Appendix Q

Comprehensive Review and Determination Report

Fiscal Year 2021

Ohio

Federal-State Audit Staff
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
U.S. Department of Agriculture
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Purpose
This 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 Ohio 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 Ohio’s MPI Program
The Ohio Department of Agriculture, Division of Meat Inspection (ODA/DMI) administers the Ohio MPI program under authority of Ohio Revised Code, Chapter 918: Meat Inspection. The program verifies compliance and enforces regulatory requirements at 172 inspected facilities and 83 custom exempt establishments. In addition, ODA/DMI provides inspection at 31 facilities in the Federal-State Cooperative Agreement Inspection Program.

Annual Determination
FSIS determined that ODA/DMI is operating a meat and poultry inspection program “at least equal to” the Federal requirements. This determination was based on: (1) FSIS’ annual desk review of the self-assessment documents, and (2) FSIS’ onsite review. This determination is fully explained in the sections entitled “Part I – Self-Assessment Review” and “Part II – Onsite Review.”

Part I. Self-Assessment Review
Part I includes the following:
- Description of the Self-Assessment Review Methodology followed for all State MPI programs;
- Review of Ohio’s Self-Assessment Submission; and
- Self-Assessment Determination for Ohio.

Self-Assessment Review Methodology
The annual self-assessment is designed for each State MPI program to provide sufficient information to adequately demonstrate an “at least equal to” program. The self-assessment submission provides documentation regarding the State’s laws, rules, policies, procedures, and programs to provide a basis for FSIS to determine whether the State MPI program meets the “at least equal to” Federal requirements standard. The self-assessment documents are to include evidence and documentation to support that the State MPI program’s processes are in effect and current with FSIS policies. Following this submission, FSIS thoroughly reviews the self-assessment documentation.

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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 Facilities operating under the Federal-State Cooperative Agreement Inspection Program, also known as Talmadge-Aiken establishments or cross-utilization facilities, are under Federal inspection, but operate with State inspection personnel. As a result, these facilities are not reviewed as part of the State MPI program review. However, since State inspection personnel staff these establishments, the number of these establishments is applicable to determinations on Component 4 – Staffing, Training, and Supervision.
FSIS’ review of the self-assessment submissions begins with the formation of a review team. The review team, comprised of Agency representatives from FSAS, Civil Rights Staff (CRS), Financial Reviews and Systems Branch (FRSB), Laboratory Quality Assurance Response and Coordination Staff (LQARCS), and other program areas, as needed, evaluates each State MPI program’s self-assessment submission to determine whether it meets the “at least equal to” criteria for all nine review components.

If questions arise during the self-assessment review, or if more information or supporting documentation is needed, FSIS will request the State MPI program submit further clarifying information. Following reviews of the submitted information, a final determination will be made based on the self-assessment submission in its entirety. FSIS will make one of the following three determinations for each component and for the 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 Ohio’s Self-Assessment Submission
FSIS evaluated the self-assessment documents for the nine review components to determine whether ODA/DMI constitutes an inspection program “at least equal to” the Federal program. The determination and rationale for each review component are listed below.

FSAS received ODA/DMI’s self-assessment submission for components 1 through 6 on January 29, 2021. FSAS sent a notification to ODA/DMI affirming acceptance of the self-assessment submission and all requested supplementary information provided during the desk review of components 1 through 6 on February 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), Poultry Products Inspection Act (PPIA), and the Humane Methods of Slaughter Act (HMSA), and the regulations promulgated under these laws. The supporting documentation is included the Ohio Administrative Code and the Ohio Revised Code (Chapters 119, 918, and 945). The Ohio Revised Code provide authorities for mandatory ante-mortem and post-mortem inspection, reinspection (Section 901.2 and 918.22), sanitation requirements (Sections 918.02 and 918.23), record keeping requirements (Sections 948.02 and 918.24), and humane methods of slaughter requirements (Sections 918.04 and 918.25).
In addition, the Ohio Revised Code and the Ohio Administrative Code provide authorities that are “at least equal to” the FMIA and PPIA regarding adulteration (Sections 918.01(H), 3715.59 and 3715.62), misbranding (Sections 918.01(O) and 3715.60), prohibited acts (Section 918.11), access and examination (Section 918.26(B)), and product control actions (Section 918.01). It also includes sufficient authorities for criminal, civil, and administrative sanctions to address violators.

The Ohio Revised Code grants the authority to promulgate rules and regulations (Sections 918.04 and 918.25). Ohio adopted the current version of Title 9, Code of Federal Regulations (9 CFR) Parts 300 to 500, with exception, in the Ohio Administrative Code (Section 901:2-1-01).

In conclusion, ODA/DMI 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. ODA/DMI uses the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, and analyze inspection data. ODA/DMI 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 Ohio Revised Code and governing rules and regulations. 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, ODA/DMI 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, ODA/DMI schedules and performs a comprehensive Food Safety Assessment (FSA) at each inspected establishment in accordance with FSIS Directives 5100.1, Enforcement, Investigations and Analysis Officer (EIAO) Food Safety Assessment (FSA) Methodology, and 5100.4, Enforcement, Investigations 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.

ODA/DMI verifies establishment compliance with the non-food safety consumer protection regulatory requirements. ODA/DMI uses applicable FSIS directives to instruct inspection
personnel and it uses PHIS to schedule ongoing verifications and document noncompliance. A thorough review of the PHIS data for a 12-month period supports the conclusion that ODA/DMI inspectors correctly apply the inspection methodology and document noncompliance.

ODA/DMI maintains a label approval policy and process to verify that labels are accurate and meet regulatory requirements. For labels requiring prior approval, an establishment representative must submit a completed label application with a label sketch to ODA/DMI for review and approval prior to applying a label, mark, or device to an inspected meat or poultry product.

ODA/DMI enforces the Ohio Administrative Code 901:2-2, 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. ODA/DMI maintains procedures to document relevant facts of administrative actions and ensure that administrative actions are legally supportable and based on relevant facts.

The submitted documents support the conclusion that ODA/DMI:

- 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
FSIS compared ODA/DMI’s sampling protocols, procedures, and results to Federal policies and procedures.

ODA/DMI 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;
- *Listeria monocytogenes* (*L. monocytogenes*) and *Salmonella* in ready-to-eat products;
- *Salmonella* performance standards in raw classes of meat and poultry; and
- Other consumer protection standards.

The sampling plans include procedures for sample collection, sample integrity, and laboratory analysis. ODA/DMI developed policies to respond to positive results. These policies include actions to prevent adulterated product from entering commerce. ODA/DMI 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 ODA/DMI 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. ODA/DMI has control measures in effect to confirm that its product sampling system functions as intended.

Component 4 – Staffing, Training, and Supervision

ODA/DMI 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. The ODA/DMI is divided into eight districts throughout the State. Each district is managed by an ODA/DMI supervisor, who is responsible for scheduling and ensuring daily inspection coverage throughout the district. Through district scheduling, sign-in sheets, onsite visits, and a Meat Inspection Field Log, the ODA/DMI can ensure daily coverage at each inspected establishment. The ODA/DMI requires that all establishments producing products for commerce and using the State of Ohio mark of inspection or the selected establishment Federal mark of inspection have daily inspection coverage. The ODA/DMI utilizes an assignment staff year worksheet, developed by FSIS, as an aid in determining the workload and routine coverage for each inspection assignment. During scheduled and emergency leave situations, the district supervisor has the responsibility to assure that the inspection assignment of the employee taking leave is covered. This is accomplished by either adding to the assignment one or more inspectors or by having the district supervisor or regional veterinarian provide inspection coverage during the leave.

At the start of the fiscal year (FY) 2021 review cycle, ODA/DMI indicated they employ 2 program managers, 3 program administrators, 1 budget analyst, 8 field supervisors, 71 inspectors, 5 veterinary medical officers, 2 EIAOs, 1 compliance manager, and 4 compliance officers.

ODA/DMI continues to implement a training program for new entry-level inspection personnel. The training covers the basics of red meat slaughter, humane handling, sanitation, and processing. This training consists of assigning the meat inspector trainee with a trainer for approximately 3-4 months. During that time, the trainee is expected to study and gain knowledge from the issued workbook, training modules, FSIS directives, and onsite observations on the slaughter floor and throughout the plant for sanitary conditions. The ODA/DMI utilizes the resources of FSIS via AgLearn and in-class instruction for employee training. All ODA/DMI inspectors and supervisors have been trained in PHIS basics as well as through classroom trainings, either on the State level or via FSIS. All new inspectors attend the Inspection Methods course offered by FSIS to gain knowledge in PHIS and inspection activities. All ODA/DMI veterinarians are sent through the FSIS Public Health Veterinarian training, as well as EIAO training early in their career. The ODA/DMI is also continuing to send meat inspection
supervisors to the FSIS EIAO training. A training folder is maintained for each employee that includes documentation of all training completed.

ODA/DMI conducts assessments of the inspection staff. Each inspector is evaluated on a quarterly basis by the district supervisor and at least once by the regional veterinarian to gauge their knowledge on the slaughter floor (ante-mortem, post-mortem, humane handling, etc.) as well as sanitation, processing, HACCP, labeling, sample collection, etc. These assessments are documented on an in-plant performance system (IPPS) form per ODA/DMI modification of FSIS Directive 4430.3 Revision 4, In-Plant Performance System (IPPS). Additionally, as per Ohio State requirement, each employee is evaluated annually based on standards developed by the ODA/DMI and the State. These standards include documenting/recording information, identifying actions, objectives, and events, and evaluating information for compliance. They are also given annual goals and performance expectations to strive for.

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

Component 5 – Humane Handling
ODA/DMI 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.

ODA/DMI uses FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, which informs inspection program personnel of the requirements, verification activities, and enforcement actions for ensuring that the handling and slaughter of livestock, including disabled livestock and livestock slaughtered by religious ritual methods, is humane. The State of Ohio has fully adopted and implemented this directive. The Inspector documents humane handling verifications in PHIS. ODA/DMI veterinary medical officers perform annual humane handling reviews at slaughter facilities in accordance with FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) - Work Methods, which provides instruction to DVMSs regarding the work methods to be utilized when conducting humane handling verification visits at livestock establishments or when conducting a good commercial practice visit at a poultry establishment. The regional veterinarians within the State program serve the role of the district veterinary medical specialist. The State of Ohio has fully adopted and implemented this directive. The data analysis for the Humane Handling Activities Tracking portion of this directive is now provided by reviewing this information in PHIS. The humane handling verification visits and good commercial practice correlation visits are documented in the PHIS system.
The submitted documents support the conclusion that ODA/DMI 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 6 – Compliance
The ODA/DMI, in conjunction with the Enforcement Division, verifies compliance with State statutory and regulatory requirements, and verifies that meat and poultry products in intrastate commerce are wholesome, correctly packaged and labeled, and secure from threats or intentional acts of contamination. Enforcement Division compliance personnel conducted 83 planned and random in-commerce surveillances of persons or firms who prepare, transport, sell, or offer for sale meat and poultry products in intrastate commerce.

The Division of Meat Inspection receives complaints from various sources regarding entities that are in violation of Ohio Meat and Poultry laws. The Enforcement Division investigates apparent violations and food safety incidents; detains products when there is reason to believe that the products are adulterated, misbranded, or otherwise in violation of the Ohio Revised Code; and takes enforcement action when needed, up to and including prosecution of individuals or firms who have violated the Ohio Revised Code. The Enforcement Division has a protocol for the collection of evidence to ensure chain of custody and to hold the contents in a secure location. In the event a case regarding meat inspection requires evidence collection, the evidence is delivered by the enforcement agent to the ODA campus for placement in the secure location until resolution of the case.

ODA/DMI maintains consistent surveillance and enforcement across the entire program by conducting quarterly meetings with the enforcement agents to review and discuss the implementation of notices, directives, rules, and regulations.

ODA/DMI maintains recall procedures for meat and poultry products subject to its jurisdiction that are equal to 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. The division ensures facilities maintain their regulatory responsibility regarding removing product from commerce via a voluntary recall in the event of shipping misbranded or adulterated product.

ODA/DMI established methods to record, triage, analyze, and track consumer complaints related to State-regulated meat or poultry products. ODA/DMI personnel either investigate these complaints or refer them to the local health authority. The investigative methods include procedures to collect and safeguard evidence; conduct interviews; submit product samples to the laboratory; initiate recall procedures or regulatory and enforcement actions; and report potential food safety threats.
Component 7 – Laboratory Methods and Quality Assurance Program
An off-site records review of the Ohio Department of Agriculture Consumer Protection Laboratory (ODACPL) was performed during FY21 to evaluate laboratory quality assurance programs and method equivalence under the State MPI Program.

As a participant in the Cooperative Interstate Shipment (CIS) “same as” program, Ohio meets the requirements of the State Meat and Poultry Inspection (MPI) “at least equal to” Program Laboratory Quality Management System Checklist. Ohio performs FSIS Microbiology Laboratory Guidebook methods on CIS program samples for *Campylobacter*, *L. monocytogenes*, *Salmonella*, *E. coli* O157:H7 and non-O157 STEC analyses. USDA/FSIS/Eastern Laboratory conducts food chemistry testing on ODACPL’s behalf to include measurement of moisture, protein, fat, and salt.

FSIS compared the ODACPL 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 their self-assessment, ODACPL met all Laboratory quality assurance (QA) requirements including analysts’ training and related proficiency testing.

The USDA/FSIS/Eastern Laboratory has demonstrated adequate food chemistry capability for the measurement of moisture, protein, fat, and salt. ODACPL has demonstrated adequate microbiological capabilities for detection of *Salmonella*, *L. monocytogenes*, *E. coli* O157:H7, non-O157 STEC and *Campylobacter*.

Based on the Component 7 methods and quality assurance program review, Ohio 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
In December 2020, ODA/DMI 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 ODA/DMI functions “at least equal to” the Federal civil rights requirements.

Component 9 – Financial Accountability
ODA/DMI 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 ODA/DMI is “at least equal to” Federal standards for financial accountability for FY 2021.

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

Part II. Onsite Review

Part II includes:

- A description of the onsite review methodology followed for all State MPI programs;
- An onsite review of Ohio; and
- An onsite determination for Ohio.

Onsite Review Methodology
The onsite review determines whether the State implements its MPI program in a manner that is “at least equal to” the Federal inspection program and maintains program policies and procedures in accordance with those submitted in the annual self-assessment documents. The FSIS onsite review team is comprised of representatives from FSAS, CRS, FRSB, LQARCS, and other program areas as needed. FSIS Directive 5720.3, Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs, outlines the comprehensive State MPI program review process.

As the primary contact for State MPI program officials and FSIS review team members, the lead FSAS program reviewer is to coordinate and track components 1 through 6 onsite review activities and to monitor the status of components 7 through 9 reviews through communications with LQARCS, CRS, and FRSB. The FSAS reviewer schedules the onsite review, for components 1 through 6 with State MPI program officials. FSAS will send written notification to State MPI program officials at least 30 days prior to the start of the onsite review. LQARCS, CRS, and FRSB are to schedule onsite reviews of components 7 (laboratory methods and quality assurance program), 8 (civil rights), and 9 (financial accountability), respectively.

Upon completion of an onsite review, FSIS is to make one of the following three determinations for each component and the State’s overall ability to maintain its 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.

Onsite Review of Ohio

FSIS analyzed all information gathered during the onsite review and ODA/DMI’s action plan, which addressed the findings identified during the review, to determine whether ODA/DMI has implemented and maintains its MPI program “at least equal to” the Federal requirements; and was enforcing requirements “at least equal to” those imposed under the Federal acts. The determination and rationale for each review component are listed below.

FSAS conducted an onsite review of ODA/DMI, for components 1 through 6, March 22 to April 1, 2021. Based on records and procedures reviewed, FSAS determined ODA/DMI was able to confirm the program is implemented as described in self-assessment.

Component 2 – Inspection

FSAS reviewed the conditions and documents onsite. The onsite documents reviewed included, but were not limited to, Sanitation SOPs and associated records; HACCP plans and associated records; generic \textit{E. coli} sampling procedures and associated records; procedures for the removal, segregation, and disposition of specified risk materials and associated records; custom exempt records; noncompliance records; and enforcement letters. In addition, FSAS reviewed the non-food safety consumer protection documents and procedures to determine whether ODA/DMI enforces non-food safety consumer protection regulatory standards “at least equal to” the Federal requirements. This review included, but was not limited to, ongoing regulatory verification tasks, label approvals, labels, and product formulations.

FSAS evaluated ODA/DMI during 13 establishment reviews. During the onsite review, ODA/DMI personnel identified several establishment noncompliances with the Sanitation SOPs, Sanitation Performance Standards, HACCP design and validity, and non-food safety consumer protection requirements. The FSAS program reviewer identified several establishment noncompliances associated with the record keeping component of the HACCP Verification Task. Additionally, a nonconformity with the Zero Tolerance Verification Task was identified during the onsite review. ODA/DMI officials initiated regulatory actions in the establishments and issued noncompliance records at the time the noncompliances were identified. Evidence of closed out noncompliances were submitted with the program action plan to demonstrate the establishments bringing themselves back into compliance. Further, the ODA/DMI submitted evidence of circuit wide employee retraining and performance evaluations showing competency to address the program nonconformity identified.
On April 28, 2021, ODA/DMI submitted an action plan to correct the findings identified during the review. The action plan identifies the underlying causes of the system-wide findings and the underlying causes of the specific findings at individual establishments, and includes a verification plan to ensure statewide correction of these findings. In addition, ODA/DMI provided evidentiary documents to demonstrate verification of establishment compliance with the regulatory requirements. Based on records and procedures reviewed, FSAS determined ODA/DMI was able to confirm the program is being implemented as described in self-assessment.

Component 3 – Sampling Programs
FSAS reviewed ODA/DMI’s product sampling documents, protocols, procedures, and results presented onsite. 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, *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, economic samples, violative drug residues, State laboratory activity reports, and sample seals. Based on records and procedures reviewed, FSAS determined ODA/DMI was able to confirm the program is being implemented as described in self-assessment.

Component 4 – Staffing, Training, and Supervision
FSAS reviewed the staffing and training program onsite to assess whether ODA/DMI carries out its staffing, training and supervisory systems consistent with the self-assessment documents and “at least equal to” the Federal requirements. After further analysis of data from the ODA/DMI office and establishment reviews, FSAS concluded that ODA/DMI has an adequate number of trained persons to provide the required inspection coverage in the establishments, perform compliance activities, and provide supervisory oversight, and has implemented procedures to ensure daily inspection coverage in operating establishments. Inspection personnel apply ODA/DMI’s inspection methodology and make decisions based upon the correct application of inspection methodology, document findings, and initiate regulatory action. The training program includes measures to ensure that inspection personnel receive training in the areas of meat and poultry ante-mortem and post-mortem inspection, humane handling, processed products, HACCP, Sanitation SOPs, rules of practice, IPPS guidelines, compliance, and Inspection Methods training.

Based on records and procedures reviewed, FSAS determined ODA/DMI was able to confirm the program is being implemented as described in self-assessment.

Component 5 – Humane Handling
FSAS reviewed the humane handling program and documents presented onsite to determine whether ODA/DMI adequately enforces the humane slaughter of livestock regulatory standards to ensure that animals presented for slaughter are humanely handled throughout the time they are on official establishment premises. These documents included, but were not limited to, noncompliance records and procedure schedules. FSIS reviewed humane handling of livestock, stunning methods and the condition of livestock pens, driveways, and ramps.
Based on records and procedures reviewed, FSAS determined ODA/DMI was able to confirm the program is being implemented as described in self-assessment.

**Component 6 – Compliance**

FSAS conducted an onsite review of the compliance program activities including an onsite planned surveillance activity of a retail store and all specified documents to determine whether ODA/DMI implements a compliance program in accordance with the submitted self-assessment documentation. These included, but were not limited to, Reports of Investigation, Daily Activity Reports, Programmed Compliance Plans, Incident Reports, Case Reports, Reports of Apparent Violations, and Notices of Warning.

The review of compliance documents and case files supports the conclusion that ODA/DMI 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.

ODA/DMI 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 Ohio Revised Code. The Reports of Investigation were completed in accordance with FSIS Directive 8010.4, Report of Investigation. ODA/DMI uses the investigative findings and evidence to pursue enforcement actions for administrative, civil, or criminal sanctions.

ODA/DMI follows the recall procedures in FSIS Directive 8080.1, Recall of Meat and Poultry Products, with minor modifications fitting its organizational structure. Five State-inspected establishments recalled products during the reporting year. ODA/DMI followed the recall procedures in their self-assessment submission by determining the need for a recall, the scope, public notification, determining further distribution, and the effectiveness of the establishment’s recall.

ODA/DMI maintains a system to review, analyze, and triage consumer complaints. ODA/DMI gathers information pertinent to these complaints, directs the compliance division to investigate these complaints, and files completed investigation documents in the State office.

ODA/DMI has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. Supervisory personnel perform reviews at custom exempt facilities at least once per year. Additionally, field personnel conduct periodic inspection visits of custom exempt slaughter and processing facilities and fully inspected establishments performing custom exempt activities.

Based on records and procedures reviewed, FSAS determined ODA/DMI was able to confirm the program is being implemented as described in self-assessment.
Component 7 – Laboratory Methods and Quality Assurance Program
LQARCS did not conduct an onsite review of ODACPL in FY 2021. Therefore, the annual determination will be based on the self-assessment review results only.

Component 8 – Civil Rights
CRS conducted a civil rights compliance review of the ODA/DMI (hereafter referred to as “the State”). 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 areas: (1) Civil Rights Assurances; (2) State Infrastructure and Program Accountability; (3) Public Notification; (4) Civil Rights Complaints of Discrimination; (5) Civil Rights Training; (6) Disability Compliance; (7) Program Accessibility for Individuals with Limited English Proficiency, and (8) Compliance with the Age Discrimination Act of 1975.

The review consisted of an interview with the State’s Assistant Chief, ODA/DMI; a review of documents and information that was provided by the State or gathered from the State’s website; a facility assessment; and telephonic interviews with a sampling of establishment owners. The last onsite program review was conducted in July 2017, at which time the State was found to be in compliance.

Component 9 – Financial Accountability
On the week of May 17, 2021, FRSB conducted a fiscal review of ODA/DMI and the report was issued in FY 2021 to determine the sufficiency of the financial systems, records, reports, and procedures employed by ODA/DMI in accounting for the MPI program. This review encompassed Federal FY’s 2018-2020. FRSB determined that ODA/DMI is operating in full compliance with the financial and administrative provisions of FSIS Directive 3300.1, Rev.2, Fiscal Guidelines for Cooperative Inspection Programs (March 2004) and the criteria outlined in the FSIS “At Least Equal To” Guideline for State Meat and Poultry Inspection Programs (November 2016).

Onsite Determination for Ohio
Based on the evidence and results discussed above, FSIS determined that ODA/DMI operates its MPI program “at least equal to” the Federal requirements for all review components and enforces requirements “at least equal to” those imposed under the Federal Acts.