FSIS Review of State Meat and Poultry Inspection Programs

Fiscal Year 2021 Summary Report

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Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
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Executive Summary

This report presents the Food Safety and Inspection Service’s (FSIS) fiscal year (FY) 2021 review results for the 27 State Meat and Poultry Inspection (MPI) programs that currently operate under cooperative agreements with FSIS. It is a final summary of review results communicated in four separate interim determination reports that were issued to State MPI programs by a multi-disciplinary review team comprised of Federal-State Audit Staff (FSAS), Civil Rights Staff (CRS), Financial Reviews and Systems Branch (FRSB), and Laboratory Quality Assurance, Response, and Coordination Staff (LQARCS) in FY 2021.

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 601–695) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451–472) provide for FSIS to cooperate with State agencies in developing and administering State MPI programs. Each State MPI program needs to operate in a manner that is, and with authorities that are, “at least equal to” the programs that FSIS has implemented under the ante-mortem and post-mortem inspection, reinspection, sanitation, record keeping, and enforcement provisions of the FMIA and PPIA. State MPI programs are also expected to ensure that livestock are treated humanely by imposing humane handling requirements that are “at least equal to” the requirements FSIS has established under the Humane Methods of Slaughter Act of 1978 (HMSA) (7 U.S.C. 1901–1906).

Under the FMIA (§301(c), 21 U.S.C. 661(c)) and the PPIA (§5(c), 21 U.S.C. 454(c)), when the Secretary of Agriculture determines that a State MPI program is not enforcing requirements “at least equal to” those imposed under the FMIA or PPIA, the Secretary of Agriculture must designate the State as one in which FSIS’s Federal Meat and Poultry Inspection regulations apply to operations and transactions within the State.

Designation of a State means that all inspected establishments, custom-exempt operations, and firms within the State where livestock or poultry amenable to Federal inspection are slaughtered, or their carcasses or parts are prepared or processed for use as human food under the State’s inspection program must be transferred to the Federal meat and poultry inspection program administered by FSIS.

The FY 2021 State MPI program reviews were performed in accordance with FSIS Directive 5720.3, Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs, and the companion FSIS “At Least Equal To” Guideline for State Meat and Poultry Inspection Programs. The State MPI program review process consists of two parts: (1) an annual desk review of the State MPI program’s self-assessment submission; and (2) a triennial onsite verification review. Each year, FSIS uses one or both parts of the comprehensive

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1 The 27 States are Alabama, Arizona, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.
2 This report does not include egg products, which are also regulated by USDA-FSIS. The Federal Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 et seq.) makes no provisions for State inspections.
3 Available at Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs - Revision 2 | Food Safety and Inspection Service (usda.gov)
4 Available at "At Least Equal To" Guideline for State Meat and Poultry Inspection Programs | Food Safety and Inspection Service
review process to determine whether a State MPI program is operating in a manner “at least equal to” the Federal inspection program.

In FY 2021, the 27 State MPI programs provided inspection to over 1,500 small and very small establishments. Upon completion of comprehensive reviews of the States’ self-assessment documents, FSIS determined that each of the 27 States developed laws, administrative rules, regulations, and program policies to administer MPI programs in a manner “at least equal to” the Federal inspection program. This year, FSIS verified these determinations by performing routine onsite reviews for eleven State MPI programs5 instead of the traditional nine routine onsite reviews performed annually in efforts to make up a performance goal deficit created by last year’s COVID-19 travel restrictions. In addition, FSIS performed targeted onsite reviews in three States (Montana, Utah, and Wyoming) to verify the current MPI programs have maintained the necessary rigor to protect public health after recent enactment of laws exempting certain food products from standard sanitation and inspection requirements.

All routine and two of the targeted onsite reviews performed concluded with “at least equal to” determinations. One targeted onsite review detected and confirmed findings in the Utah MPI program that may detrimentally impact public health within Utah if not corrected satisfactorily. Therefore, the Utah MPI program was given provisional “at least equal to” determination contingent upon the successful completion of prescribed corrective actions or recommendations.

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5 Routine onsite reviews were performed for the following MPI programs: Delaware, Iowa, Louisiana, Maine, North Carolina, Ohio, Oklahoma, South Carolina, Vermont, Virginia, and West Virginia.
Introduction
In fiscal year (FY) 2021, the Food Safety and Inspection Service (FSIS) completed routine comprehensive reviews in 11 States that operate Meat and Poultry Inspection (MPI) programs, completed targeted onsite reviews in 3 State MPI program, and completed self-assessment reviews of all 27 State MPI programs. These reviews determine whether the State MPI programs have adopted laws, regulations, and programs, and have implemented them in a manner that is “at least equal to” the Federal inspection program. These reviews also determine whether the State MPI programs enforce requirements “at least equal to” those imposed under the Federal Acts. This report presents a high-level determination summary for the 27 State MPI programs1 The appendices accompanying this report are the individual annual comprehensive review and determination reports for the 27 State MPI programs. Each report details results of the review performed for the specified State MPI program.

Background
Under the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), FSIS sets national standards for meat and poultry inspection. Under an “at least equal to” cooperative agreement with FSIS, States may operate their own MPI programs if they meet and enforce requirements “at least equal to” those imposed under the FMIA, PPIA, and Humane Methods of Slaughter Act of 1978 (HMSA). The FMIA (21 U.S.C. 601 et seq.) and PPIA (21 U.S.C. 451 et seq.) provide that it is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and poultry products distributed to them are wholesome, not adulterated, and accurately labeled and packaged.

The FMIA and PPIA provide for FSIS to cooperate with State agencies in developing and administering State MPI programs. Each State MPI program is expected to operate in a manner that is, and with authorities that are, “at least equal to” the programs that FSIS has implemented under the ante-mortem and post-mortem inspection, reinspection, sanitation, record keeping, and enforcement provisions of the FMIA and PPIA. State MPI programs are also expected to ensure that livestock are treated humanely by imposing humane handling requirements that are “at least equal to” that FSIS has established under the HMSA.

Under the FMIA (§301(c), 21 U.S.C. 661(c)) and the PPIA (§5(c), 21 U.S.C. 454(c)), when the Secretary of Agriculture determines that a State MPI program is not enforcing requirements “at least equal to” those imposed under the FMIA or PPIA, the Secretary of Agriculture must designate the State as one in which FSIS’s Federal Meat and Poultry Inspection regulations apply to operations and transactions within the State.

Designation of a State means that all establishments within the State where livestock or poultry amenable to Federal inspection are slaughtered, or their carcasses or parts are prepared or processed for use as human food under the State’s inspection program must be transferred to the Federal meat and poultry inspection program overseen by FSIS.

The FMIA and PPIA provide for FSIS to conduct at least annual reviews of State MPI programs and their requirements, including enforcement of those requirements, with respect to slaughter,

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1 This report does not include egg products, which are also regulated by FSIS. The Federal Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 et seq.) makes no provisions for State inspections.
preparation, processing, storage, handling, and distribution of livestock carcasses and parts; meat and meat food products of such animals; and poultry products.

Cooperative agreements and annual certifications of State MPI programs are contingent upon FSIS determining that the State MPI program is enforcing requirements “at least equal to” those imposed under the Federal Acts. FSIS performs annual reviews to determine whether each State MPI program meets, and has maintained for a 12-month period, the mandated “at least equal to” standard.

**Review Methodology**

The review methodology is published in two companion documents. FSIS Directive 5720.3, (November 10, 2016) Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs, and the “At Least Equal To” Guideline for State Meat and Poultry Inspection Programs. These documents describe the methodology used by FSIS’ reviewers and provide information to State MPI programs on the criteria that FSIS uses to make its annual determination of whether State MPI programs are “at least equal to” the Federal inspection program. The review process consists of an annual review of the State MPI program’s self-assessment submission and a trienniial verification onsite review.

In addition to the comprehensive reviews of each State MPI program, FSIS may perform a targeted review of a State MPI program any time evidence or conditions suggest there are program weaknesses that may result in unacceptable risk to public health, the program is not maintaining “at least equal to” status or the State Legislatures have enacted statues or laws that violate the FMIA or PPIA. FSIS focuses the scope and activities of the targeted review on the conditions and evidence that triggered the need for the review and analyzes the review results to determine if the State MPI program is maintaining its “at least equal to” status.

The comprehensive review process evaluates the following nine program components:

1. **Statutory Authority and Food Safety Regulations** – This component evaluates whether the State MPI program operates under laws and regulations that provide legal authorities “at least equal to” those provided under the FMIA, PPIA, and HMSA.

2. **Inspection** – This component evaluates whether State MPI program personnel perform inspection activities to verify whether establishments comply with applicable regulations and take appropriate enforcement actions when establishments are not in compliance with provisions that are “at least equal to” those of FSIS.

3. **Sampling Programs** – This component evaluates whether State MPI program personnel sample meat or poultry products to verify whether they are free of adulterants (e.g., *Escherichia coli* (*E. coli*) O157:H7 in raw, non-intact, beef products and raw ground beef components; Shiga toxin-producing *E. coli* (STEC) serotypes in beef manufacturing trimmings; *Listeria monocytogenes* (*L. monocytogenes*) and *Salmonella* in ready-to-eat products; or drug residues at violative levels), comply with *Salmonella* and *Campylobacter* performance standards in raw classes of meat and poultry, comply with...
other consumer protection standards, and are accurately labeled (e.g., with nutrition information).

4. **Staffing, Training, and Supervision** – This component evaluates whether the State MPI program provides competent inspection coverage in each establishment on days the establishment produces product that, if found to be safe, wholesome, unadulterated, and properly labeled, are to bear the State mark of inspection.

5. **Humane Handling** – This component evaluates whether State MPI program personnel perform regulatory verification procedures to assess whether establishment personnel humanely handle all livestock and take appropriate regulatory actions in response to noncompliance. State MPI program personnel also are to perform regulatory verification procedures to assess whether poultry carcasses showing evidence of having died from causes other than slaughter are considered adulterated and condemned, and to assess whether poultry is slaughtered in accordance with good commercial practices, in a manner that results in thorough bleeding of the poultry carcass, and ensures that breathing has stopped before scalding so that the birds do not drown.

6. **Compliance** – This component evaluates whether State MPI program personnel perform surveillance activities with respect to meat or poultry products in intrastate commerce and take appropriate enforcement actions in the event that adulterated or misbranded products enter intrastate commerce.

7. **Laboratory Quality Assurance Program and Methods** – This component evaluates whether State MPI programs maintain laboratory methods and laboratory quality assurance programs that address food pathogen and food chemistry analytes.

8. **Civil Rights** – This component evaluates whether the State MPI program adheres to Federal civil rights laws and USDA’s civil rights regulations.

9. **Financial Accountability**\(^2\) – This component evaluates whether the State MPI program conforms with 7 CFR 3016, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, and follows FSIS Directive 3300.1, Revision 2, Fiscal Guidelines for Cooperative Inspection Programs.

FSIS assembles multi-disciplinary review teams to perform the reviews. The review teams are comprised of representatives from the Federal-State Audit Staff (FSAS), Civil Rights Staff (CRS), Financial Reviews and Systems Branch (FRSB), Laboratory Quality Assurance, Response, and Coordination Staff (LQARCS), and other program areas, as needed. These review teams

\(^2\) In light of the current economic conditions, some State governments are experiencing financial challenges, which may result in overall budget cuts or the enactment of laws that could jeopardize the administration of their meat and poultry inspection programs. To ensure the safety of State-inspected meat and poultry products, FSIS has initiated more vigilant monitoring to track and analyze circumstances and conditions that adversely affect the State MPI program’s financial resources. When FSIS identifies concerns with a State MPI program’s financial resources, the Agency will further examine each situation to determine the impact on the State MPI program’s inspection activities, product sampling programs, staffing, and compliance activities, and determine if the State MPI program is maintaining its “at least equal to” status.
teams include subject matter experts in meat and poultry inspection systems; compliance and enforcement programs; staffing; laboratory methods; civil rights; and financial accountability. FSAS reviews components 1 through 6. LQARCS reviews component 7, CRS reviews component 8, and FRSB reviews component 9.

The comprehensive review process consists of two parts: (1) an annual desk review of the State MPI program’s self-assessment submission; and (2) at a minimum, a triennial verification onsite review to observe the State MPI program. Each year, FSIS determines whether the State MPI program is “at least equal to” the Federal requirements and can maintain their program based on one or both parts of the comprehensive review.

Part 1 – Self-Assessment Review
In the first part of this methodology, State MPI programs are required to submit annual self-assessment documentation and certification statements by November 1 of every year. The self-assessment submission provides documentation concerning the rules, regulations, and policies within the State MPI program to provide a basis for FSIS to determine whether the State MPI program meets the mandated “at least equal to” Federal requirements. FSIS considers the information provided to represent an auditable description of how the State MPI program is currently functioning and will continue to function.

FSIS reviews the State MPI program’s annual self-assessment submission to determine whether it demonstrates that the State MPI program is “at least equal to” the Federal inspection requirements and that it includes evidence and documents that support that the processes are in effect and current with FSIS policies. As questions arise during the self-assessment review, FSIS requests clarifying information or supporting documentation from the State MPI program. The FSIS review team then makes a determination based on review of the entire self-assessment submission.

Part 2 – Onsite Review
In the second part of this methodology, FSIS conducts triennial verification onsite reviews to observe the State MPI program and to verify that the State MPI program has implemented and can maintain its inspection system, and to determine whether the State MPI program is enforcing requirements “at least equal to” the Federal requirements. During the onsite review, FSAS reviews State MPI program records at the State MPI program office and a sample set of establishments, resulting in an overall annual determination.3

Before traveling to the onsite review location, the review team begins preparation for the onsite review with a thorough review of the State MPI program’s most recent self-assessment submission. Prior to the scheduled start of the review, the review team sends written notification to the State MPI program director to announce the scheduled dates for the forthcoming onsite review. Both parties usually agree upon the dates prior to this notification.

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3 The review team schedules and conducts an onsite review for components 1–6. The onsite reviews for components 7, 8, and 9—Laboratory Methods and Quality Assurance Program, Civil Rights and Funding, and Financial Accountability—are scheduled separately and conducted, respectively, by the FSIS Office of Public Health Science, Civil Rights Staff, and FSIS Financial Management Division.
FSAS’ onsite review begins with an entrance meeting teleconference with FSIS and State MPI program officials. During this meeting, FSIS explains the review process, answers any questions, and requests that State MPI program officials submit the following information within 10 business days of the teleconference:

- Descriptions of any changes in the MPI program that occurred since the most recent self-assessment submission;
- A current list of establishments receiving inspection from the State MPI program;
- A description of each State supervisor’s area of responsibility;
- The Hazard Analysis and Critical Control Point (HACCP) processing categories for each State-inspected establishment and a ranking of the highest volume producers for each HACCP processing category;
- A list of all State-inspected establishments that the State MPI program has reviewed (e.g., through a review similar to an FSIS Food Safety Assessment or other State review) within the preceding 12 months; and
- A list of all State-inspected establishments that have a history of any of the following public health risks within the preceding 12 months:
  - Positive sample results for pathogens (e.g., STEC serotypes in beef manufacturing trimmings, E. coli O157:H7 in non-intact, raw beef products, or L. monocytogenes or Salmonella in ready-to-eat products);
  - Salmonella or Campylobacter verification sample set results that exceed the performance standard or guideline established by FSIS;
  - Enforcement actions;
  - Recalls; and
  - Structural damage to State-inspected establishments caused by a natural or other disaster.

For each State MPI program, FSAS uses a statistically valid sampling method to determine the total number of establishments to review onsite, selects specific establishments to review based largely on the aforementioned public health risks, and includes establishments that the State MPI program reviewed during the preceding 12 months. FSAS shares the list of establishments selected to review with State MPI program officials at least five business days before the onsite review.

At each establishment review, the FSAS program auditor:

- Reviews the State MPI program’s verification of compliance with applicable State requirements on HACCP, Sanitation Standard Operating Procedures, Sanitation Performance Standards, non-food safety consumer protection, control of specified risk material, humane handling, and custom and retail exempt requirements;
- Observes State MPI program inspectors as they perform ante-mortem and post-mortem inspection procedures;
• Documents, based on observation and records review, any establishment noncompliance that the State MPI program failed to identify or for which the State MPI program failed to take an appropriate regulatory action;

• Documents other findings that indicate that the State MPI program is not “at least equal to” the Federal program;

• Reports findings to State MPI program officials at the conclusion of each establishment review;

• Discusses the review findings with State MPI program officials, then observes the State MPI program officials as they lead the exit meeting with establishment management to discuss the findings of each establishment review; and

• Ensures, before leaving an establishment, that State MPI program officials have taken appropriate actions with respect to all noncompliances observed during the establishment review.

In addition to the establishment reviews, the FSAS program auditor reviews product sampling, staffing, training, compliance, and management control documents at the State MPI program office. This review includes a representative sample of current State MPI program records and is necessary to determine whether the documents provide evidence that the State MPI program implements these programs in a manner consistent with the self-assessment documents, and whether the State MPI program maintains and carries out its program “at least equal to” the Federal inspection program.

After completing establishment reviews, inspection, and compliance activity observations, program personnel interviews, and State MPI program record reviews, FSAS identifies findings by comparing the results of onsite verification findings against the program standard policies, procedure, and supporting evidence of the current year’s self-assessment. The FSAS review team’s findings primarily focus on implementation of food safety policy and procedures and on whether the program meets the criteria for the nine review components. FSAS presents all identified findings and vulnerabilities to State MPI program officials at the review exit meeting.

FSAS classifies findings into two categories: noncompliance and nonconformity. A noncompliance is a failure to meet a regulatory requirement set forth in Title 9 of the Code of Federal Regulations, which all State MPI programs have adopted as the governing set of regulations for meat and poultry operations under their jurisdiction4. Nonconformity is a failure for the State MPI program or any State official to comply with an administrative or operational standard, policy, or procedure submitted in the current year’s self-assessment document. In addition to findings, FSAS may identify program vulnerabilities during the onsite review. A vulnerability is an observed weakness involving a program or management practice that may jeopardize the State MPI program’s ability to carry out its public health and regulatory objectives if it is not corrected. Vulnerabilities do not rise to the level of a noncompliance or nonconformity, because the State MPI program is not required to have a set policy or standard for the observed practice.

4 All states have adopted applicable portions of 9 CFR by reference.
The State MPI program must submit within 10 business days of the date of the exit conference a written program action plan to correct all findings. The program action plan needs to:

- Identify the underlying causes of any findings that may be system-wide and ensure Statewide correction of such findings;
- Identify the underlying causes of specific findings at individual establishments and ensure that the State MPI program verifies that the establishments address such findings; and
- Identify the verification plan or management controls that the State MPI program will implement throughout the year to verify adequate implementation of the corrective actions.

**Determination Process**

Each year, FSIS determines whether each State MPI program meets the “at least equal to” standard, based on one or both parts of the comprehensive review. If the State MPI program is not scheduled for an onsite review during the fiscal year, FSIS makes an annual determination based on the results of the comprehensive self-assessment review. If the State MPI program is scheduled for an onsite review during the fiscal year, then FSIS makes an annual determination based on the results of both the self-assessment and onsite review.

Following each self-assessment and onsite review, FSIS determines whether each State MPI program meets the “at least equal to” standard. FSIS makes one of the following three determinations for each of the nine components and on the State’s overall ability to maintain its MPI program for the next 12 months:

1. “At Least Equal To” means the State MPI program has adopted laws, regulations, and programs, and has implemented them in a manner that is “at least equal to” the Federal inspection program for all review components.
2. “At Least Equal To with Provisions” means FSIS makes a provisional determination of the State MPI program’s “at least equal to” status provided the program takes additional action to resolve the review findings.
3. Not “At Least Equal To” means the State MPI program has not adopted laws, regulations, or programs, or does not implement them in a manner that is “at least equal to” the Federal inspection program for one or more of the review components.

If the results of the self-assessment or the onsite review are that the State MPI program is “at least equal to” the Federal inspection program, FSIS promptly notifies State MPI program officials in writing of this fact. If FSIS needs additional information from State MPI program officials to reach a determination, FSIS requests that State MPI program officials provide that information. FSIS does not make a determination until all necessary information is collected and analyzed. If FSIS determines that a State MPI program is unable or unwilling to maintain an inspection program that is “at least equal to” the Federal inspection program, the Secretary of the U.S. Department of Agriculture will promptly notify the Governor of the State and allow the State an opportunity to discuss the Agency’s findings and recommendation to designate the State. If a State MPI program becomes subject to the designation process, FSIS the Office of
Policy and Program Development’s Issuance Staff will prepare a Federal Register notice informing the public that the State has been designated, as required by the FMIA (§301(c), 21 U.S.C. 661(c) and PPIA (§5(c), 21 U.S.C. 454(c)), and that the designated State’s meat or poultry product establishments will be subject to Federal inspection 30 days after publication of the notice.

Review Findings
The FY 2021 FSIS determinations are summarized in this section and in Tables 1 and 2. All identified findings for each State MPI program are detailed in the attached corresponding individual State report.

Based on the 27 self-assessment reviews received during FY 2021, FSIS determined all States developed and maintained laws, administrative rules, regulations, program policies, and related operational records necessary to support that they continue to administer “at least equal to” MPI programs. The self-assessment determinations for each State MPI program are summarized in Table 1.

COVID-19 related travel restrictions hindered the completion of all nine scheduled routine onsite reviews in FY 2020; FSAS only completed four onsite reviews (Alabama, Arizona, Georgia, and Illinois) last year. To overcome this performance deficit, FSAS set a goal to complete at least twelve of the thirteen routine onsite reviews scheduled in FY 2021. Hence, five postponed routine onsite reviews (Delaware, Montana, Ohio, Utah and Vermont) and a targeted onsite review for Wyoming were added to eight routine onsite reviews scheduled for completion in FY 2021. FSAS exceeded this goal by completing routine and targeted onsite reviews of fourteen State MPI programs (Delaware, Iowa, Louisiana, Maine, Montana, North Carolina, Ohio, Oklahoma, South Carolina, Utah, Vermont, Virginia, West Virginia, and Wyoming).

In the last two years, growing food security concerns triggered a movement across State legislators to enact animal share and food sovereignty laws that created exemptions for the sale of uninspected prepared meat food products directly to consumers and, in turn, contravene Federal food safety laws and regulations. In FY 2020, Wyoming’s enactment of Wyoming Statute 11-49-104, a herd share law containing provisions that expand inspection exemptions beyond those outlined in the FMIA and PPIA, In FY 2021, Montana enacted Montana Local Food Choice Act (Senate Bill 199), which potentially allows inclusion of poultry from birds produced under the less than 1000 bird exemption into homemade foods for direct sale to consumers without any regulatory oversight. In addition, Utah enacted Microenterprise Home Kitchen Act (House Bill 0094), which allows the direct sale of milk, fish, and ready-to-eat meat and poultry products from home kitchens to the end consumer. The purpose of the three State laws is to maximize consumer access to certain foods produced within their own borders and without the benefit of Federal or State inspections.

FSIS’ legal position on the enacted laws is that it was unclear if the three laws included the necessary requirements to ensure facilities produced and stored food product under sanitary

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5 In 2019, FSAS performed a targeted onsite review of the Texas MPI program that yielded minimal findings. Therefore, FSAS decided to postpone the scheduled FY 2021 Texas onsite review to FY 2022. The year delay in performing this onsite review still met the triennial requirement, cited in FSIS Directive 5720.3.
conditions or other conditions that preclude them from becoming adulterated or misbranded during operations. Considering the concerns expressed above and the additional concern of how the enacted laws may impact the three State MPI programs’ “at least equal to” determinations, FSAS initiated and performed a targeted onsite review in Wyoming; and performed targeted onsite reviews instead of routine onsite reviews that were previously scheduled to occur in FY 2021 in both Montana and Utah. The scopes of the targeted onsite reviews were broadened to subject additional custom-exempt operators and retail exempt firms to facility reviews; these firms were more likely to handle meat and poultry products that would be impacted by the enacted law amendments and sold directly to consumers without regulatory oversight. The facility reviews were performed to verify the aforementioned State MPI programs still maintained legal authorities essential for imposing sanitation, labeling, and recordkeeping requirements to prevent adulterated or misbranded meat and poultry products from reaching consumers despite recent law amendments.

FSIS determined through 27 annual comprehensive desk reviews, 11 routinely scheduled onsite reviews, and 3 targeted onsite reviews that 26 States maintained MPI programs that were “at least equal to” the Federal programs. One State, Utah, received an “at least equal to with provisions” determination due to nonconformities involving analytical laboratory methods implemented at the time of the targeted onsite review. Table 2 lists determinations based on the results of this year’s onsite reviews, FSIS’ FY 2021 State MPI Program Determinations, Based on the Verification Onsite Review Results. Further details are found in applicable individual State reports included as attachments to this summary report.

Next Steps
By the end of April 2022, FSIS will publish to the FSIS website this annual summary report and attached 27 individual State MPI program reports detailing findings and final determinations of the onsite reviews.

In FY 2022, FSIS plans to conduct self-assessment reviews of all 27 State MPI programs and, if possible, onsite reviews of at least 9 State MPI programs in accordance with FSIS Directive 5720.3, Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs.

FSIS will commute the FY 2021 provisional “at least equal to” determination for the Utah MPI program to “at least equal to” determination upon their MPI programs’ successful completion of proposed corrective actions or recommendations. A closure letter will be issued to Utah to communicate the change in the determination status and close out the FY 2021 review process for the State MPI program.

FSIS and the State MPI programs will continue to monitor media and other information sources for new or revised State laws, financial expenditures, and program governance practices that may detrimentally impact the abilities of the 27 States to administer meat and poultry inspection programs that continue to meet “at least equal to” standards.
Table 1. FSIS’ FY 2021 State MPI Program Determinations
Based on the Self-Assessment Review Results Only

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<th>State</th>
<th>“At Least Equal To”(^1)</th>
<th>“At Least Equal To” with Provisions(^2)</th>
<th>Not “At Least Equal To”(^3)</th>
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</tr>
<tr>
<td>Wyoming</td>
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</tr>
</tbody>
</table>

\(^1\) “At Least Equal To” – The State MPI program has adopted laws, regulations, and programs, and has implemented them in a manner that is at least equivalent to the Federal inspection program for all review components.

\(^2\) “At Least Equal To” with Provisions – FSIS makes a provisional determination of the State MPI program’s “at least equal to” status provided the program takes additional action to resolve the review findings.

\(^3\) Not “At Least Equal To” – The State MPI program has not adopted laws, regulations, and programs, or does not implement them in a manner that is at least equivalent to the Federal inspection program for one or more of the review components.
Table 2. FSIS’ FY 2021 State MPI Program Determinations
Based on the Verification Onsite Review Results

<table>
<thead>
<tr>
<th>State</th>
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<th>“At Least Equal To” with Provisions</th>
<th>Not “At Least Equal To”</th>
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<tbody>
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