Appendix V

Comprehensive Review and Determination Report

Fiscal Year 2021

Utah

Federal-State Audit Staff
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
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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 Utah 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 Utah’s MPI Program
The Utah Department of Agriculture and Food (UDAF) administers the Utah MPI program under authority of Utah Code, Title 4, Chapter 32. The program verifies compliance and enforces regulatory requirements at 19 inspected facilities and 63 custom exempt establishments.1 In addition, UDAF provides inspection at nine facilities in the Federal-State Cooperative Agreement Inspection Program.2

Annual Determination
FSIS determined that UDAF 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 Utah’s Self-Assessment Submission; and
- Self-Assessment Determination for Utah.

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\(^3\) 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 Utah’s Self-Assessment Submission
FSIS evaluated the self-assessment documents for the nine review components to determine whether UDAF implements an inspection program “at least equal to” the Federal program. The determination and rationale for each review component are listed below.

FSAS received UDAF’s self-assessment submission for components 1 through 6 on December 15, 2020. Subsequently, FSAS sent a notification to UDAF affirming acceptance of the self-assessment submission and all requested supplementary information provided during the desk review of components 1 through 6 on March 26, 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 Humane Methods of Slaughter Act.
Component 1 – Statutory Authority and Food Safety Regulations
FSAS compared the submitted self-assessment and supporting documentation to the legal authority provided under the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA), and the Humane Methods of Slaughter Act (HMSA), and the regulations promulgated under these laws. The supporting documentation included the Utah Code; the Utah Agricultural Code (Title 4); and the Utah Meat and Poultry Products Inspection and Licensing Act (Chapter 32). The Utah Agricultural Code adopts the FMIA, PPIA, HMSA, and Title 9, Code of Federal Regulations (9 CFR) 300–500 (Sections 4-32-102 and 4-32-103). The Utah Agricultural Code provides authorities for mandatory ante-mortem and post-mortem inspection, reinspection, and sanitation requirements (Sections 4-32-102, 4-32-103 and 4-32-109), record keeping requirements (Sections 4-32-102, 4-32-103 and 4-32-108), and humane methods of slaughter requirements (Sections 4-32-102, 4-32-103, 4-32-108 and 4-32-109).

In addition, the Utah Code provides authorities that are “at least equal to” the FMIA and PPIA regarding adulteration and misbranding (Sections 4-32-102, 4-32-103 and 4-32-113), prohibited acts, access and examination, and product control actions (Sections 4-32-102, 4-32-103, 4-32-109, 4-32-113, and 4-32-115 ). It also includes sufficient authorities for criminal, civil, and administrative sanctions to address violators.

The Utah Agricultural Code grants the authority to promulgate rules and regulations (Section 4-32-109) and to adopt by reference the FMIA, PPIA, HMSA, and 9 CFR, 300–500 (Section 4-32-103).

The 2021 Utah State legislature passed a new law, HB0094 (Microenterprise Home Kitchen Act). This new law granted administrative authority to the Utah Department of Health and local health departments to issue permits for people to produce food in their own home kitchen for sale to the general public. This law does appear to allow ready-to-eat meat items to be produced and sold from these kitchens. Since the implementing regulations were not final prior to April 15, 2021, a determination was made to review the effects of this law during an onsite review in Utah.

Component 2 – Inspection
FSAS compared the self-assessment submission and supporting documentation regarding inspection policies and procedures and regarding verification of establishments’ compliance, to the Federal requirements. UDAF uses the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, and analyze inspection data. UDAF 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 Utah Code 4-32-105 and governing rules and regulations. The State inspection program ensures 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. Furthermore, UDAF 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 Hazard Analysis and Critical Control Point (HACCP) regulations.
In addition to performing inspections and food safety verifications, UDAF schedules and performs a comprehensive food safety assessment (FSA) at each inspected establishment, if needed for cause, 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 FSA records support the conclusion that State inspection personnel recognize and document noncompliance and initiate appropriate regulatory actions.

UDAF verifies establishment compliance with the non-food safety (i.e., labeling) consumer protection regulatory requirements. UDAF uses FSIS Directive 5000.1, Verifying an Establishment’s Food Safety System, and FSIS Directive 7000.1, Verification of Non-Food Safety Consumer Protection Regulatory Requirements, to guide inspection personnel, and uses PHIS to schedule ongoing verifications and document noncompliance. A thorough review of the PHIS data supports the conclusion that UDAF inspectors correctly apply the inspection methodology and document noncompliance.

UDAF maintains a label approval policy and process to verify that labels are accurate and meet regulatory requirements. Prior to applying a label, mark, or device to an inspected meat or poultry product, an establishment representative must submit a completed application to the inspector. Generic labels and labels with claims are reviewed by the inspector for sketch approval and then submitted to the UDAF manager for final approval. UDAF supervisors review establishments’ labels as part of the quarterly establishment reviews.

UDAF enforces the Utah Code 4-32-103, 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. UDAF 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 UDAF:

- Performs inspection and regulatory verification procedures to confirm that State-inspected establishments comply with applicable regulations;
- Maintains a system to carry out administrative enforcement actions when establishments do not comply with State authorities that are “at least equal to” the FMIA and PPIA;
- Conducts inspection activities “at least equal to” the Federal requirements; and
- Monitors these activities through control measures to verify that the inspection system functions as intended.
Component 3 – Sampling Programs
FSIS compared UDAF’s sampling protocols, procedures, and results to Federal policies and procedures.

UDAF 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;
- Other consumer protection standards.

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

Component 4 – Staffing, Training, and Supervision
UDAF 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. UDAF instructs assigned inspectors to inspect processing operations at least once per shift and all slaughter operations in their entirety. Procedures are in effect to document staffing in each establishment, identify failures to meet staffing requirements, and correct staffing deficiencies. The assistant manager assigns the inspectors’ work schedules two weeks in advance, with instructions for daily visits to operating establishments. The assistant manager compares inspection data to weekly work schedules to verify daily inspection coverage, and arranges relief inspection during routine and emergency leave situations.

At the start of the fiscal year (FY) 2021 review cycle, UDAF indicated they employ 1 MPI manager; 1 assistant MPI manager; 15 inspectors; 2 veterinary medical officers (VMO); 1 enforcement, investigations and analysis officers; 2 custom exempt inspectors; and 3 circuit supervisors. UDAF relies on the Division of Regulatory Services (UDAF/DRS) to carry out the compliance function of the MPI program. UDAF/DRS compliance officers are trained in surveillance, investigation, and enforcement methods for in-commerce meat and poultry products. Notably, UDAF/DRS’ purview of regulatory duties extends beyond those performed
on behalf of the MPI program. They also have regulatory oversight of products in the areas of food, weights and measures, dairy, bedding, upholstered furniture, and quilted clothing.

UDAF 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 SOPs and HACCP procedures. The training subjects include livestock inspection, slaughter inspection, processing inspection, HACCP, Sanitation SOPs, and sanitation performance standards. UDAF also sends employees to attend the FSIS Inspection Methods training course. UDAF maintains a record keeping system to track participation and completion of training.

UDAF follows the guidance in FSIS Directive 4430.3, In-Plant Performance System (IPPS), to set performance standards and to complete and record ongoing performance evaluations. Supervisors perform at least two IPPS assessments for each inspector annually. UDAF maintains control measures to examine the IPPS assessments for quality, completeness, and accuracy. In addition, Utah mandates a performance plan and evaluation system for all State employees. This system communicates to its employees their work responsibilities, performance goals and objectives, and the results of their annual performance evaluations.

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

Component 5 – Humane Handling

UDAF 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.

UDAF uses FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel. Inspectors document humane handling verification results and submit the UDAF slaughter reports to the supervisors. As part of the management control system, UDAF reviews these reports to verify that UDAF personnel perform humane handling verification tasks each day the establishments slaughter livestock. In addition, UDAF veterinarians perform humane handling reviews in slaughter establishments once per quarter. During quarterly visits, circuit supervisors evaluate establishments’ humane handling procedures and inspectors’ humane handling task performance. UDAF 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 UDAF 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**

UDAF/DRS 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 secure from threats or intentional acts of contamination.

UDAF/DRS 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 Utah Code; and takes enforcement action, when needed, up to and including prosecution of individuals or firms that have violated the Utah Code. UDAF/DRS 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.

UDAF/DRS 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 compliance meat supervisor and compliance meat coordinator review all violations and relevant evidence, and then determine the appropriate case disposition and course of action.

UDAF/DRS 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 UDAF/DRS within 24 hours of initiating a recall. UDAF/DRS oversees the recall activities, coordinates actions to determine whether adulterated product was removed from commerce, and issues press releases as necessary to serve the interest of public health.

UDAF/DRS 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 initiating 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.

UDAF has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. UDAF performs reviews on custom exempt establishments an average of four times per year, with followups more often if necessary. The UDAF inspection staff conduct the custom exempt reviews following the procedures outlined in the UDAF Custom Review Manual. The UDAF Custom Review Manual includes The Utah administrative code R58-11, the FMIA and PPIA, the form to apply for a Utah custom exempt permit, FSIS Directives 5930.1 and 8160.1, Utah’s food processing guideline, a retail food establishment guide, and Utah’s custom exempt establishment review form.
The submitted documents support the conclusion that UDAF 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 UDAF, Laboratory Services for microbiological pathogens and food chemistry testing. LQARCS evaluated the laboratory quality assurance (QA) and methods for UDAF, Laboratory Services (UDAFLS) in conjunction with the onsite review, which is included in Part II, Onsite Review.

Component 8 – Civil Rights
UDAF submitted the required FSIS Form 1520-1, Civil Rights Compliance of State Inspection Programs, to demonstrate adherence to Federal civil rights laws and USDA civil rights regulations. CRS concluded that UDAF functions “at least equal to” the Federal civil rights requirements.

Component 9 – Financial Accountability
UDAF submitted quarterly and final Financial Status 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, Fiscal Guidelines for Cooperative Inspection Programs. As of October 30, 2021, FRSB determined that UDAF is “at least equal to” Federal standards for financial accountability for FY 2021.

Self-Assessment Determination for Utah
Based on the submitted self-assessment documents and desk review results described above for all components, FSIS determined that UDAF 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 Utah; and
- An onsite determination for Utah.

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.
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 Utah**

FSIS analyzed all information gathered during the onsite review and UDAF’s action plan, which addressed the findings identified during the review, to determine whether UDAF has implemented and maintains its MPI program “at least equal to” the Federal requirements; and enforces 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 the UDAF MPI program for components 1 through 6 from May 11 to 21, 2021.

**Component 1 - Statutory Authority and Food Safety Regulations**

FSAS discussed and evaluated the enacted law, the Microenterprise Home Kitchen Act (HB0094). This law allows people to produce ready-to-eat food products for sale to the general public. At the time of the onsite review of the Utah program, the implementing regulations were not finalized and permits for home kitchens could not be issued. HB0094 granted authority to the Utah Department of Public Health and local health departments to enforce provisions of the act. UDAF was not granted oversight in the law. One of the requirements for a microenterprise home kitchen is that the food served must be processed in accordance State and Federal regulations.

The Utah Department of Health, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, is in the process of writing the final regulations to implement the Microenterprise Home Kitchen Act. As part of that rulemaking, UDAF/DRS requested language that would require microenterprise home kitchens to use only inspected and passed (either State or Federal) product to make their meat food items. In addition, UDAF/DRS requested that they would have the necessary authority to perform surveillance inspections as they would with other retail establishments. FSAS maintains contact with UDAF to make a determination after the regulations are finalized, to ensure that the rule would not be in conflict with Federal regulation. This would meet the requirements for a retail exemption.
In conclusion, UDAF 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 reviewed the conditions and documents onsite. The onsite documents reviewed included, but were not limited to, Sanitation SOP 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 (SRM) 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 UDAF 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 UDAF during six establishment reviews (four inspected and two custom exempt establishments). UDAF personnel identified establishment noncompliances during the onsite review, with the Sanitation SOP and Sanitation Performance Standards. The FSAS program auditor identified an establishment noncompliance with SRM control procedures. Thirty month and older carcasses did not have the spinal column removed prior to shipping to a custom exempt facility. UDAF officials initiated regulatory actions in the establishments and issued noncompliance records at the time the noncompliances were identified.

On June 14, 2021, UDAF submitted an action plan to correct the finding identified in the above paragraph during the review. Also, the custom facility that received the carcasses with spinal column intact was reviewed. The identified carcasses were used for ground beef only, so no recall was necessary. The action plan identified the underlying causes of the finding at an individual establishment and includes a verification plan to ensure statewide correction of these findings. UDAF developed generic forms for the custom exempt and official establishments to use, to help track and fully document the removal and disposition of SRM. In addition, UDAF provided evidentiary documents to demonstrate verification of establishment compliance with the regulatory requirements.

Component 3 – Sampling Programs
FSAS reviewed UDAF’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. FSAS determined ODAF 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 UDAF 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 UDAF office and
establishment reviews, FSAS concluded that UDAF 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 UDAF’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, compliance, and Inspection Methods training. No issues were identified with the staffing, training and supervision component at the State Office.

Component 5 – Humane Handling
FSAS reviewed the humane handling program and documents presented onsite at each slaughter establishment visited to determine whether UDAF 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. Humane handling was determined to be acceptable.

Component 6 – Compliance
FSAS conducted an onsite review of the compliance program activities and all specified documents to determine whether UDAF 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, Incident Reports, Case Reports, Reports of Apparent Violations, and Notices of Warning.

The review of compliance documents and case files supports the conclusion that UDAF 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. FSIS auditors observed the UDAF/DRS during surveillance activities at two in-commerce firms in Utah.

The State uses a data system called the Food Safety Management System (FSMS) to track and maintain their information on firms, surveillance, followups, case dispositions, embargoes, etc. UDAF 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 Utah Code 4-32-113. The Reports of Investigation were completed in accordance with FSIS Directive 8010.4, Report of Investigation. UDAF uses the investigative findings and evidence to pursue enforcement actions for administrative, civil, or criminal sanctions.

UDAF/DRS maintains FSMS to review, analyze, and triage consumer complaints. UDAF/DRS gathers information pertinent to these complaints, investigates these complaints, and files completed investigation documents in the FSMS. The FSMS maintains information on firms, surveillance, investigation, followups, case dispositions, embargos, and consumer complaints.

UDAF has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. The State MPI program reviews custom exempt establishments with two assigned custom exempt reviewers. FSAS observed the records used to determine ownership prior to slaughter. The records included brand inspection certificates that are issued to allow the animals to be sent to slaughter, and are used to represent who owned the animal at the time of slaughter. There are also custom exempt carcass tags that are used on each animal slaughtered and can be tied to the brand certificate. By following the records, it could be clearly determined that these animals were all sold prior to slaughter and the listed owner received the “not for sale” product back. The records also contained documentation of the age of the carcasses and, for anything over 30 months, the SRMs were removed and condemned. Followup reviews are based on risk. No issues were identified with the compliance program.

Component 7 – Laboratory Methods and Quality Assurance Program

An onsite audit of UDAFLS was performed in FY 2021 to evaluate laboratory quality assurance (QA) programs and method equivalence under the State MPI Program. LQARCS compared the Utah Laboratory Quality Assurance Program to the “State Meat and Poultry Inspection (MPI) Program Laboratory Quality Management System Checklist” to evaluate evidence of laboratory proficiency and analyst training.

The audit revealed that UDAFLS did not conduct microbiology confirmation (cultural) methods for any analyte in FY 2021 despite proffering corrective measures to address a similar finding documented by an LQARCS auditor the previous year. High employee turnover was given as the reason for UDAFLS failing to conduct microbiology confirmation methods for analytes. These analytes included Salmonella sp., L. monocytogenes, E. coli O157:H7 and non-O157 STEC.

To address this finding, UDAF committed to partnering with Wyoming Department of Agriculture Analytical Services Laboratory, another MPI compliant laboratory, for the confirmation (cultural) analyses of presumptive screen positive samples for each of the analytes listed. Therefore, LQARCS issued a provisional closure letter, stating the UDAF’s Component 7 activities will be determined to be at least to equal to the Federal standards upon submission of suitable objective evidence demonstrating the successful completion of the following outstanding items:

- Revision of the internal confirmation methods for Salmonella sp., L. monocytogenes, E. coli O157:H7 and non-O157 STEC; and
- Revision of QC data sheets whereby traceability can be maintained from the screening to the confirmation method by conducting and passing proficiency tests for each analyte.
The State of Utah has maintained an MPI agreement with the Wisconsin Department of Agriculture, Trade and Consumer Protection Bureau of Laboratory Services (Wisconsin) to conduct food chemistry analyses for the measurement of moisture, protein, fat and salt on its behalf. Due to Wisconsin declining to continue food chemistry analysis, the State of Utah had to find another laboratory that was MPI compliant.

Presently, the State of Utah has established an agreement with the USDA/FSIS/Eastern Laboratory to conduct food chemistry analyses for the measurement of moisture, protein, fat and salt on its behalf. No inspector generated (“for cause”) samples were submitted for food chemistry analyses while this transition occurred. Because the State of Utah is partnering with Eastern Laboratory, the State is in good standing for food chemistry analyses.

Based on the completion of all conditions in the provisional closure letter established with the State, Utah 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 raw product for *Salmonella* and *Campylobacter* because 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: Utah does not currently inspect poultry establishments so methods for analysis of *Salmonella* and *Campylobacter* in raw poultry products were not evaluated.

**Component 8 – Civil Rights**

CRS did not conduct an onsite review of UDAF in FY 2021. Therefore, the annual determination will be based on the self-assessment review results only. The next onsite review will be conducted in FY23.

**Component 9 – Financial Accountability**

FRSB has determined that UDAF 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 Utah**

Based on the evidence and results discussed above, FSIS determined that UDAF operates its MPI program that meets “at least equal to” the Federal requirements for all reviewed components except for Component 7. FSIS has issued an “at least equal to” determination with provisions until the program completes the following items outlined in LQARCS’ closure letter dated, September 27, 2021:

- Partner with Wyoming Department of Agriculture Analytical Services Laboratory, another “at least equal to” laboratory capable of performing confirmation (cultural) analyses of presumptive screen positive samples for each of the analytes (i.e., *Salmonella*, *L. monocytogenes*, and *E. coli* O157:H7 and non-O157 STEC);
- Revision of the internal confirmation methods used by UDAFLS for *Salmonella* sp., *L. monocytogenes*, *E. coli* O157:H7 and non-O157 STEC; and
- Revision of QC data sheets for each analyte whereby traceability can be maintained from the screening to the confirmation method.

FSIS expects for UDAF to completes documentation showing successful completion of the listed items by the end of FY 2022. All deadline extension requests are to be provided to LQARCS as soon as possible and prior to September 27, 2022, in writing.

Failure to meet the terms of these provisions may result in the recommendation for FSIS to begin the process to designate the State of Utah in accordance with the FMIA, PPIA, and FSIS Directive 5710.1 Designation of States for Federal Meat or Poultry Inspection.

Designation of a State means that all establishments within the State where livestock or poultry amenable to Federal inspection are slaughtered, or their carcasses or parts are prepared or processed for use as human food under the State’s inspection program must be transferred to the Federal meat and poultry inspection program overseen by FSIS.