

Module 9d: Other Compliance/Noncompliance - Other Consumer Protection

Goal To provide instructions to in-plant inspection personnel for determining an establishment's compliance with HACCP, SSOP, *Salmonella* and other non-related HACCP and Pathogen Reduction requirements.

Objective After completing this module, participants will be able to:

1. Define what "Other Compliance/Noncompliance" means related to Other consumer protection procedures. **Script page 1, paragraphs 1 and 2**
2. Be able to apply the Other consumer protection procedures. **Script page 1, paragraph 1, and Workshop 2, page 1**
3. Be able to document findings and take enforcement actions when Other consumer protection procedures are not met. **Script page 1, paragraphs 5 and 6, and Workshop 2**

Facilitator's Notes

❑ *Introduction of Module*

This is the last part of Module 9 - Module 9d, Other Compliance/Noncompliance—Other Consumer Protection

ISP Activities 04, Economic/Wholesomeness, and 06, Other Requirements, address “Other Consumer Protection”.

The video will identify the regulatory requirements that the Agency considers to be “Other Consumer Protection” and what affect the implementation of HACCP has had on them. It also identifies both inspection and industry’s responsibility for consumer protection related regulatory requirements.

❑ *Discuss the Pie Chart*

Tell participants that you will put what will be covered in the module in perspective with the HACCP-Based Inspection System.

Post the 04 and 06 Other pieces on the graphic representation of the components of the HACCP-Based Inspection System in place.

Explain to participants that this module introduces the “Other” elements. They include the economic and wholesomeness procedures for finished product standards and labeling. They also include the other regulatory requirements associated with exports, custom exempt/retail, facilities and equipment, sewage, and water. Explain that the chart should help participants visualize the components of the HACCP-Based Inspection System.

Add the pieces for the Economic and Residue elements of the Sampling activity.

Explain that the last two elements in the Sampling inspection activities are the economic and residue elements. Explain the fact that these will not be covered during the training does not mean that they are not important. There are no changes in these activities to review at this time.

❑ *Read the objectives that are on flipchart.*

❑ *Play video*

❑ *Discussion Points to be covered by facilitator.*

- Review important points in the participants’ handout
- Review the Guidelines for Procedures in PBIS Activities 04 and 06
- Complete the workshops and then discuss them
- Complete and discuss the questions in the participants’ handout
- Discuss the key points

Participant Handout Questions

1. What are the changes to the regulatory requirements for other consumer protection activities such as misbranding/mislabeling or economic adulteration?

Answer: There are no changes at this time.

2. How will FSIS determine whether to take additional regulatory or administrative action for other consumer protection issues?

Answer: Trend indicators documented on NRs will be useful in determining whether to take additional regulatory or administrative action based on establishment performance.

Key Points

1. The Pathogen Reduction/HACCP inspection mandates did not alter the FMIA or PPIA. These Acts still require industry to produce safe, wholesome, unadulterated, and properly labeled products in a sanitary environment in accordance with **all** regulations.

What the Pathogen Reduction/HACCP regulations have done is to require establishments to develop a **system** of preventive controls to improve the safety of their products. Regulatory requirements for labeling, net weight, standard of identity, and facilities including lighting, structure, water, sewage and pest control, that the Agency considers as **consumer protection** requirements **have not** changed.

2. Inspection personnel will perform procedures in Activities 04 and 06 to verify that establishments are complying with consumer protection related regulatory requirements. Inspection personnel still have the authority to take official control of economic adulterated and misbranded product to prevent it from entering commerce even though this type of noncompliance did not result from a food safety hazard.

3. Under HACCP-based inspection the **PBIS** form that documents the performance of ISP procedures, the form used to document noncompliance with consumer protection related regulatory requirements, and the method or tracking consumer protection noncompliance **has changed**.

The PS documents the performance of procedures. The NR documents noncompliance. Trend indicators are used to track patterns of noncompliance.

4. If inspection personnel find noncompliance with one or more food safety requirements during the performance of a procedure in Activity 04 or 06, they are to document the noncompliance under the appropriate food safety procedure. For example, when performing a boneless meat reinspection or carcass AQL, the majority of findings are related to wholesomeness and noncompliance is documented using the economic trend indicator. The exception would be the finding of fecal contamination. FSIS considers fecal contamination to be a food safety standard, thus the finding of fecal contamination is a food safety noncompliance and

should be documented under the appropriate HACCP procedure, e.g., if fecal contamination is found during a carcass AQL it would be documented under 03J01 using the monitoring trend noncompliance.

5. Remember that **only** SSOP, HACCP and Microbiological (*Salmonella* and *E. coli*) Sampling procedures are “food safety systems” compliance/noncompliance determining procedures. Economic Sampling and Other Consumer Protection procedures, on the other hand, are “product or facility specific” compliance/noncompliance procedures. Therefore, when inspection personnel determine that an establishment has multiple, recurring consumer protection noncompliance due to establishment’s failure to adequately implement immediate and further planned actions as documented on the NRs, they are to notify the District Office.
6. Activities 04 and 06 do not cover on-line slaughter functions. These functions are not currently included as a part of PBIS scheduled or unscheduled activities. They should not be “made to fit” an ISP procedure. For example, Humane Slaughter is considered to be part of the on-line inspection activities, however, because the regulations (Part 313) define this as a critical failure, FSIS will document noncompliance with Humane Slaughter requirements on an NR. **There will be no procedure code or trend indicator used in the documentation.**

□ **Finish the Pie Chart**

Post all remaining pieces of the chart. Summarize the pieces as you put them up.

Ask if participants have any questions about the chart or the activities. Answer the questions. Let participants know that these represent the components of the HACCP-Based Inspection System.

For Facilitator Information only:

The following are updates and clarifications made to Module 9d.

Guidelines for procedures in Activities 04 and 06 were added to the Participant's Handout.

The instructions for completing both workshops were updated.

The description for using the economic, misbranding, structural, and product-based trend indicators was updated.

The Procedure Schedule has been added to the Trend Indicator Workshop to demonstrate how it is completed.

Scenario #1 of the Trend Indicator Workshop is new. It replaces the previous scenario.

All reference to equipment in Scenario #3 of the Trend Indicator Workshop has been removed.

The other scenarios in **both** workshops were updated to help participants complete them, e.g., regulation citations were added and background information such as regulatory limits for ingredients were added to assist individuals not familiar with processed products. These clarifications were also incorporated into workshop keys.