

**Appendix CC**

**FINAL REPORT**

**Fiscal Year 2023**

**Wyoming**  
**April 2024**

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

## Executive Summary

This report describes the outcome of the annual review of the Wyoming Department of Agriculture, Consumer Health Services (WDA/CHS), conducted by the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS), including an onsite audit conducted June 19–June 30, 2023. The annual review process consists of two parts: (1) annual review of the State's self-assessment submissions and (2) triennial onsite audits, which are used to verify whether the State meat and poultry inspection (MPI) program enforces requirements “at least equal to” the Federal requirements. The purpose of the annual review was to: (1) verify the State of Wyoming imposes laws, regulations, and related policies with authorities and requirements “at least equal to” those provided by the Federal Meat Inspection Act (21 U.S.C. 601, et seq.) and Poultry Products Inspection Act (21 U.S.C. 451, et seq.); (2) determine whether Wyoming administers a State MPI program capable of ensuring meat and poultry products produced, distributed, and sold within the State are safe, wholesome, unadulterated, and properly labeled; and (3) confirm the State MPI program carries out its regulatory oversight activities effectively and efficiently.

The annual review focused on all nine “at least equal to” components: (1) Statutory Authority and Food Safety Regulations; (2) Inspection; (3) Sampling Programs; (4) Staffing, Training, and Supervision; (5) Humane Handling; (6) Compliance; (7) Laboratory Methods and Quality Assurance Program; (8) Civil Rights; and (9) Financial Accountability.

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

- At two establishments, the hazard analyses did not identify hazard or address hazard reasonably likely to occur with a Critical Control Point as required by 9 CFR 417.2(b)(1).
- At one establishment, the Hazard Analysis and Critical Control Points plan does not have an ongoing verification procedure to address *Escherichia coli* in beef products as required by 9 CFR 417.4(a)(2) and 417.5(a)(1).
- At two custom exempt operators, violations involving insanitary conditions were not identified by WDA/CHS.

On August 31, 2023, WDA/CHS provided evidentiary documents to demonstrate verification of establishment compliance with the regulatory requirements.

Based on thorough evaluations of the audit results and implemented corrective actions, FSIS determined that WDA/CHS provided adequate documentation to show it is operating a meat and poultry inspection program “at least equal to” the Federal requirements.

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## **I. INTRODUCTION**

This report communicates the results of an onsite verification audit conducted by the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) in Federal fiscal year (FY) 2023 to evaluate Wyoming's administered meat and poultry inspection (MPI) program to determine if it is "at least equal to" FSIS' requirements and is capable of ensuring that the State's supply of meat and poultry products is safe, wholesome, unadulterated, and properly labeled and packaged. This report also summarizes information examined and analyzed as part of the annual review by FSIS to determine whether the Wyoming MPI program is "at least equal to" the FSIS inspection system.

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

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

The review focused on the nine "at least equal to" components: (1) Statutory Authority and Food Safety Regulations; (2) Inspection; (3) Sampling Programs; (4) Staffing, Training, and Supervision; (5) Humane Handling; (6) Compliance; (7) Laboratory Methods and Quality Assurance Program; (8) Civil Rights; and (9) Financial Accountability. For each identified component, Wyoming Department of Agriculture, Consumer Health Services (WDA/CHS) submitted the self-assessment documents in the State Review and Communication Tool (SRCT) that included descriptions of current program operations and procedures, and other supporting documentation pertaining to the attainment of the component's requirements. FSIS verifies the above components to ensure WDA/CHS is implementing food safety verification activities at State-inspected establishments that comply with applicable State laws, regulations, and policies to produce safe and wholesome products. FSIS examined the submitted documentation to verify WDA/CHS continues to maintain regulatory operations in accordance with FMIA (21 U.S.C. 601, et seq.) and PPIA (21 U.S.C. 451, et seq.) and to check for procedural nonconformities that may prevent operations from functioning as intended. In addition, FSIS evaluated the effectiveness of current internal control and risk assessment systems and determined if there were any findings.<sup>1</sup> FSIS also conducted an onsite audit to verify accuracy and implementation of the SRCT submissions for Components 1–9.

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

### III. BACKGROUND

The FMIA (21 U.S.C. 661) and the PPIA (21 U.S.C. 454) authorize FSIS to cooperate with State agencies in developing and administering State MPI programs. An individual State MPI program is limited to meat and poultry products that are produced and sold within the State and needs to operate in a manner and with authorities that are “at least equal to” the programs that FSIS implements under the ante-mortem and post-mortem inspection, reinspection, sanitation, record keeping, and enforcement provisions of the FMIA (21 U.S.C. 601, et seq.) and PPIA (21 U.S.C. 451, et seq.). State MPI programs are to ensure that livestock are treated humanely by imposing humane handling requirements that are “at least equal to” the requirements FSIS has established under the Humane Methods of Slaughter Act of 1978 (HMSA) (7 U.S.C. 1901–1906).

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

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

In addition, FSIS conducts onsite audits of State MPI programs at a minimum of every three years to verify the accuracy and implementation of the State MPI programs’ self-assessment submissions. In years when a State MPI program is subject to FSIS’ onsite audits, the annual “at least equal to” determination will be based on analysis of results collected through FSIS’ two-part review and audit process. Otherwise, the annual “at least equal to” determination will be based solely on review and analysis of the State’s self-assessment submissions.

WDA/CHS, a State organization with the overall authority to administer the State MPI program, submitted the required program self-assessment documents to demonstrate administrative and program-wide compliance with all nine “at least equal to” components. FSIS evaluated the State’s self-assessment documentation and conducted an onsite verification audit of the State MPI program.

The establishment selection process for onsite audits employs a systematic approach that considers risk determinants such as sample results, recalls, production volume, and other information obtained directly from the State MPI programs through the SRCT. For this audit, a sample of 6 establishments was selected from a total of 10 State-inspected establishments.

WDA/CHS administers the Wyoming MPI program under authority of Wyoming Food, Drug and Cosmetic Safety Act (Title 35, Chapter 7, Article 1). WDA/CHS is organized on three levels: State office, State inspection, and compliance program. The program verifies compliance and enforces regulatory requirements at inspected establishments and custom exempt operators.<sup>2</sup>

FSIS verified through interviews and record reviews that all WDA/CHS personnel are employed by the State of Wyoming and are conducting verification activities as outlined in the self-assessment.

The table below details the number of inspected establishments and custom exempt operators.

Total Number of State-Inspected Establishments and Custom Exempt Operators

	<b>Establishment Type</b>	<b>Slaughter Only</b>	<b>Processing Only</b>	<b>Combination Slaughter and Processing</b>	<b>Total</b>
<b>Number of State-Inspected Establishments</b>	Meat Only	0	3	7	10
	<b>Total</b>	0	3	7	10
<b>Number of Custom Exempt Operators</b>	Meat Only	1	14	13	28
	<b>Total</b>	1	14	13	28

#### IV. COMPONENT 1: STATUTORY AUTHORITY AND FOOD SAFETY REGULATIONS

The State laws or administrative rules must grant the State MPI program legal authority to administer an inspection program. State MPI program is required to have meat and poultry inspection laws and governing regulations that impose mandatory ante-mortem and post-mortem inspection, reinspection, sanitation requirements, recordkeeping requirements, and enforcement authorities that are “at least equal to” those provided by the FMIA (21 U.S.C. 601, et seq.) or the PPIA (21 U.S.C. 451, et seq.).

FSIS reviewed the submitted self-assessment documentation and confirmed Wyoming administers WDA/CHS under applicable laws, rules, and regulations. The State Law, Wyoming Food, Drug and Cosmetic Safety Act (Title 35, Chapter 7, Article 1) and the Wyoming Food Safety Rule (Chapter 14, Section 1) includes legal requirements comparable to following mandatory requirements of the FMIA and the PPIA:

<sup>2</sup> Custom exempt operators are not subject to the routine inspection requirements of the FMIA and PPIA, provided the specified operations meet the exemption requirements (21 U.S.C. 623 and 464).

- ante-mortem and post-mortem inspection (Chapter 14, Section 1);
- reinspection (Chapter 14, Section 1);
- sanitation requirements (Chapter 14, Section 1);
- record keeping requirements (Chapter 14, Section 1);
- humane methods of slaughter requirements (Chapter 14, Section 1);
- adulteration (Section 35–7–116);
- misbranding (Section 35–7–116);
- prohibited acts (Section 35–7–111);
- access and examination (Section 35–7–121);
- product control actions (Section 35–7–114); and
- exemption from inspection (Chapter 14, Section 1).

The Wyoming Food, Drug and Cosmetic Safety Act (Title 35, Chapter 7, Article 1) grants the authority to promulgate rules and regulations (Section 35–7–120). Wyoming adopts by reference 9 CFR Parts 301-307, 309-321, 325, 329, 352, 354, 362, 381, 412, 416-418, 424, 430, 441, 442, 500, and 590 in the Wyoming Food Safety Rule (Chapter 14, Section 2 (a)).

FSIS confirmed through onsite record reviews, interviews, and observations that WDA/CHS has statutory authority to enforce the provisions of Wyoming Food, Drug and Cosmetic Safety Act (Title 35, Chapter 7, Article 1) and the governing administrative rules and regulations, Wyoming Food Safety Rule (Chapter 14, Section 1), respectively, at State-inspected establishments and firms handling meat and poultry product within the State as outlined in the FY 2023 self-assessment submission. There were not any statutory or regulatory changes made this year that may potentially affect how WDA/CHS carries out its regulatory duties.

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

## **V. COMPONENT 2: INSPECTION**

The State MPI program is required to administer a regulatory inspection program “at least equal to” that provided by FSIS. The inspection program is to include, at a minimum, inspection verification methods for verifying:

- Animals are suitable for slaughter, and carcasses and parts are eligible for human consumption;
- All meat and poultry products found in intrastate commerce are safe, unadulterated and truthfully labeled;
- All official establishments comply with sanitation performance standards (SPS), sanitation standard operating procedures (Sanitation SOP) and sanitary dressing regulatory requirements as articulated in 9 CFR 416, or equivalent governing State regulations;
- All official establishments develop, implement, and maintain written and Hazard Analysis and Critical Control Points (HACCP) systems as articulated in 9 CFR 417, or equivalent governing State regulations.

The inspection verification methods implemented by the State MPI program must include activities for evaluating compliance at official establishments with the applicable inspection and food safety verification requirements of 9 CFR 300 to End. These are to include observation of establishments' operations and employees' product handling practices, hands-on verification, and review of establishment records, with the results of verification being entered in the associated inspection records. The State MPI program also are to implement inspection verification methods for ensuring State-inspected meat and poultry products are wholesome, not economically adulterated, truthfully labeled, and meet regulatory requirements. The State MPI program must ensure inspection personnel interpret and apply relevant regulatory requirements uniformly when conducting inspection verification methods. The ultimate regulatory goal of the State MPI to protect consumers from meat or poultry products that are unwholesome, economically adulterated, or not truthfully labeled (21 U.S.C. 607 and 457).

FSIS reviewed the self-assessment documentation submitted as evidence showing that WDA/CHS has developed and implemented:

- An inspection system to ensure State-inspected establishments comply with applicable food safety and other consumer protection regulations (e.g., ante-mortem and post-mortem inspections, sanitation, HACCP system, and product standards and labeling;
- A label approval policy and process to verify labels, marks, or devices are accurate and comply with regulatory requirements prior to establishments applying them to inspected meat or poultry products;
- A risk-based methodology to analyze establishments' food safety systems to verify that the establishments can produce safe and wholesome meat or poultry products in accordance with applicable statutory and regulatory requirements;
- A system of administrative enforcement actions to bring establishments effectively under regulatory compliance in a manner that is not inferior to the comparable actions taken by FSIS; and
- An internal control system for evaluating the efficacy and effectiveness of the other systems.

WDA/CHS uses USA Food Safety Inspection system (USAFS) analogous to the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, analyze, and document inspection data. WDA/CHS 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" in the Wyoming Food, Drug and Cosmetic Safety Act (Title 35, Chapter 7, Article 1) and governing rules, regulations, and policies. The State inspection program maintains assurances that animals intended to be used in meat and poultry products sold commercially are slaughtered and processed in the presence of State inspection personnel. The resulting products are inspected and passed for human consumption. WDA/CHS adopts and implements most relevant FSIS issuances as its policies for carrying out inspection and food safety verification activities.

WDA/CHS is required to review all labels, including inspected, custom exempt, or retail exempt labels. The State MPI program does not allow generic label approval. Nonetheless, FSIS



determined that the observed procedural differences did not impact WDA/CHS's capability to meet the intended purposes of the FSIS directives.

FSIS audited the conditions and documents onsite. The onsite documents audited included, but were not limited to, Sanitation SOPs and associated records; HACCP plans and associated records; generic *Escherichia coli* (*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, FSIS audited the non-food safety consumer protection documents and procedures to determine whether WDA/CHS enforces non-food safety consumer protection regulatory standards "at least equal to" the Federal requirements. This audit included, but was not limited to, ongoing regulatory verification tasks, label approvals, labels, and product formulations.

- FSIS evaluated WDA/CHS inspection at six establishments during the onsite audit. WDA/CHS personnel identified several establishment noncompliances with Sanitation Standard Operating Procedures (SSOP), Sanitation Performance Standards (SPS), hazard analysis and HACCP design, and non-food safety consumer protection requirements. The FSIS program auditor identified several establishment noncompliances that State MPI program officials did not recognize. In one establishment, the Slaughter hazard analysis listed Bovine Spongiform Encephalopathy/Specified Risk Material (BSE/SRM) and bone fragments as hazards reasonably likely to occur but addressed the hazards with a prerequisite program or justification. The Raw Non-Intact HACCP plan did not include ongoing verification procedures to verify the HACCP system is functioning as intended to reduce Shiga toxin-producing *Escherichia coli* (STEC) to below detectable levels. In another establishment, the Pork Slaughter hazard analysis did not identify trichinae as a hazard. WDA/CHS officials issued noncompliance records and followed up in the supervisor quarterly review report. As corrective actions, the establishment changed BSE/SRM and bone fragments in the Slaughter hazard analysis to the hazards not reasonably likely to occur (NRLTO), a decision supported by the prerequisite program in place. Ongoing verification procedures were added to the Raw Non-Intact HACCP system. The Pork Slaughter hazard analysis was revised to identify and justify trichinae as a hazard NRLTO.

FSIS determined that WDA/CHS maintains inspection and food safety verification systems that meet the "at least equal to" standards. Control measures are in effect to ensure that the inspection system functions as intended.

## **VI. COMPONENT 3: SAMPLING PROGRAMS**

The State MPI program is required to assess establishments' control of microbial pathogens, violative levels of veterinary drugs, pesticides, contaminants, and other adulterants through product sampling. The State MPI program must have access to laboratory services to conduct chemical, microbiological, physical, and pathological testing. Laboratories conducting official analyses for State inspection programs must ensure test results are accurate, reliable, and reproducible.

FSIS reviewed WDA/CHS's product sampling documents, protocols, procedures, and results presented in the FY 2023 self-assessment submission. FSIS verified through interviews and record reviews that WDA/CHS maintains sampling programs, based on sound rationale and goals, for the following:

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

FSIS examined WDA/CHS's product sampling documents, protocols, procedures, and results presented during the onsite audit.

WDA/CHS implements developed sampling procedures for collecting samples, maintaining sample integrity, determining sampling frequencies, conducting sample analyses, responding to positive results, and preventing adulterated product from entering commerce. Additionally, WDA/CHS collects and analyzes inspector-generated samples for violative drug residues. The non-PHIS State MPI program does not participate in the National Residue Program.

WDA/CHS adopts and implements some relevant FSIS issuances as their own policies for carrying out inspection and food safety verification activities.

WDA/CHS does not use PHIS, and State inspectors have a checklist to remind them on sample collection tasks and inspection verification tasks. The checklist guides inspectors on sampling frequency. Nonetheless, FSIS determined that the observed procedural differences did not impact WDA/CHS's capability to meet the intended purposes of the FSIS directives.

FSIS did not have any findings and determined that WDA/CHS maintains verification testing to address adulterants, other measures of properly operating food safety systems, and other consumer protection standards "at least equal to" the Federal requirements. Control measures are in effect to ensure that the sampling programs function as intended.

## **VII. COMPONENT 4: STAFFING, TRAINING, AND SUPERVISION**

The State MPI program must maintain enough staff to carry out its responsibilities. The State MPI program is to organize a sufficient number of trained veterinarians, inspectors, and enforcement staff to carry out the inspection and regulatory duties of the MPI program well. The State MPI program ensures its personnel receive the professional, technical, inspection, and managerial training necessary to maintain a competent and effective workforce. The State MPI program is to provide instructions to MPI personnel on performing daily inspection tasks and compliance enforcement activities.

FSIS reviewed WDA/CHS's submitted documents and confirmed WDA/CHS implements administrative programs to ensure a competent workforce provides daily inspection coverage in each State-inspected meat and poultry establishment where the State inspection marks are

applied to products. In addition, the documentation outlines a training program that includes both formal and informal job-related courses. The State's supervisory system aligns individual workloads with Wyoming's public health and regulatory goals and sets standards for assessing job performance that includes measures to correct unsatisfactory performance.

After further analysis of data from WDA/CHS office and establishment audits, FSIS concluded that WDA/CHS has an adequate number of trained persons to provide the required inspection coverage in the establishments, perform compliance verification activities, and provide supervisory oversight, and has implemented procedures to ensure daily inspection coverage in operating establishments. Inspection personnel apply WDA/CHS's inspection methodology and make decisions based upon the correct application of inspection methodology, document findings, and initiate regulatory action if needed. The training program includes measures to ensure that inspection personnel receive training in the areas of antemortem inspection, post-mortem inspection, pathogen reduction/HACCP, Sanitation SOPs, SPS, and Humane Handling.

New entry-level inspectors receive on-the-job training with senior inspectors prior to working on their own. Employees assigned to establishments must have training in all inspection techniques required to perform slaughter inspection duties. Inspectors with inspection training in the same circuit may cover each other for planned or emergency leave.

WDA/CHS communicates employees' work responsibilities, performance goals, and objectives through a series of WDA/CHS procedures and policies. As a part of these procedures and policies, supervisors assess inspectors' performance, and provide feedback and guidance during quarterly establishment reviews. The Wyoming State Performance Management Instrument process mandates a midyear check-in and a final evaluation at the end of the period.

FSIS did not have any findings and determined that WDA/CHS maintains sufficient resources to provide the required inspection coverage at State-inspected establishments to ensure that only safe, wholesome, unadulterated, and properly labeled meat and poultry products receive the State mark of inspection. The information supports the determination that inspection personnel have the education and training to consistently apply WDA/CHS's inspection methodology, document findings, and initiate regulatory actions when necessary. Control measures are in effect to ensure that the staffing, training, and supervision systems function as intended.

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

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

The State MPI Program is required to ensure poultry operators comply with Good Commercial Practices (GCP). The Poultry Products Inspection Act (PPIA) (21 U.S.C. 453(g)(5)) and the regulations (9 CFR 381.90) provide that poultry carcasses showing evidence of having died from causes other than slaughter are considered adulterated and must be condemned. The regulations (9 CFR 381.65(b)) also require that poultry be slaughtered in accordance with GCP. Poultry are to be slaughtered in a manner that ensures that breathing has stopped before scalding, so that the birds do not drown, and that slaughter results in thorough bleeding of the poultry carcass. Compliance with these practices helps ensure that poultry are treated humanely.

FSIS reviewed submitted humane handling policies, ante-mortem inspection reports, noncompliance records, and periodic supervisory review records. The results of the reviews revealed WDA/CHS 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 takes appropriate regulatory action in response to noncompliance.

FSIS audited the humane handling program and documents presented onsite to determine whether WDA/CHS 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. When conducting establishment audits, FSIS observed humane handling of livestock, stunning methods, and the condition of livestock pens, driveways, and ramps.

WDA/CHS uses State Meat Plant Inspection Policy, to communicate instructions to inspection personnel. Inspectors perform humane handling verification activities on each day of slaughter and document the results in the USAFS. Supervisors assess establishments' compliance with regulatory requirements for the humane slaughter of livestock and inspectors' performance of humane handling verification procedures in quarterly supervisor reviews and use FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) Work Methods, as guidance to conduct the reviews.

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

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

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

- Detain adulterated or misbranded product (21 U.S.C. 672 and 467 (a));

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

FSIS reviewed submitted self-assessment documents and confirmed WDA/CHS maintains a compliance system to enforce food safety, food defense, inspection exemption, and other consumer protection statutory requirements in intrastate commerce. WDA/CHS MPI follows State compliance policies or adopted FSIS directives to:

- Conduct surveillance activities and investigations, as warranted, of firms producing meat and poultry products in intrastate commerce;
- Control unsafe or violative products through detentions, seizures, and voluntary recalls;
- Take appropriate enforcement actions when adulterated or misbranded products are found in intrastate commerce; and
- Develop case files to ensure all enforcement actions imposed are legally supported by applicable State laws.

FSIS audited the documents presented onsite. These included, but were not limited to, Reports of Investigation, Inspection Due List, Custom Meat Inspection Report, Complaint Maintenance, and enforcement letter.

The audit of compliance documents and case files support the conclusion that WDA/CHS follows the procedures and methods in State policies, Compliance Surveillance of In-Commerce Facilities, and Planned Compliance Program Policy 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.

WDA/CHS compliance officers/inspectors investigate alleged or actual statutory or regulatory violations, as set out in FSIS Directive 8010.2, Investigative Methodology, and follow Wyoming MPI policies, State Meat Plant Compliance Procedure, and Embargo Policy to control products when there is reason to believe that the products are adulterated, misbranded, or otherwise in violation of the Wyoming Food, Drug and Cosmetic Safety Act (Title 35, Chapter 7, Article 1). The WDA/CHS management reviews all violations and relevant evidence and consults with the State attorney general on the appropriate case disposition and course of action.

WDA/CHS 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. WDA/CHS oversees the recall activities, and coordinates actions

to determine whether adulterated product was removed from commerce to serve the interest of public health. No State-inspected establishments or retail firms recalled product during FY 2023.

WDA/CHS 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; conduct interviews; submit product samples to the laboratory; initiate recall procedures and/or regulatory and enforcement actions; and report potential food safety threats.

WDA/CHS has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. The State office schedules annual reviews for custom exempt operators. WDA/CHS compliance officers/inspectors perform and document reviews of custom exempt operations.

FSIS compliance officer identified insanitary conditions in two custom exempt facilities visited during the onsite audit of compliance activities, which WDA/CHS failed to identify. Debris were identified on food contact surface of equipment, and one insect was identified on a lamb carcass. The findings were addressed during the audit by WDA/CHS and included a follow-up review by WDA/CHS officials as well.

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

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

State MPI programs must use product sampling and laboratory methods with capabilities and safeguards "at least equal to" the FSIS' product sampling and laboratory methods. State MPI program is to update and maintain as necessary its laboratory microbiological and chemical detection methods to keep pace with the applicable FSIS methods detailed in the FSIS Microbiology Laboratory Guidebook and USDA FSIS Chemistry Laboratory Guidebook.

An off-site records review of Wyoming Department of Agriculture Analytical Services Laboratory (WDAASL) was performed during FY 2023 to evaluate laboratory quality assurance programs and method equivalence under the State MPI Program.

WDAASL conducts microbiological testing for *Salmonella*, *L. monocytogenes*, and STEC, as well as food chemistry testing for moisture, fat, salt, and protein.

FSIS compared the WDAASL Laboratory Quality Assurance Program to the State Meat and Poultry Inspection (MPI) Program Laboratory Quality Management System Checklist and evidence of laboratory proficiency and analyst training was evaluated. Based on their self-assessment, WDAASL met all laboratory quality assurance requirements including analysts' training and related proficiency testing (PT).

WDAASL has demonstrated adequate microbiological capabilities for detection of *Salmonella*, *L. monocytogenes*, and STEC as well as food chemistry capability for the measurement of moisture, fat, salt, and protein.

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

- At beef establishments producing raw ground beef and bench trim, provided that the State collects and submits the appropriate number of samples that are tested for *Salmonella* and *E. coli* O157:H7 and at beef slaughter establishments producing manufactured trim, where the State is required to collect and submit 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 that the State collects and submits the appropriate number of samples that are tested for *Salmonella* and *L. monocytogenes*.
- At poultry slaughter establishments, provided that the State collects and submits the appropriate number of samples that are tested for *Salmonella* and *Campylobacter*. MPI states with no participating facilities slaughtering at least 20,000 chickens and/or 20,000 turkeys per year are not required to test that raw product for *Salmonella* and *Campylobacter* since it is not required at similar federally inspected plants. Note: Analytical methods for *Salmonella* and *Campylobacter* in raw poultry products were not evaluated as Wyoming is not currently inspecting poultry establishments slaughtering at least 20,000 chickens and/or turkeys per year.

September 18, 2023, FSIS determined the analytical methods used for microbiological and chemical analyses are “at least equal to” the FSIS methods.

## **XI. COMPONENT 8: CIVIL RIGHTS**

The State MPI program is to adhere to Federal Civil Rights laws: Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200(d)), Section 504 of the Rehabilitation Act of 1973, as Amended (29 U.S.C. 794), Age Discrimination Act of 1990 (42 U.S.C. 12101, et seq.) and applicable USDA Civil Rights regulations.

In November 2022, WDA/CHS submitted the required FSIS Form 1520-1, *Civil Rights Compliance of State Inspection Programs*, to demonstrate adherence to Federal Civil Rights laws and USDA Civil Rights regulations.

FSIS conducted a Civil Rights compliance review of WDA/CHS. 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 State's compliance in eight areas: (1) Civil Rights Assurances; (2) State Infrastructure and Program Accountability; (3) Public Notification; (4) Complaints of Discrimination; (5) Civil Rights Training; (6) Disability Compliance; (7) Program Accessibility to Individuals with Limited English Proficiency; and (8) Compliance with the Age Discrimination Act of 1975.

On August 14, 2023, FSIS determined the Wyoming's Civil Rights program to be in compliance with "at least equal to" standards for applicable civil rights laws, USDA regulations, and FSIS policies.

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

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

WDA/CHS submitted quarterly and final Federal Financial Reports (SF-425), and an annual Indirect Cost Proposal to demonstrate it conforms to 2 CFR Part 400 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and follows FSIS Directive 3300.1, Fiscal Guidelines for Cooperative Inspection Programs.

FSIS determined that WDA/CHS is "at least equal to" Federal standards for financial accountability for FY 2023.

## **XIII. DETERMINATION FOR WYOMING**

On August 31, 2023, WDA/CHS provided evidentiary documents to demonstrate verification of inspected establishments and custom exempt operators compliance with the regulatory requirements.

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