Comprehensive Review and Determination Report

Fiscal Year 2021

Missouri

Federal-State Audit Staff
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
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Purpose
This interim report communicates the United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS), Office of Investigation, Enforcement and Audit (OIEA), Federal-State Audit Staff’s (FSAS) annual review results and determination for the Missouri Meat and Poultry Inspection (MPI) program and presents an overview of the review methodology used for determining if the State MPI program is “at least equal to” FSIS’ MPI program.

Description of Missouri’s MPI Program
The Missouri Department of Agriculture’s Meat and Poultry Inspection Program (MDA MPIP) administers the Missouri MPI program under authority of Missouri Revised Statutes (Title XVII, Chapter 265). The program verifies compliance and enforces regulatory requirements at 54 inspected facilities and 374 custom exempt establishments.\(^1\) In addition, MDA MPIP also provides inspection at two facilities in the Cooperative Interstate Shipment Program.\(^2\)

Annual Determination
Based on the desk review of the submitted self-assessment documentation, FSIS determined that MDA MPIP is operating a meat and poultry inspection program “at least equal to” the Federal requirements. MDA MPIP has adopted laws, regulations, and programs, and implemented them in a manner that is “at least equal to” the Federal inspection program for components 1 through 9. As noted, MDA MPIP was not subject to an onsite review for components 1 through 9 during fiscal year (FY) 2021.

Self-Assessment Review Methodology
Annually, FSAS will conduct a desk review of documentation submitted by a representative agent of each non-designated\(^3\) State demonstrating its completion of an assessment of current State laws, rules, policies, and procedures that govern the MPI program’s inspection and operation activities with those administered by FSIS and supporting the State’s determination that their MPI program meets the “at least equal to” Federal standards. A State MPI program official completes a self-assessment addressing all program inspection and operation activities using the self-assessment instruments provided by FSIS. The State agent is to submit the completed self-assessment instruments and any requested supporting documentation by November 1 of each review cycle.

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\(^1\) Custom exempt establishments are slaughter and processing establishments that are not subject to the routine inspection requirements of the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), provided the specified operations meet the exemption requirements (21 U.S.C. 623 and 464).

\(^2\) The Cooperative Interstate Shipment program permits eligible small and very small State-inspected establishments to ship meat and poultry products in interstate commerce, provided the establishments selected for this program receive inspection services from designated State personnel that have been trained in the enforcement of the FMIA and PPIA, and conduct inspection in establishments, selected for this program, in a “same as” manner that complies with the FMIA and PPIA and implementing regulations (21 U.S.C. 683 and 472).

\(^3\) Non-designated State is a State that operates an MPI program under a cooperative agreement with FSIS. The State MPI program must administer inspection and food safety requirements “at least equal to” those imposed under the Federal Meat Inspection Act, Poultry Products Inspection Act and the Humane Methods of Slaughter Act of 1978.
The submitted information should support the non-designated State’s self-determination that its MPI program is administered in a manner that is “at least equal to” the Federal inspection program. The self-assessment submission is to include narrative describing key MPI program inspection and operations activities and explanations supporting why the described activities meet the “at least equal to” Federal standards. Additionally, the self-assessment submission is to include evidence and documentation to support that the State MPI program’s policies and procedures for carrying out the activities currently are in effect.

At the start of each Federal fiscal year, FSIS assembles a review team comprised of subject matter experts from various FSIS program areas to review the nine components of the comprehensive review process. This FSIS review team includes staffs or personnel primarily from the following Agency program areas: OIEA, the Office of Management, the Office of the Chief Financial Officer, and the Office of Public Health Science. During the review process, the Office of Policy and Program Development and the Office of Field Operations are consulted as needed to gain context and perspective on current FSIS programs, policies and procedures when determining whether a State MPI program meets Federal “at least equal to” standards.

If questions arise during the desk review or if additional documentation is needed to make a review determination regarding one or more components, FSIS will request clarifying information from the State MPI program. Upon completion of the desk review, FSIS makes one of the following three determinations for each component and for the non-designated State’s overall ability to maintain an MPI program “at least equal to” the Federal requirements:

(1) “At Least Equal To” means the State MPI program has adopted laws, regulations, and programs, and implemented them in a manner that is “at least equal to” FSIS’ 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 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” FSIS’ Federal inspection program for one or more of the review components.

Review of Missouri’s Self-Assessment Submission
FSAS evaluated the self-assessment documents for the applicable review components to determine whether MDA MPIP constitutes an inspection program “at least equal to” the Federal program. The determination and rationale for each review component are listed below.

FSAS received MDA MPIP’s complete self-assessment submission for components 1 through 6 on April 15, 2021. FSAS sent a notification to MDA MPIP’s requesting additional information. MDA MPIP sent additional information clarifying their self-assessment submission and all supplementary information requested. FSAS reviewed the submitted clarification items, and accepted the requested information on September 23, 2021.
Component 1 – Statutory Authority and Food Safety Regulations

FSAS compared the submitted self-assessment and supporting documentation to the legal authority provided under the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA), and the Humane Methods of Slaughter Act (HMSA), and the regulations promulgated under these laws. The supporting documentation included the Missouri Revised Statutes (Title XVII, Chapter 265) and the Missouri Code of State Regulations (2 CRS 30-10). The Missouri Revised Statutes and Missouri Code of State Regulations provide authorities for mandatory ante-mortem and post-mortem inspection, reinspection (Section 265.350), sanitation requirements (Section 265.310), record keeping requirements (Section 265.420), and humane methods of slaughter requirements (2 CRS 30-10).

In addition, the Missouri Revised Statutes provide authorities that are “at least equal to” the FMIA and PPIA regarding adulteration (Section 265.300), misbranding (Section 265.300), prohibited acts (Section 265.442), access and examination (Sections 265.360 and 265.420), and product control actions (Section 265.444), as well as criminal, civil, and administrative sanctions to address violators.

The Missouri Revised Statutes grant the authority to promulgate rules and regulations (Section 265.471). Missouri adopts by reference Title 9, Code of Federal Regulations (9 CFR), Parts 300 to end, in the Missouri Code of State Regulations (2 CRS 30-10).

In conclusion, MDA MPIP provided evidence showing that it operates under State laws and regulations that provide legal authority “at least equal to” that provided under the FMIA, PPIA, and HMSA, and the accompanying regulations.

Component 2 – Inspection

FSAS compared the self-assessment submission and supporting documentation regarding inspection policies and procedures and regarding verification of establishments’ compliance, to the Federal requirements. MDA MPIP uses the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, and analyze inspection data. MDA 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 Missouri Revised Statutes (RSM) Chapter 265, Section 265.300-265.471, and Title 2 Code of State Regulations (CSR) 30-10.010.

The State inspection program impose regulations and perform inspection duties that ensure 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. Furthermore, MDA MPIP administers a food safety verification program that meets the intent of FSIS Directive 5000.1., Verifying an Establishment’s Food Safety System. Food safety verification activities are performed to ensure establishments’ compliance with applicable pathogen reduction, sanitation, and Hazard Analysis and Critical Control Point (HACCP) regulations.

In addition to performing inspections and food safety verifications, MDA MPIP schedules and performs a comprehensive Food Safety Assessment (FSA) at each inspected establishment in
accordance with FSIS Directives 5100.1, Enforcement, Investigation and Analysis Officer (EIAO) Comprehensive Food Safety Assessment (FSA) Methodology, and 5100.4, Enforcement, Investigation and Analysis Officer (EIAO) Public Health Risk Evaluation (PHRE) Methodology. These FSAs examine the design and validity of establishments’ food safety systems, which include hazard analyses, HACCP plans, Sanitation Standard Operating Procedures (Sanitation SOP), prerequisite programs, sampling programs, supporting documentation and records, and any other programs that constitute the establishments’ food safety systems. The PHRE and FSA records support the conclusion that State inspection personnel recognize and document noncompliance and initiate appropriate regulatory actions.

MDA MPIP verifies establishment compliance with the non-food safety (i.e., labeling) consumer protection regulatory requirements. MDA MPIP uses applicable FSIS directives to instruct inspection personnel and uses PHIS to schedule ongoing verifications and document noncompliance. A thorough review of the PHIS data supports the conclusion that MDA MPIP inspectors correctly apply the inspection methodology and document noncompliance.

MDA MPIP maintains a label approval policy and process to verify that labels are accurate and meet regulatory requirements. Prior to applying a label, mark, or device to an inspected meat or poultry product, an establishment representative must submit a completed application for label approval and a label sketch to obtain MDA MPIP’s approval.

MDA MPIP enforces the Missouri Code of State Regulations (2 CRS 30-10), which adopts by reference 9 CFR Part 500, Rules of Practice, when establishments do not comply with State authorities that are “at least equal to” the FMIA and PPIA. Missouri maintains a database to record investigations, reviews, and enforcement actions. After inspection personnel recommend an enforcement action, the program director reviews the evidence and determines whether to initiate the enforcement action, based on relevant facts and legal authority.

MDA MPIP has a system for reviewing custom exempt operations that is in accordance with the older FSIS Directive 5930.1 of the same name instead of the newer 8160.1, Custom Exempt Review Process. Inspection staff and compliance investigators are responsible for conducting reviews of exempt facilities at least annually. Follow ups are determined based on findings during the review. Follow up time frames are five days, quarterly, bi-annually, and annually.

The submitted documents support the conclusion that MDA MPIP:

• Performs inspection and regulatory verification procedures to confirm that State-inspected establishments comply with applicable regulations;

• Maintains a system to carry out administrative enforcement actions when establishments do not comply with State authorities that are “at least equal to” the FMIA and PPIA;

• Conducts inspection activities “at least equal to” the Federal requirements; and

• Monitors these activities through control measures to verify that the inspection system functions as intended.
Component 3 – Sampling Programs

FSAS compared MDA MPIP’s sampling protocols, procedures, and results to Federal policies and procedures.

MDA MPIP 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 STEC) in beef manufacturing trimmings;
- *Listeria monocytogenes* (L. monocytogenes) and *Salmonella* in ready-to-eat products;
- *Salmonella* Performance Standards in raw classes of meat and poultry; *Campylobacter* Performance Standards in raw classes of poultry; and
- Other consumer protection standards.

The sampling plans include procedures for sample collection, sample integrity, and laboratory analysis. MDA MPIP developed policies to respond to positive results. These policies include actions to prevent adulterated product from entering commerce. MDA MPIP participates in the FSIS National Residue Program and collects and analyzes inspector-generated samples for violative drug residues.

In conclusion, a detailed review of the sampling protocols, procedures, and results confirmed that MDA 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. MDA MPIP has control measures in effect to confirm that its product sampling system functions as intended.

Component 4 – Staffing, Training, and Supervision

MDA MPIP developed methods to determine staffing requirements. The requirements consider each inspector’s workload and the number of inspectors required to provide daily inspection coverage in each establishment on days when the establishment produces products bearing the State mark of inspection. Procedures are in effect to document staffing in each establishment, identify failures to meet staffing requirements, and correct staffing deficiencies. MDA MPIP assigns inspectors to patrol areas based on the distance from their residence to the inspected facility as well as inspected slaughter and processing days requested by the establishment; one employee provides full-time relief inspection with additional employees trained to provide coverage, as needed. Inspectors complete and submit the Weekly Activity Report and Mileage Log Sheets, which document the number of inspections performed each day, number of miles driven each day, and amount of time spent driving to and from assignments. Program administrators review the documentation required by the State of Missouri and MDA MPIP to determine daily coverage and monitor the daily activity of inspectors and other staff.

At the start of the FY 2021 review cycle, MDA MPIP indicated they employ 1 manager; 1 director; 1 administrator; 19 inspectors; 1 veterinarian field supervisor; 2 EIAOs; and 4 compliance officers.
MDA MPIP continues to implement a training program for new entry-level inspection personnel. This training program consists of organized training courses, mentoring, and on-the-job training. The training covers ante-mortem and post-mortem inspection, Sanitation SOPs, Sanitation Performance Standards, and pathogen reduction/HACCP procedures. All MDA MPIP inspectors are required to complete FSIS Inspection Methods training as a condition of employment, and compliance program personnel complete FSIS Surveillance, Enforcement, and Investigation Methodology training. The Department’s Human Resources Division and the MDA MPIP administrative assistant maintain the employee training records.

MDA MPIP incorporates the guidance in FSIS Directive 4430.3, In-Plant Performance System (IPPS), to set performance standards and perform performance evaluations. MDA MPIP supervisors use IPPS to evaluate, document, and report job performance as well as identify and correct overall program inconsistency and performance. The IPPS assessment results are documented on Missouri Form MO 350-1433 and recorded in the Missouri State Performance Management System (PERForM), a web-based State annual review system. MDA MPIP reviews the performance of each staff member annually. Newly hired staff members must complete a 6-month probationary period and receive a successful review for permanent employment.

After thorough review of the submitted documents, FSIS concluded that MDA MPIP has 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 MDA MPIP’s inspection methodology, to document findings, and to initiate regulatory actions when necessary. Control measures are in effect to confirm that MDA MPIP’s staffing and training systems function as intended.

Component 5 – Humane Handling
MDA MPIP schedules and performs regulatory verification procedures to assess whether establishment personnel humanely handle all livestock throughout the time the livestock are on official establishment premises, and it takes appropriate regulatory action in response to noncompliance.

MDA MPIP uses FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel. Inspectors perform humane handling verification procedures each day establishments slaughter livestock and record the results in PHIS. The low volume and slow pace of the very small slaughter establishments allow inspection personnel to observe continuously slaughter and humane handling practices. Control measures are in effect to confirm that the humane handling verification system functions as intended. During routine visits, the veterinary medical officer evaluates establishments’ humane handling procedures and inspectors’ humane handling task performance. In addition, the veterinary medical officers perform annual humane handling reviews at each slaughter facility in accordance with FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) - Work Methods.
In conclusion, the information supports the fact that MDA MPIP verifies compliance with the humane handling requirements and takes regulatory action “at least equal to” the Federal program. Control measures are in effect to confirm that the humane handling verification system functions as intended.

Component 6 – Compliance
MDA MPIP compliance personnel conduct in-commerce surveillance of persons or firms who prepare, transport, sell, or offer for sale meat and poultry products in intrastate commerce to verify compliance with State statutory and regulatory requirements, and to verify that meat and poultry products in intrastate commerce are wholesome, correctly packaged and labeled, and secure from threats or intentional acts of contamination.

MDA MPIP investigates alleged or actual statutory or regulatory violations; controls products when there is reason to believe that the products are adulterated, misbranded, or otherwise in violation of the Missouri Revised Statutes; and takes enforcement action, when needed, up to and including prosecution of individuals or firms that have violated the Missouri Revised Statutes. MDA MPIP has procedures to maintain and preserve the legal integrity of documentary and other evidence to support legal action, and to report transportation accidents that involve State-inspected and passed meat and poultry products.

MDA MPIP management reviews all compliance reports for accuracy, extracts pertinent information for reporting purposes, enters this information in a database, and files the hard copies. The program director reviews all violations and relevant evidence and determines the appropriate case disposition and course of action.

MDA MPIP maintains procedures for the recall of meat and poultry products subject to its jurisdiction that are “at least equal to” the procedures described in FSIS Directive 8080.1, Recall of Meat and Poultry Products. These procedures include health hazard evaluation, recall classification, public notification, effectiveness checks, and closure. Firms are to notify MDA MPIP within 24 hours of initiating a recall. MDA MPIP oversees the recall activities, coordinates actions to determine whether adulterated product was removed from commerce, and issues news releases as necessary to serve the interest of public health.

MDA MPIP established methods to record, triage, analyze, and track consumer complaints related to State-regulated meat or poultry products. Compliance personnel investigate these complaints. The investigative methods include initiating procedures to collect and safeguard evidence, conduct interviews, submit product samples to the laboratory, initiate recall procedures and/or regulatory and enforcement actions, and report potential food safety threats.

The submitted documents support the conclusion that MDA MPIP maintains a system to verify compliance of meat and poultry products in intrastate commerce and takes appropriate enforcement actions in the event that adulterated or misbranded products enter intrastate commerce. Control measures are in effect to confirm that the compliance program functions as intended.
Component 7 – Laboratory Methods and Quality Assurance Program
An off-site records review of the Missouri Department of Agriculture Veterinary Diagnostic Laboratory (Missouri) and Contract Laboratory K was performed during FY 2021 to evaluate laboratory quality assurance (QA) programs and method equivalence under the State MPI Program.

Missouri conducts microbiological testing for *Salmonella, L. Monocytogenes, Campylobacter, E. coli O157:H7* and non-O157 STEC. Contract Laboratory K conducts chemistry testing on Missouri’s behalf to include the measurement of moisture, fat, salt and protein.

OPHS compared the Missouri and Contract Laboratory K Laboratory Quality Assurance Program to the “State Meat and Poultry Inspection (MPI) Program Laboratory Quality Management System Checklist” to evaluate evidence of laboratory proficiency and analyst training.

Based on their self-assessment, Missouri met all laboratory QA requirements including analysts’ training and related proficiency testing. Contract Laboratory K met all laboratory QA requirements based on the self-assessment provided by the laboratory.

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

Based on the Component 7 methods and QA program review, Missouri may be eligible to perform inspection:

- At beef establishments producing raw ground beef and bench trim, and at beef slaughter establishments producing manufactured trim, provided the State collects and submits 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 the State collects and submits the appropriate number of samples that are tested for *Salmonella* and *L. monocytogenes*.

- At poultry slaughter establishments, provided the State collects and submits the appropriate number of samples 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. However, states should consider testing at a risk hierarchy that is commensurate with their establishment sizes and production volumes.

Component 8 – Civil Rights
MDA 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. CRS concluded that MDA functions “at least equal to” the Federal civil rights requirements.

**Component 9 – Financial Accountability**  
MDA MPIP submitted quarterly and final Federal Financial Reports (SF-425), and an annual Indirect Cost Proposal to demonstrate it conforms to 7 CFR, Part 3016, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, and follows FSIS Directive 3300.1, Rev.2, Fiscal Guidelines for Cooperative Inspection Programs (March 2004). FRSB determined that MDA MPIP is “at least equal to” Federal standards for financial accountability for FY 2021.

**Self-Assessment Determination for Missouri**  
Based on the submitted self-assessment documents and desk review results described above, FSIS determined that MDA MPIP provided adequate documentation to show it is operating a meat and poultry inspection program “at least equal to” the Federal requirements.