Appendix X

Comprehensive Review and Determination Report
Fiscal Year 2021
Virginia

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 Virginia 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 Virginia’s MPI Program
The Virginia Department of Agriculture and Consumer Services (VDACS) administers the Virginia MPI program under authority of Code of Virginia (Sections 3.2-102 and 3.2-5400 through 3.2-5421). The program verifies compliance and enforces regulatory requirements at 5 inspected facilities and 105 custom exempt establishments.1 In addition, VDACS provides inspection at 36 facilities in the Federal-State Cooperative Agreement Inspection Program.2

Annual Determination
FSIS determined that VDACS 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 Virginia’s Self-Assessment Submission; and
• Self-Assessment Determination for Virginia.

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

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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, Training, and Supervision.
FSIS begins the annual comprehensive review by assembling a review team comprised of subject matter experts from various FSIS program areas to review the nine components of the comprehensive review process. The review team, comprised of Agency representatives from the FSAS; the Civil Rights Staff (CRS); Financial Reviews and Systems Branch (FRSB); Laboratory Quality Assurance Response and Coordination Staff (LQARCS); and other program areas, as needed, evaluates each State MPI program’s self-assessment submission to determine whether it meets the “at least equal to” criteria for all nine review components. During the desk review process, the Office of Policy and Program Development and the Office of Field Operations are consulted as needed to gain context and perspective on current FSIS programs, policies, and procedures when determining whether a State MPI program meets Federal “at least equal to” standards.

If questions arise during the desk review or if additional documentation is needed to make a review determination regarding one or more components, FSIS will request clarifying information from the State MPI program. Upon completion of the desk review, FSIS makes one of the following three determinations for each component and for the non-designated State’s overall ability to maintain an MPI program “at least equal to” the Federal requirements:

1. “At Least Equal To” means the State MPI program has adopted laws, regulations, and programs, and implemented them in a manner that is “at least equal to” FSIS’ Federal inspection program for all review components.

2. “At Least Equal To” with Provisions means FSIS makes a provisional determination of the State MPI program’s “at least equal to” status provided the program takes additional action to resolve review findings.

3. Not “At Least Equal To” means the State MPI program has not adopted laws, regulations, or programs, or does not implement them in a manner that is “at least equal to” FSIS’ Federal inspection program for one or more of the review components.

**Review of Virginia’s Self-Assessment Submission**

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

FSAS received VDACS’ self-assessment submission for components 1 through 6, April 16 to 26, 2021. Subsequently, FSAS sent a notification to VDACS affirming acceptance of the self-assessment submission and all requested supplementary information provided during the components 1 through 6 desk review on May 13, 2021.

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3 Non-designated is a State that operates an MPI program under a cooperative agreement with FSIS. The State MPI program must administer inspection and food safety requirements “at least equal to” those imposed under the Federal Meat Inspection Act, Poultry Products Inspection Act and the Humane Methods of Slaughter Act of 1978.
Component 1 – Statutory Authority and Food Safety Regulations
FSAS compared the submitted self-assessment and supporting documentation to the legal authority provided under the 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 Code of Virginia (Title 3.2, Chapter 54) and the Virginia Administrative Code (2VAC5-210-10 – 2VAC5-210-80). The Code of Virginia provides authorities for mandatory ante-mortem and post-mortem inspection, reinspection, sanitation requirements, and record keeping requirements (Section 3.2-5404). Both the Code of Virginia (Section 3.2-5406) and the Virginia Administrative Code (2VAC5-210-10) provide authorities to enforce humane methods of slaughter requirements.

In addition, the Code of Virginia provides authorities that are “at least equal to” the FMIA and PPIA regarding adulteration (Section 3.2-5401), misbranding (Section 3.2-5402), prohibited acts (Sections 3.2-5407 through 3.2-5410), access and examination (Sections 3.2-5404 and 3.2-5412), and product control actions (Sections 3.2-5413 and 3.2-5414), as well as criminal, civil, and administrative sanctions to address violators.

The Code of Virginia grants the authority to promulgate rules and regulations (Section 3.2-5406). Virginia adopts by reference Title 9, Code of Federal Regulations (9 CFR), Chapter III, Subchapters A and E, with amendments and administrative changes as needed to make them appropriate and applicable to intrastate operations and transactions subject to the Virginia Meat and Poultry Products Act in the Virginia Administrative Code (2VAC5-210-10, 2VAC5-210-30, and 2VAC5-210-41).

VDACS will update the Code of Federal Regulations (CFR) as the changes made apply to their State Program. VDACS is currently in the process of adopting the 2021 version of the CFR. At the time of the onsite review, the State was enforcing the 2018 version of the CFR.

In conclusion, VDACS 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. VDACS uses the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, and analyze inspection data. VDACS 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 Code of Virginia (Section 3.2-5400) 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, VDACS 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, VDACS routinely schedules and performs a comprehensive food safety assessment (FSA) at least annually in each inspected establishment. Due to the frequency of the FSAs, public health risk evaluations are not conducted. VDACS is prioritizing “for cause” FSAs per their response to FSIS Directive 5100.4. 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 noncompliance and FSA records support the conclusion that State inspection personnel recognize and document noncompliance and initiate appropriate regulatory actions.

VDAC verifies establishment compliance with the non-food safety (i.e., labeling) consumer protection regulatory requirements. VDACS uses applicable FSIS directives to instruct inspection personnel and 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 VDACS inspectors correctly apply the inspection methodology and document noncompliance.

VDACS maintains a label approval policy and process to verify that labels are accurate and meet regulatory requirements. VDACS requires that all labels and label changes are submitted to the State Office for review by the Program Analyst. 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 VDACS approval. VDACS has not approved any labels since 2017.

VDACS enforces the Virginia Administrative Code, 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. The Code of Virginia (Title 2.2, Chapter 40), Administrative Process Act, Articles 3 through 5, also provide due process for inspected establishments appealing decisions made by the Virginia State Commissioner’s Office. VDACS 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 VDACS:

- 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 VDACS’ sampling protocols, procedures, and results to Federal policies and procedures.

VDACS 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;
- Other consumer protection standards.

The sampling plans include procedures for sample collection, sample integrity, and laboratory analysis. VDACS developed policies to respond to positive results. These policies include actions to prevent adulterated product from entering commerce. VDACS participates in the FSIS National Residue Program and collects and analyzes inspector-generated samples for violative drug residues.

Annually, VDACS office personnel adjust the sampling frequencies based on the FSIS Guidance to States on Frequency of Microbiological Testing. State inspection personnel are instructed to collect samples during the assigned month range; however, if product is not available, samples are not collected, and a justification is provided.

VDACS uses the Laboratory Information Management System (LIMS) to monitor sample results. LIMS will generate an email if a positive sample result is detected.

In conclusion, a detailed review of the sampling protocols, procedures, and results confirmed that VDACS 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. VDACS has control measures in effect to confirm that its product sampling system functions as intended.

Component 4 – Staffing, Training, and Supervision
VDACS 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. Each field supervisor ensures assignments are covered each day that an establishment operates under inspection. Inspectors complete and submit timesheets and monthly car mileage logs and utilize PHIS to document coverage of establishments. The field supervisors review the activity reports to verify daily inspection coverage and arrange relief inspection during routine and emergency leave situations.
VDACS State supervisors track staffing for the area of the State under their oversight by using computer spreadsheets maintained on laptop computers. State employees record their hours worked and leave requests in the TAL. This information is approved by the supervisors. Supervisors maintain copies of weekly assignment sheets.

At the start of the fiscal year (FY) 2021 review cycle, VDACS indicated they employ 1 director; 33 inspectors; 2 veterinary medical officers (VMO); 1 enforcement, investigations and analysis officers; 4 field supervisors; and 3 compliance officers.

VDACS 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. Trainers provide new inspectors an administrative orientation followed by additional training on inspection duties. The training subjects include livestock inspection, slaughter inspection, processing inspection, inspection methods training, HACCP, Sanitation SOPs, and sanitation performance standards. Inspectors also complete VDACS’ training curriculum and the AgLearn courses that FSIS requires. VDACS maintains a record keeping system to track participation and completion training.

VDACS administers an employee evaluation process to set performance standards, and complete and record ongoing performance evaluations. The evaluation process utilizes Virginia’s Employee Work Profile (EWP), which is a State-based administrative tool that identifies core responsibilities and performance measures for each position. Supervisors conduct performance evaluations for inspectors at least annually, in addition to progress reviews after 3, 6, and 12 months of employment during the new employees’ probationary year. Through these performance evaluations, supervisors communicate work responsibilities, performance goals and objectives, and performance evaluation results to all employees. VDACS has control measures in effect to examine the performance evaluations for quality, completeness, and accuracy.

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

Component 5 – Humane Handling
VDACS 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.

and verify that inspectors perform these tasks each day establishments slaughter livestock as part of the management-control system.

The VDACS VMOs perform annual humane handling Reviews at slaughter facilities in accordance with FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) - Work Method, copies of the reviews are maintained in the State Office.

VDACS issued a suspension for an egregious humane handling incident within timeframe reviewed. The State maintains copies of the enforcement letters, establishment responses, verification plans, and the humane handlings reviews performed prior to issuing the LOW to close the enforcement in the State Office.

In conclusion, the information supports the fact that VDACS 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

VDACS personnel conduct in-commerce surveillance of persons or firms that prepare, transport, sell, or offer for sale meat and poultry products in intrastate commerce to verify compliance with State statutory and regulatory requirements, and to verify that meat and poultry products in intrastate commerce are wholesome; correctly packaged and labeled; and are secure from threats or intentional acts of contamination.

VDACS 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 Code of Virginia; and takes enforcement action, when needed, up to and including prosecution of individuals or firms that have violated the Code of Virginia. VDACS 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.

VDACS management reviews all compliance reports for correctness, extracts pertinent information for reporting purposes, enters this information in a database, and files the hard copies. The program director reviews all violations and relevant evidence, and then determines the appropriate case disposition and course of action.

VDACS 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 VDACS within 24 hours of initiating a recall. VDACS 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.
VDACS established methods to record, triage, analyze, and track consumer complaints related to State-regulated meat or poultry products. Compliance personnel either investigate these complaints or refer them to the local health authority. The investigative methods include procedures to collect and safeguard evidence; conducting interviews; submitting product samples to the laboratory; initiating recall procedures and/or regulatory and enforcement actions; and reporting potential food safety threats.

VDACS has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. Custom exempt reviews are conducted by Inspection personnel in accordance with FSIS Directive 5930.1, annually by the inspector or a supervisor. Follow up reviews are scheduled as directed, typically within 10 days. No issues were identified with the compliance program.

The submitted documents support the conclusion that VDACS 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
An off-site records review of Virginia Department of Agriculture and Consumer Services – Lynchburg Regional Animal Health Laboratory (VDACS – LRAHL), including Virginia Department of Agriculture and Consumer Services – Virginia Division of Consolidated Laboratory Services (VDACS – DCLS), Contract Laboratory A, and Contract Laboratory B were performed during FY21 to evaluate laboratory quality assurance programs and method equivalence under the State MPI Program.

VDACS - LRAHL conducts microbiological testing for Salmonella and detection of E. coli O157:H7. Virginia VDACS - DCLS conducts microbiology testing on VDACS – LRAHL’s behalf to include confirmation of E. coli O157:H7. Contract Laboratory B conducts microbiology testing on VDACS – LRAHL’s behalf to include detection of Salmonella and non-O157 STEC; confirmation of non-O157 STEC is conducted by Contract Laboratory A. VDACS – LRAHL does not conduct Listeria monocytogenes or Campylobacter analyses in support of the MPI program. USDA/FSIS/Eastern Laboratory conducts food chemistry testing on Virginia’s behalf to include the measurement of moisture, protein, fat, and salt.

FSIS compared the VDACS – LRAHL, VDACS – DCLS, Contract Laboratory A and Contract Laboratory B Laboratory Quality Assurance Programs to the State MPI Program Laboratory Quality Management System Checklist and evidence of laboratory proficiency and analyst training were evaluated. Based on their self-assessment, VDACS - LRAHL met all Laboratory QA requirements including analysts’ training and related proficiency testing (PT). VDACS – DCLS, Contract Laboratory A and Contract Laboratory B met all Laboratory QA requirements based on the self-assessment provided by each laboratory.
USDA/FSIS/Eastern Laboratory has demonstrated adequate food chemistry capability for the measurement of moisture, protein, fat, and salt. VDACS – LRAHL, VDACS – DCLS, Contract Laboratory A and Contract Laboratory B have demonstrated adequate microbiological capabilities for detection and confirmation of E. coli O157:H7, Salmonella, and non-O157 STEC.

Based on the Component 7 methods and quality assurance program review, Virginia 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 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 since it is not required at similar federally inspected plants. However, States should consider testing at a risk hierarchy that is commensurate with their establishment sizes and production volumes. Note: Analytical methods for Salmonella and Campylobacter in raw poultry products were not evaluated as Virginia is not currently inspecting MPI program poultry establishments slaughtering at least 20,000 chickens and/or turkeys per year.

**Component 8 – Civil Rights**

In November 2020, VDACS 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 VDACS functions “at least equal to” the Federal civil rights requirements.

**Component 9 – Financial Accountability**

VDACS 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 VDACS is “at least equal to” Federal standards for financial accountability for FY 2021.

**Self-Assessment Determination for Virginia**

Based on the evidence and review results described above, FSIS determined that VDACS 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 Virginia; and
- An onsite determination for Virginia.

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

As the primary contact for State MPI program officials, and FSIS review team members, the lead FSAS program auditor coordinates and 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 auditor schedules the onsite review, for components 1 through 6, with State MPI program officials. FSAS sends written notification to State MPI program officials at least 30 days prior to the start of the onsite review. If applicable, LQARCS, CRS, and FRSB 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 are 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 Virginia
FSIS analyzed all information gathered during the onsite review and VDACS’ action plan, which addressed the findings identified during the review, to determine whether VDACS 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 VDACS, for components 1 through 6, April 8 to 14, 2021. Based on records and procedures reviewed, FSAS determined VDACS was able to confirm the program is being implemented as described in self-assessment.

Component 2 – Inspection
FSAS reviewed the conditions and documents onsite. The onsite documents reviewed included, but were not limited to, Sanitation 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 VDACS 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 VDACS during three establishment reviews. VDACS personnel identified several establishment noncompliances during the onsite review, with the Sanitation Performance Standards and Sanitation SOP requirements. The FSAS program auditor identified several establishment noncompliances pertaining to initial validation not being on file, inedible product not being denatured, and lack of identification on inedible barrels that State MPI program officials did not recognize. VDACS officials initiated regulatory actions in the establishments and issued noncompliance records at the time the noncompliances were identified.

On May 12, 2021, VDACS submitted an action plan to correct the findings identified during the review. The action plan identifies the underlying causes of the system-wide findings and the underlying causes of the specific findings at individual establishments; and includes a verification plan to ensure statewide correction of these findings. In addition, VDACS provided evidentiary documents to demonstrate verification of establishment compliance with the regulatory requirements.

Component 3 – Sampling Programs
FSAS reviewed VDACS’ 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, economic samples, violative drug residues, State laboratory activity reports, and sample seals. Based on records and procedures reviewed, FSAS determined VDACS 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 VDACS 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 VDACS office and establishment reviews, FSAS concluded that VDACS 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 VDACS’ 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. Training consists of FSIS courses; online learning via USDA’s enterprise training and workforce development system, AgLearn; on-the-job training; and Center for Learning compact discs. 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 VDACS 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 humane handling during the onsite review.

Component 6 – Compliance
FSAS conducted an onsite review of the compliance program activities and all specified documents to determine whether VDACS implements a compliance program in accordance with the submitted self-assessment documentation. These included, but were not limited to, Reports of Investigation, Daily Activity Reports, Programmed Compliance Plans, Incident Reports, Case Reports, Reports of Apparent Violations, and Notices of Warning.

The review of compliance documents and case files supports the conclusion that VDACS 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.

VDACS 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 Code of Virginia (Sections 3.2-5401, 3.2-5402, 3.2-5404, 3.2-5407 through 3.2-5410 and 3.2-5412 through 3.2-5414). The Reports of Investigation were completed in accordance with FSIS Directive 8010.4, Report of Investigation. VDACS uses the investigative findings and evidence to pursue enforcement actions for administrative, civil, or criminal sanctions.


VDACS maintains a system to review, analyze, and triage consumer complaints. VDACS gathers information pertinent to these complaints, directs the compliance division to investigate these complaints, and files completed investigation documents in the State office.
VDACS has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. Custom exempt reviews are conducted annually by the inspector or a supervisor. Follow up reviews are scheduled as directed, typically within 10 days. 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 VDACS 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 FY24.

Component 8 – Civil Rights
In March 2021, CRS conducted a civil rights compliance review of the Office of Meat and Poultry Services, Virginia Department of Animal and Food Industry Services, VDACS (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
FRSB did not conduct an onsite financial audit and compliance review of VDACS in FY 2021. Therefore, the annual determination will be based on the self-assessment review results only.

Onsite Determination for Virginia
Based on the evidence and results discussed above, FSIS determined that VDACS 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.