

Appendix I

FINAL REPORT

Fiscal Year 2023

Kansas
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 Kansas Department of Agriculture's Meat and Poultry Inspection Program (KDA MPI), conducted by the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) for fiscal year 2023. The purpose of the annual review is to: (1) verify the State of Kansas 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 Kansas administers a State meat and poultry inspection (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. This year, FSIS reviewed only the self-assessment documentation submitted by Kansas to determine whether the State maintains and enforces requirements for a MPI program "at least equal to" the Federal requirements.

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

Based on thorough evaluations of the review results, FSIS determined that KDA MPI continues to operate a meat and poultry inspection program "at least equal to" the Federal requirements.

TABLE OF CONTENTS

I. INTRODUCTION	1
II. OBJECTIVE, SCOPE, AND METHODOLOGY	1
III. BACKGROUND.....	2
IV. COMPONENT 1: STATUTORY AUTHORITY AND FOOD SAFETY REGULATIONS	3
V. COMPONENT 2: INSPECTION	4
VI. COMPONENT 3: SAMPLING PROGRAMS	6
VII. COMPONENT 4: STAFFING, TRAINING, AND SUPERVISION	7
VIII. COMPONENT 5: HUMANE HANDLING	7
IX. COMPONENT 6: COMPLIANCE.....	9
X. COMPONENT 7: LABORATORY METHODS AND QUALITY ASSURANCE PROGRAM	10
XI. COMPONENT 8: CIVIL RIGHTS	11
XII. COMPONENT 9: FINANCIAL ACCOUNTABILITY	12
XIII. DETERMINATION FOR KANSAS	12

I. INTRODUCTION

This report communicates the results of a review conducted by the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) in Federal fiscal year (FY) 2023 to evaluate Kansas' 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 year, FSIS examined and analyzed only the self-assessment documentation submitted by the Kansas Department of Agriculture's Meat and Poultry Inspection Program (KDA MPI) to determine whether it maintains and enforces requirements for a MPI program "at least equal to" the Federal requirements.

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 scope of the FSIS 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. This year's review activities were limited to evaluations of self-assessment documents submitted by KDA MPI via email or the State Review and Communication Tool (SRCT) for each component. FSIS also conducted interviews of State MPI program officials as needed to gain a better understanding of some submitted self-assessment documents. FSIS reported any findings¹ identified during this review to make certain the State MPI program effectively implements corrective actions to resolve them. FSIS analyzed all information collected for each "at least equal to" component during the review process before making a determination regarding the component. The overall determination for the State MPI program was based on the collective results and determinations made for the nine "at least equal to" components. FSIS conducted this review process in accordance with FSIS Directive 5720.3, Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs. KDA MPI was not subjected to an onsite verification audit in FY 2023.

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 must 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 its 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. The State MPI programs are to provide narratives in the submitted documentation for any identified administrative or operational changes made to its 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 its 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 3 years to verify the accuracy and implementation of the State MPI programs’ self-assessment submissions. In years when a State MPI program is not subject to FSIS’ onsite audits, the annual “at least equal to” determination will be based on an analysis of the State’s self-assessment review results.

KDA MPI, 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 to verify the State MPI program continues to operate in a manner “at least equal to” the Federal program.

KDA MPI administers its MPI program under authority of the Kansas Statutes Annotated (K.S.A. 65-6a18 et seq.). KDA MPI is organized on three levels: State office, State inspection, and compliance program. The program verifies compliance and enforces regulatory requirements at inspected facilities and custom operators.²

FSIS' Federal-State Audit Staff verified through interviews and record reviews that all KDA MPI personnel are employed by the State of Kansas and are conducting verification activities as outlined in the self-assessment.

The table below details the number of State-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	7	8	30	45
	Poultry Only	0	1	0	1
	Combination Meat and Poultry	0	8	5	13
	Total	7	17	35	59
Number of Custom Exempt Operators	Meat Only	0	5	40	45
	Poultry Only	0	0	1	1
	Total	0	5	41	46

IV. COMPONENT 1: STATUTORY AUTHORITY AND FOOD SAFETY REGULATIONS

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

FSIS reviewed of the submitted self-assessment documentation and confirmed Kansas administers KDA MPI under the applicable State laws, rules, and regulations. The State law, K.S.A. Chapter 47, Article 14 and Chapter 65, Articles 6 and 6a), includes legal requirements comparable to following mandatory requirements of the FMIA and the PPIA:

- ante-mortem and post-mortem inspection (K.S.A. Chapter 65, Article 6a20-6a21);

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

- reinspection (K.S.A. Chapter 65, Article 6a22);
- sanitation requirements (K.S.A. Chapter 65, Article 6a25);
- record keeping requirements (K.S.A. Chapter 65, Article 6a41);
- humane methods of slaughter requirements (K.S.A. Chapter 47, Article 14);
- adulteration (K.S.A. Chapter 65, Article 6a18);
- misbranding (K.S.A. Chapter 65, Article 6a18);
- prohibited acts (K.S.A. Chapter 65, Article 6a27);
- access and examination (K.S.A. Chapter 65, Articles 6a-23, 6a26, and 6a41);
- product control actions (K.S.A. Chapter 65, Article 6a37); and
- exemption from inspection (K.S.A. Chapter 65, Article 6a31).

The K.S.A grants the authority to promulgate rules and regulations Chapter 65, 6a30. Kansas adopts by reference all parts of 9 CFR in the Kansas Administrative Regulations (K.A.R.) – Chapter 3, Kansas Department of Agriculture - Agency 4, Article 16, Section 1c.

FSIS auditors confirmed Kansas did not enact any statutory or regulatory changes this year that may potentially affect how KDA MPI carries out its regulatory duties.

FSIS auditors did not have any findings and determined that, KDA MPI 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, sanitation standard operating procedures and sanitary dressing regulatory requirements as articulated in 9 CFR 416 or equivalent governing State regulations; and
- All official establishments develop, implement, and maintain written 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 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 is 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 is 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 and confirmed that KDA MPI 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 comparable to actions taken by FSIS; and
- An internal control system for evaluating the efficacy and effectiveness of the other systems.

KDA MPI uses the “Kansas MPI Program”, analogous to the FSIS Public Health Information System to schedule inspection tasks and to collect, consolidate, and analyze inspection data. KDA MPI 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 KSA 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 meat food products are inspected and passed for human consumption. KDA MPI adopts and implements most relevant FSIS issuances as its own policies for carrying out inspection and food safety verification activities.

Routine food safety assessments (FSAs) are scheduled at least once every 4 years per the FSIS Directive 5100.1 methodologies. These routine FSAs are comprehensive, where the enforcement investigation and analysis officer (EIAO) examines the design and validity of the establishment's food safety system(s) – hazard analyses, HACCP plans, Sanitation Standard Operating Procedures, prerequisite programs, sampling programs, and any other programs that constitute the establishment's HACCP system(s). Kansas does not use FSIS Directive 5100.4 methodology, including the two parts (Public Health Risk Evaluations (PHRE) Decision and Assessment plan), to determine if an FSA is necessary, but for-cause FSAs are performed on an as-needed basis. For example, if an establishment received a positive Routine risk-based *Listeria monocytogenes* sample, a for-cause FSA will be performed. Kansas uses FSIS Directive 8160.1 for custom exempt review methodology, with the exception that the area supervisor's or their lead inspectors with conduct these reviews annually. FSIS determined that the observed procedural differences did not impact KDA MPI's capability to meet the intended purposes of the FSIS directives.

FSIS auditors did not have any findings and determined that KDA MPI 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 and 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 tests. Laboratories conducting official analyses for State inspection programs must ensure test results are accurate, reliable, and reproducible.

FSIS reviewed KDA MPI’s product sampling documents, protocols, procedures, and results presented in the FY 2023 self-assessment submission. FSIS confirmed submitted documentation demonstrated KDA MPI A maintains sampling programs, based on sound rationale and goals, for the following:

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

KDA MPI implements 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, KDA MPI participates in the National Residue Program and collects and analyzes inspector-generated samples for violative drug residues.

KDA MPI adopts and implements the most relevant FSIS issuances as its own policies for carrying out inspection and food safety verification activities. These included sampling plans and laboratory results for *E. coli* O157:H7 in raw non-intact beef products and raw ground beef components, non-O157 STEC in raw beef manufacturing trimmings, *L. monocytogenes* and *Salmonella* in ready-to-eat products, economic samples, violative drug residues, State laboratory activity reports, and sample seals. KDA MPI adopts FSIS Directive 7355.1, Use of Sample Seals for Laboratory Samples, for sealing the samples when submitting to FSIS laboratories, and has the ability to hand deliver the samples to Kansas laboratories. KDA MPI adopts FSIS Directive 10,240.4, *Listeria* Rule Verification Activities, with a procedural difference that indicates RTEPROD_RISK and RTEPROD_RAND are combined into one sampling program. After a positive *L. monocytogenes* sample FSIS Directive 10,300.1, Intensified Verification Testing Protocol for Sampling of Product, Food Contact Surfaces and Environmental Surfaces for *L. Monocytogenes*, is followed, and once the establishment is able to start producing product again,

inspection program personnel will do an additional eight product samples. The *RLm* sampling schedule is set on a 4 to 5-year cycle. The notable procedural differences did not impact KDA MPI's capability to meet the intended purposes of the FSIS directives.

FSIS auditors did not have any findings and concluded that KDA MPI 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 KDA MPI's submitted documents and confirmed that KDA MPI implements its administrative program 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. The KDA MPI training includes formal classroom and on-the-job components and is developed based on the specific job requirements of its workforce. The State's supervisory system aligns individual workloads with Kansas' public health and regulatory goals and sets standards to assess job performance that include measures to correct of unsatisfactory performance.

FSIS did not have any findings and determined the KDA MPI administrative program to be "at least equal to" the FSIS program. KDA MPI 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 KDA MPI 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 with the ritual requirements of the 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 has reviewed and verified the self-assessment documents submitted by the establishment. KDA MPI schedules and carries out regulatory verification procedures to ensure that personnel at the establishment handle all livestock humanely while they are on the premises. They also take appropriate regulatory action if noncompliance is detected.

KDA MPI adopts all relevant FSIS humane handling and GCP directives but only implements the humane handling with minor changes to denote the KDA MPI personnel responsible for carrying out verification activities articulated in these directives.

KDA MPI uses FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel. Inspectors document humane handling verifications in the Kansas Inspection system and on the Daily Report of Slaughter and Ante and Post Mortem Disposition records (KDA Form MP-4). During annual reviews, KDA MPI evaluates establishments' humane handling procedures and documents results on the Establishment Review Guide (KDA Form MP-74). KDA MPI adopts FSIS Directive 6110.1, Verification of Poultry Good Commercial Practices, to verify poultry are slaughtered in accordance with GCP requirements. KDA MPI does not perform GCP verification procedure outlined in FSIS Directive 6110.1 at this time because none of the State-inspected establishments slaughter poultry under inspection.

KDA MPI employs area supervisors and veterinarians to perform annual humane handling reviews at slaughter facilities in accordance with FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) - Work Methods and document results on the Humane Handling Verification Tool (KDA Form MP-86).

FSIS did not have any findings and determined that KDA MPI 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 to enforce compliance with all applicable laws and regulations and take appropriate action in the event of noncompliance. The State MPI program detains adulterated or misbranded product (21 U.S.C. 672 and 467 (a)). The State MPI program is to 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)). In addition, the State is to ensure establishments maintain written recall procedures for all meat and poultry products produced and shipped (21 U.S.C. 613 and 459(c)(1)). The State is to 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. The State enacts State law provisions for the refusal or withdrawal of 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 that KDA MPI maintains a compliance system to enforce food safety, food defense, inspection exemption, and other consumer protection statutory requirements in intrastate commerce. KDA 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.

KDA MPI 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.

KDA MPI 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 K.S.A. The Reports of Investigation were completed in accordance with FSIS Directive 8010.4, Report of Investigation. KDA MPI uses the investigative findings and evidence to pursue enforcement actions for administrative, civil, or criminal sanctions.

KDA MPI 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.

KDA MPI established methods to record, triage, analyze, and track consumer complaints related to State-regulated meat or poultry products as outlined in the KDA MPI Overview of Policies and Procedures for Inspection Personnel. 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.

KDA MPI has a system for reviewing custom operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. The area supervisor or lead inspector performs annual reviews and, if needed, performs follow-up reviews within 30 days.

FSIS did not have any findings and determined the KDA MPI compliance program to be “at least equal to” the FSIS program. KDA MPI 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 KDA MPI’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

The State MPI program must use product sampling and laboratory methods with capabilities and safeguards “at least equal to” FSIS’ product sampling and laboratory methods. The 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 the Kansas Department of Agriculture Laboratory (KDAL) was performed during FY 2023 to evaluate laboratory quality assurance programs and method equivalence under the State MPI Program.

KDAL conducts microbiological testing for *Salmonella*, *L. monocytogenes*, *E. coli* O157:H7, and non-O157 STEC. KDAL conducts food chemistry testing for moisture, protein, fat, and salt.

FSIS compared the KDAL Laboratory Quality Assurance Program to the State MPI Program Laboratory Quality Management System Checklist, and evidence of laboratory proficiency and analyst training was evaluated. KDAL met all Laboratory Quality Assurance requirements in response to the FY 2022 onsite review.

KDAL has demonstrated adequate food chemistry capability for measuring moisture, protein, fat, and salt. KDAL 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, Kansas may 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 to collect and submit the appropriate number of samples that are tested for *Salmonella*, *E. coli* O157:H7, and non-O157 Shiga toxin-producing *E. coli* (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. Note: Analytical methods for *Salmonella* and *Campylobacter* in raw poultry products were not evaluated as Kansas is not currently inspecting MPI program poultry establishments slaughtering at least 20,000 chickens and/or turkeys per year.

On September 15, 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, KDA MPI 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 KDA MPI. 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 17, 2023, FSIS determined the Kansas 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 ensures appropriate use of Federal funds, adequate accounting support for the State inspection program, and timely and accurate submission of expense reports.

KDA MPI 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 (March 2004).

FSIS determined that KDA MPI is “at least equal to” Federal standards for financial accountability for FY 2023.

XIII. DETERMINATION FOR KANSAS

Based on the evidence and results described above, FSIS determined that KDA MPI operates its MPI program “at least equal to” the Federal requirements for all components and enforces requirements “at least equal to” those imposed under the Federal Acts.