
FSIS PHIS DIRECTIVE

5220.3

4/11/11

ISSUANCE OF A TEN-DAY LETTER FOR INACTIVE OPERATIONS

I. PURPOSE

This directive outlines the actions that a District Manager (DM) or the Deputy of Operations of the Import Inspection Division (IID) may take when an establishment that is not operating and that has failed to respond to District Office's (DO) or Headquarters (HQ) IID inquiries about its operational status and intentions (i.e., the issuance of a ten-day letter). This directive also provides instructions for recording an establishment's activity status in the Public Health Information System (PHIS).

II. [RESERVED]

III. RESERVED]

IV. REFERENCES

9 CFR part 302.1 and 381.6

The PHIS User Guide is available via the FSIS Intranet on the PHIS page under Resources

V. BACKGROUND

A. An establishment may request a voluntary suspension of inspection services for purposes of resale, major structural changes, or remodeling. A voluntary suspension of inspection services is temporary and, except for establishments that operate on a seasonal basis, normally should not exceed 120 calendar days.

B. When situations arise that are beyond the establishment's control (such as inability to obtain equipment on schedule, inability to complete major structural changes because of weather conditions, or other valid reasons), the DM, with the Assistant Administrator, OFO's concurrence, and the Director of IID, with the Assistant Administrator OIA's concurrence, may extend the 120-calendar day period. Meat, poultry, or egg product establishments that traditionally operate on a seasonal basis may be in suspension status beyond the 120-calendar day period, but the suspension may not exceed 1 year.

VI. PROCEDURES FOR COMMUNICATING WITH INACTIVE ESTABLISHMENTS

A. If an establishment is inactive for more than 120 days and has not communicated its intentions to the DO or HQ IID, or if it ceases operations and has failed to communicate (why the establishment has been inactive) with the DO or HQ IID, the DM or Director of IID is to send a letter providing the establishment ten days to address why its grant of inspection should not be considered to have been voluntarily abandoned, and why its grant of inspection should not be withdrawn. The letter is to be sent “return receipt requested” and is to inform the establishment that:

1. The establishment’s failure to respond within ten days will result in a determination that the grant of inspection is being voluntarily abandoned;
2. FSIS will withdraw the grant of inspection and the assigned establishment number will be marked as inactive in PHIS;
3. If the establishment plans to resume operation, it should respond to the letter in the specified time frame and provide an approximate time period in which it plans to do so; and
4. Inspection services will begin at an establishment resuming operation after the DM or Director of IID has made the proper determination on the sanitary conditions at the establishment (See C. below).

B. If the establishment does not respond within 10 business days of receipt of the letter, or if the letter is not deliverable, the DM or Director of IID will treat the grant of inspection as being voluntarily abandoned, terminate the inspectional assignment for the establishment, and consider the grant of inspection as inactive. PHIS must be updated to reflect the inactive status of the establishment.

C. If the establishment does respond but does not fully address its intentions regarding operational status, the grant will be considered as one that has not been voluntarily abandoned and no action to remove the grant is to be immediately taken until the establishment more fully responds in a timely manner.

1. The establishment’s response or the fact that it has been inactive may, however, cause the DM or Director of IID to make additional inquiries before reinstating inspection services. An example of an additional inquiry is consideration given to the establishment’s inactivity. In such a case the DM or Director of IID may question whether sanitary conditions exist in the establishment.
2. The DM or Director of IID may direct the frontline supervisor (FLS) or the Regional Import Field Office to assess the facility’s sanitation before reassigning inspectors to the establishment. Should the DM or Director of IID determine that a review of the facility’s sanitation is necessary, he or she should ensure that it is scheduled as soon as practicable.

VII. UPDATING PHIS

A. The DM or Director IID designee is to change the status of the establishment in PHIS to “inactive.” Refer to the PHIS User Guide.

B. For voluntary suspensions, the DM’s or Director of IID’s designee will change the status of the establishment in PHIS to “voluntary suspension.” Refer to the PHIS User Guide.

Refer questions through Supervisory channels.

A handwritten signature in black ink, appearing to read "Daniel J. Seibert". The signature is written in a cursive style with a large initial 'D' and 'S'.

Assistant Administrator
Office of Policy and Program Development