

**Appendix U**

**FINAL REPORT**

**Fiscal Year 2023**

**South Carolina**

**April 2024**

Federal-State Audit Staff  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
U.S. Department of Agriculture

## **Executive Summary**

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

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

Based on thorough evaluations of the review results and implemented corrective actions, 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.

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## **I. INTRODUCTION**

This report communicates the results of a compliance 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 South Carolina'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 South Carolina Meat, Poultry Inspection Department (SCMPID) to determine whether it maintains and enforces requirements for a MPI program "at least equal to" the Federal requirements.

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

## **II. OBJECTIVE, SCOPE, AND METHODOLOGY**

The review focused on the 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 SCMPID via email or the State Review and Communication Tool (SRCT) for each component. FSIS also conducted interviews of State MPI program officials as needed to gain a better understanding of some submitted self-assessment documents. FSIS reported any findings<sup>1</sup> identified during this review to make certain the State MPI program effectively implements corrective actions to resolve them. FSIS analyzed all information collected for each "at least equal to" component during the review process before making a determination regarding the component. The overall determination for the State MPI program was based on the collective results and determinations made for the nine "at least equal to" components. FSIS conducted this review process in accordance with FSIS Directive 5720.3, Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs. SCMPID was not subjected to an onsite verification audit in FY 2023.

## **III. BACKGROUND**

The FMIA (21 U.S.C. 661) and the PPIA (21 U.S.C. 454) authorize FSIS to cooperate with State agencies in developing and administering State MPI programs. An individual State MPI program

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

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

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

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

In addition, FSIS conducts onsite audits of State MPI programs at a minimum of every 3 years to verify the accuracy and implementation of the State MPI programs’ self-assessment submissions. In years when a State MPI program is not subject to FSIS’ onsite verification audits, the annual “at least equal to” determination will be based on analysis of results of the self-assessment document review results.

SCMPID, a State organization with the overall authority to administer the State MPI program, submitted the required program self-assessment documents to demonstrate administrative and program-wide compliance with all nine “at least equal to” components. FSIS reviewed the State’s self-assessment documentation.

SCMPID administers the South Carolina MPI program under authority of South Carolina Code of Laws (Title 47, Chapters 4, 17, and 19) and is organized on three levels: State office, State

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

FSIS’ verified through record reviews that all SCMPID personnel employed by the State of South Carolina are conducting verification activities as outlined in the self-assessment.

The table below details the number of State-inspected establishments and custom exempt operators for which SCMPID is responsible.

**Total Number of State-Inspected Establishments and Custom Exempt Operators**

	<b>Establishment Type</b>	<b>Slaughter Only</b>	<b>Processing Only</b>	<b>Combination Slaughter and Processing</b>	<b>Total</b>
<b>Number of State-Inspected Establishments</b>	Meat Only	0	24	10	34
	Combination Meat and Poultry	0	8	2	10
	<b>Total</b>	0	32	12	44
<b>Number of Custom Exempt Operators</b>	Meat Only	0	12	10	22
	Poultry Only	0	1	0	1
	<b>Total</b>	0	13	10	23

#### **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 authorities “at least equal to” those prescribed by the FMIA (21 U.S.C. 601, et seq.) and PPIA (21 U.S.C. 451, et seq.).

FSIS reviewed the submitted self-assessment documentation and confirmed South Carolina administers applicable State laws, rules, and regulations. The South Carolina Code of Laws includes legal requirements comparable to the following mandatory requirements of the FMIA and the PPIA:

- ante-mortem and post-mortem inspection (Sections 47–17–30 and 47–19–40);
- reinspection (Sections 47–17–30 and 47–19–40);

<sup>2</sup> Custom exempt operators 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).

- sanitation requirements (Sections 47–17–40 and 47–19–50);
- record keeping requirements (Sections 47–17–80 and 47–19–100);
- humane methods of slaughter requirements (R.27–1023.C);
- 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);
- product control actions (R.27–1023.C and R.27–1022.B); and
- exemption from inspection (Section 47–17–90).

The South Carolina Code of Laws grants the authority to promulgate rules and regulations (Sections 47–4–30.A, 47–17–130, and 47–19–170). South Carolina adopts by reference Title 9, CFR, Chapter III, Parts 300 – 321, 325, 329, 332, 335, 352, 354, 412, 416–418, 424, 430, 441, 442, and 500 with minor exceptions in the South Carolina Code of Regulations (Chapter 27, Article 15, Section 1023.C).

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

FSIS did not have any findings and determined that SCMPID 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 (sanitation SOP) and sanitary dressing regulatory requirements as articulated in 9 CFR 416 or equivalent governing State regulations; and
- All official establishments develop, implement, and maintain written Hazard Analysis and Critical Control Points (HACCP) systems as articulated in 9 CFR 417 or equivalent governing State regulations.

Inspection provided by the State MPI program is “at least equal to” that provided by FSIS. The State MPI program verifies that official State establishments are complying with applicable laws and regulations and are identifying and correcting any noncompliance with regulatory requirements. The State MPI program verifies that establishments are maintaining sanitation SOP and a HACCP system or equivalent system that evaluates hazards, takes steps to address hazards, and routinely verifies that product is safe, wholesome, and unadulterated. Program

management ensures uniformity in the interpretation and application of regulatory requirements. The State MPI program also protects consumers from meat or poultry products that are unwholesome, economically adulterated, or not truthfully labeled (21 U.S.C. 607 and 457).

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 maintains assurances that animals intended to be used in meat and poultry products sold commercially are slaughtered and processed in the presence of State-inspection personnel, and the resulting meat food products are inspected and passed for human consumption. SCMPID adopts and implements all relevant FSIS issuances as its own policies for carrying out inspection and food safety verification activities.

SCMPID 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 the HACCP regulations.

In addition to performing inspections and food safety verifications, SCMPID performs a comprehensive food safety assessment (FSA) at each inspected establishment in accordance with FSIS Directive 5100.1, Enforcement, Investigations and Analysis Officer (EIAO) Comprehensive Food Safety Assessment Methodology. FSAs are performed on a routine, 4-year cycle in every inspected establishment, as well as for cause. SCMPID supervisory and in-plant inspection personnel also conduct in-depth reviews of inspected establishments’ food safety systems on a biannual basis. The FSAs examine the design and validity of establishments’ food safety systems, which include hazard analyses, HACCP plans, sanitation SOP, prerequisite programs, sampling programs, supporting documentation and records, and any other programs that constitute the establishments’ food safety systems. The FSA records support the conclusion that State-inspection personnel recognize and document noncompliance and initiate appropriate regulatory actions.

SCMPID also follows FSIS Directive 5100.4, Enforcement, Investigations and Analysis Officer (EIAO) Public Health Risk Evaluation (PHRE) Methodology. SCMPID-inspected establishments that have not had a food safety assessment in the prior four calendar years are automatically assigned the highest priority every calendar year. In addition, several other factors are also considered when making PHRE/FSA scheduling decisions, such as human illness related to an inspected product, an establishment producing and shipping adulterated/misbranded product, or positive foodborne pathogen results from sampling. On a quarterly basis, the food safety officer also generates a PHR report in PHIS for each circuit to determine if any establishments have a PHR noncompliance rate that warrants the scheduling of a PHRE/FSA. If the food safety officer determines that an FSA is warranted based on PHR noncompliance rates, then EIAO-trained personnel are assigned to schedule and conduct the assessment.



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.

FSIS did not have any findings and determined that SCMPID 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, violative levels of veterinary drugs, pesticides, contaminants, and other adulterants through product sampling. The State MPI program must have access to laboratory services to conduct chemical, microbiological, physical, and pathological testing. Laboratories conducting official analyses for State inspection programs must ensure test results are accurate, reliable, and reproducible.

FSIS reviewed SCMPID's product sampling documents, protocols, procedures, and results presented in the FY 2023 self-assessment submission. FSIS confirmed submitted documentation demonstrated SCMPID maintains sampling programs based on sound rationale and goals for the following:

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

FSIS examined SCMPID's product sampling documents, protocols, procedures, and results.

SCMPID 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, SCMPID participates in the National Residue Program and collects and analyzes inspector-generated samples for violative drug residues.

SCMPID adopts and implements all relevant FSIS issuances as its own policies for carrying out inspection and food safety verification activities.

FSIS did not have any findings and determined 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. 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.

SCMPID has implemented administrative programs to ensure a competent workforce provides daily inspection coverage in each State-inspected meat and poultry establishment where the State inspection marks are applied to products. In addition, the documentation outlines a training program that includes both formal and informal job-related courses. It also provides evidence of a State supervisory system that aligns individual work with South Carolina's public health and regulatory goals and ensures recognition of strong performance and correction of unsatisfactory performance.

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, which 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, as well as 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.

FSIS concluded that SCMPID has an adequate number of trained persons to provide the required inspection coverage in the establishments, perform compliance verification activities, and provide supervisory oversight. It has also 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 if needed. 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, In-Plant Performance System guidelines, compliance, and Inspection Methods training. SCMPID also follows the FSIS training for EIAO's, compliance personnel and veterinarians.

FSIS did not have any findings and determined the SCMPID administrative program to be "at least equal to" the Federal program. SCMPID 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 conclusion that inspection personnel have the education and training to apply SCMPID's inspection methodology, document findings, and initiate regulatory actions when necessary. Control measures are in effect to ensure that the staffing, training, and supervision systems function as intended.

## **VIII. COMPONENT 5: HUMANE HANDLING**

The State MPI program is required to ensure the slaughter and handling of livestock is done humanely in accordance with the HMSA 1978 (7 U.S.C. 1901–1906) and FMIA 21 U.S.C. 603 (b) and 610 (b)). The State MPI program is expected to impose laws "at least equal to" the HMSA and the requirements outlined in FSIS Directives 6900.1 and 6900.2. When livestock are slaughtered humanely, they are to be rendered insensible to pain by means that are rapid and effective before being shackled, hoisted, thrown, cast, or cut. The HMSA requires establishments to comply with a prescribed method of slaughter in which the animal loses consciousness by severing its carotid arteries simultaneously and instantly with a sharp instrument when

slaughtered livestock in accordance with the ritual requirements of the Jewish faith and any other religious faiths.

FSIS reviewed submitted self-assessment documents and confirmed SCMPID adopts the following FSIS humane handling as its own humane handling policies:

- FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel; and
- FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) - Work Methods.

FSIS reviewed submitted humane handling policies, ante-mortem inspection reports, noncompliance records, and periodic supervisory review records. The results of the reviews revealed SCMPID schedules and performs regulatory verification procedures to assess whether establishment personnel humanely handle all livestock when they are on official establishment premises and whether 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.

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

## **IX. COMPONENT 6: COMPLIANCE**

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

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

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

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 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 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 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.

SCMPID has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. When State-inspected establishments conduct custom exempt activities and are continuously operating, the Inspector In Charge (IIC) will inspect the facility weekly. At the discretion of the area veterinarian or area supervisor, the frequency can be increased or decreased based on the plant's regulatory compliance and the current type or frequency of processing. Semi-annually, the IIC and the Area Supervisor will conduct a joint review. For semi-annual reviews, not later than 30 days after the date on the Review Form, the IIC or Area Supervisor will provide a Corrective Action Report to SCMPID Headquarters.

FSIS did not have any findings and determined the SCMPID compliance program to be "at least equal to" the Federal program. SCMPID maintains sufficient resources to conduct surveillance reviews at registered firms, which may lead to investigations and enforcement actions. The information supports individuals, firms, and corporations in complying with applicable State statutes when producing, transporting, storing, and distributing meat and poultry products in intrastate commerce. The information supports the conclusion that inspection personnel have the education and training needed to apply SCMPID's inspection methodology, document findings, and initiate regulatory actions when necessary. Control measures are in effect to ensure that the compliance systems function as intended.

## **X. COMPONENT 7: LABORATORY METHODS AND QUALITY ASSURANCE PROGRAM**

The State MPI program must use product sampling and laboratory methods with capabilities and safeguards "at least equal to" FSIS' Federal inspection program's product sampling and laboratory methods. The State MPI program is to update and maintain their necessary its laboratory microbiological and chemical detection methods, so they are "at least equal to" FSIS' methods, detailed in the FSIS Microbiology Laboratory Guidebook and USDA FSIS Chemistry Laboratory Guidebook.

An off-site records review of Clemson Veterinary Diagnostic Center (South Carolina) was performed during FY 2023 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 MPI Program Laboratory Quality Management System Checklist, and evidence of laboratory proficiency and analyst training was evaluated. Based on its self-assessment, South Carolina met all Laboratory Quality Assurance requirements, including analysts' training and related

proficiency testing. Contract Laboratory A met all Laboratory Quality Assurance requirements based on the self-assessment provided by the laboratory.

USDA/FSIS/Eastern Laboratory has 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*, and *E. coli* O157:H7 and non-O157:H7 STEC. Contract Laboratory A has 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, provided that the State collects and submits the appropriate number of samples that are tested for *Salmonella* and *Escherichia coli* O157:H7 and at beef slaughter establishments producing manufactured trim, where the State is to collect and submit the appropriate number of samples that are tested for *Salmonella*, *E. coli* O157:H7, and non-O157 STEC.
- At RTE 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 South Carolina is not currently inspecting MPI program poultry establishments slaughtering at least 20,000 chickens and/or turkeys per year.

On October 17, 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, SCMPID 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 SCMPID. The review was conducted to determine compliance with applicable Civil Rights statutes, USDA regulations, and FSIS policies and, where necessary, provide recommendations for program improvement. The review focused on the State's compliance in eight components: (1) Civil Rights Assurances; (2) State Infrastructure and Program Accountability; (3) Public Notification; (4) Complaints of Discrimination; (5) Civil Rights Training; (6) Civil Rights Compliance, (7) Program Accessibility to Individuals with Limited English Proficiency; and (8) Compliance with the Age Discrimination Act of 1975.

On August 1, 2023, FSIS determined South Carolina's Civil Rights program to be in compliance with "at least equal to" standards for applicable civil rights laws, USDA regulations, and FSIS policies.

## **XII. COMPONENT 9: FINANCIAL ACCOUNTABILITY**

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

SCMPID 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 SCMPID is "at least equal to" Federal standards for financial accountability for FY 2023.

## **XIII. DETERMINATION FOR SOUTH CAROLINA**

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