



United States Department of Agriculture

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Food Safety and  
Inspection Service  
1400 Independence  
Avenue, SW,  
Washington, D.C.  
20250

Mr. Johann Jon Isleifsson  
TopIceland.com  
Grundargata 8  
350 Grundarfjorour  
Iceland

May 10, 2024

Dear Mr. Isleifsson:

The Food Safety and Inspection Service (FSIS) has completed its review of the April 4, 2022, petition you submitted on behalf of TopIceland.com. The petition requests that FSIS clarify that the regulations in 9 CFR 327.16, which prescribe requirements for the importation of small amounts of meat products for the importer's personal consumption, apply to meat products purchased over the internet.

In your petition, you referred to the U.S. Food and Drug Administration's (FDA) "definition" of personal import and stated that because "the FDA does not distinguish between mode of delivery when defining products for own consumption... TopIceland would thus kindly petition[] that our imports, which fall under the definition of being for personal import only, would be covered under Regulation 9 CFR 327.16."

The FDA definition and link cited in your petition are from a statement on an FDA website, not a definition codified in the Code of Federal Regulations. Additionally, FDA and FSIS have separate statutory authorities and regulatory requirements for the products under their respective jurisdictions. USDA's own regulations governing imported products in 9 CFR part 327 do not define "personal importation" or "own consumption."

9 CFR part 327 contains the regulations governing the importation of meat products into the U.S. including FSIS' inspection process. Imported meat products must originate from eligible countries that have an equivalent food safety regulatory system as determined by the Administrator of FSIS (9 CFR 327.2). Within eligible countries, only those establishments that are determined and certified by a responsible official of the country's meat inspection system to meet requirements equivalent to those of the U.S. are eligible to have their products imported into the U.S. After a country is determined to be an eligible country, FSIS relies on the country's government inspection personnel to carry out inspection activities. For each consignment imported into the U.S., a foreign inspection certificate issued by an official of the foreign government agency responsible for inspection and certification of the product is required (9 CFR 327.4).

Additionally, importers must apply for FSIS inspection of imported product prior to the anticipated arrival of each consignment and no later than when entry is filed with Customs Border Protection (CBP) (9 CFR 327.5). FSIS inspection of imported product occurs after CBP and animal disease requirements, administered by USDA Animal and Plant Health Inspection Service (APHIS), are met at U.S. ports of entry (POE) (9 CFR part 327).

Despite this inspection process, 9 CFR 327.16 permits the entry of small quantities of meat products for personal consumption and exempts those products from FSIS import regulations. Such exemption is of limited scope. The products must not exceed 50 pounds, must be purchased by the importer while outside the U.S., and must be for the importer's own consumption. It does not apply to products purchased online from within the U.S.

When meat products are brought into the U.S. by travelers, travelers are required to declare the products on their U.S. Customs declaration form and CBP agriculture specialists at POE will examine the products to determine if they meet entry requirements. FSIS also has the authority and opportunity to inspect any product offered for importation under 9 CFR 327.16 to determine whether it falls under this regulation to be exempt from the standard import requirements and inspection process contained in 9 CFR part 327. This system gives the U.S. government the opportunity to inspect any imported product to determine whether the products are in the class eligible to be imported. The same opportunity does not exist when products are sent via the mail or courier services because these products are not accompanied by documentation to certify that they meet the criteria to qualify for an exemption from the import regulations in 9 CFR part 327. The current system also promotes food safety by limiting the amount of uninspected meat products permitted to enter the United States. For these reasons, we have decided to deny your petition.

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Your petition requests that, in the event TopIceland.com's petition is not granted, FSIS provide an adjustment period of two years to allow TopIceland.com to continue to ship products into the U.S. while building other markets and products. FSIS cannot provide an adjustment period because the importation of such products is impermissible under 9 CFR 327.16. TopIceland may only export the products identified as eligible for export to the U.S. as determined by FSIS' equivalence process and pursuant to the import and reinspection requirements under 9 CFR part 327.

Sincerely,

A handwritten signature in black ink, reading "Rachel A. Edelstein". The signature is written in a cursive, flowing style.

Rachel Edelstein  
Assistant Administrator  
Office of Policy and Program Development