓		
Utah	✓		
Vermont	✓		
Virginia	✓		
West Virginia	✓		
Wisconsin	✓		
Wyoming	✓		

<sup>5</sup> “At least equal to” means the State MPI program is based on, and has adopted and implemented equivalent laws, regulations, and programs for all review components.

<sup>6</sup> Not “at least equal to” means the State MPI program, is not based on, or has not enacted or implemented equivalent laws, regulations, and programs for all review components.

<sup>7</sup> 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 comprehensive review findings..

**Table 2. FSIS’ 2008 On-Site Determinations of 12 State MPI Programs**

<b>State</b>	<b>“At least equal to”<sup>8</sup></b>	<b>Not “at least equal to”<sup>9</sup></b>	<b>Deferred<sup>10</sup></b>
Alabama	✓		
Delaware	✓		
Georgia	✓		
Illinois	✓		
Indiana	✓		
Minnesota	✓		
North Dakota	✓		
Ohio	✓		
South Dakota	✓		
Utah	✓		
Vermont	✓		
Wyoming	✓		

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<sup>8</sup> “At least equal to” means the State program is based on, and has adopted and implemented equivalent laws, regulations, and programs for all review components.

<sup>9</sup> Not “at least equal to” means the State program, is not based on, or has not enacted or implemented equivalent laws, regulations, and programs for all review components.

<sup>10</sup> 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 comprehensive review findings..