

**Appendix L**

**FINAL REPORT**

**Fiscal Year 2023**

**Minnesota**

**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 Minnesota Meat and Poultry Inspection Program (MN MPIP) conducted by the U.S. Department of Agriculture’s Food Safety and Inspection Service (FSIS) for fiscal year 2023. The purpose of the annual review was to: (1) verify the State of Minnesota 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 Minnesota administers a State Meat and Poultry Inspection (MPI) program capable of ensuring meat and poultry products produced, distributed, and sold within the State are safe, wholesome, unadulterated, and accurately labeled; and (3) confirm the State 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 MN MPIP to determine whether the State maintains and enforces requirements for an 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 review results, FSIS determined that MN MPIP continues to operate a meat and poultry inspection program “at least equal to” the Federal requirements.

## TABLE OF CONTENTS

<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. OBJECTIVE, SCOPE, AND METHODOLOGY .....</b>	<b>1</b>
<b>III. BACKGROUND.....</b>	<b>1</b>
<b>IV. COMPONENT 1: STATUTORY AUTHORITY AND FOOD SAFETY REGULATIONS.....</b>	<b>3</b>
<b>V. COMPONENT 2: INSPECTION .....</b>	<b>4</b>
<b>VI. COMPONENT 3: SAMPLING PROGRAMS .....</b>	<b>5</b>
<b>VII. COMPONENT 4: STAFFING, TRAINING, AND SUPERVISION .....</b>	<b>7</b>
<b>VIII. COMPONENT 5: HUMANE HANDLING .....</b>	<b>7</b>
<b>IX. COMPONENT 6: COMPLIANCE.....</b>	<b>9</b>
<b>X. COMPONENT 7: LABORATORY METHODS AND QUALITY ASSURANCE PROGRAM .....</b>	<b>10</b>
<b>XI. COMPONENT 8: CIVIL RIGHTS .....</b>	<b>11</b>
<b>XII. COMPONENT 9: FINANCIAL ACCOUNTABILITY .....</b>	<b>12</b>
<b>XIII. DETERMINATION FOR MINNESOTA.....</b>	<b>12</b>

## **I. INTRODUCTION**

This report communicates the results of a desk 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 Minnesota’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 Minnesota Meat and Poultry Inspection Program (MN MPIP) 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’ Federal inspection program 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 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 MN MPIP 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. MN MPIP was not subjected to an onsite verification audit in FY 2023.

## **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

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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.

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).

Annually, non-designated States are expected to assess and support determinations that their MPI programs operate in a manner “at least equal to” the Federal inspection program. FSIS requires State MPI programs to submit self-assessment documents through the SRCT each year and provides guidance for this process in FSIS’ “At Least Equal To” Guideline for State Meat and Poultry Inspection Programs. At a minimum, the self-assessment documentation should be representative of the current operations of the State MPI program and demonstrate the program’s ability to meet the “at least equal to” Federal requirements for the next 12 months. State MPI programs are to provide narratives in the submitted documentation for any identified administrative or operational changes made to their programs since the last FSIS review and “at least equal to” determination. As a part of the self-assessment process, State MPI programs are expected to consider the intent and assess the applicability of FSIS statutes, regulations, directives and notices in their inspection operations and compliance enforcement strategies. FSIS expects State MPI programs to submit for review copies of all applicable laws, administrative rules, regulations, and policies deemed necessary to carry out inspection programs “at least equal to” the Federal requirements.

In addition, FSIS conducts onsite audits of State MPI programs at a minimum of every 3 years to verify the accuracy and implementation of the State MPI programs’ self-assessment submissions. 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 analysis of results of the self-assessment document review results.

MN MPIP, 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. This year, FSIS reviewed only the State’s self-assessment documentation.

MN MPIP administers the Minnesota MPI program under authority of Minnesota Statutes (MS) 31A.01. MN MPIP is organized on three levels: State office, State inspection, and compliance

program. The program verifies compliance and enforces regulatory requirements at inspected facilities and custom exempt establishments.<sup>2</sup>

FSIS verified through record reviews that all MN MPIP personnel employed by the State of Minnesota 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	3	13	20	36
	Poultry Only	1	0	1	2
	Combination Meat and Poultry	1	14	3	18
	<b>Total</b>	5	27	24	56
<b>Number of Custom Exempt Operators</b>	Meat Only	1	65	150	216
	Poultry Only	1	0	3	4
	Combination Meat and Poultry	1	2	22	26
	<b>Total</b>	3	6	175	246

#### 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. 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.).

FSIS reviewed the submitted self-assessment documentation and confirmed that Minnesota administers MN MPIP under the applicable State laws, rules, and regulations. The State law, the Minnesota Statutes (MS) includes legal requirements comparable to following mandatory requirements of the FMIA and the PPIA:

- ante-mortem and post-mortem inspection (Sections MS 31A.03 and MS 31A.04);
- reinspection (Sections MS 31A.04 and MS 31A.05);
- sanitation requirements (Section MS 31A.08);
- record keeping requirements (Section MS 31A.18);

<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).

- humane methods of slaughter requirements (Sections MS 31.59 and 31.591);
- adulteration (Section MS 34A.02);
- misbranding (Section MS 34A.03);
- prohibited acts (Sections MS 31.02, 31.602, 31A.10, and 31A.11);
- access and examination (Sections 31A.06, 31A.18, 31A.25, and 34A.04);
- product control actions (Sections MS 31A.23 and 34A.11); and
- exemption from inspection (Sections MS 31A.15 and 31.101).

The MS grants the authority to promulgate rules and regulations (Section MS 31.101). Minnesota adopts by reference 9 CFR 301 et seq. in MS 31.101 Subdivision 10.

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

FSIS did not have any findings and determined that MN MPIP 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 End. These are to 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 also 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 program 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 that MN MPIP 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 comparable to actions taken by FSIS; and
- An internal control system for evaluating the efficacy and effectiveness of the other systems.

MN MPIP uses the Minnesota Inspection Systems (MIS) analogous to the FSIS Public Health Information System to schedule inspection tasks and to collect, consolidate, and analyze inspection data. MN MPIP 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 Minnesota Statutes 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. MN MPIP adopts and implements some relevant FSIS issuances as their own policies for carrying out inspection and food safety verification activities. However for the most part, MN MPIP authors their own Directives with procedures that are drawn directly from or reference the relevant FSIS Directive with changes specific to the administration of their State program. Most significantly, MN MPIP schedules the frequency of the Hazard Analysis Verification task based on the number of production days for an establishment and will decrease the frequency of weekly establishment meetings for those establishments that operate infrequently. Nonetheless, FSIS determined that the observed procedural differences did not impact MN MPIP's capability to meet the intended purposes of the FSIS directives.

FSIS auditors did not have any findings and concluded that MN MPIP 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 and 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 testing. Laboratories conducting official analyses for State inspection programs must ensure test results are accurate, reliable, and reproducible.

FSIS reviewed MN MPIP's product sampling documents, protocols, procedures, and results presented in the FY 2023 self-assessment submission. FSIS confirmed that submitted documentation demonstrated MN MPIP 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;
- *Listeria monocytogenes* (*L. monocytogenes*) and *Salmonella* in ready-to-eat (RTE) products;
- *Salmonella* and *Campylobacter* Verification Program for Raw Meat and Poultry Products; and
- Other consumer protection standards.

MN MPIP 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.

MN MPIP has developed its own unique Directives and manuals based on FSIS Directives to guide sampling activities.

FSIS auditors observed some sampling procedural differences from those outlined in FSIS Directive 10,800.1 Residue Sampling, Testing and Other Verification Procedures under the National Residue Program for Meat And Poultry Products; and FSIS Directive 10240.3, FSIS Ready-To-Eat Sampling Programs. The State MPI program conducts data collection and analysis in MIS. FSIS did not request National Residue Program samples from MN MPIP as MN MPIP is not a PHIS State. The State RTE product sampling project determines sampling frequency based on production volume and risk factors described in MN MPIP Directive 10.6, Sampling Verification Activities for RTE Processes. In addition, MN MPIP designed and implemented a program to collect three non-food contact surface samples quarterly for RTE production. FSIS determined that the procedural differences did not impact MN MPIP's capability to meet the intended purposes of the FSIS sampling directives. FSIS auditors identified the following finding:

MN MPIP composited Intensified Verification Testing (IVT) product samples to run one analysis instead of analyzing samples individually, inhibiting the ability to identify the source(s) of the adulterant and reducing the sensitivity of testing by conducting fewer analyses.

FSIS determined that the practice of compositing IVT product samples for one analysis was not "at least equal to" Federal standards. MN MPIP discussed the suitability of their current method

with their laboratory and determined that they would no longer composite IVT product samples and would follow FSIS procedures for IVT sample collection and analysis. These corrective actions were determined sufficient to resolve the finding.

The FSIS auditors concluded a detailed review of the sampling protocols, procedures, and results confirmed that MN MPIP 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 MN MPIP implements an 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. The MN MPIP training includes formal classroom and on-the-job components and is developed based on the specific job requirements of its workforce. The State’s supervisory system aligns individual workloads with Minnesota’s public health and regulatory goals. It sets standards for assessing job performance, including measures to correct unsatisfactory performance.

FSIS did not have any findings and determined the MN MPIP administrative program to be “at least equal to” the Federal program. MN MPIP 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 determination that inspection personnel have the education and training to consistently apply MN MPIP’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 MN MPIP 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.

MN MPIP uses MN MPIP Directive 30.9, Humane Slaughter Verification Activities, to communicate instructions to inspection personnel. Inspectors perform humane handling (livestock) and good commercial practices (poultry) verification procedures daily when an establishment slaughters and records the results in MIS. During routine visits, the program veterinarian evaluates establishments' humane handling procedures and inspectors' humane handling task performance.

The MN MPIP veterinarian conducts humane handling and good commercial practices reviews at slaughter facilities every 12-18 months in accordance with MN MPIP Directive 30.1, Humane Handling Audits, and documents the results on the Red Meat Humane Handling and Slaughter Evaluation or the Poultry Good Commercial Practices Evaluation forms. In addition, MN MPIP created a written Animal Handling Program guidance document for establishments to use to develop their own animal handling program.

FSIS did not have any findings and determined that Minnesota 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 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 MN MPIP maintains a compliance system to enforce food safety, food defense, inspection exemption, and other consumer protection statutory requirements in intrastate commerce. MN MPIP 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.

The review of compliance documents and case files supports the conclusion that MN MPIP follows the procedures and methods in MN MPIP Directive 41.1, Planned Compliance Program 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.

MN MPIP investigates alleged or actual statutory or regulatory violations, as set out in MN MPIP Directive 41.3, Investigative Methodology, and controls products when there is reason to believe that the products are adulterated, misbranded, or otherwise in violation of the Minnesota Statutes. The Reports of Investigation were completed in accordance with MN MPIP Directive 41.5, Report of Investigation. MN MPIP uses the investigative findings and evidence to pursue enforcement actions for administrative, civil, or criminal sanctions.

MN MPIP follows the recall procedures in MN MPIP Directive 45.1, Recalls, that is specific to their organizational structure. No State-inspected establishments or retail firms recalled product during FY 2023.

MN MPIP maintains a system to audit, analyze, and triage consumer complaints. MN MPIP follows MN MPIP Directive 90.3, Consumer Complaint, in gathering information pertinent to these complaints and issuing directions to the compliance division for investigating these complaints. MN MPIP maintains and files completed investigation documents on the State SharePoint.

MN MPIP has a system for reviewing custom exempt operations that are in accordance with MN MPIP Directive 20.2, Custom Exempt Establishment Review, and MN MPIP Directive 20.3, Custom Exempt Enforcement, and documents the results on the Custom Exempt Inspection Form. Reviews are assigned to inspectors in the SharePoint system by the data coordinator, with frequencies reviewed and designated by supervisors. State-inspected establishments are reviewed for custom exempt operations at least annually, custom exempt only facilities quarterly, and seasonal custom exempt only facilities twice per year. Facilities that have critical or major findings identified are reviewed prior to the next routine custom exempt review.

FSIS did not have any findings and determined the MN MPIP compliance program to be “at least equal to” the Federal program. MN MPIP 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 complying 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 needed to apply MN MPIP’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 MPI program must use product sampling and laboratory methods with capabilities and safeguards “at least equal to” FSIS’ Federal inspection program’s product sampling and laboratory methods. The State MPI program should update and maintain their laboratory microbiological and chemical detection methods, so they are “at least equal to” FSIS’ methods, as detailed in the FSIS Microbiology Laboratory Guidebook and USDA FSIS Chemistry Laboratory Guidebook.

An off-site records review of Minnesota Department of Agriculture Laboratory Services (MDALS) was performed during FY 2023 to evaluate laboratory quality assurance programs and method equivalence under the State MPI Program.

MDALS conducts microbiological testing for *Salmonella*, *L. monocytogenes*, *Campylobacter*, *E. coli* O157:H7, and non-O157 STEC. Wisconsin Department of Agriculture, Trade and Consumer

Protection Bureau of Laboratory Services (Wisconsin) conducts food chemistry testing on MN MPIP's behalf to include the measurement of moisture, protein, fat, and salt.

FSIS compared the MDALS Laboratory Quality Assurance Program to the State MPI Program Laboratory Quality Management System Checklist, and evidence of laboratory proficiency and analyst training was evaluated. Based on their self-assessment, MDALS met all Laboratory quality assurance (QA) requirements, including analysts' training and related proficiency testing. Wisconsin met all Laboratory QA requirements based on the self-assessment provided by the laboratory.

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

Based on the Component 7 methods and quality assurance program review, Minnesota 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 *Escherichia 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 13, 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 is to adhere 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, MN MPIP 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 concluded that MN MPIP functions “at least equal to” the Federal civil rights requirements.

FSIS conducted a Civil Rights compliance review of MN MPIP. 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 Minnesota’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 is to appropriate 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 is to ensure that there is appropriate use of Federal funds, adequate accounting support for the State inspection program, and timely and accurate submission of expense reports.

MN MPIP 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.

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

## **XIII. DETERMINATION FOR MINNESOTA**

Based on the evidence and results described above, FSIS determined that MN MPIP 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.