

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

<h1 style="margin:0;">MPI NOTICE</h1>	802	9/14/12
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**RESPONSIBILITIES RELATED TO RECEIVING NOTICE OF ADULTERATED OR
MISBRANDED PRODUCT, AND VERIFYING WRITTEN RECALL PROCEDURES**

I. PURPOSE

This notice informs inspection program personnel (IPP) of new requirements in the recently published final rule: “Requirements for Official Establishments to Notify FSIS of Adulterated or Misbranded Product, Prepare and Maintain Written Recall Procedures, and Document Certain Hazard Analysis and Critical Control Points System Plan Reassessments” (77 FR 26929). The notice instructs IPP to make establishments aware of the requirements of the final rule and where to find information about the final rule. This notice instructs Oklahoma Department of Agriculture, Food, and Forestry Meat and Poultry Inspection (ODAFF MPI) personnel on how to respond when an official establishment notifies them that adulterated or misbranded product has entered commerce, as required under the final rule. Additional notices and instructions concerning the rule’s requirements concerning written recall procedures will be issued as necessary. The requirements concerning written recall procedures have delayed applicability dates based on establishment size.

II. REFERENCES

2 O.S. §§ 6-181 et seq.; 6-251 et seq.; 6-280 et seq.; and 6-290.1 et seq.
O.A.C. §§ 35:37-3-1 et seq.; 35:37-5-1 et seq.; 35:37-7-1 et seq.; 35:37-9-1 et seq.;
and 35:37-11-1 et seq.
9 CFR Part 418
OK MPI Notice 801

III. BACKGROUND

A. On May 8, 2012, FSIS published the final rule “Requirements for Official Establishments to Notify FSIS of Adulterated or Misbranded Product, Prepare and Maintain Written Recall Procedures, and Document Certain Hazard Analysis and Critical Control Points System Plan Reassessments” (77 FR 26929). The rule as it will apply in ODAFF MPI inspected establishments requires official establishments to:

1. Notify the ODAFF MPI Oklahoma City Office within 24 hours of learning or determining that an adulterated or misbranded meat or poultry product received

by or originating from the official establishment has entered commerce (9 CFR 418.2);

2. Prepare and maintain written procedures for the recall of all meat and poultry products produced and shipped by the establishment (9 CFR 418.3);

3. Prepare written recall procedures as required by 9 CFR 418.3 before being granted Oklahoma inspection

B. Beginning October 1, 2012, new applicants are to prepare their recall procedures before being granted Oklahoma inspection.

C. In issuing the final rule (77 FR 26929 (May 8, 2012)), FSIS provided that existing official establishments have time to prepare written recall procedures to comply with 9 CFR 418.3. ODAFF MPI will adhere to the same implementation dates provided in this final rule, which are:

1. Existing large establishments, defined as all establishments with 500 or more employees, are to prepare their written recall procedures by November 5, 2012.

2. Existing small establishments, defined as all establishments with 10 or more employees but fewer than 500, are to prepare their written recall procedures by May 8, 2013.

3. Existing very small establishments, defined as all establishments with fewer than 10 employees or annual sales of less than \$2.5 million, are to prepare their written recall procedures by May 8, 2013.

IV. NOTIFICATION OF ADULTERATED OR MISBRANDED PRODUCT

A. Beginning October 1, 2012, official establishments are required to notify the ODAFF MPI Oklahoma City Office within 24 hours of learning or determining that an adulterated or misbranded meat or poultry product received by or originating from the official establishment has entered commerce. Official establishments are to provide the ODAFF MPI Oklahoma City Office with the type, amount, origin, and destination of the adulterated or misbranded product (9 CFR 418.2).

1. Product is in commerce if it is out of the producing establishment's direct control and is in distribution (e.g., in a warehouse, distribution center, retail facility, restaurant, or other institution).

2. The 24-hour period begins when an establishment has reason to believe that a product in commerce is adulterated or misbranded under the Oklahoma Meat Inspection Act (OMIA); the Oklahoma Poultry Products Inspection Act (OPPIA); the Oklahoma Rabbit and Rabbit Products Inspection Act (ORRPIA) or the Exotic Livestock and Exotic Livestock Products Inspection Act (ELELPIA). For example, product would be adulterated if the final results of a laboratory analysis

show that raw ground beef contains *E. coli* O157:H7, or if product contains an allergen that is not declared on the product label.

3. There may be situations in which laboratory results are not available, but based on epidemiological evidence, there may be a probability of harm from consuming the product. Under these circumstances, official establishments are to consider the strength of the epidemiological evidence to determine whether there is reason to believe that the product is adulterated or misbranded.

B. The ODAFF MPI staff is to notify the Director, Meat Inspection Services as soon as possible after notification. If establishments contact other ODAFF MPI personnel, those employees are to contact the Director, Meat Inspection Services promptly through supervisory channels.

V. ADDITIONAL INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES

A. At the first weekly meeting following issuance of this notice, the inspector-in-charge is to:

1. Meet with representatives of establishment management and inform them of the requirements of the rule.

2. Tell the representatives that the following information is available to help the establishment comply with the new regulatory requirements:

a. Requirements for Official Establishments to Notify FSIS of Adulterated or Misbranded Product, Prepare and Maintain Written Recall Procedures, and Document Certain Hazard Analysis and Critical Control Points System Plan Reassessments (77 FR 26929); and

b. OK MPI Notice 801, Recall of Meat and Poultry Products, including Attachment 1, "Product Recall Guidelines for Firms."

VI. FAQs ABOUT ADULTERATED AND MISBRANDED PRODUCT

The following FAQs have been adapted from the Questions and Answers related to FSIS Notice 34-12 which is available on the FSIS website at:

http://www.fsis.usda.gov/PDF/Questions_and_Answers_Notice_34-12.pdf

1. Q. Are meat and poultry establishments to report to the ODAFF MPI Oklahoma City Office every instance of product adulteration or misbranding?

A. Yes. Under 9 CFR 418.2, the notification regulation, establishments are required to promptly (within 24 hours of learning or determining) report to the ODAFF MPI Oklahoma City Office all instances of adulterated or

misbranded meat or poultry product received by or originating from the establishment that has entered commerce.

2. Q. Under what circumstances does ODAFF MPI consider the producing establishment to have direct control of a product?

A. ODAFF MPI will consider product under the producing establishment's direct Control if it is: (1) at the establishment; (2) located on the premises owned by the producing establishment; (3) at a sister establishment owned by the same corporation when no portion of the lot has been released for sale or use; (4) at a warehouse owned by the establishment or corporation; (5) on a truck or other conveyance owned or operated by the establishment or corporation; (6) offsite under company control (e.g. seal) or ODAFF MPI control (ODAFF MPI seal).

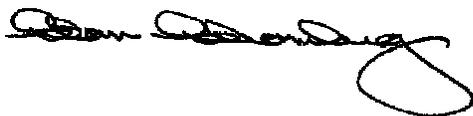
3. Q. Are meat and poultry establishments required to notify the ODAFF MPI Oklahoma City Office of all consumer complaints they receive alleging adulteration or misbranding of product?

A. No. Each instance of a consumer complaint is not required to be reported to ODAFF MPI. However, if the establishment determines, based on information gathered in a response to a consumer complaint, that adulterated or misbranded product was shipped or received in commerce or is in commerce, then 9 CFR 418.2 requires that the establishment notify the ODAFF MPI Oklahoma City Office within 24 hours of making such a determination.

4. Q. If an establishment receives product that is misbranded because of a failure to meet labeling requirements, and there is no indication of a health or food safety concern, is it required to notify the ODAFF MPI Oklahoma City Office?

A. Yes. Section 418.2 requires the report of any misbranded or adulterated product in commerce.

Any questions about this notice should be referred through supervisory channels or to the Oklahoma Department of Agriculture, Food and Forestry, Meat and Poultry Inspection Services at (405) 522-6119.



Director, Food Safety Division

**DISTRIBUTION:
All MPI Personnel**

**SUBJECT CATEGORY:
Recalls**