

# Authority to Access and Examine Records

EIAO Course



# Objectives

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Upon completion of this module, you will be able to:

- List the statutory and regulatory reference for records review authority.
- Describe actions taken if an establishment refuses access to records.

# Statutory Authority

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- Sec. 642 of the FMIA
- Sec. 460(b) of the PPIA
  - Requires all persons/entities subject to the Act:
  - Afford access to their place of business and the opportunity to examine facilities, inventory and records thereof;
  - Copy all such records.

# Statutory Authorities

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- When seeking to access and examine records, rely on the authorities as described in these sections of the FMIA and PPIA.
- Be familiar with these sections and be able to explain these authorities to plant management.

# Review the Statutory language

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- FMIA requires that records fully and correctly disclose all transactions
- PPIA requires keeping records necessary for the enforcement of the Act in order to insure against adulterated and misbranded products for the consumer



# Activity:

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- Discuss any concerns/issues regarding your authority to access records?
  - Issues you may have confronted in the past while reviewing plant records.

# Parts 320 and 381 Subpart Q

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- **320** - covers FSIS meat regulations regarding Records, Registration, and Reports required of official establishments.
- **381, Subpart Q** - covers these same requirements for poultry products.

# Records Required to Be Kept

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- **320.1** - requires every person, firm, or corporation that slaughters, prepares, packages, labels, transports in commerce, acts as a renderer or engages in business associated with the Act:
  - To keep records that willfully and correctly disclose all transactions involved business subject to the act.

# Types of Required Records

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- Bills of sale, invoices and bills of lading
- Receiving and shipping papers with information related to each transaction:
  - Name and description of the livestock or article
  - Net weight/number of outside containers
  - Name and address of buyer/seller/consignee, or receiver
  - Method/date of shipment

# Types of Records Required

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- Shipper's certificates and permits
- Seal numbers
- Packaging supplier letters of guarantee
- Canning records
- Nutrition labeling records
- Advanced meat recovery records
- Records of all labeling, along with product formulation and processing procedures associated with approved labels

# Records Required to be Kept

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- **320.1** - gives FSIS broad authority to access and examine many different types of records associated with a plant's production and distribution practices.

# Place and Maintenance of Records

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- **320.2** - records must be kept where the business is conducted, unless there are multiple locations, then the records may be at a headquarters site.
- When not used, records are to be kept in a safe place in accordance with good commercial practices.

# Retention

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- **320.3** requires records to be maintained at the business for a period of 2 years plus the current year.

2 Years

# Access and Registration

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- **320.4** - provides FSIS program personnel the authority to access, examine, and copy records and to examine and sample inventory.
- **320.5** - requires all persons who buy, sell, transport or import any dead, dying, diseased, disabled animals to register with the Administrator.

# Information and Reports Required from Official Establishments

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- **320.6** - requires operators provide
  - Accurate information to FSIS pertaining to all matters needed for making daily reports of the amount of product prepared or handled
  - Reports concerning sanitation, mandatory microbiological testing, and other aspects of operations at the establishment.

# Reports of Adulterated or Misbranded Products

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- **320.7** - whenever the consignee of any product that bears the mark of inspection refused to accept delivery on the grounds that the product is adulterated or misbranded, the consignee shall notify the inspector in charge.

# Transportation Records

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- **325** - prescribes records requirements for transportation of meat and poultry carcasses and parts and products of carcasses.



# SSOP Records

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- **416.11** - requires establishments develop written sanitation standard operating procedures for sanitation
- **416.16** – prescribes daily recordkeeping requirements for monitoring and corrective actions

# HACCP Records

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- **417.5** – prescribes recordkeeping requirements for
  - Hazard analysis
  - HAACP plan
  - HACCP monitoring, verification, and corrective action records

# Maintenance of Records

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- We expect establishments to maintain records to document their actions to implement HACCP, SSOPs, pre-requisite programs and all related programs to ensure that products are safe, unadulterated and properly labeled.

# Records Access

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- If you encounter reluctance by the establishment to provide you the ability to access/examine records
  - Explain and show to establishment officials the statutory authority that allows you to do this.



# Records Review Authority

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- What would you do if an establishment refused to allow you access to their product micro testing records?
- Discuss and report out



# Records Examination Workshop

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