

Appendix F

FINAL REPORT

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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 Illinois Department of Agriculture, Bureau of Meat and Poultry Inspection (IDA/BMPI), conducted by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS), including an onsite audit conducted from April 3–April 14, 2023. The annual audit process consists of two parts: (1) annual review of the State 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 Illinois 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 Illinois 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.

FSIS identified the following findings:

- Nonconformity of IDA/BMPI's implementation of the raw ground beef components other than trim sampling program.
- Hazard Analysis and Critical Control Points recordkeeping noncompliance.
- Noncompliance with the *Listeria* rules regulations.

An analysis of the audit findings within each component did not identify findings that may pose an immediate threat to public health.

On August 2, 2023, IDA/BMPI submitted an action plan to correct the findings identified during the onsite audit. The action plan identified the underlying cause of the nonconformity and the underlying causes of the specific findings at individual establishments. The action plan included a verification plan to ensure statewide correction of these findings. IDA/BMPI submitted corrective actions for three FSIS findings that analyzed the root cause of the finding, demonstrated the establishments bringing themselves back into regulatory compliance, and a review of a percentage of establishments not visited to demonstrate that individual establishment findings do not exist program wide. IDA/BMPI provided evidentiary documents to demonstrate verification of establishment compliance with regulatory requirements for instances of State identified noncompliances.

Based on audit results and implemented corrective actions, FSIS determined that IDA/BMPI provided adequate documentation to demonstrate that IDA/BMPI 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.

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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 Illinois' 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 an annual review to determine whether the Illinois 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, Illinois Department of Agriculture, Bureau of Meat and Poultry Inspection (IDA/BMPI) 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 requirements. FSIS verifies the above components to ensure IDA/BMPI 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 IDA/BMPI 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.¹ FSIS also conducted an onsite audit to verify accuracy and implementation of the SRCT submissions for Components 1–9.

¹ 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.

IDA/BMPI, 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 14 establishments was selected from a total of 109 State-inspected establishments.

IDA/BMPI administers the Illinois MPI program under authority of Illinois Compiled Statutes (225 ILCS 650 et seq.). IDA/BMPI 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 facilities.²

FSIS verified through interviews and record reviews that all Illinois personnel are employed by the State of Illinois 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

| | Establishment Type | Slaughter Only | Processing Only | Combination Slaughter and Processing | Total |
|---|------------------------------|-----------------------|------------------------|---|--------------|
| Number of State-Inspected Establishments | Meat Only | 4 | 30 | 41 | 75 |
| | Poultry Only | 0 | 0 | 3 | 3 |
| | Combination Meat and Poultry | 0 | 31 | 0 | 31 |
| | Total | 4 | 61 | 44 | 109 |
| Number of Custom Exempt Operators | Meat Only | 0 | 11 | 8 | 19 |
| | Poultry Only | 0 | 0 | 14 | 14 |
| | Total | 0 | 11 | 22 | 33 |

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 Illinois administers IDA/BMPI under the applicable State laws, rules, and regulations. The State Law, Illinois

² 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).

Compiled Statutes (225 ILCS 650 Meat and Poultry Inspection Act) and Illinois Administrative Code (8 Ill. Adm. Code 125) includes legal requirements comparable to following mandatory requirements of the FMIA and the PPIA:

- ante-mortem and post-mortem inspection (225 ILCS 650/9 and 225 ILCS 650/10)
- reinspection (225 ILCS 650/12);
- sanitation requirements (225 ILCS 650/12);
- record keeping requirements (8 Ill. Adm. Code 125.100);
- humane methods of slaughter requirements (510 ILCS 75/1 to 510 ILCS 75/4);
- adulteration (225 ILCS 650/2);
- misbranding (225 ILCS 650/2);
- prohibited acts (225 ILCS 650/19) and (510 ILCS 75/1);
- access and examination (225 ILCS 650/14);
- product control actions (225 ILCS 650/15); and
- exemption from inspection (225 ILCS 650/5).

The Illinois Compiled Statutes grants the authority to promulgate rules and regulations (225 ILCS 650/16). The Illinois Administrative Code further defines the incorporation of Federal rules (8 Ill. Adm. Code 125.20) and provides the rules for meat and poultry inspection (8 Ill. Adm. Code 125.10, et seq.).

FSIS confirmed through onsite records review, interviews, and observations that IDA/BMPI has statutory authority to enforce the provisions of the Illinois Compiled Statutes and the governing administrative rules and regulations, the Illinois Administrative Code, respectively, at State-inspected establishments and firms handling meat and poultry product with the State as outlined in the FY 2023 self-assessment submission. There were not any statutory or regulatory changes made this year that would potentially affect how IDA/BMPI carries out its regulatory duties.

FSIS did not have any findings and determined that IDA/BMPI 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 IDA/BMPI 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.

IDA/BMPI uses the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, and analyze inspection data. IDA/BMPI 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 Illinois Compiled Statutes 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, and the resulting products are inspected and passed for human consumption. IDA/BMPI adopts and implements all relevant FSIS issuances as its own policies for carrying out inspection and food safety verification activities with minor changes for administrative issues specific to the State program.

IDA/BMPI employs Veterinary Medical Officers that work as Enforcement Investigation and Analysis Officers (EIAO) in the establishments. Food Safety Assessments (FSA) are scheduled by the Bureau Chief in response to positive *Escherichia coli* (*E. coli*), or *Listeria monocytogenes* (*L. monocytogenes*) sampling and the prioritized list of establishments for scheduling FSAs sent by FSIS. The list is based on public health risk triggers, including whether an establishment has produced adulterated product, or whether an establishment has produced product associated with an outbreak. The remaining establishments included on the prioritized list from FSIS are based on when an FSA was last performed. The Bureau Chief and the EIAOs review the list to schedule FSAs.

IDA/BMPI allows for the generic approval of labels per 9 CFR 412. In the event that a label requires approval due to special statements or claims, religious exemption, or requires temporary approval, the establishment will submit a label approval form, MI-5. The inspector will review the application, and the circuit supervisor will review the label application and ensure it meets all regulatory requirements, as well as review applicable FSIS compliance guidelines. The circuit supervisor may also consult the Springfield office if there are any questions or concerns.

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 *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 IDA/BMPI 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 IDA/BMPI inspection at 14 establishments during the onsite audit. IDA/BMPI personnel identified several establishment noncompliances with Sanitation SOPs, Sanitation Performance Standards, HACCP design and validity, labeling, and custom exempt requirements. FSIS identified one establishment noncompliance related to HACCP design and validity and one establishment noncompliance with the *L. monocytogenes* control alternative regulations. FSIS program additionally identified one non-conformity between the State’s Shiga toxin-producing *E. coli* (STEC) sampling procedures as outlined in its self-assessment and in-plant implementation. No prevailing trend or systemic issues with noncompliances were seen, and no longstanding noncompliance records were noted.

FSIS identified the following findings:

- At one establishment, there was a failure to maintain complete records of the calibration of process monitoring equipment. As corrective actions for this finding, IDA/BMPI documented the non-compliance and verified that the establishment began properly documenting the calibration of its thermometers. IDA/BMPI conducted a review of an additional 25% of inspected establishments to review process monitoring equipment calibration and recordkeeping and determined that this was not an issue at any others. These corrective actions were considered sufficient to resolve this finding.

- At one establishment utilizing *Listeria* Alternative 3, there was a failure to provide for testing of all food contact surfaces in the post-lethality exposed environment to ensure that the surfaces are free of *L. monocytogenes* or an indicator organism. As corrective actions for this finding, IDA/BMPI documented the non-compliance and verified that the establishment revised the food contact surfaces listed in its *Listeria* control program. IDA/BMPI conducted a review of 30% of inspected establishments and determined that the issue did not exist at any others. These corrective actions were considered sufficient to resolve this finding.

During the State Office Review, the program auditor discussed a vulnerability regarding Illinois' performance of FSAs. Currently, FSAs in Illinois are only performed by the Veterinary Consumer Safety Officers (VCSO) and are prioritized based on "For Cause" triggers listed in the Public Health Risk Evaluation (PHRE) methodology, and the priority list generated by FSIS' Office of Planning, Analysis and Risk Management (OPARM), with a slight preference to those ready-to-eat (RTE) establishments that require routine risk-based *L. monocytogenes* testing. At the time of the review, Illinois has three VCSOs, with a total of five when fully staffed. IDA/BMPI completes all required "For Cause" FSAs, and no establishments were noted during the on-site that needed enforcement action.

FSIS determined that IDA/BMPI 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 IDA/BMPI's product sampling documents, protocols, procedures, and results presented in the FY2023 self-assessment submission. FSIS verified through interviews and record reviews that IDA/BMPI maintains sampling programs, based on sound rationale and goals, for the following:

- *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;
- *L. monocytogenes* and *Salmonella* in RTE products; and
- Other consumer protection standards.

IDA/BMPI 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,

IDA/BMPI participates in the National Residue Program and collects and analyzes inspector-generated samples for violative drug residues.

IDA/BMPI adopts and implements all relevant FSIS issuances as its own policies for carrying out inspection and food safety verification activities.

IDA/BMPI uses Guidance to States on Frequency of Microbiological Testing for the FY 2023 Review Cycle that FSIS releases annually and PHIS data (HACCP category and products eligible for sampling) to determine the required number of samples for each sampling project. Area supervisors assign frequencies based on product eligibility for sampling and instruct inspectors to collect samples by following those frequencies for each sampling project. Sampling projects and required numbers of samples taken at each establishment are reviewed on an annual basis. IDA/BMPI area supervisors coordinate sample collection between circuit inspectors.

FSIS identified the following finding:

- In its self-assessment, IDA/BMPI stated that it follows FSIS Directive 10,010.1, Sampling Verification Activities for Shiga toxin-producing *Escherichia coli* (STEC) in Raw Beef Products, when collecting and submitting routine and follow-up samples of raw beef products for *E. coli* O157:H7 and non-O157 STEC. During the review and discussion with the inspector at one establishment, the following program non-conformities were noted. This establishment saves cheek meat from slaughtered beef for use in non-intact wholesale product. This establishment was not marked as eligible for raw ground beef components other than trim sampling. When discussing with the establishment owner and in-plant personnel, it was confirmed that this cheek meat is added to ground beef products that receive the IDA/BMPI mark of inspection. Additionally, when reviewing program sampling results, it was noted that this inspector was taking raw ground beef and beef manufactured trimmings samples from the same lot of product. Further, when discussing how this inspector physically collects beef manufactured trimmings samples, the inspector stated that he was having establishment employees take program beef manufactured trimmings samples from the outside surface of hanging beef carcasses. As corrective actions for this program nonconformity, IDA/BMPI conducted a survey of all other slaughter establishments and verified that any product eligible for raw ground beef components other than trim sampling was instead either discarded, utilized for cooked inspected product or in raw-intact retail exempt product where the intended use is known. IDA/BMPI further submitted evidence of work unit meetings (WUM) from all circuits discussing training on Directive 10,010.1 and the cloth sampling method.

The FSIS determined that IDA/BMPI 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 IDA/BMPI submitted documentation and confirmed that IDA/BMPI 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 that aligns individual workloads with Illinois' 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 IDA/BMPI office and establishment audits, FSIS concluded that IDA/BMPI 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 IDA/BMPI'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 meat and poultry ante-mortem and post-mortem inspection, humane handling, processed products, HACCP, Sanitation SOP, rules of practice, In-Plant Performance System guidelines, compliance, and Inspection Methods training. New inspection personnel are on-boarded in the Springfield office on their first two workdays. They are given a brief introduction to the expectations for the job and an informational folder with pertinent information. Area supervisors provide on the job training for two to four weeks. Trainees receive a one-week slaughter training class that includes an onsite visit to a beef slaughter facility and a test is administered at the completion of the class. After completing this class and as soon as practical, students are enrolled in FSIS Inspection Methods (IM) class. Two to four months after completion of the IM class, trainees are placed in an FSIS Further Processing and Labeling class. IDA/BMPI maintains a record keeping system to track participation and completion of training.

FSIS did not have any findings and determined that IDA/BMPI 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 IDA/BMPI'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 IDA/BMPI 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 IDA/BMPI 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.

IDA/BMPI uses FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel. Inspection personnel schedule and perform 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. Inspection personnel document humane handling verifications in PHIS. During quarterly visits, veterinary medical officers evaluate establishments’ humane handling procedures and inspectors’ humane handling task performance.

IDA/BMPI employs three veterinary medical officers who perform humane handling audits at slaughter facilities in accordance with FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) – Work Methods, at a frequency of every 12 to 18 months. More frequent visits would be warranted when repetitive noncompliance pertaining to humane handling exists, when an egregious violation of humane handling has occurred, when the Humane Handling Activities Tracking System indicates a negative trend, when there is suspicion that humane handling violations are occurring, to assess religious exemption practice pertaining to slaughter, or to conduct a follow-up verification visit to a suspension being held in abeyance or other enforcement.

FSIS did not have any findings and determined that IDA/BMPI 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 IDA/BMPI maintains a compliance system to enforce food safety, food defense, inspection exemption, and other consumer protection statutory requirements in intrastate commerce. IDA/BMPI 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, Daily Activity Reports, Programmed Compliance Plans, Incident Reports, Case Reports, Reports of Apparent Violations, and Notices of Warning.

The audit of compliance documents and case files support the conclusion that IDA/BMPI 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.

IDA/BMPI 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 Illinois Compiled Statutes. The Reports of Investigation were completed in accordance with FSIS Directive 8010.4, Report of Investigation. IDA/BMPI uses the investigative findings and evidence to pursue enforcement actions for administrative, civil, or criminal sanctions.

IDA/BMPI follows the recall procedures in FSIS Directive 8080.1, Recall of Meat and Poultry Products, with minor modifications fitting its organizational structure. No State-inspected establishments or retail firms recalled product during FY 2023.

IDA/BMPI 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.

IDA/BMPI has a system for reviewing custom exempt operations that are in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. Supervisors are responsible for performing reviews of custom exempt operations at least annually. When issues are identified, the supervisor or inspector will perform follow up reviews.

FSIS did not have any findings and determined that IDA/BMPI 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 needed to apply IDA/BMPI's inspection methodology, to document findings, and to 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 onsite audit of the University of Illinois Urbana Champaign Veterinary Diagnostic Laboratory (UIUCVDL) was performed during FY 2023 to evaluate laboratory quality assurance programs and method equivalence under the State MPI Program.

The UIUCVDL conducts microbiological testing for *Salmonella*, *L. monocytogenes*, *E. coli* O157:H7, and non-O157 STEC. USDA/FSIS/Eastern Laboratory (EL) conducts chemistry testing on UIUCVDL’s behalf to include the measurement of moisture, protein, fat, and salt.

FSIS compared the UIUCVDL Laboratory Quality Assurance Program to the State MPI Program Laboratory Quality Management System Checklist and evidence of laboratory proficiency and analyst training was evaluated. UIUCVDL met all laboratory quality assurance requirements.

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

Based on the Component 7 methods and quality assurance program review, IDA/BMPI 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 RTE 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. Analytical methods for *Salmonella* and *Campylobacter* in raw poultry products were not evaluated as IDA/BMPI is not currently inspecting poultry establishments slaughtering at least 20,000 chickens and/or turkeys per year.

On August 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, IDA/BMPI 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 IDA/BMPI. 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 components: (1) Civil Rights Assurances; (2) State Infrastructure and Program Accountability; (3) Public Notification; (4) Complaints of Discrimination; (5) Civil Rights Training; (6) Civil Rights Compliance, (7) Program Accessibility to Individuals with Limited English Proficiency; and (8) Compliance with the Age Discrimination Act of 1975.

On August 28, 2023, FSIS determined Illinois 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.

IDOA 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 IDOA is “at least equal to” Federal standards for financial accountability for FY 2023.

XIII. DETERMINATION FOR ILLINOIS

On August 2, 2023, IDA/BMPI submitted all components of an action plan to correct the findings identified during the onsite audit. The action plan identified the underlying causes of the nonconformity and the underlying causes of the specific findings at individual establishments. The action plan included a verification plan to ensure statewide correction of these findings. As a nonconformity, FSIS identified that IDA/BMPI was inadvertently not designating certain establishments that produced product eligible for raw ground beef components other than trim sampling. As corrective actions for this program nonconformity, IDA/BMPI conducted a survey of all other slaughter establishments. IDA/BMPI identified a total of 4 establishments that saved cheek meat and verified that any product eligible for raw ground beef components other than trim sampling was instead either discarded by the establishment, utilized for cooked inspected product, or in raw-intact retail exempt product where the intended use is known. IDA/BMPI further submitted evidence of WUMs from all circuits discussing training on FSIS Directive 10,010.1, proper sampling technique, and the cloth sampling method. In addition, IDA/BMPI provided evidentiary documents to demonstrate verification of establishment compliance with the regulatory requirements.

Based on the evidence and results described above, FSIS determined that IDA/BMPI 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.