



United States Department of Agriculture

Food Safety and
Inspection Service

1400 Independence
Avenue, SW.
Washington, D.C.
20250

**SENT VIA UPS &
ELECTRONIC MAIL OR FAX**

December 15, 2017

To: Importer/Customs Broker:

The United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS) is notifying you that it will **discontinue** its interim Third-Party Hold-and-Test Protocol for Shipments of Siluriformes Fish and Fish Products. **This action will be implemented December 18, 2017.**

The final rule, “Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish,” published on December 2, 2015, and provided an 18-month transitional period, until September 1, 2017, prior to full enforcement of the regulatory requirements of the mandatory inspection system. During the transitional period, FSIS conducted random and targeted sampling and testing of imported Siluriformes fish and fish products. When FSIS testing revealed imported Siluriformes fish products with violative levels of drugs, pesticides, dyes, metals, nitrofurans, or other chemical residues, the Agency required the importers of record (IORs) sample and test subsequent shipments from the implicated foreign establishments through an accredited third-party laboratory. FSIS made decisions for these subsequent shipments based in part on the third-party testing results and evidence provided by the IOR that the shipments are chemically independent of the shipment found by FSIS to be positive for a violative chemical residue.

This letter is to inform you that, on December 18, 2017, FSIS is suspending the third-party testing requirement. In response to **new** violative findings for drugs, pesticides, dyes, metals, nitrofurans, and other chemical residues in Siluriformes fish and fish products, the Agency will implement an Intensified Level of Reinspection (LOR) sampling, as it does for other imported meat and poultry, based on the policy outlined in FSIS [Directive 9900.6](#), “Laboratory Sampling Program For Imported Meat, Poultry, and Egg Products.”

Foreign establishments currently subject to the interim Third-Party Hold-and-Test Protocol will be transitioned to an Increased LOR for the applicable residue types of inspection (TOI) until 15 consecutive lots pass FSIS reinspection.

As outlined in Directive 9900.6, the LOR, relative to sampling, is assigned at one of three levels:

1. **Normal** - randomly selected lots based on the annual sampling plan,
2. **Increased** - targeted based on a FSIS management decision, and
3. **Intensified** - automatically generated after a lot fails a TOI.

If an import shipment fails reinspection, the result is recorded in the Agency's Public Health Information System (PHIS), which assigns the TOI at the applicable LOR. PHIS will automatically generate an **Intensified** rate of reinspection for the failed TOI. For example, a failure for a violative chemical residue will result in an assignment of residue sampling for the next 15 lots (and/or 15 times the weight of the failed lot) of the same or similar products from the same producing foreign establishment. Products that fail reinspection are refused entry into the United States. If an IOR would like to appeal a failed TOI, they should go through the appropriate chain of command within the Office of Field Operations.

Please submit any questions to foimports@fsis.usda.gov.

Sincerely,

William (Bill) Smith
Assistant Administrator
Office of Field Operations