

Appendix S

FINAL REPORT

Fiscal Year 2023

Oklahoma

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Food Safety and Inspection Service
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Executive Summary

This report describes the outcome of the annual review of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF), conducted by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) for fiscal year 2023. The purpose of this review is to: (1) verify the State of Oklahoma 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 Oklahoma 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 properly 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 ODAFF to determine whether the State maintains and enforces requirements for a MPI program "at least equal to" the Federal requirements.

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

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

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I. INTRODUCTION

This report communicates the results of a 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 Oklahoma'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 Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) to determine whether it maintains and enforces requirements for a MPI program "at least equal to" the Federal requirements.

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

II. OBJECTIVE, SCOPE, AND METHODOLOGY

The scope of the FSIS review focused on the 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's review activities were limited to evaluations of self-assessment documents submitted by ODAFF via email or the State Review and Communication Tool 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 findings¹ 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. ODAFF was not subjected to a subsequent onsite verification audit in FY 2023.

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

III. BACKGROUND

The FMIA (21 U.S.C. 661) and the PPIA (21 U.S.C. 454) authorize FSIS to cooperate with State agencies in developing and administering State MPI programs. An individual State MPI program is limited to meat and poultry products that are produced and sold within the State and must operate in a manner and with authorities that are “at least equal to” the programs that FSIS implements under the ante-mortem and post-mortem inspection, reinspection, sanitation, record keeping, and enforcement provisions of the FMIA (21 U.S.C. 601, et seq.) and PPIA (21 U.S.C. 451, et seq.). State MPI programs are to ensure that livestock are treated humanely by imposing humane handling requirements that are “at least equal to” the requirements FSIS has established under the Humane Methods of Slaughter Act of 1978 (HMSA) (7 U.S.C. 1901–1906).

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

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

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

In addition, FSIS conducts onsite verification audits of State MPI programs at a minimum of every 3 years to verify accuracy and implementation of the State MPI program’s 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 collected through FSIS’ two-part review and audit process. Otherwise, the annual “at least equal to”

determination will be based on the analysis of the State’s self-assessment document review results.

ODAFF, a State organization with the overall authority to administer the State MPI program, submitted required program self-assessment documents to demonstrate administrative and program-wide compliance with all nine “at least equal to” components. FSIS evaluated the State’s self-assessment documentation to verify the State MPI program continues to operate in a manner “at least equal to” the Federal program.

ODAFF administers the Oklahoma MPI program under authority of Oklahoma Meat Inspection Act (Section 2-6-201) and Oklahoma Poultry Inspection Act (Section 2-6-255. ODAFF is organized on three levels: State office, establishment, and compliance program. The program verifies compliance and enforces regulatory requirements at inspected facilities and custom exempt operators.²

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

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

Total Number of State Inspected-Establishments and Custom Exempt Operators

	Establishment Type	Slaughter Only	Processing Only	Combination Slaughter and Processing	Total
Number of State-Inspected Establishments	Meat Only	1	6	24	31
	Poultry Only	0	0	1	1
	Total	1	6	25	32
Number of Custom Exempt Operators	Meat Only	1	4	64	69
	Total	1	4	64	69

IV. COMPONENT 1: STATUTORY AUTHORITY AND FOOD SAFETY REGULATIONS

The State laws or administrative rules must grant the State MPI program the legal authority to administer an inspection program. The State MPI program is required to have meat and poultry inspection laws and governing regulations to impose mandatory ante-mortem and post-mortem inspection, reinspection, sanitation requirements, recordkeeping requirements, and enforcement

² Custom exempt operators are slaughter and processing establishments that 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).

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 of the submitted self-assessment documentation and confirmed Oklahoma administers ODAFF under the applicable State laws, rules, and regulations. The State laws, the Oklahoma Meat Inspection Act, and Oklahoma Poultry Products Inspection Act, includes legal requirements comparable to following mandatory requirements of the FMIA and the PPIA:

- ante-mortem and post-mortem inspection (Sections 6–183, 6–184, and 6–256);
- reinspection (Sections 6–185 and 6–256);
- sanitation requirements (Sections 6–188 and 6–257);
- record keeping requirements (Sections 6–198 and 6–261);
- humane methods of slaughter requirements (Section 6–183);
- adulteration and misbranding (Sections 6–182 and 6–254);
- prohibited acts (Sections 6–190 and 6–259);
- access and examination (Sections 6–198 and 6–261);
- product control actions (Sections 6–203, 6–204, 6–268, and 6–269); and
- exemption from inspection (Sections 6–195 and 6–265).

The Oklahoma Statutes grants the authority to promulgate rules and regulations in sections 6–182.1 and 6–252. Oklahoma adopts by reference the mandatory meat and poultry inspection regulations in Title 9 of CFR in the Oklahoma Administrative Code Section 35:37–3–1 and 35:37–5–1.

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

FSIS did not have any findings and determined that ODAFF 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;
- 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 include observation of establishments' operations and employees' product handling practices, hands-on verification, and review of establishment records, with the results of verification being entered in the associated inspection records. The State MPI program is to implement inspection verification methods for ensuring State-inspected meat and poultry products are wholesome, not economically adulterated, truthfully labeled, and meet regulatory requirements. The State MPI program must ensure inspection personnel interpret and apply relevant regulatory requirements uniformly when conducting inspection verification methods. The ultimate regulatory goal of the State MPI is to protect consumers from meat or poultry products that are unwholesome, economically adulterated, or not truthfully labeled (21 U.S.C. 607 and 457).

FSIS reviewed the self-assessment documentation submitted and confirmed that ODAFF 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.

ODAFF uses the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, and analyze inspection data. ODAFF 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 Oklahoma 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. The resulting meat food products are inspected and passed for human consumption. ODAFF adopts and implements most relevant FSIS issuances as its own policies for carrying out inspection and food safety verification activities.

ODAFF utilizes its own State specific forms to document Food Safety Assessments (FSA). These forms are modeled from the FSA tools in PHIS. ODAFF uses a generic label approval process once the establishment has submitted a label to ODAFF management for approval at the initial opening of the facility. FSIS determined that the noted procedural differences did not

impact ODAFF's capability to meet the intended purposes of the FSIS Directive 5100.1, Food Safety Assessment Methodology and FSIS Directive 7221.1, Prior Labeling Approval.

FSIS did not have any findings and determined that ODAFF 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 tests. Laboratories conducting official analyses for State inspection programs must ensure test results are accurate, reliable, and reproducible.

ODAFF 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; and
- Other consumer protection standards.

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

ODAFF adopts and implements most relevant FSIS issuances as its own policies for carrying out inspection and food safety verification activities. ODAFF has combined sample requests for all raw beef sampling projects into one form that instructs State inspection personnel to collect samples as product is available. Sample request forms are sent out quarterly to eligible establishments and outline the expected target sample frequency for each project. All raw beef sampling projects are sampled for *E. coli* O157:H7, non-O157 STEC, and *Salmonella*. ODAFF does not perform the kidney inhibition swab screening test, electing instead to submit 1 pound of liver, kidney, and muscle for multi-residue method testing on suspect animals. FSAS determined that the observed procedural differences did not impact ODAFF's capability to meet the intended purposes of the FSIS Directives.

FSIS did not have any findings and determined ODAFF 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 ODAFF implements its administrative programs to ensure a competent workforce provides inspection coverage in each State-inspected meat and poultry establishment where the State inspection marks are applied to products. In addition, the documentation outlines a training program that includes both formal and informal job-related courses. The ODAFF 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 Oklahoma’s public health and regulatory goals, and sets standards for assessing job performance that include measures to correct unsatisfactory performance. ODAFF maintains a record keeping system to track participation and completion of training.

The State’s supervisory system aligns individuals’ work with Oklahoma’s public health and regulatory goals. It ensures recognition of strong performance and correction of unsatisfactory performance.

ODAFF has developed and implemented methods to determine staffing requirements. The requirements consider each inspector’s workload and the number of inspectors required to provide daily inspection coverage when an 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. ODAFF targets a coverage of approximately two establishments per inspector, considering establishment production schedule and drive time. Field supervisors assign the inspectors’ work schedules, with instructions for daily visits to operating establishments. Inspectors complete and submit weekly activity reports. The field supervisors review the activity reports to verify daily inspection coverage and arrange relief inspections during routine and emergency leave situations. Inspectors request routine annual leave via text message or phone calls and are expected to notify their supervisor as soon as possible by phone or text if sick/emergency leave is necessary. All supervisors are trained to provide inspection coverage for both slaughter and processing operations if necessary.

ODAFF incorporates the guidance in FSIS Directive 4430.3, In-Plant Performance System, to set performance standards and complete and record ongoing performance evaluations. The

supervisors are to perform at least two performance management plan (PMP) assessments for each inspector annually. New inspectors are on a one-year probation period and can be terminated at any time without or minimal cause. ODAFF maintains control measures to examine the PMP assessments for quality, completeness, and accuracy that consists of program manager review and signature for all PMPs. ODAFF mandates a performance plan and evaluation system for all State employees. This system communicates employees' work responsibilities, performance goals and objectives, and the results of their annual performance evaluations.

FSIS did not have any findings and determined the ODAFF administrative program to be “at least equal to” the FSIS program. ODAFF 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 ODAFF'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 slaughtering 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.

ODAFF has adopted all parts of 9 CFR 313 in Section 35:37–3–1 of the Oklahoma Administrative Code. ODAFF uses FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel. Inspectors document humane handling verifications in PHIS. During quarterly visits, the district veterinary medical specialist evaluates establishments' humane handling procedures and inspectors' humane handling task performance. ODAFF adopts FSIS Directive 6110.1, Verification of Poultry Good Commercial

Practices to verify poultry are slaughtered in accordance with GCP requirements. IPP assigned to State inspected poultry slaughter establishments follow FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices, when conducting procedures to ensure that poultry are slaughtered in accordance with GCP requirements.

ODAFF employs two veterinary medical officers to perform annual humane handling audits at slaughter facilities in accordance with FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) - Work Methods. Additional reviews are conducted outside this annual frequency if a noncompliance record is written for a Humane Handling or Good Commercial Practices task.

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

IX. COMPONENT 6: COMPLIANCE

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

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

FSIS reviewed submitted self-assessment documents and confirmed ODAFF maintains a compliance system to enforce food safety, food defense, inspection exemption, and other consumer protection statutory requirements in intrastate commerce. ODAFF 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.

ODAFF personnel conduct in-commerce surveillance of persons or firms that prepare, transport, sell, or offer for sale meat and poultry products in intrastate commerce. ODAFF procedures and methods are in accordance with FSIS Directive 8010.1, Methodology for Conducting In-Commerce Surveillance Activities, 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 are secure from threats or intentional acts of contamination.

ODAFF investigates alleged or actual statutory or regulatory violations in accordance with FSIS Directive 8010.2, Investigative Methodology. ODAFF controls products when there is reason to believe that the products are adulterated, misbranded, or otherwise in violation of the Oklahoma Meat Inspection Act and Oklahoma Poultry Products Inspection Act; and takes enforcement action, when needed, up to and including prosecution of individuals or firms that have violated the Oklahoma Statutes. ODAFF 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.

ODAFF management reviews all compliance reports for correctness, 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 then determines the appropriate case disposition and course of action.

ODAFF 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. ODAFF maintains their own State specific Directive for the recall of meat and poultry products. These procedures include health hazard evaluation, recall classification, public notification, effectiveness checks, and closure. Establishments and firms are to notify ODAFF within 24 hours of initiating a recall. ODAFF 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.

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

ODAFF has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. The director is responsible for scheduling and tracking custom exempt reviews. The field supervisors perform quarterly reviews at custom exempt operators and the State veterinarian or director perform quarterly certification reviews at select custom facilities to ensure that the supervisors are performing custom exempt reviews appropriately. ODAFF utilizes their own custom exempt operators review checklist that lists findings as acceptable, pending, or unacceptable. A finding of pending means that the establishment is in the process of fixing the issue or will have it resolved before the next visit.

Follow-ups are based on the severity of the findings noted and could be the next day, week, month, or quarter.

FSIS did not have any findings and determined the ODAFF compliance program to be “at least equal to” the FSIS program. ODAFF compliance program to be “at least equal to” the Federal program. ODAFF maintains sufficient resources to conduct surveillance reviews at registered firms, which may lead to investigations and enforcement actions. The information supports individuals, firms, and corporations in compliance with applicable State statutes when producing, transporting, storing, and distributing meat and poultry products in intrastate commerce. The information supports the conclusion that inspection personnel have the education and training to apply ODAFF’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

State MPI program must use product sampling and laboratory methods with capabilities and safeguards “at least equal to” FSIS’ product sampling and laboratory methods. State MPI programs should update and maintain its laboratory microbiological and chemical detection methods to be “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 the Oklahoma Department of Agriculture, Laboratory Services Division (ODALS) was performed during FY 2023 to evaluate laboratory quality assurance programs and method equivalence under the State MPI Program.

ODALS conducts microbiological testing for *Salmonella*, *L. monocytogenes*, *E. coli* O157:H7, and non-O157 STEC. Indiana State Department of Health Laboratories (ISDHL) conducts chemistry testing on ODALS’s behalf for the measurement of moisture, protein, fat, and salt.

FSIS compared the ODALS 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 its self-assessment, ODALS met all laboratory quality assurance requirements, including analysts’ training and related proficiency testing (PT). ISDHL met all Laboratory QA requirements based on the self-assessment provided by the laboratory.

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

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

- At beef establishments producing raw ground beef and bench trim, provided that the State collects and submits the appropriate number of samples that are tested for *Salmonella* and *E. coli* O157:H7 and at beef slaughter establishments producing manufactured trim, where the State is to collect and submit the appropriate number of samples that are tested for *Salmonella*, *E. coli* O157:H7, and non-O157 STEC.
- At “ready-to-eat” meat and poultry establishments, provided that the state collects and submits the appropriate number of samples that are tested for *Salmonella* and *L. monocytogenes*.
- At poultry slaughter establishments, provided that the state collects and submits the appropriate number of samples that are tested for *Salmonella* and *Campylobacter*. MPI States with no participating facilities slaughtering at least 20,000 chickens and/or 20,000 turkeys per year are not required to test that raw product for *Salmonella* and *Campylobacter* since it is not required at similar federally inspected plants. Note: Analytical methods for *Salmonella* and *Campylobacter* in raw poultry products were not evaluated as ODAFF is not currently inspecting MPI program poultry establishments slaughtering at least 20,000 chickens and/or turkeys per year.

On September 18, 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, ODAFF submitted the required FSIS Form 1520-1, Civil Rights Compliance of State Inspection Programs, to demonstrate adherence to Federal civil rights laws and USDA civil rights regulations.

FSIS conducted a Civil Rights compliance review of ODAFF. 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 September 25, 2023, FSIS determined Oklahoma’s Civil Rights program to be in compliance with “at least equal to” standards for applicable civil rights laws, USDA regulations, and FSIS policies.

XII. COMPONENT 9: FINANCIAL ACCOUNTABILITY

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

ODAFF 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 ODAFF is “at least equal to” Federal standards for financial accountability for FY 2023.

XIII. DETERMINATION FOR OKLAHOMA

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