Appendix W

Comprehensive Review and Determination Report

Fiscal Year 2021

Vermont

Federal-State Audit Staff
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
U.S. Department of Agriculture
April 2022

The USDA is an equal opportunity provider and employer.
# Table of Contents

Purpose............................................................................................................................................1  
Description of Vermont’s MPI Program .....................................................................................1  
Annual Determination...................................................................................................................1  
Part I. Self-Assessment Review..................................................................................................1  
  Self-Assessment Review Methodology .......................................................................................1  
  Review of Vermont’s Self-Assessment Submission .................................................................2  
  Self-Assessment Determination for Vermont ...........................................................................9  
Part II. Onsite Review ..................................................................................................................9  
  Onsite Review Methodology.......................................................................................................9  
  Onsite Review of Vermont ........................................................................................................10  
  Onsite Determination for Vermont ..........................................................................................13
Purpose
This report communicates the United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS), Office of Investigation, Enforcement and Audit (OIEA), Federal-State Audit Staff’s (FSAS) annual review results and determination for the Vermont 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 Vermont’s MPI Program
The Vermont Agency of Agriculture, Food and Markets, Food Safety and Consumer Protection Division, Meat Inspection Section (VAAFM/FSCPD/MIS) administers the Vermont MPI program under authority of Vermont Statutes Annotated. The program verifies compliance and enforces regulatory requirements at 12 inspected facilities and 30 custom exempt establishments. In addition, VAAFM/FSCPD/MIS provides inspection at 16 facilities in the Federal-State Cooperative Agreement Inspection Program.

Annual Determination
FSIS determined that VAAFM/FSCPD/MIS 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 Vermont’s Self-Assessment Submission; and
- Self-Assessment Determination for Vermont.

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

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.
current with FSIS policies. Following this submission, FSIS thoroughly reviews the self-assessment documentation.

FSIS’ review of the self-assessment submissions begins with the formation of a review team. The review team, comprised of Agency representatives from FSAS, Civil Rights Staff (CRS), Financial Reviews and Systems Branch (FRSB), Laboratory Quality Assurance Responses and Coordination Staff (LQARCS), and other program areas, as needed, evaluates each State MPI program’s self-assessment submission to determine whether it meets the “at least equal to” criteria for all nine review components.

If questions arise during the self-assessment review, or if more information or supporting documentation is needed, FSIS will request the State MPI program to submit further clarifying information. Following reviews of the submitted information, a final determination will be made based on the self-assessment submission in its entirety. FSIS will make one of the following three determinations for each component and for the State’s overall ability to maintain an MPI program “at least equal to” the Federal requirements:

1. “At Least Equal To” means the State MPI program has adopted laws, regulations, and programs, and implemented them in a manner that is “at least equal to” FSIS’ Federal inspection program for all review components.
2. “At Least Equal To” with Provisions means FSIS makes a provisional determination of the State MPI program’s “at least equal to” status provided the program takes additional action to resolve review findings.
3. Not “At Least Equal To” means the State MPI program has not adopted laws, regulations, or programs, or does not implement them in a manner that is “at least equal to” FSIS’ Federal inspection program for one or more of the review components.

Review of Vermont’s Self-Assessment Submission

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

FSAS received VAAFM/FSCPD/MIS’ self-assessment submission for components 1 through 6 on February 21, 2021. Subsequently, FSAS sent a notification to VAAFM/FSCPD/MIS affirming acceptance of the self-assessment submission and all requested supplementary information provided, on April 20, 2021.

Component 1 – Statutory Authority and Food Safety Regulations
FSAS compared the submitted self-assessment and supporting documentation to the legal authority provided under the Federal Meat Inspection Act (FMIA), 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 Vermont Statutes Annotated (V.S.A., Title 6, Chapters 201 and 204). The V.S.A. provides authorities for mandatory ante-mortem and post-mortem inspection, and reinspection (6 V.S.A. Section 3304(1)), sanitation requirements (6 V.S.A. Sections 3304(5) and 3304(6)), record keeping
requirements (6 V.S.A. Section 3304(7)), and humane methods of slaughter requirements (6 V.S.A. Sections 3131-3134).

In addition, the V.S.A. provides authorities that are “at least equal to” the FMIA and PPIA regarding adulteration (6 V.S.A. Section 3302(1)), misbranding (6 V.S.A. Section 3302(25)), prohibited acts (6 V.S.A. Sections 3308, 3309, and 3132), access and examination (6 V.S.A. Sections 3304(7) and 3313), and product control actions (6 V.S.A. Sections 3314 and 3315). It also includes sufficient authorities for criminal, civil, and administrative sanctions to address violators.

The V.S.A. grants the authority to promulgate rules and regulations (6 V.S.A. Section 3305(8)). Vermont adopts by reference Title 9, Code of Federal Regulations (9 CFR) Chapter III, Part 300.1 et seq., together with amendments, supplements, and revisions, in 6 V.S.A. Section 3305(8).

In conclusion, VAAFM/FSCPDMIS provided evidence showing that it operates under State laws and regulations that provide legal authority “at least equal to” that provided under the FMIA, PPIA, and HMSA, and the accompanying regulations.

Component 2 – Inspection
FSAS compared the self-assessment submission and supporting documentation regarding inspection policies and procedures and regarding verification of establishments’ compliance, to the Federal requirements. VAAFM/FSCPDMIS uses the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, and analyze inspection data. VAAFM/FSCPDMIS 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 V.S.A. (6 V.S.A. Section 3304(1)), 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, VAAFM/FSCPDMIS 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, VAAFM/FSCPDMIS schedules and performs a comprehensive food safety assessment (FSA) at each inspected establishment in accordance with FSIS Directives 5100.1, Enforcement, Investigations and Analysis Officer (EIAO) Food Safety Assessment (FSA) Methodology, and 5100.4, Enforcement, Investigations and Analysis Officer (EIAO) Public Health Risk Evaluation (PHRE) Methodology with a few changes in regard to the frequency. Currently, VAAFM/FSCPDMIS is performing a full PHRE monthly on each establishment and completing and full FSA at least once every four years. 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 documentation and records, and any other programs that constitute the establishments’ food safety systems. The PHRE and FSA records support the conclusion that State inspection personnel recognize and document noncompliance and initiate appropriate regulatory actions.

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

VAAFM/FSCPD/MIS 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 for label approval and a label sketch to obtain VAAFM/FSCPD/MIS approval. Currently, VAAFM/FSCPD/MIS does not allow for generic label approvals; all establishment labels are required to be approved by the meat program supervisor prior to use.

VAAFM/FSCPD/MIS enforces the V.S.A. (6 V.S.A. Section 3305(8)), 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. VAAFM/FSCPD/MIS 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 VAAFM/FSCPD/MIS:

- 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 VAAFM/FSCPD/MIS sampling protocols, procedures, and results to Federal policies and procedures.

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

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

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

**Component 4 – Staffing, Training, and Supervision**
VAAFM/FSCPD/MIS developed methods to determine staffing requirements. The requirements consider each inspector’s workload and the number of inspectors required to provide daily inspection coverage in each establishment on days when the establishment produces products bearing the State mark of inspection. Procedures are in effect to document staffing in each establishment, identify failures to meet staffing requirements, and correct staffing deficiencies. The meat program supervisor and meat program chief create a weekly schedule based on the establishments’ operational needs. Planned leave is submitted via the Outlook calendar and considered during the development of the weekly schedule. Any emergency leave requests are processed, and coverage is provided by VAAFM/FSCPD/MIS management or the closest inspector with availability.

At the start of the fiscal year (FY) 2021 review cycle VAAFM/FSCPD/MIS indicated they employ 1 head of service who is also the assistant State veterinarian; 1 program section chief; 1 part time food safety and consumer protection director; 1 compliance program manager; 1 EIAO/compliance officer; 10 food safety specialists; and 1 administrative.

VAAFM/FSCPD/MIS 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. All new hires are required to complete the following FSIS training courses: Livestock Inspection, Poultry Inspection, and Inspection Methods. New food safety specialists are under direct supervision of the program section chief, veterinarians, and senior food safety specialists throughout their training. VAAFM/FSCPD/MIS ensures at least one program employee receives FSIS EIAO training. VAAFM/FSCPD/MIS maintains a recordkeeping system to track participation in, and completion of, training.
VAAFM/FSCPD/MIS incorporates the guidance in FSIS Directive 4430.3, In-Plant Performance System (IPPS), to set performance standards and complete and record ongoing performance evaluations. The supervisors are to perform at least two IPPS assessments for each inspector annually. In addition, the supervisors are to perform an IPPS assessment at the end of each employee’s probationary employment period. VAAFM/FSCPD/MIS maintains control measures to examine the IPPS assessments for quality, completeness, and accuracy. In addition, Vermont 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 VAAFM/FSCPD/MIS 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 VAAFM/FSCPD/MIS’s inspection methodology, to document findings, and to initiate regulatory actions when necessary. Control measures are in effect to confirm that VAAFM/FSCPD/MIS’s staffing and training systems function as intended.

Component 5 – Humane Handling
VAAFM/FSCPD/MIS 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.

VAAFM/FSCPD/MIS uses procedures analogous to FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel. Inspectors document humane handling verifications in PHIS. Vermont requires all applicants for licensure or license renewal, as a commercial slaughter facility, to submit a written humane livestock-handling plan for review and approval by the VAAFM/FSCPD/MIS secretary or designee. During quarterly visits, the veterinary medical officer evaluates establishments’ humane handling procedures and inspectors’ humane handling task performance. VAAFM/FSCPD/MIS veterinary medical officers perform annual humane handling reviews at slaughter facilities following procedures analogous to FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) - Work Methods.

In conclusion, the information supports the fact that VAAFM/FSCPD/MIS 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
VAAFM/FSCPD/MIS 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 verifies that meat and...
poultry products in intrastate commerce are wholesome, correctly packaged and labeled, and secure from threats or intentional acts of contamination.

VAAFM/FSCPD/MIS investigates alleged or actual statutory and regulatory violations; controls products when there is reason to believe that the products are adulterated, misbranded or otherwise in violation of the V.S.A.; and takes enforcement action, when needed, up to and including prosecution of individuals or firms that have violated the V.S.A.

VAAFM/FSCPD/MIS 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.

VAAFM/FSCPD/MIS 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.

VAAFM/FSCPD/MIS 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 to notify VAAFM/FSCPD/MIS within 24 hours of initiating a recall. VAAFM/FSCPD/MIS 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.

VAAFM/FSCPD/MIS 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 to collect and safeguard evidence, conduct interviews, submit product samples to the laboratory, initiate recall procedures and/or regulatory and enforcement actions, and report potential food safety threats.

VAAFM/FSCPD/MIS has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. The custom exempt reviews are completed by the food safety specialists at least annually. All custom exempt review reports are reviewed by the meat program supervisor, and recommended followups may be performed on a 2-week, 30-day, quarterly, 6-month, or annual frequency based on the review findings.

The submitted documents support the conclusion that VAAFM/FSCPD/MIS 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 performed an off-site records review of Vermont Agricultural and Environmental Laboratory (VAEL) and Vermont Department of Health Laboratory (VDHL) during FY21 to evaluate laboratory quality assurance (QA) programs and method equivalence under the State MPI Program. VAEL is the State Laboratory under the authority of Vermont Agency of Agriculture, Food and Markets (VAAFM).

VDHL conducts microbiological testing for *Salmonella*, *L. monocytogenes*, *E. coli* O157:H7, and *Campylobacter*. VAEL conducts food chemistry testing for moisture and salt. South Dakota Animal Disease Research and Diagnostic Laboratory (South Dakota) conducts microbiology testing on Vermont’s behalf to include non-O157 STEC. Wisconsin Department of Agriculture, Trade, and Consumer Protection Bureau of Laboratory Services (Wisconsin) conducts food chemistry testing on VAAFM’s behalf to include protein and fat.

FSIS compared the VDHL and VAEL Laboratory Quality Assurance Programs to the State MPI Program Laboratory Quality Management System Checklist and evidence of laboratory proficiency and analyst training was evaluated. Based on their self-assessments, VDHL and VAEL met all laboratory QA requirements including analysts’ training and related proficiency testing. South Dakota met all laboratory QA requirements based on the self-assessment provided by the laboratory. Wisconsin met all laboratory QA requirements based on the self-assessment provided by the laboratory.

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

The State of Vermont is also part of the Cooperative Interstate Shipment (CIS) “same as” program. As part of the CIS program, VAAFM has an agreement with the Wisconsin Department of Agriculture, Trade and Consumer Protection Bureau of Laboratory Services (WDATCPBLS) (to conduct microbiological testing for *Salmonella*, *L. monocytogenes*, *E. coli* O157:H7, non-O157 STEC and *Campylobacter*. WDATCPBLS has demonstrated adequate microbiological capability for *Salmonella*, *L. monocytogenes*, *E. coli* O157:H7, non-O157 STEC and *Campylobacter*. WDATCPBLS conducts food chemistry testing for measurement of moisture, protein, fat and salt. WDATCPBLS has demonstrated adequate food chemistry capability for the measurement of moisture, protein, fat, and salt.

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

- At beef establishments producing raw ground beef and bench trim, and at beef slaughter establishments producing manufactured trim, provided the State collects and submits the appropriate number of samples that are tested for *Salmonella*, *E. coli* O157:H7, and non-O157 STEC.
• At “ready-to-eat” meat and poultry establishments, provided the State collects and submits the appropriate number of samples that are tested for *Salmonella* and *L. monocytogenes*.

• At poultry slaughter establishments, provided the State collects and submits the appropriate number of samples are tested for *Salmonella* and *Campylobacter*. MPI States with no participating facilities slaughtering at least 20,000 chickens and/or 20,000 turkeys per year are not required to test that raw product for *Salmonella* and *Campylobacter* since it is not required at similar Federally inspected plants. However, States should consider testing at a risk hierarchy that is commensurate with their establishment sizes and production volumes.

Component 8 – Civil Rights
In November 2020, VAAFM/FSCPD/MIS 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 VAAFM/FSCPD/MIS functions “at least equal to” the Federal civil rights requirements.

Component 9 – Financial Accountability
VAAFM/FSCPD/MIS submitted quarterly and final Federal Financial Reports (SF-425), and an annual Indirect Cost Proposal to demonstrate it conforms to 7 CFR, Part 3016, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, and follows FSIS Directive 3300.1, Rev.2, Fiscal Guidelines for Cooperative Inspection Programs (March 2004). FRSB determined that VAAFM/FSCPD/MIS is “at least equal to” Federal standards for financial accountability for FY 2021.

Self-Assessment Determination for Vermont
Based on the submitted self-assessment documents and desk review results described above, FSIS determined that VAAFM/FSCPD/MIS 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 Vermont; and
• An onsite determination for Vermont.

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

As the primary contact for State MPI program officials and FSIS review team members, the lead FSAS program reviewer coordinates and track 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 reviewer 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 schedule onsite reviews of components 7 (laboratory methods and quality assurance program), 8 (civil rights), and 9 (financial accountability), respectively.

Upon completion of an onsite review, FSIS is to make one of the following three determinations for each component and the State’s overall ability to maintain its MPI program “at least equal to” the Federal requirements:

1. “At Least Equal To” means the State MPI program has adopted laws, regulations, and programs, and implemented them in a manner that is “at least equal to” FSIS’ Federal inspection program for all review components.
2. “At Least Equal To” with Provisions means FSIS makes a provisional determination of the State MPI program’s “at least equal to” status provided the program takes additional action to resolve review findings.
3. Not “At Least Equal To” means the State MPI program has not adopted laws, regulations, or programs, or does not implement them in a manner that is “at least equal to” FSIS’ Federal inspection program for one or more of the review components.

**Onsite Review of Vermont**

FSIS analyzed all information gathered during the onsite review and VAAFM/FSCPD/MIS’ action plan, which addressed the findings identified during the review, to determine whether VAAFM/FSCPD/MIS 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 VAAFM/FSCPD/MIS, for Components 1 through 6, June 8 to 18, 2021.

**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 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 VAAFM/FSCPD/MIS 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 VAAFM/FSCPD/MIS during six establishment reviews. VAAFM/FSCPD/MIS personnel identified several establishment noncompliances during the onsite review, with the Sanitation SOP, Sanitation Performance Standards, HACCP design, and non-food safety consumer protection requirements. The FSAS program reviewer identified an establishment noncompliance for failure to maintain documentation adequate to support the establishment’s critical limit. VAAFM/FSCPD/MIS officials initiated regulatory actions in the establishments and issued noncompliance records at the time the noncompliances were identified.

On July 23, 2021, VAAFM/FSCPD/MIS submitted an action plan to correct the findings identified during the review. The action plan identifies the underlying causes of both the system-wide findings and the specific findings at individual establishments, and includes a verification plan to ensure statewide correction of these findings. VAAFM/FSCPD/MIS held a program-wide meeting to discuss the findings from the onsite review to ensure each inspector is trained to recognize the identified issues and take the appropriate action. In addition, VAAFM/FSCPD/MIS provided evidentiary documents to demonstrate verification of establishment compliance with the regulatory requirements.

Component 3 – Sampling Programs
FSAS reviewed VAAFM/FSCPD/MIS’ product sampling documents, protocols, procedures, and results presented onsite. These included sampling plans and laboratory results for E. coli O157:H7 in raw non-intact beef products and raw ground beef components; non-O157 STEC in raw beef manufacturing trimmings; L. monocytogenes and Salmonella in ready-to-eat products; Salmonella performance standards in raw classes of meat and poultry; Campylobacter in raw classes of poultry; economic samples; violative drug residues; State laboratory activity reports; and sample seals. VAAFM/FSCPD/MIS develops their sampling plans at the start of the fiscal year and creates a schedule that distributes the samples evenly throughout the year program wide. Food safety specialists all receive a copy of the annual schedule and it is posted to the SharePoint site. Based on records and procedures reviewed, FSAS determined VAAFM/FSCPD/MIS 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 VAAFM/FSCPD/MIS 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 VAAFM/FSCPD/MIS office and establishment reviews, FSAS concluded that VAAFM/FSCPD/MIS 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 VAAFM/FSCPD/MIS’ inspection methodology, 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. 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 to determine whether VAAFM/FSCPD/MIS 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. No issues were identified with the humane handling practices.

Component 6 – Compliance
FSAS conducted an onsite review of the compliance program activities and all specified documents to determine whether VAAFM/FSCPD/MIS 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, Notices of Warning, and Consent Orders.

The review of compliance documents and case files support the conclusion that VAAFM/FSCPD/MIS 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.

VAAFM/FSCPD/MIS 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 Vermont Statutes Annotated. The Reports of Investigation were completed in accordance with FSIS Directive 8010.4, Report of Investigation. VAAFM/FSCPD/MIS uses the investigative findings and evidence to pursue enforcement actions for administrative, civil, or criminal sanctions.

VAAFM/FSCPD/MIS follows the recall procedures in FSIS Directive 8080.1, Recall of Meat and Poultry Products, with minor modifications fitting its organizational structure. VAAFM/FSCPD/MIS conducted two recalls during the FY21 onsite period; overall recall effectiveness was reviewed.

VAAFM/FSCPD/MIS maintains a system to review, analyze, and triage consumer complaints. VAAFM/FSCPD/MIS gathers information pertinent to these complaints, directs the compliance division to investigate these complaints, and files completed investigation documents in the State office.
VAAFM/FSCPD/MIS has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. Food safety specialists perform custom exempt reviews at least annually; all custom exempt reviews are reviewed by the meat program supervisor. No issues were identified with the compliance program.

Component 7 – Laboratory Methods and Quality Assurance Program
In FY21, LQARCS did not conduct an onsite review of VAAFM/FSCPD/MIS due to COVID-19 travel restrictions. Therefore, the annual determination will be based on the self-assessment review results only. The next onsite review will be conducted in FY23.

Component 8 – Civil Rights
In March 2021, CRS conducted a civil rights compliance review of VAAFM/FSCPD/MIS (hereafter referred to as “the State”). The review was conducted to determine compliance with applicable civil rights statutes, USDA regulations, and FSIS policies, and where necessary, provide recommendations for program improvement. The review focused on the State’s compliance in eight areas: (1) Civil Rights Assurances; (2) State Infrastructure and Program Accountability; (3) Public Notification; (4) Civil Rights Complaints of Discrimination; (5) Civil Rights Training; (6) Disability Compliance; (7) Program Accessibility for Individuals with Limited English Proficiency; and (8) Compliance with the Age Discrimination Act of 1975.

The review consisted of telephonic interviews with the State director/program manager and a sampling of establishment owners; a review of documents and information that was provided by the State or gathered from the State’s website; and a facility assessment. The last program review was conducted in March 2018, at which time the State was found to be in compliance with applicable laws and regulations.

Component 9 – Financial Accountability
In FY 2021, a Component 9 fiscal review was not scheduled, however, FRSB issued a final determination report for a fiscal review conducted the week of May 11, 2020, which covered federal FY’s 2017-2019. The report documented the results and corrective actions taken for the findings identified. In summary, FRSB determined the financial systems, records, reports, and procedures employed by VAAFM/FSCPD/MIS in the accounting for the MPI program were sufficient. Ultimately, FRSB determined that VAAFM/FSCPD/MIS is operating in full compliance with the financial and administrative provisions of FSIS Directive 3300.1, Rev.2, Fiscal Guidelines for Cooperative Inspection Programs (March 2004) and the criteria outlined in the FSIS “At Least Equal To” Guideline for State Meat and Poultry Inspection (MPI) Programs (November 2016).

Onsite Determination for Vermont
Based on the evidence and results discussed above, FSIS determined that VAAFM/FSCPD/MIS 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.