

**Appendix K**

**FINAL REPORT**

**Fiscal Year 2023**

**Maine**  
**April 2024**

Federal-State Audit Staff  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
U.S. Department of Agriculture

## **Executive Summary**

This report describes the outcome of the annual review of the Maine Department of Agriculture, Conservation and Forestry, Bureau of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulations, Meat and Poultry Inspection Program (MMPIP) conducted by the U.S. Department of Agriculture’s Food Safety and Inspection Service (FSIS) for fiscal year 2023. The purpose of this review is to: (1) verify the State of Maine imposes laws, regulations, and related policies with authorities and requirements “at least equal to” those provided by the Federal Meat Inspection Act (21 U.S.C. 601, et seq.) and Poultry Products Inspection Act (21 U.S.C. 451, et seq.); (2) determine whether Maine administers a State MPI program capable of ensuring meat and poultry products produced, distributed, and sold within the State are safe, wholesome, unadulterated, and properly labeled; and (3) confirm the State meat and poultry inspection (MPI) program carries out its regulatory oversight activities effectively and efficiently.

The annual review focused on all nine “at least equal to” components: (1) Statutory Authority and Food Safety Regulations; (2) Inspection; (3) Sampling Programs; (4) Staffing, Training, and Supervision; (5) Humane Handling; (6) Compliance; (7) Laboratory Methods and Quality Assurance Program; (8) Civil Rights; and (9) Financial Accountability. This year, FSIS reviewed only the self-assessment documentation submitted by MMPIP to determine whether the State maintains and enforces requirements for a MPI program “at least equal to” the Federal requirements.

An analysis of the review findings within each component did not identify systemic findings that may pose an immediate threat to public health.

Based on thorough evaluations of the results, FSIS determined that MMPIP continues to operate a meat and poultry inspection program “at least equal to” the Federal requirements.

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## **I. INTRODUCTION**

This report communicates the results of a compliance review conducted by the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) in Federal fiscal year (FY) 2023 to evaluate Maine's administered meat and poultry inspection (MPI) program to determine if it is "at least equal to" FSIS' requirements and is capable of ensuring that the State's supply of meat and poultry products is safe, wholesome, unadulterated, and properly labeled and packaged. This year, FSIS reviewed only self-assessment documentation submitted by the Maine Department of Agriculture, Conservation and Forestry, Bureau of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulations, Meat and Poultry Inspection Program (MMPIP) to determine whether it maintains and enforces requirements for a MPI program "at least equal to" the Federal requirements.

The "at least equal to" standard requires that State MPI programs operate in a manner that is at least as effective as FSIS in the protection of public health. Under the Federal Meat Inspection Act (FMIA) and Poultry Products Inspection Act (PPIA), FSIS may contribute up to 50 percent of the estimated total cost of the State's MPI program and provide administrative support if the State operates and maintains a program that is "at least equal to" the Federal inspection program (21 U.S.C. 661(a)(3) and 454(a)(3)).

## **II. OBJECTIVE, SCOPE, AND METHODOLOGY**

The scope of the FSIS review focused on the following nine "at least equal to" components: (1) Statutory Authority and Food Safety Regulations; (2) Inspection; (3) Sampling Programs; (4) Staffing, Training, and Supervision; (5) Humane Handling; (6) Compliance; (7) Laboratory Methods and Quality Assurance; (8) Civil Rights; and (9) Financial Accountability. This year's review activities were limited to evaluations of self-assessment documents submitted by MMPIP via email or the State Review and Communication Tool (SRCT) for each component. FSIS also conducted interviews of State MPI program officials as needed to gain a better understanding of some submitted self-assessment documents. FSIS reported any findings<sup>1</sup> identified during this review to make certain the State MPI program effectively implements corrective actions to resolve them. FSIS analyzed all information collected for each "at least equal to" component during the review process before making a determination regarding the component. The overall determination for the State MPI program was based on the collective results and determinations made for the nine "at least equal to" components. FSIS conducted this review process in accordance with FSIS Directive 5720.3, Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs. MMPIP was not subjected to a subsequent onsite verification audit in FY 2023.

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<sup>1</sup> An issue identified by a Federal-State Audit Staff Auditor. There are two types of findings: 1. Noncompliance, failure to meet a regulatory requirement. 2. Nonconformity, State program, or any State official fails to implement and/or follow a policy or procedure as proffered in their Self-Assessment.

### III. BACKGROUND

The FMIA (21 U.S.C. 661) and the PPIA (21 U.S.C. 454) authorize FSIS to cooperate with State agencies in developing and administering State MPI programs. An individual State MPI program is limited to meat and poultry products that are produced and sold within the State and must operate in a manner and with authorities that are “at least equal to” the programs that FSIS implements under the ante-mortem and post-mortem inspection, reinspection, sanitation, record keeping, and enforcement provisions of the FMIA (21 U.S.C. 601, et seq.) and PPIA (21 U.S.C. 451, et seq.). State MPI programs are 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).

The FMIA and PPIA provide for FSIS to review, at least annually, each State MPI program and its requirements and enforcement activities. If a State fails to administer a meat and poultry inspection program that is “at least equal to” FSIS’ Federal inspection program, FSIS will move to “designate” the State in accordance with 21 U.S.C. 661(c) and 454(c).

The FSIS review process consists of two parts: (1) an annual document review of the State MPI program’s self-assessment submission and (2) a triennial verification onsite audit. FSIS may use one or both parts of the comprehensive audit process to determine whether a State MPI program is operating in a manner “at least equal to” the Federal inspection program. Annually, a non-designated State is required to submit self-assessment documentation demonstrating the MPI program operates in a manner “at least equal to” the Federal inspection program. The self-assessment process requires a State MPI program to conduct a comparative assessment of the FSIS inspection program and its own to determine whether the implemented inspection operations, regulatory sampling programs, and compliance enforcement strategies achieve outcomes “at least equal to” FSIS.

The self-assessment documentation should describe the current MPI program’s administrative and operational procedures for ensuring the uniform enforcement of applicable laws and governing regulations, taking control of adulterated or misbranded products found in intrastate commerce, and assigning competent inspection personnel at establishments where products received the State marks of inspection. The State MPI program is to include the self-assessment submission copies of all applicable laws, administrative rules, regulations, and policies deemed necessary to carry out the inspection program. The State MPI program is to provide sufficient documentation to demonstrate the program’s ability to meet the “at least equal to” standard for the next 12 months. The State MPI program is to identify any administrative or operational changes made to the programs since its last self-assessment document submission and review determination.

In addition, FSIS conducts onsite verification audits of a State MPI program at a minimum of every 3 years to verify that the implemented MPI program accurately reflects procedures and information submitted in self-assessment documents. In years when a State MPI program is not subject to FSIS’ onsite verification audits, the annual “at least equal to” determination will be based on an analysis of the results of the self-assessment document review.

MMPIP, a State organization with the overall authority to administer the State MPI program, submitted as required program self-assessment documents to demonstrate administrative and program-wide compliance with all nine “at least equal to” components. FSIS conducted a desk review of the State’s self-assessment documentation.

MMPIP administers the Maine MPI program under authority of the Maine Revised Statutes (MRS) (Title 22, Subtitle 2, Part 5, Chapter 562-A and Title 17-A, Part 2, Chapters 25 and 31). MMPIP is organized on three levels: State office, State inspection, and compliance program. The program verifies compliance and enforces regulatory requirements at inspected establishments and custom exempt facilities.<sup>2</sup>

FSIS verified through interviews and record reviews that all MMPIP personnel are employed by the State of Maine and are conducting verification activities as outlined in the self-assessment.

The table below details the number of State-inspected establishments and custom exempt operators.

Total Number of State-Inspected Establishments and Custom Exempt Operators

	<b>Establishment Type</b>	<b>Slaughter Only</b>	<b>Processing Only</b>	<b>Combination Slaughter and Processing</b>	<b>Total</b>
<b>Number of State-Inspected Establishments</b>	Meat Only	0	0	4	4
	<b>Total</b>			4	4
<b>Number of Custom Exempt Facilities</b>	Meat Only	0	6	25	31
	Poultry Only	78		21	99
	Combination Meat and Poultry	0	0	8	8
	<b>Total</b>	78	6	54	138

#### IV. COMPONENT 1: STATUTORY AUTHORITY AND FOOD SAFETY REGULATIONS

The State laws or administrative rules must grant the State MPI program the legal authority to administer an inspection program. The State MPI program is required to have meat and poultry inspection laws and governing regulations to impose mandatory ante-mortem and post-mortem inspection, reinspection, sanitation requirements, recordkeeping requirements, and enforcement authorities “at least equal to” those prescribed by the FMIA (21 U.S.C. 601, et seq.) and PPIA (21 U.S.C. 451, et seq.).

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<sup>2</sup> Custom exempt facilities are not subject to the routine inspection requirements of the FMIA and the PPIA, provided the specified operations meet the exemption requirements (21 U.S.C. 623 and 464).

FSIS reviewed of the submitted self-assessment documentation and confirmed Maine administers MMPIP under the applicable State laws, rules, and regulations. The State law, (MRS), includes legal requirements comparable to following mandatory requirements of the FMIA and the PPIA:

- ante-mortem and post-mortem inspection (MRS 22 Sections 2517 and 2517-A);
- reinspection (MRS 22 Section 2517-A);
- sanitation requirements (MRS 22 Section 2512);
- record keeping requirements (MRS 22 Section 2512);
- humane methods of slaughter requirements (MRS 22 Section 2521 and 2521 A-C);
- adulteration (MRS 22 Section 2511);
- misbranding (MRS 22 Section 2511);
- prohibited acts (MRS 22 Sections 2523 and 2525);
- access and examination (MRS 22 Sections 2517-B and 2519-B);
- product control actions (MRS 22 Sections 2519 and 2519-A); and
- exemption from inspection (MRS Section 2512-2).

The MRS grants the authority to promulgate rules and regulations 22 Section 2513. Maine adopts by reference Title 9, Code of Federal Regulations Parts 300 to end in the Maine Code of Regulations 01-001, Chapter 346, Subsection 11.

MMPIP has statutory authority to enforce the provisions of the Maine Revised Statutes and the governing administrative rules and regulations, the Maine Administrative Code (MAC) and adopted Code of Federal Regulations (9 CFR), respectively, at State-inspected establishments and firms handling meat and poultry product within the State as outlined in the FY 2023 self-assessment submission.

FSIS auditors confirmed Maine did not enact any statutory or regulatory changes this year that may potentially affect how MMPIP carries out its regulatory duties.

FSIS did not have any findings and determined that MMPIP operates under State laws and regulations that provide legal authority “at least equal to” that provided under the FMIA, PPIA, HMSA, and governing regulations.

## **V. COMPONENT 2: INSPECTION**

The State MPI program is required to administer a regulatory inspection program “at least equal to” that provided by FSIS. The inspection program is to include, at a minimum, inspection verification methods for verifying:

- Animals are suitable for slaughter, and carcasses and parts are eligible for human consumption;
- All meat and poultry products found in intrastate commerce are safe, unadulterated, and truthfully labeled;
- All official establishments comply with sanitation performance standards, sanitation standard operating procedures and sanitary dressing regulatory requirements as articulated in 9 CFR 416 or equivalent governing State regulations; and

- All official establishments develop, implement, and maintain written Hazard Analysis and Critical Control Points (HACCP) systems as articulated in 9 CFR 417 or equivalent governing State regulations.

The inspection verification methods implemented by the State MPI program must include activities for evaluating compliance at official establishments with the applicable inspection and food safety verification requirements of 9 CFR 300 to 500. These include observation of establishments' operations and employees' product handling practices, hands-on verification, and review of establishment records, with the results of verification being entered in the associated inspection records. The State MPI program is to implement inspection verification methods for ensuring State-inspected meat and poultry products are wholesome, not economically adulterated, truthfully labeled, and meet regulatory requirements. The State MPI program must ensure inspection personnel interpret and apply relevant regulatory requirements uniformly when conducting inspection verification methods. The ultimate regulatory goal of the State MPI is to protect consumers from meat or poultry products that are unwholesome, economically adulterated, or not truthfully labeled (21 U.S.C. 607 and 457).

FSIS reviewed the self-assessment documentation submitted and confirmed MMPIP has developed and implemented:

- An inspection system to ensure State-inspected establishments comply with applicable food safety and other consumer protection regulations (e.g., ante-mortem and post-mortem inspections, sanitation, HACCP system, and product standards and labeling);
- A label approval policy and process to verify labels, marks, or devices are accurate and comply with regulatory requirements prior to establishments applying them to inspected meat or poultry products;
- A risk-based methodology to analyze establishments' food safety systems to verify that the establishments can produce safe and wholesome meat or poultry products in accordance with applicable statutory and regulatory requirements;
- A system of administrative enforcement actions to bring establishments effectively under regulatory compliance in a manner that is not inferior to the comparable actions taken by FSIS; and
- An internal control system for evaluating the efficacy and effectiveness of the other systems.

MMPIP uses the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, and analyze inspection data. MMPIP administers inspection for any meat or poultry product intended for human consumption, wholly or in part, from the carcass or parts of any animal defined as "livestock" or "poultry in the MRS and governing rules, regulations, and policies. The State inspection program maintains assurances that animals intended to be used in meat and poultry products sold commercially are slaughtered and processed in the presence of State inspection personnel, and the resulting meat food products are inspected and passed for human consumption. MMPIP adopts and implements all relevant FSIS issuances as its own policies for carrying out inspection and food safety verification activities.

MMPIP is a member of the Cooperative Interstate Shipment Program and, therefore, adopts FSIS directives/notices articulating key program policies as written with minor changes to personnel



roles to match the MMPIP management structure. MMPIP has adopted FSIS Directives in the 5000, 6000, and 7000 series related to daily inspection duties performed in slaughter and processing establishments. Food safety verification activities are performed by consumer protection inspectors (CPIs) to ensure establishments' compliance with applicable pathogen reduction, sanitation, and the HACCP regulations.

FSIS auditors did not have any findings and determined MMPIP maintains inspection and food safety verification systems that meet the "at least equal to" standards. Control measures are in effect to ensure that the inspection system functions as intended.

## **VI. COMPONENT 3: SAMPLING PROGRAMS**

The State MPI program is required to assess establishments' control of microbial pathogens, violative levels of veterinary drugs, pesticides, contaminants, and other adulterants through product sampling. The State MPI program must have access to laboratory services to conduct chemical, microbiological, physical, and pathological tests. Laboratories conducting official analyses for State inspection programs must ensure test results are accurate, reliable, and reproducible.

MMPIP provided documentation to demonstrate that it maintains sampling programs, based on sound rationale and goals, for the following:

- *Escherichia coli* (*E. coli*) O157:H7 in raw non-intact beef products and raw ground beef components;
- Non-O157 Shiga toxin-producing *E. coli* (non-O157 STEC) in beef manufacturing trimmings; and
- Other consumer protection standards.

FSIS examined MMPIP's product sampling documents, protocols, procedures, and results presented during the self-assessment audit. These included sampling plans and laboratory results for *E. coli* O157:H7 in raw non-intact beef products and raw ground beef components, non-O157 STEC in raw beef manufacturing trimmings, economic samples, violative drug residues, State laboratory activity reports, and sample seals.

MMPIP implements developed sampling procedures for collecting samples, maintaining sample integrity, determining sampling frequencies, conducting sample analyses, responding to positive results, and preventing adulterated product from entering commerce. Additionally, MMPIP participates in the National Residue Program and collects and analyzes inspector-generated samples for violative drug residues.

MMPIP adopts and implements all relevant FSIS issuances as its own policies for conducting inspection and food safety verification activities.

MMPIP set its sampling frequencies based on establishment production volume in accordance with Federal-State Audit Staff annual guidance. A schedule for each establishment broken out by sampling project is made at the MMPIP State Office and sent to each inspector. Each CPI prints

the sampling schedule for their establishments and fills out the table as samples are collected or provide justifications if necessary. Any updates or changes made to the schedule are generated from the MMPIP State Office and emailed to the field. MMPIP does not send out individual sample requests. Each sample is scheduled by quarter via the annual schedule. If a sample is not collected in the scheduled quarter, it will remain available until a CPI collects it. FSIS determined that the observed procedural differences did not impact MMPIP's capability to meet the intended purposes of the FSIS directives.

FSIS did not have any findings and determined MMPIP maintains verification testing to address adulterants, other measures of properly operating food safety systems, and other consumer protection standards "at least equal to" the Federal requirements. Control measures are in effect to ensure that the sampling programs function as intended.

## **VII. COMPONENT 4: STAFFING, TRAINING, AND SUPERVISION**

The State MPI program must maintain enough staff to carry out its responsibilities. The State MPI program is to organize a sufficient number of trained veterinarians, inspectors, and enforcement staff to carry out the inspection and regulatory duties of the MPI program well. The State MPI program ensures its personnel receive the professional, technical, inspection, and managerial training necessary to maintain a competent and effective workforce. The State MPI program is to provide instructions to MPI personnel on performing daily inspection tasks and compliance enforcement activities.

FSIS reviewed the submitted documents and confirmed that MMPIP has implemented its administrative program to ensure a competent workforce provides daily inspection coverage in each State-inspected meat and poultry establishment where the State inspection marks are applied to products. In addition, the documentation outlines a training program that includes both formal and informal job-related courses. It also provides evidence of a State supervisory system that aligns individuals' work with Maine's public health and regulatory goals and ensures recognition of strong performance and correction of unsatisfactory performance.

Maine has an adequate number of trained persons to provide the required inspection coverage in the establishments, perform compliance verification activities, and provide supervisory oversight. It has implemented procedures to ensure daily inspection coverage in operating establishments. Inspection personnel apply MMPIP's inspection methodology and make decisions based upon the correct application of inspection methodology, document findings, and initiate regulatory action if needed. New Inspector training is a 4-to-6-month process and consists of the completion of an introduction to slaughter and processing via compact disc training modules, on-the-job training (OJT) with the Program Manager, OJT with established inspectors, and the passing FSIS training courses Inspection Methods, Livestock Slaughter, Poultry Slaughter, Ready to Eat/Not Ready to Eat, and/or Thermal Processing, (as required by their assignment). Ongoing training is provided by MMPIP based on inspector request, supervisor recommendation, human resources requirements, and in response to policy changes made based on FSIS Issuance updates. Additional training refreshers on inspection related policies also occur at the discretion of the MMPIP State Office based on observations made

during field visits or food safety assessments. The employee's training files are maintained at the MMPIP State Office and on the share drive on an individual training log.

FSIS did not have any findings and determined the MMPIP administrative program to be "at least equal to" the FSIS program. MMPIP maintains sufficient resources to provide the required inspection coverage at State-inspected establishments to ensure that only safe, wholesome, unadulterated, and properly labeled meat and poultry products receive the State mark of inspection. The information supports the conclusion that inspection personnel have the education and training needed to apply MMPIP's inspection methodology, document findings, and initiate regulatory actions when necessary. Control measures are in effect to ensure that the staffing, training, and supervision systems function as intended.

## **VIII. COMPONENT 5: HUMANE HANDLING**

The State MPI program is required to ensure the slaughter and handling of livestock is done humanely in accordance with the HMSA 1978 (7 U.S.C. 1901–1906) and FMIA 21 U.S.C. 603 (b) and 610 (b)). The State MPI program is expected to impose laws "at least equal to" the HMSA and the requirements outlined in FSIS Directives 6900.1 and 6900.2. When livestock are slaughtered humanely, they are to be rendered insensible to pain by means that are rapid and effective before being shackled, hoisted, thrown, cast, or cut. The HMSA requires establishments to comply with a prescribed method of slaughter in which the animal loses consciousness by severing its carotid arteries simultaneously and instantly with a sharp instrument when slaughtered livestock in accordance with the ritual requirements of the Jewish faith and any other religious faiths.

The State MPI Program is required to ensure poultry operators comply with Good Commercial Practices (GCP). The PPIA (21 U.S.C. 453(g)(5)) and the regulations (9 CFR 381.90) provide that poultry carcasses showing evidence of having died from causes other than slaughter are considered adulterated and must be condemned. The regulations (9 CFR 381.65(b)) also require that poultry be slaughtered in accordance with GCP. Poultry are to be slaughtered in a manner that ensures that breathing has stopped before scalding—so that the birds do not drown—and that slaughter results in thorough bleeding of the poultry carcass. Compliance with these practices helps ensure that poultry are treated humanely.

FSIS reviewed submitted self-assessment documents and confirmed MMPIP adopts the following FSIS humane handling and GCP directives, as its own humane handling and GCP policies:

- FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel;
- FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices; and
- FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) - Work Methods.

MMPIP uses FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel. MMPIP inspectors perform humane handling verification procedures each day the establishments conduct slaughter operations and document

the results of those procedures in PHIS. The MMPIP manager monitors compliance verification through Humane Handling Activity Tracking System data and the results of completed humane handling verification tasks documented in PHIS. During In-Plant Performance System visits, the Quality Assurance and Regulations inspection program manager and the MMPIP manager evaluate establishments' humane handling procedures and inspectors' humane handling task performance. While MMPIP adopts FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices to verify poultry are slaughtered in accordance with GCP requirements, MMPIP does not perform GCP verification procedures at this time because none of the State-inspected establishment slaughter poultry under inspection.

The Division of Animal Health, Animal Welfare, State Veterinarian is responsible for performing annual Humane Handling Audits in accordance with FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) -Work Method. Additionally, a DVMS audit is performed to close out an enforcement action issued in response to an egregious humane handling violation. The annual audits and follow-ups are kept on a shared drive and are reviewed by the MMPIP Program Manager.

FSIS determined that the noted procedural differences did not impact MMPIP's capability to meet the intended purposes of the FSIS Directives.

FSIS did not have any findings and concluded that MMPIP operates under State laws and regulations that provide legal authority "at least equal to" that provided under the FMIA, PPIA, HMSA, and governing regulations.

## **IX. COMPONENT 6: COMPLIANCE**

The State MPI program is required to enforce compliance with all applicable laws and regulations and to take appropriate action in the event of noncompliance. The State MPI program must have the ability to:

- Detain adulterated or misbranded product (21 U.S.C. 672 and 467 (a));
- Take appropriate control in intrastate commerce of adulterated or misbranded product and ensure proper disposition of such product, including seizure, condemnation, and destruction where appropriate (21 U.S.C. 673 and 467 (b));
- Ensure establishments maintain written recall procedures for all meat and poultry products produced and shipped (21 U.S.C. 613 and 459(c)(1));
- Conduct surveillance activities to ensure animal carcasses and carcass parts that are not intended for use as human food are not diverted to such uses; and
- Refuse or withdrawal inspection services as warranted (21 U.S.C. 671, 467, and 457 (b)). The State must maintain a statutory process to prosecute anyone who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with officials in the performance of their official duties (21 U.S.C. 675 and 461 (c)).

FSIS reviewed submitted self-assessment documents and confirmed that MMPIP maintains a compliance system to enforce food safety, food defense, inspection exemption, and other

consumer protection statutory requirements in intrastate commerce. MMPIP follows State compliance policies or adopted FSIS directives to:

- Conduct surveillance activities and investigations, as warranted, of firms producing meat and poultry products in intrastate commerce;
- Control unsafe or violative products through detentions, seizures, and voluntary recalls;
- Take appropriate enforcement actions when adulterated or misbranded products are found in intrastate commerce; and
- Develop case files to ensure all enforcement actions imposed are legally supported by applicable State laws.

MMPIP follows the procedures and methods in FSIS Directive 8010.1, Methodology for Conducting In-Commerce Surveillance Activities, to assess food safety, food defense, non-food safety consumer protection, and compliance with administrative and judicial court orders in firms that prepare, transport, sell, or offer for sale meat and poultry products in intrastate commerce.

MMPIP investigates alleged or actual statutory or regulatory violations, as set out in FSIS Directive 8010.2, Investigative Methodology, and controls products when there is reason to believe that the products are adulterated, misbranded, or otherwise in violation of the MRS. The Reports of Investigation were completed in accordance with FSIS Directive 8010.4, Report of Investigation. MMPIP uses the investigative findings and evidence to pursue enforcement actions for administrative, civil, or criminal sanctions.

MMPIP follows the recall procedures in FSIS Directive 8080.1, Recall of Meat and Poultry Products, with minor modifications fitting its organizational structure. No State-inspected establishments or retail firms recalled product during FY 2023.

MMPIP established methods to record, triage, analyze, and track consumer complaints related to State-regulated meat or poultry products. Compliance personnel either investigate these complaints or refer them to the local health authority. The investigative methods include procedures to collect and safeguard evidence, conducting interviews, submitting product samples to the laboratory, initiating recall procedures and/or regulatory and enforcement actions; and reporting potential food safety threats.

MMPIP has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. MMPIP Office maintains a list of all custom processors. The minimum frequency for performing the reviews is annually. The Program Manager assigns the custom reviews to CPIs by location, and their availability outside of State-inspected establishment coverage. The CPIs conduct the review, communicate the results to the operator, and email a copy to the Program Manager. The program manager reviews the final Custom Exempt Facility Review Report, determines if it concurs with the recommendation made by the CPI. The reports are filed on the shared drive. If MMPIP personnel suspect that adulterated or misbranded custom products have been produced, they contact the MMPIP State Office to discuss further actions.

FSIS did not have any findings and determined the MMPIP compliance program to be “at least equal to” the FSIS program. MMPIP maintains sufficient resources to conduct surveillance reviews at registered firms, which may lead to investigations and enforcement actions. The information supports individuals, firms, and corporations in compliance with applicable State statutes when producing, transporting, storing, and distributing meat and poultry products in intrastate commerce. The information supports the conclusion that inspection personnel have the education and training to apply MMPIP’s inspection methodology, document findings, and initiate regulatory actions when necessary. Control measures are in effect to ensure that the compliance systems function as intended.

## **X. COMPONENT 7: LABORATORY METHODS AND QUALITY ASSURANCE PROGRAM**

The State of Maine has agreements with other States for all other laboratory work that meet the laboratory quality assurance requirements of the State MPI Program Laboratory Quality Management System and the Cooperative Interstate Shipment (CIS) “same as” program.

The State of Maine has an agreement with the Ohio Department of Agriculture (ODA), which is a participant in the FSIS CIS “same as” program and the State MPI “at least equal to” program to perform FSIS Microbiology Laboratory Guidebook (MLG) methods for the microbiological analyses of *Salmonella*, *Campylobacter*, *L. monocytogenes*, *E. coli* O157:H7 and non-O157 STEC on its behalf. The State of Maine has an agreement with USDA/FSIS/Eastern Laboratory (EL) to conduct MPI and CIS food chemistry testing for moisture, protein, fat, and salt on its behalf.

FSIS compared the ODA Laboratory Quality Assurance Program to the State Meat and Poultry Inspection (MPI) Program Laboratory Quality Management System Checklist and evidence of laboratory proficiency and analyst training was evaluated. Based on its on-site audit, ODA met all Laboratory Quality Assurance requirements including analysts’ training and related proficiency testing.

EL has adequate food chemistry capability for the measurement of moisture, protein, fat, and salt. ODA has demonstrated adequate microbiological capabilities for the detection of *Salmonella*, *Campylobacter*, *L. monocytogenes*, *E. coli* O157:H7, and non-O157 STEC.

Based on the Component 7 methods and quality assurance program review, Maine may be eligible to perform inspection:

- At beef establishments producing raw ground beef and bench trim, provided that the state collects and submits the appropriate number of samples that are tested for *Salmonella* and *E. coli* O157:H7 and at beef slaughter establishments producing manufactured trim, where the state is to collect and submit the appropriate number of samples that are tested for *Salmonella*, *E. coli* O157:H7, and non-O157 STEC.

- At “ready-to-eat” meat and poultry establishments, provided that the state collects and submits the appropriate number of samples that are tested for *Salmonella* and *L. monocytogenes*.
- At poultry slaughter establishments, provided that the state collects and submits the appropriate number of samples that are tested for *Salmonella* and *Campylobacter*. MPI states with no participating facilities slaughtering at least 20,000 chickens and/or 20,000 turkeys per year are not required to test that raw product for *Salmonella* and *Campylobacter* since it is not required at similar federally inspected plants.

On September 12, 2023, FSIS determined the analytical methods used for microbiological and chemical analyses are “at least equal to” the FSIS methods.

## **XI. COMPONENT 8: CIVIL RIGHTS**

The State MPI program adheres to Federal Civil Rights laws: Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200(d)), Section 504 of the Rehabilitation Act of 1973, as Amended (29 U.S.C. 794), Age Discrimination Act of 1990 (42 U.S.C. 12101, et seq.) and applicable USDA Civil Rights regulations.

In November 2022, MMPIP submitted the required FSIS Form 1520-1, Civil Rights Compliance of State Inspection Programs, to demonstrate adherence to Federal civil rights laws and USDA civil rights regulations.

FSIS conducted a Civil Rights compliance review of MMPIP. The review was conducted to determine compliance with applicable Civil Rights statutes, USDA regulations, and FSIS policies and, where necessary, provide recommendations for program improvement. The review focused on the State’s compliance in eight components: (1) Civil Rights Assurances; (2) State Infrastructure and Program Accountability; (3) Public Notification; (4) Complaints of Discrimination; (5) Civil Rights Training; (6) Civil Rights Compliance, (7) Program Accessibility to Individuals with Limited English Proficiency; and (8) Compliance with the Age Discrimination Act of 1975.

On August 1, 2023, FSIS determined Maine’s Civil Rights program to be in compliance with “at least equal to” standards for applicable civil rights laws, USDA regulations, and FSIS policies.

## **XII. COMPONENT 9: FINANCIAL ACCOUNTABILITY**

The State appropriates funds commensurate with those provided by FSIS as specified in the Cooperative Agreement. Funding is sufficient to ensure the operation of an inspection program consistent with the criteria of the Cooperative Agreement and the satisfactory and uninterrupted operation of State inspection program activities. The State ensures appropriate use of Federal funds, adequate accounting support for the State inspection program, and timely and accurate submission of expense reports.

MMPIP submitted quarterly and final Federal Financial Reports (SF-425), and an annual Indirect Cost Proposal to demonstrate it conforms to 2 CFR Part 400 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and follows FSIS Directive 3300.1, Fiscal Guidelines for Cooperative Inspection Programs (March 2004).

FSIS determined that MMPIP is “at least equal to” Federal standards for financial accountability for FY 2023.

### **XIII. DETERMINATION FOR MAINE**

Based on the evidence and results described above, FSIS determined that MMPIP operates its MPI program “at least equal to” the Federal requirements for all audit components and enforces requirements “at least equal to” those imposed under the Federal Acts.