**OKLAHOMA DEPARTMENT OF AGRICULTURE,
FOOD, AND FORESTRY**
**MEAT AND POULTRY INSPECTION SERVICE**
**OKLAHOMA CITY, OK**

| # MPI NOTICE | 609 | 2/8/13 |
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## CONTROL OF AGENCY TESTED PRODUCTS FOR ADULTERANTS

### I. PURPOSE

This notice provides inspection program personnel (IPP) and Enforcement Investigation and Analysis Officers (EIAO) with instructions related to the new policy and procedures discussed in the *Federal Register* on 12/10/12, Not Applying the Mark of Inspection Pending Certain Test Results. It instructs IPP to meet with the establishment to make it aware of the new policy and procedures that are effective February 15, 2013.

### II. BACKGROUND

A. FSIS announced in the *Federal Register* that it is changing its procedures and will withhold its determination as to whether meat and poultry products are not adulterated, and thus eligible to enter commerce, until all test results that bear on the determination have been received. ODAFF recognizes that the mark of inspection is pre-printed on the package label of many products, and that it is most efficient to allow the product to be packaged and labeled with the printed mark of inspection as part of the production process (76 FR 19955). ODAFF will continue to allow meat and poultry establishments to package and label products sampled and tested for adulterants with the mark of inspection. However, starting February 15, 2013, ODAFF will not allow such product to be released into commerce until negative test results for adulterants are available.

B. This policy covers ODAFF testing of:

1. Non-intact raw beef product or intact raw beef product intended for non-intact use that is tested for *Escherichia coli* O157:H7 (*E. coli* O157:H7) or shiga-toxin producing *E. coli* (STEC) that ODAFF considers to be adulterants;

2. Ready-to-eat products, including product that passed over food contact surfaces tested by ODAFF for *Listeria monocytogenes* or *Salmonella*;

3. Livestock carcasses subject to ODAFF testing for residues; and

4. Products tested under FSIS Directive 7000.1, Verification of Non-Food Safety Consumer Protection Regulatory Requirements.

C. This policy does not cover ODAFF testing of:

1. Raw meat or poultry products tested for *Salmonella* or other pathogens that ODAFF has not designated as adulterants in those products; and

2. Poultry tested for residues.

**III. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES**

A. At the next weekly meeting after the receipt of this notice, IPP are to meet with the establishment management and inform it about the new policy and procedures that begin February 15, 2013. At the meeting IPP are to:

1. Inform the establishment that it may control product tested by FSIS for adulterants either by holding the product on premises or by moving the product off site under company control;

2. Remind the establishment that it cannot complete pre-shipment review until negative test results are received; and

3. Inform the establishment that FSIS has prepared FSIS Compliance Guidelines for Controlling Meat and Poultry Products Pending FSIS Test Results.

B. IPP are to document the discussion in a Memorandum of Interview (MOI) as set out in FSIS PHIS Directive 5000.1, Verifying an Establishment's Food Safety System.

C. If an establishment does not hold or maintain control of product tested by ODAFF for adulterants, IPP are to immediately contact their immediate supervisor. The supervisor may instruct IPP to write a Non-compliance Record (NR) because the establishment shipped product before ODAFF found that the product was not adulterated, and because the establishment did not complete pre-shipment review following availability of all relevant test results, as set out in 9 CFR 417.5(c).

D. If IPP have concerns regarding how establishments are holding or controlling the product, they are to contact their supervisor.

E. IPP are to continue to notify establishments about when IPP plan to collect a sample as set out in:

1. FSIS Directive 10,010.1, Verification Activities for *Escherichia coli* O157:H7 in Raw Beef Products;

2. OK MPI Notice 605, Rev. 1, Sampling of Low Production Volume Raw Ground Beef Establishments for *Salmonella, Escherichia coli* O157:H7 And Non-O157:H7 Shiga-Toxin Producing *Escherichia coli;*

1. FSIS Directive 10,240.4, Verification Procedures for Consumer Safety Inspectors for the *Listeria monocytogenes* (*Lm*) Regulation and *Lm S*ampling Programs; and

2. FSIS Directive 10,800.1, Procedures for Residue Sampling, Testing, and Other Responsibilities for the National Residue Program.

F. Whenever IPP are notified that a sample has been discarded and will not be analyzed by the ODAFF laboratory and product is being held on-site or controlled off-site, IPP are to immediately notify the establishment so it can release the product.

**IV. EIAO RESPONSIBILITIES**

A. Each time EIAOs collect samples, they are to determine whether establishments are holding and controlling product that ODAFF tested for adulterants.

B. EIAOs are to document in an MOI whether the establishment holds or maintains control of product tested by ODAFF.

C. EIAOs are to continue to notify establishments about when they plan to collect a sample as set out in:

1. FSIS Directive 10,240.5, Verification Procedures for Enforcement, Investigations and Analysis Officers (EIAOs) for the *Listeria monocytogenes* (*Lm*) Regulation and Routine Risk-Based *Lm* (RLm) Sampling Program; and

2. FSIS Directive 10,300.1, Intensified Verification Testing (IVT) Protocol for Sampling of Product, Food Contact Surfaces, and Environmental Surfaces for *Lm*.

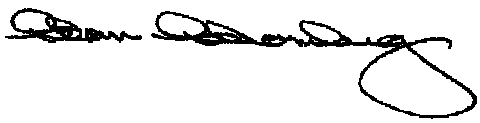
D. If the EIAO finds that the establishment does not hold or maintain control of product tested by FSIS, he or she is to recommend to the in-plant supervisory personnel that the inspection team issue an NR because the establishment shipped product before ODAFF found that the product was not adulterated, and because the establishment did not complete pre-shipment review following availability of all relevant test results, as set out in 9 CFR 417.5(c). When recommending the issuance of an NR, the EIAO is to follow the instructions in chapters 3, 13, and 15 in FSIS Directive 5,100.1, EIAO Food Safety Assessment Methodology.

**V. OKLAHOMA CITY MPI OFFICE AND COMPLIANCE INVESTIGATION RESPONSIBILITIES**

A. If IPP or EIAOs inform their supervisor or the Oklahoma City MPI Office that an establishment did not hold or maintain control of product tested by ODAFF for adulterants, the supervisor and/or the Oklahoma City MPI Office is to take the appropriate administrative action (i.e., immediately withhold inspection or issue a Notice of Intended Enforcement Action) . Also, the Oklahoma City MPI Office is to contact the Meat Inspection Compliance Supervisor.

B. The Meat Inspection Compliance Supervisor, in consultation with the Director of Meat Inspection, will consider whether additional enforcement actions or sanctions when necessary.

Direct all questions regarding this notice through normal supervisory channels.



**Stan Stromberg**
**Director, Food Safety Division**

**DISTRIBUTION:**
**All MPI Personnel**

**SUBJECT CATEGORY**
**Laboratory**