

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

FSIS NOTICE

21-04

3/31/04

IDENTIFICATION SERVICES

I. PURPOSE

This notice provides verification, documentation, and enforcement instructions to inspection program personnel with assignments that include providing identification services.

II. REGULATION

9 CFR 350.3(a) states: *Identification Service. (1) meat or other product that is federally inspected and passed at an official establishment, or upon importation, under the meat inspection laws, is officially marked to identify it as federally inspected and passed. In order to facilitate the division of such meat or other product into smaller portions or its combination into larger units and still maintain its identity as product which has been federally inspected and passed and so marked, inspectors may supervise the handling of the product and mark such portions or units with the marks of Federal inspection when they determine that the identity has been maintained.*

Under 9 CFR 350.3(b), premises at which identification service is available cannot be official establishments. Thus, they are not subject to 9 CFR Part 417 and are not required to develop and implement HACCP plans to cover the operations conducted at the premises.

III. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES

Upon receipt of this notice, inspection program personnel should update the Plant Profiles by eliminating the Sanitation SOP procedures (01B01, 01B02, 01C01, 01C02). Since the facilities where identification services are provided are not official establishments, they do not have to develop and implement written Sanitation SOPs (9 CFR 416.11 – 416.17). However, sanitation is a important factor in promoting public health, and these facilities are required to meet the sanitation performance standards (9 CFR 416.1 to 416.6), including protecting product from insanitary conditions during

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handling, storage, loading, and unloading (9 CFR 416.4(d)). FSIS should not provide identification services to those facilities that do not meet the requirements of the sanitation performance standards.

Inspection program personnel should document any failure to meet the requirements of these regulations on a Noncompliance Record (NR) as described in FSIS Directive 5000.1, Revision 1, Chapter IV. Proper documentation is the basis for administrative enforcement actions and 9 CFR 350.6 states that when the Administrator determines that the public interest so requires, he may deny or withdraw service provided for in this part, without a hearing, pending final determination of the matter. If adulterated product is found in one of these facilities, inspection program personnel should contact the District Office for further instructions to ensure that adulterated product does not enter commerce, e.g., detention of the product.

The Rules of Practice described in 9 CFR Part 500 that are applicable to federally inspected establishments do not apply to these facilities because they are not official establishments. However, the rules of practice of the Department of Agriculture in subpart H of part I, subtitle A, title 7 of the Code of Federal Regulations, are the rules of practice applicable to adjudicatory, administrative proceedings under 9 CFR part 350.

The identification services described in 9 CFR 350.3(a)(1) through (4) are reimbursable to FSIS. This means that the Agency should be reimbursed for cost of the service any time it is performed. These services are reimbursable even though the services are performed within inspection personnel's regular tour of duty. The applicant should be billed for all inspection time used to inspect product and for travel time as appropriate. When identification services are provided to a facility, inspection personnel should record the time involved on the Time and Attendance Record (FSIS Form 3530-4) and on the Services Rendered form (FSIS Form 5110-1). The appropriate management code information can be obtained through the District Office.

/s/ Philip S. Derfler

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