

**Cooperative Inspection Programs:
Interstate Shipment of Meat and Poultry Products
FSIS Docket 2008-0039**

Overview

- State Meat Inspection programs will have the option to join an additional cooperative program with USDA FSIS to allow state inspected meat and poultry products to bear the federal mark of inspection and be sold interstate.
- States must join the program provided they have the demand, resources, and legal authority to do so (state legislative may be required in some states). States are eligible for up to 60% reimbursement from USDA for implementation of the program.
- This program is intended for small and very small establishments that are currently inspected by state officials that wish to sell their product outside of their own state. Federally inspected establishments are not eligible.
- There are 27 state meat inspections programs nationwide. 16 initially expressed interest in this program with 1133 eligible establishments. Currently, Ohio, North Dakota, Wisconsin, and Vermont have expressed interest and report an estimated 27-102 plants that would participate.

Small Businesses Only

- Eligible establishments must employ an average of 25 or fewer employees in consistency with the Small Business Administration guidelines.
- Volunteers, part-time, and seasonal workers are counted as full time workers.
- Employees to be counted are anyone that may be involved in the handling of product- cashiers are included.
- During busy seasons, establishments are allowed to have up to 35 workers handling product- but the business must maintain an average of 25 workers over 3 years.
- Businesses that employ more than 25 will be deselected from the program.

“Same as Requirement”

- The original 2008 Farm Bill language requires these cooperative participating establishments to be “same as” USDA requirements to receive a federal mark of inspection.
- “Same as” refers to all regulations, requirements, laws, labeling, laboratory testing, sampling, analyses, and computer systems. FSIS will allow a phase in period to labs to become USDA “same as.”
- SMI programs will remain “equal to.” Inspectors of cooperative inspection program must have training in FSIS methodology.
- Participating establishments may produce product under SMI or the cooperative inspection program as long as the products are clearly separated by time or space.
- Export certificates may also be granted to participants.

States

- States must apply to USDA to implement the program.
- States will organize and implement the procedure for establishment application and approval for participation in this program. The state will then make recommendations to FSIS.
- FSIS will have oversight on these establishments. FSIS will have responsibility for any recalls.
- Transition grant monies may be available for establishments to train one employee on HACCP and sanitation SOPs. (State MPI inspection programs are already required to have HACCP and sanitation SOPs)

- The rule is silent if a state may charge a fee to be a part of this program.

Mark of Inspection

- States will provide an official establishment number. The official mark will contain that number, “SE” for selected establishment, and the state abbreviation. A “P” will also be added to identify poultry.

Deselection

- The law requires that any selected establishment that FSIS determines to be in violation of any requirements of the Federal Meat Inspection Act (FMIA) be transitioned to a federal establishment.
- Participating establishments can be deselected from the program if they become ineligible. Ineligibility can occur because of having more than 25 employees or violating Federal Meat Inspection Act (FMIA). Deselection will occur on a case-by-case basis as determined by FSIS. States can also recommend an establishment for deselection that FSIS will likely accept.
- Upon deselection, an establishment will be required to become federally inspected- for all products. The establishment must remain a federal plant for 1 year before they can return to their SMI. They cannot be re-selected for the program again.
- If inspection is suspended for any reason in 9 CFR § 500.3 (*Withholding action or suspension without prior notification*) or 9 CFR § 500.4 (*Withholding action or suspension with prior notification*), the establishment will have an opportunity to implement corrective action and remain in the program- or the agency may deselect the establishment.

Voluntary Withdraw

- Establishments (fully compliant) can withdraw from the cooperative inspection program at any time and return to SMI. They can be reselected- but are discouraged from changing inspection forums frequently. Repeat applicants will likely be denied.
- Temporary voluntary suspensions of the cooperative inspection program are allowable.
- If the state terminates the cooperative program- the establishments can become federally inspected or return to the SMI.