

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

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# FSIS NOTICE

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34-21

8/20/21

## FSIS ACTIONS AT ESTABLISHMENTS THAT DO NOT FOLLOW MASK REQUIREMENTS

### I. PURPOSE

This notice announces that to reduce the risk of COVID-19 infection for FSIS employees, as of Wednesday, August 25, 2021, FSIS will require official meat and poultry establishments, egg products plants, and all other facilities where FSIS provides inspection services, such as voluntary inspection service, to follow current guidance from the Centers for Disease Control and Prevention (CDC) on mask use. Establishments must require their employees or contractors to wear masks when IPP are present, if the establishment is located in a county with “substantial” or “high” community transmission of COVID-19. For the purposes of this notice, official establishments, egg products plants, and all other facilities where inspection is provided are collectively referred to as “establishments.” This notice cancels FSIS Notice 30-21, *Measures to Protect FSIS Inspection Program Personnel (IPP) from Covid-19 Infection*.

### II. BACKGROUND

A. FSIS is required to maintain an Occupational Safety and Health (OSH) Program that complies with the OSHA Safety and Health Act of 1970 (the Act), Section 19, Federal Agency Safety Programs and Responsibilities; Executive Order 12196, Occupational Safety and Health Programs for Federal Employees; and 29 CFR 1960, Basic Program Elements for Federal Employees.

B. For FSIS employees working in privately owned establishments, the Agency does not have authority to abate hazardous conditions directly. However, the Agency is required to provide employees with safe and healthy working conditions as part of the overall inspection process. Means used by the Agency to reduce exposure to hazardous work conditions include: administrative controls, providing employees with proper personal protective equipment (PPE), and removing employees (including withdrawing IPP) from unsafe conditions as necessary for protection of the employees.

C. Based on [updated guidance](#) from the Centers for Disease Control and Prevention, and to reduce the risk of infection with COVID-19, FSIS requires every employee to wear masks that cover the nose and mouth in the workplace, regardless of vaccination status. FSIS will now require establishments to follow the CDC guidance and require employees and contractors to wear masks, regardless of vaccination status, when IPP are present, if located in an area of “substantial” or “high” community COVID-19 transmission. Managers and employees are to use the [CDC COVID Data Tracker](#) website, which is updated daily, to determine whether they are located in one of these areas.

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**DISTRIBUTION:** Electronic

**NOTICE EXPIRES:** 9/1/22

**OPI:** OPPD

### III. AWARENESS MEETING

Upon publication of this notice, IPP are to schedule a meeting with establishment management to inform them of this requirement and document the discussion in a Memorandum of Interview (MOI) as described in FSIS [Directive 5010.1](#), *Food Safety Related Topics for Discussion During Weekly Meetings with Establishment Management*. In the awareness meeting, the Inspector-In-Charge is to tell establishment management:

1. FSIS is required to provide safe and healthy working condition for its employees;
2. FSIS requires establishments in areas of “substantial” or “high” community transmission of COVID-19 to follow CDC guidance and ensure their employees and contractors wear masks to reduce the risk of COVID-19 transmission when FSIS personnel are present;
3. Establishment management can use the [CDC COVID Data Tracker](https://covid.cdc.gov/covid-data-tracker) website (<https://covid.cdc.gov/covid-data-tracker>), which is updated daily, to determine whether they are located in one of these areas; and
4. As of Wednesday, August 25, 2021, FSIS will not provide inspection service to the establishment unless it meets this requirement.

### IV. FSIS SUPERVISORY RESPONSIBILITY

A. If, on or after Wednesday, August 25, 2021, FSIS supervisory personnel become aware of an establishment in an area of substantial or high community COVID-19 transmission where establishment employees or contractors are not wearing masks to reduce the risk of COVID-19 transmission, in accordance with CDC guidance, when IPP are present, they are to:

1. Notify establishment management as soon as possible that if the establishment does not follow CDC guidance and ensure that employees and contractors consistently wear masks to reduce the risk of COVID-19 transmission when FSIS personnel are present, then FSIS will not provide inspection service at the establishment. This should be followed up with a written notification, which may be by e-mail;
2. Maintain ongoing communication with the establishment regarding mask use by employees at the establishment; and
3. Notify the District Manager through supervisory channels of any establishments in areas of “substantial” or “high” community transmission that do not follow CDC guidance and require their employees and contractors to wear masks when IPP are present.

B. If an establishment in an area of substantial or high community COVID-19 transmission does not require employees and contractors to wear masks when FSIS personnel are present or they are not consistently implementing that requirement, the District Manager is to withhold inspection service from the establishment.

## V. QUESTIONS

Refer questions regarding this notice through supervisory channels.

A handwritten signature in black ink, reading "Rachel A. Edelstein". The signature is written in a cursive style with a large initial 'R' and 'E'.

Assistant Administrator  
Office of Policy and Program Development