Appendix S

Comprehensive Review and Determination Report

Fiscal Year 2021

South Carolina

Federal-State Audit Staff
Office of Investigation, Enforcement and Audit
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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, Federal-State Audit Staff’s (FSAS) annual review results and determination for the South Carolina 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 South Carolina’s MPI Program
The South Carolina Meat-Poultry Inspection Department (SCMPID) administers the South Carolina MPI program under authority of South Carolina Code of Laws (Title 47, Chapters 4, 17, and 19). The program verifies compliance and enforces regulatory requirements at 46 inspected facilities and 17 custom exempt establishments.¹ In addition, SCMPID provides inspection at seven facilities in the Federal-State Cooperative Agreement Inspection Program.²

Annual Determination
FSIS determined that SCMPID 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 South Carolina’s Self-Assessment Submission; and
- Self-Assessment Determination for South Carolina.

Self-Assessment Review Methodology
The annual self-assessment process is designed for each State to provide sufficient information to adequately demonstrate their administration of an “at least equal to” State MPI program. The review objective is to determine whether a State continues to administer an MPI program that meets Federal standards set for ensuring meat and poultry products are safe, wholesome, unadulterated, and correctly labeled and packaged. Each review cycle, State MPI program officials are to complete and submit self-assessment component surveys, supporting documentation and other self-assessment instruments to FSIS in accordance with the State

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 (FSCIP), 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 and Training.
Reporting and Communication Tool User Guide and FSIS “At Least Equal To” Guideline for State Meat and Poultry Inspection Programs.

FSIS begins the annual comprehensive review by assembling a review team comprised of subject matter experts from various FSIS program areas to review the nine components of the comprehensive review process. The review team, comprised of Agency representatives from the FSAS; the 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. During the desk 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 South Carolina’s Self-Assessment Submission

FSIS evaluated the self-assessment documents for the nine review components to determine whether SCMPID constitutes an inspection program “at least equal to” the Federal program. The determination and rationale for each review component are listed below.

FSAS received SCMPID’s self-assessment submission for components 1 through 6 on December 14, 2021. FSAS sent a notification to SCMPID affirming acceptance of the self-assessment submission and all requested supplementary information provided during the components 1 through 6 desk reviews on March 10, 2021.

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3 Non-designated 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.
Component 1 – Statutory Authority and Food Safety Regulations

FSAS compared the submitted self-assessment and supporting documentation to the legal authority provided under the FMIA, PPIA, and the Humane Methods of Slaughter Act, and the regulations promulgated under these laws. The supporting documentation included the South Carolina Code of Laws (Title 47, Chapters 4, 17, and 19) and the South Carolina Code of Regulations (Chapter 27, Article 15, sections 1022.B and 1023.C). The South Carolina Code of Laws provide authorities for mandatory ante-mortem and post-mortem inspection; reinspection (sections 47-17-30 and 47-19-40); sanitation requirements (sections 47-17-40 and 47-19-50); record keeping requirements (sections 47-17-80 and 47-19-100); and humane methods of slaughter requirements (R.27-1023.C).

In addition, the South Carolina Code of Laws provides authorities that are “at least equal to” the FMIA and PPIA regarding adulteration (sections 47-17-20(i) and (j), and 47-19-20(j)), misbranding (sections 47-17-50(b) and 47-19-20(k)), prohibited acts (sections 47-17-60 and 47-19-70), access and examination (sections 47-17-80 and 47-19-100), and product control actions (R.27-1023.C and R.27-1022.B). It also includes sufficient authorities for criminal, civil, and administrative sanctions to address violators.


In conclusion, SCMPID 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 with the Federal requirements. SCMPID uses the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, and analyze inspection data. SCMPID 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 South Carolina Code of Laws, Title 47 Chapter 17 references as the Meat and Meat Food Regulations Inspection Laws of 1967 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, SCMPID administers a food safety verification program that meets the intent of FSIS Directives 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 the Hazard Analysis and Critical Control Point (HACCP) regulations.
In addition to performing inspections and food safety verifications, SCMPID 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) Comprehensive 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 Operational Procedures (Sanitation SOP), prerequisite programs, sampling programs, supporting documenting 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.

SCMPID verifies establishment compliance with the non-food safety (i.e., labeling) consumer protection regulatory requirements. SCMPID 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 SCMPID inspectors correctly apply the inspection methodology and document noncompliance.

SCMPID maintains a label approval policy and process to verify that labels are accurate and meet regulatory requirements. Operations Directive 126, Label Submission, guides SCMPID’s 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 SCMPID approval.

SCMPID enforces the South Carolina Code of Regulations, 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. SCMPID 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 SCMPID:

- 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;
- 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, Escherichia coli (E. coli) O157:H7, and Non-O157 Shiga toxin-producing E. coli (non-O157 STEC).
- 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 SCMPID’s sampling protocols, procedures, and results to Federal policies and procedures.

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

- *E. coli* O157:H7 in raw non-intact beef products and raw ground beef components;
- non-O157 STEC in beef manufacturing trimmings;
- *Listeria monocytogenes* (*L. monocytogenes*) and *Salmonella* in ready-to-eat products;
- Other consumer protection standards.

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

Component 4 – Staffing, Training, and Supervision
SCMPID 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. SCMPID divides the State into four geographical areas and assigns an area supervisor and an area veterinarian to each area. Each area supervisor assigns the inspectors’ work schedules using the guidance in SCMPID Administrative Directive 3, Inspector Staffing Guidelines, and arranges relief inspection during routine and emergency leave situations. When the area supervisors are absent, the area veterinarians perform these duties. To verify daily inspection assignment coverage, the area veterinarian and area supervisor monitor inspection task results, at least once a week, in addition to daily telephone calls, and weekly-unannounced establishment visits.

At the start of the FY 2021 review cycle, SCMPID indicated they employ 1 director; 1 assistant director; 2 administrative personnel; 4 supervisors; 23 inspectors; 3 veterinary medical officers (VMO); 1 enforcement, investigations and analysis officers; and 3 compliance officers.

SCMPID continues to implement a training program for new entry-level inspection personnel. The training covers basic slaughter techniques and all inspection techniques required to perform slaughter duties, including basic Sanitation SOP and HACCP procedures. Each circuit has a
designated on-the-job-trainer to provide new inspectors with administrative orientation followed by additional training on inspection duties. Administrative Directive 19, New Employee Development Guide, describes procedures for initial orientation, on-the-job and formal training, and performance evaluation. The training subjects include livestock inspection, slaughter inspection, processing inspection, HACCP, Sanitation SOP, and sanitation performance standards. SCMPID also provides employees with inspection methods training after they complete their 6-month probationary period. SCMPID maintains a record keeping system to track participation and completion of training.

SCMPID administers the South Carolina Employee Performance Management System, incorporates the guidance in FSIS Directive 4430.3, In-Plant Performance System (IPPS), to set performance standards, and complete and record ongoing performance evaluations. Each SCMPID employee receives interim evaluations at 3- and 6-month intervals during the year, and an annual performance evaluation. The South Carolina Employee Performance Management System outlines the employees’ work responsibilities, performance goals and objectives, and the results of their annual performance evaluations. SCMPID maintains control measures to examine the IPPS assessments for quality, completeness, and accuracy. In addition, South Carolina mandates a performance plan and evaluation system for all State employees. The completed performance evaluations are forwarded to the SCMPID Director, for final approval, before submission to the South Carolina Personnel Management Department.

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

**Component 5 – Humane Handling**

SCMPID 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.

SCMPID uses FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel. Inspectors document humane handling verifications in PHIS. SCMPID VMOs perform semi-annual humane handling reviews at slaughter facilities in accordance with the In-depth Review Checklist utilizing the Report of Humane Handling Verification Visit and the Humane Handling Slaughter Verification Tool. SCMPID VMOs perform annual humane handling reviews at slaughter facilities in accordance with FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) - Work Methods.

In conclusion, the information supports the fact that SCMPID 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
SCMPID personnel conduct in-commerce surveillance of persons or firms that 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 are secure from threats or intentional acts of contamination.

SCMPID 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 South Carolina Code of Laws; and takes enforcement action, when needed, up to and including prosecution of individuals or firms that have violated the South Carolina Code of Laws. SCMPID 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.

SCMPID 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 determines the appropriate case disposition and course of action.

SCMPID 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 required to notify SCMPID within 24 hours of initiating a recall. SCMPID 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.

SCMPID 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 for collecting and safeguarding evidence; conducting interviews; submitting product samples to the laboratory; initiating recall procedures and/or regulatory and enforcement actions; and reporting potential food safety threats.

In addition, SCMPID reviews custom exempt operations in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. Inspection personnel perform the custom exempt review semiannually, with scheduled followup based on the findings.

The submitted documents support the conclusion that SCMPID 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
LQARCS conducted an onsite audit of Clemson Veterinary Diagnostic Center (South Carolina) for microbiological pathogens and food chemistry testing. LQARCS evaluated the laboratory quality assurance (QA) and methods for South Carolina in conjunction with the onsite review, which is included in Part II of this document, Onsite Review.

Component 8 – Civil Rights
On March 30, 2021, CRS conducted a civil rights compliance review of SCMPID. The review was conducted to determine the State’s compliance with applicable civil rights statutes, USDA regulations, and FSIS policies, and where necessary to provide recommendations for program improvement.

The review focused on 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 to Individuals with Limited English Proficiency; and (8) Compliance with the Age Discrimination Act of 1975.

The review consisted of telephonic interviews with the MPID director; the assistant vice president for access; and the equity/executive director of supplier diversity, Office of Access and Equity at Clemson University. In addition, telephonic interviews were conducted with ten State-inspected establishments. Numerous documents submitted by the State as well as on the State’s website were also reviewed. The last review was conducted in March 2018 and found the State of South Carolina to be in compliance with “at least equal to” standards for applicable civil rights laws, USDA regulations, and FSIS policies.

Component 9 – Financial Accountability
SCMPID submitted quarterly and final Federal Financial Reports (SF-425), and the 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. FRSB determined that SCMPID is “at least equal to” Federal standards for financial accountability for FY 2021.

Self-Assessment Determination for South Carolina
Based on the submitted self-assessment documents and desk review results described above, FSIS determined that SCMPID 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 South Carolina; and
- An onsite determination for South Carolina.

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 auditor coordinates and tracks components 1 through 6 onsite review activities and monitors the status of components 7 through 9 reviews through communications with LQARCS, CRS, and FRSB. The FSAS auditor schedules the onsite review, for components 1 through 6, with State MPI program officials. FSAS sends written notification to State MPI program officials at least 30 days prior to the start of the onsite review. If applicable, LQARCS, CRS, and FRSB perform 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 South Carolina

FSIS analyzed all information gathered during the onsite review and SCMPID’s action plan, which addressed the findings identified during the review, to determine whether SCMPID 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 SCMPID, for components 1 through 6, April 19 to April 30, 2021. Based on records and procedures reviewed, FSAS determined SCMPID was able to confirm the program is being 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 *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 SCMPID 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 SCMPID during seven establishment reviews. SCMPID personnel identified several establishment noncompliances during the onsite review, with the Sanitation SOPs, Sanitation Performance Standards (SPS), and validity of non-food safety consumer protection requirements. The FSAS program auditor identified several establishment noncompliances. FSIS review team members identified several establishments throughout the State with SPS requirements noncompliances, HACCP recordkeeping issues, and unlabeled product that violates inspection requirements that State MPI program officials did not recognize. SCMPID officials initiated regulatory actions in the establishments and issued noncompliance records at the time the noncompliances were identified.

FSAS has identified a non-conformity with ineffective implementation of inspection requirements by some of the inspection staff or ineffective supervisory oversight in a couple of the circuits. Per Quarterly New Issuances response from July 2017, the State of South Carolina MPI program agreed to follow FSIS Directive 5000.1 that was distributed to the inspection staff and discussed at a supervisor’s meeting, to verify the food safety systems including SPS and Sanitation SOPs. FSAS expected State employees to identify and document a minimal list of noncompliances the day of the onsite review, as the State had previous knowledge of the establishments selected for review and supervisors and additional State office personnel had pre-visited the establishments. There were numerous findings on a couple of the days of the FSAS review where the findings were considered basic noncompliance and should have been identified by the inspection staff during their daily inspections of the facilities on their patrol prior to the FSAS review. These items included dust on pipes, shelving units for packaged product, and debris in the dock area of the facility that had not occurred only during the previous day’s production, but over the course of several days.

Further, the State of South Carolina uses the Clemson University annual Employee Performance Management System (EPMS) to provide the policies and procedures used to evaluate all employees. The State developed Administrative Directive, Employee Continuing Development Guide, to help supervisors evaluate employees using IPPS and EPMS. These reviews should provide specific feedback regarding State program expectations of in-plant inspection program personnel’s evaluation of establishments’ food safety systems. Supervisors are expected to
observe inspection staff performing inspection activities and also make observations of each facility. A long list of findings should not be present at the time of the FSAS review when the State inspectors have a clear understanding of supervisory expectations. FSAS would expect minimal findings the day of the onsite review by both the State inspection staff and the FSAS auditor. If noncompliances are a repeat finding the day of the onsite review, they should be properly linked to previous noncompliances.

On May 27, 2021, SCMPID submitted an action plan to correct the findings identified during the review. The action plan identifies both the underlying causes of the system-wide findings and the specific findings at individual establishments, and includes a verification plan to ensure statewide correction of these findings. Actions included additional specialized training for supervisors, and specific FSIS Directive training for inspectors. In addition, SCMPID provided evidentiary documents to demonstrate verification of establishment compliance with the regulatory requirements.

Component 3 – Sampling Programs
FSAS reviewed SCMPID’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, economic samples, violative drug residues, State laboratory activity reports, and sample seals. Based on records and procedures reviewed, FSAS determined SCMPID 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 SCMPID 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 SCMPID office and establishment reviews, FSAS concluded that SCMPID 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 SCMPID’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 SOP, rules of practice, IPPS guidelines, compliance, and Inspection Methods training. Based on records and procedures reviewed, FSAS determined SCMPID 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 SCMPID 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 SCMPID 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 and all specified documents to determine whether SCMPID 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 does not support the conclusion that SCMPID 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. SCMPID compliance officers were not documenting cases, surveillance, and followup activities as FSIS expected based on their lack of understanding of the requirements.

SCMPID 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 South Carolina Code of Laws Title 47 Chapter 17 Article 1, Meat and Meat Food Regulations Inspection Law of 1967 Section 47-17-20 Definitions. The Reports of Investigation were not completed in accordance with FSIS Directive 8010.4, Report of Investigation. SCMPID uses the investigative findings and evidence to pursue enforcement actions for administrative, civil, or criminal sanctions, but did not have any documentation of such violations at this time because of their lack of understanding of the FSIS requirements.


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

SCMPID has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. Inspection staff conduct the reviews semiannually, with scheduled followup reviews based on the findings.

There were some nonconformities identified with the Compliance State Office review. Based on the self-assessment review of the evidence provided for the surveillance activities and follow-up reviews, even after clarification questions, FSAS did not have a clear understanding of how State compliance activities were at least equal to FSIS compliance activities. The FSAS program auditor decided to have discussion with State compliance individuals while FSIS CID were
present to verify what activities are classified as surveillance and what follow-up reviews entail. A good open discussion was held. The State compliance investigator explained that he had a lack of understanding of what a surveillance activity was and what a follow-up activity included based on his on-the-job training. The State compliance supervisor became a compliance officer approximately three years ago and had recently attended FSIS Surveillance Investigation and Enforcement training. He explained that he thought his licensing of firms for retail sales and grinder log checks were considered to be surveillance activities. After this discussion, he has a better understanding of FSIS expectations for classification of activities and sufficient evidence for the self-assessment.

Component 7 – Laboratory Methods and Quality Assurance Program
An onsite audit of the Clemson Veterinary Diagnostic Center (South Carolina) was performed during FY21 to evaluate laboratory quality assurance programs and method equivalence under the State MPI Program.

South Carolina conducts microbiological testing for *Salmonella*, *L. monocytogenes*, *E. coli* O157:H7 and non-O157 STEC. Contract Laboratory A conducts microbiology testing on South Carolina’s behalf to include non-O157 STEC culture confirmation. USDA/FSIS/Eastern Laboratory conducts food chemistry testing on South Carolina’s behalf to include measurement of moisture, protein, fat, and salt.

FSIS compared the South Carolina Laboratory Quality Assurance Program to the State Meat and Poultry Inspection (MPI) Program Laboratory Quality Management System Checklist and evaluated evidence of laboratory proficiency and analyst training. South Carolina met all Laboratory QA requirements including analysts’ training and related proficiency testing. Contract Laboratory A met all laboratory QA requirements.

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

Based on the Component 7 methods and quality assurance program review, South Carolina 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. Note: Analytical methods for *Salmonella* and *Campylobacter* in raw poultry products were not evaluated as South Carolina is not currently inspecting MPI program poultry establishments slaughtering at least of 20,000 chickens and/or turkeys per year.

**Component 8 – Civil Rights**
On March 30, 2021, CRS reviewed documents and conditions at the SCMPID offices to determine whether SCMPID complies with Federal civil rights laws and USDA civil rights regulations and achieves the intended outcome of the Federal requirements. The review focused on the following 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 telephonic interviews with the MPID Director; the Assistant Vice President for Access; and the Equity/Executive Director of Supplier Diversity, Office of Access and Equity at Clemson University. In addition, telephonic interviews were conducted with ten state-inspected establishments. Numerous documents submitted by the State as well as the State’s website were also reviewed. The last review was conducted in March 2018 and found the State of South Carolina to be in compliance with “at least equal to” standards for applicable civil rights laws, USDA regulations, and FSIS policies.

CRS concluded that SCMPID is in compliance with “at least equal to” standards for applicable civil rights laws, USDA regulations, and FSIS policies.

**Component 9 – Financial Accountability**

FRSB has determined that SCMPID is operating in full compliance with the financial and administrative provisions of FSIS Directive 3300.1, Revision 2, Fiscal Guidelines for Cooperative Inspection Programs, and with Component 9, Financial Accountability, outlined in the FSIS “At Least Equal To” Guidelines for State Meat and Poultry Cooperative Inspection Programs.

**Onsite Determination for South Carolina**
Based on the evidence and results discussed above, FSIS determined that SCMPID 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.