

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

FSIS NOTICE

53-11

9/23/11

IN-COMMERCE SURVEILLANCE PRIORITIES

I. PURPOSE

A. The Food Safety and Inspection Service (FSIS), Office of Program Evaluation, Enforcement and Review (OPEER) has modified the business tier structure in the In-Commerce System (ICS) to better focus its surveillance resources. This notice advises Compliance and Investigations Division (CID) Investigators, Supervisory Investigators (SIs), and Regional Directors (RDs) of the changes to the ICS business tier structure and updates instructions for prioritizing surveillance activities.

B. This notice does not change the work methods found in FSIS Directive 8010.1, *Methodology for Conducting In-Commerce Surveillance Activities*, that CID Investigators are to use when conducting surveillance activities. FSIS intends to amend FSIS Directive 8010.1 to include the surveillance prioritization instructions found in section IV of this notice.

II. BACKGROUND

A. CID Investigators conduct surveillance at warehouses, distributors, and other in-commerce businesses to ensure that meat, poultry, and egg products distributed in commerce are safe, wholesome, unadulterated, correctly labeled and packaged, and secure from intentional acts of contamination. CID Investigators use the methods in Directive 8010.1 to assess food safety, food defense, non-food safety consumer protection, and verification of administrative and court orders at in-commerce businesses. CID Investigators document their surveillance findings in the ICS, a web-based system that contains all known in-commerce businesses subject to FSIS jurisdiction as well as available surveillance, investigative, and enforcement information for each business. CID Investigators use surveillance findings and other information in the ICS to prioritize and plan their surveillance activities and to determine whether and when to do follow-up surveillance at a business they have surveilled.

B. In order to focus its surveillance resources on in-commerce businesses with the highest risk, OPEER designed a tier structure that ranks each business type. OPEER based the tier structure on five risk considerations: food safety hazard, food defense hazard, product volume, consumer susceptibility, and surveillance by other regulatory

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authorities. Each business in the ICS is assigned to one of four business tiers based on its business type and these risk considerations. Those businesses with the highest risk are placed in tiers 1 and 2. Those businesses with lower risk are placed in tier 3. Tier 4 is reserved for inactive businesses.

III. CHANGES TO ICS BUSINESS TIERS

A. Effective September 12, 2011, OPEER revised the business tier structure in ICS; key enhancements to the ICS include changes in the tiers to which certain business types are assigned. OPEER moved some types of businesses (e.g., food banks, exempt poultry) from tier 3 to tier 2 and other types of businesses (e.g., restaurants, retailers, institutions) from tier 2 to tier 3. OPEER did not move the types of businesses in Tier 1. Attachment 1 shows the previously assigned and newly assigned tiers for each type of business in the ICS.

B. OPEER made these changes to focus its surveillance resources where they will have the greatest public health impact. Tier 1 and tier 2 businesses, generally, have significant inherent hazards, handle large volumes of meat, poultry, and egg products, and receive minimal scrutiny by other regulatory authorities. Accordingly, tier 1 and 2 businesses are a high priority. Tier 3 businesses, on the other hand, generally receive significant scrutiny from other regulatory authorities; therefore, tier 3 businesses are a lower priority. OPEER made the changes discussed in this notice based upon feedback from the National Academy of Sciences.

IV. SURVEILLANCE PRIORITIZATION AND INVESTIGATOR RESPONSIBILITIES

A. To use its resources most efficiently, CID surveillance activities are driven by several risk-based factors. These factors are: business type and business tier, whether CID has previously surveilled a business, findings from previous surveillance activities, and whether a business is under a Federal or administrative court order or agreement.

B. CID Investigators also initiate surveillance when OPPER identifies a need to conduct surveillance at a particular business, regardless of its business tier. Examples of situations when surveillance is necessary include investigations of alleged violations of law, investigations of foodborne illness, emergency response activities, investigations of consumer complaints, food recall activities, and sampling.

C. To support OPEER's surveillance priorities, in addition to the guidance in Directive 8010.1, Section VIII, and Section XIX, CID Investigators are to consider the following updated guidance when determining at which businesses to conduct surveillance activities. Investigators are to:

1. Take into account the business type and business tier, whether a business has been surveilled previously, how long it has been since the last surveillance activity, the findings for any previous surveillance activities, and any relevant compliance history.
2. Conduct follow-up surveillance activities (see Directive 8010.1, Section XIX) at tier 1, tier 2, or tier 3 businesses, generally, before conducting other surveillance activities.

3. Conduct surveillance activities at tier 1 and tier 2 businesses that have not been surveilled previously before conducting surveillance at tier 1 and tier 2 businesses that have been surveilled previously. OPEER needs information on the firms in tier 1 and tier 2 that have not been visited to make an informed decision about the firm's food safety practices, sanitary conditions, hazard controls, food defense practices, and record keeping practices.
4. Conduct surveillance activities at tier 1 businesses with greater frequency than at tier 2 businesses.
5. Conduct surveillance activities at tier 3 businesses only when there is a need, based on credible information, for a CID investigator to conduct surveillance at a particular tier 3 business (e.g., surveillance as part of a foodborne illness investigation).

D. This notice does not alter the instructions in Directive 8010.1, Section XIX, for either the criteria for determining whether to identify a surveilled business for follow-up surveillance or the timeframe within which to conduct the follow-up surveillance activity. CID Investigators are to continue to focus follow-up surveillance determinations on food safety issues. (See Directive 8010.1, Section XIX. D).

V. MANAGEMENT CONTROLS AND SUPERVISOR RESPONSIBILITIES

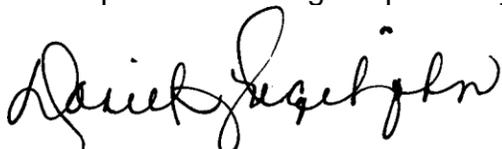
A. OPEER, CID has established management controls and performance measures in the ICS to ensure its surveillance resources are allocated appropriately, and activities are conducted based on public health priorities. These management controls align CID in-commerce surveillance activities with strategic goals established by FSIS and by the Food Safety Working Group (FSWG).

B. SIs and RDs are to review regularly performance measure data in the ICS and use ICS reporting tools to ensure the organization, OPEER CID, is actively working toward achieving these performance measures. SIs and RDs are to take corrective action (e.g., redirect surveillance resources, Out-of-Plant Performance System (OPPS) reviews) for significant deviations.

VI. DATA ANALYSIS

OPEER will conduct an analysis about 90 days following publication of this notice to evaluate its effectiveness. The allocation of CID surveillance resources across the tiers before and after September 12, 2011, will be compared, along with the distribution of surveillances performed at businesses marked for follow-up surveillance and at businesses that have and have not been surveilled previously.

Refer questions through supervisory channels.



Assistant Administrator
Office of Policy and Program Development

ICS Business Tiers Before and As Of September 12, 2011

Business Type	Business Tier before September 12, 2011	Business Tier as of September 12, 2011
Distributor	1	1
Warehouse	1	1
Transporter	1	1
3D/4D Operator	2	2
Salvage	2	2
Renderer	2	2
Food Bank	3	2
Exempt Poultry	3	2
Restaurant	2	3
Retailer	2	3
Institution	2	3
Animal Food	3	3
Custom Exempt	3	3
Abattoir	3	3
Processor	3	3
Port of Entry	3	3
Bonded Area	3	3
Broker	3	3
Miscellaneous	3	3
Inactive	4	4