



**Food Safety and Inspection Service**  
U.S. DEPARTMENT OF AGRICULTURE

# Import Refresher Training

## Refused Entry

## Learning Objectives

- Name the 2 types of products that may be identified as "United States Refused Entry"
- List reasons why product may be refused entry into the United States
- Describe the procedures for identifying and handling refused entry product
- Name the 4 types of dispositions which may be approved for refused entry product
- Describe the procedures for verifying storage and disposition of refused entry product

## Resources

- [FSIS Directive 9900.8](#)
- [9 CFR part 327.13](#)
- [9 CFR part 381.202](#)
- [9 CFR part 557.10](#)
- [9 CFR part 590.945](#)

## Overview

Importers must meet regulatory requirements in order to bring foreign-made meat, poultry, and egg products into U.S. commerce. Since, as an Import Inspector, you perform reinspection of shipments of imported products on behalf of FSIS (as well as CBP and APHIS), you may need to make the determination to refuse entry of certain products.

This module addresses how to identify, document, and monitor refused entry product and how to verify appropriate disposition of such product.

## Overview

Of course when you refuse entry of product, that does not mean that product can *never* enter U.S. commerce and must return to its country of origin. Importers can appeal FSIS regulatory decisions, and they may have one or more alternatives available to rectify the noncompliance issue(s) for which their product has been refused.

We will address this in the "Appeals" and "Dispositions" section of this module.

## Types of Refused Entry Product

Broadly speaking, there are two (2) types of product that may be refused entry:

- Product that is ineligible for importation into the United States
- Product that is eligible for importation but is in a condition that causes it to be refused entry

## Ineligible Product

Refer to Section IV. A. of FSIS Directive 9900.8 for the list of reasons why product would be considered ineligible for importation:

- Source or producing country is ineligible to export to the U.S.
- Source, processing, or preparing establishment is not certified to export to the U.S.
- Product fails to comply with FSIS or APHIS regulations
- Product was produced during a period when the exporting country was not eligible

## Ineligible Product (continued)

- Product was produced during a period when the processing or preparing establishment was not eligible to export to the U.S.
- Product derived from a species that the exporting country is not eligible to export to the U.S.
- Product is not eligible for export to the U.S.
- Foreign inspection certificate is incorrect or invalid

## Eligible Product

Some products are eligible for import into the United States, but may be found to be in a condition that causes you to refuse entry of the product. Possible causes are addressed in Sections IV. B. and IV. C. of FSIS Directive 9900.8:

- Failed Type of Inspection TOI
- Partial lot refused entry
- Food Defense concerns

## Eligible Product - Causes for Refused Entry

### Failed Type of Inspection (TOI):

- Certification
- Label Verification
- Physical Examinations
- Laboratory Analysis

**Note:**

## Eligible Product - Partial Lot Refused Entry

When there are issues with certification (such as missing or illegible shipping marks) or labeling issues (including transportation damage discovered during general condition examination), importers may elect to have the lot sorted to remove non-compliant product. Whether the non-compliant product can be rectified or not, you may still be able to release the acceptable product into commerce after notifying the applicant that you have refused entry *and* after completing the rest of lot reinspection.

If the importer or establishment refuses to sort a lot, you would refuse entry on the entire lot. We will discuss the procedures in more detail coming up.

## Refused Entry Procedures

Now that we have discussed the criteria for eligibility -- or ineligibility -- of product for distribution into U.S. commerce, we can discuss the procedures for refusing entry as well as for verifying proper disposition of product.

## Refused Entry Procedures

### **Application/Certificate Issues:**

- Always review the accuracy of data entry in PHIS by comparing it to the foreign inspection certificate
- If there are data entry errors, correct the application in PHIS
- If there are no data entry errors, contact RMTAD to determine if there is an issue with either the country's current certification or with the information in the FSIS Import Library
- Note that PHIS will display a red warning message when a country, establishment, or product is ineligible

## Refused Entry Procedures

### Other Issues:

If you confirm that there is not a data entry or eligibility concern is correct, take the following steps in PHIS:

## Refused Entry Procedures

### Other Issues (continued):

- Fail the appropriate TOI, if applicable
- Click the **Refused Entry** button
- Click **Add New Reason** and then select the most appropriate **Refusal Reason** from the dropdown menu
- Select the most appropriate **Defects** reason
- Click **Save**
- Click on **Send to Applicant**

## Refused Entry Procedures

### Other Issues (continued):

Once refused entry is documented in PHIS and the applicant has been notified, refused entry product must be stamped to identify it as "United States Refused Entry."

However, *it is very important that you be absolutely certain the noncompliance is not under appeal or cannot be rectified before you allow the stamp to be applied.* Refused entry cannot be rescinded once the product is marked as such.

## Refused Entry Procedures

### Partial Lot Refused Entry:

When product is refused entry for transportation damage or missing or illegible shipping marks, you may direct establishment employees to sort and remove non-compliant product before proceeding with reinspection. If, for some reason, the establishment declines to sort the lot, you will fail the TOI for the entire lot and place it on hold until the applicant responds and final disposition is determined.

Also note that the establishment may voluntarily pre-sort the lot during unloading to facilitate more efficient reinspection. They still must present *all* product in the lot (compliant *and* non-compliant) to IPP.

## Refused Entry Procedures

### **Partial Lot Refused Entry (continued):**

FSIS Directive 9900.8 instructs that IPP will "control" the sorted non-compliant product until disposition is completed. For the purpose of refused entry of imported product, "control" is defined as either applying a U.S. Rejected/Retained tag or applying the "United States Refused Entry" stamp.

## Refused Entry Procedures

### Stamping Procedures:

- Always notify establishment management of each refused entry
- Verify that application of the stamp occurs in a designated staging area
- Maintain control of the stamp and document an accurate count of the number of units stamped
- Make sure you have sent notification to the applicant; this will also notify CBP

## Refused Entry Procedures

### Stamping Procedures (continued):

- When a lot (or portion of a lot) of product from an APHIS restricted country fails an animal health TOI or other APHIS requirement, notify the District Office and APHIS through supervisory channels -- APHIS will advise and direct the appropriate product disposition

## Refused Entry Procedures

### Stamping Procedures (continued):

- Stamp the paper foreign inspection certificate with the "U.S. Refused Entry Amount \_\_\_\_" stamp, and record the number of units and total weight in the blank
  - Try to apply the stamp to an area of the certificate where it does not obscure required information
  - If you are only refusing entry on a portion of the lot, also leave room on the paper certificate for "United States Inspected & Passed" stamp (except Canadian product)

## Storage & Monitoring of Refused Entry Product

IPP use the PHIS Task Calendar to schedule and perform the **Import Refused Entry Verification** task.

This task is not performed for every event of refused entry -- rather, you will inventory all refused entry product on-site at the time you perform it. You and your supervisor will determine the frequency at which you should perform and schedule the task.

Product must remain on-site at the establishment, segregated from other product until disposition or until permission to move it is granted.

## Storage & Monitoring of Refused Entry Product

If refused entry product cannot be located, you should first discuss the matter with establishment management.

If the product has been moved without authorization, you are to:

- Withhold the marks of inspection
- Notify the FLS
- Document an NR citing [9 CFR 500.3\(a\)\(5\)](#)
- Await further instructions

## Refused Entry Disposition

By clicking **Send to Applicant** in PHIS, you provide notification of refused entry. From the time of notification, the applicant/importer has **45 calendar days** to render a disposition on the product. When product is refused entry due to APHIS animal disease restrictions, APHIS will dictate a specific disposition method and timeframe.

Applicants may contact the District Office to request an extension, but these are only granted under extraordinary circumstances.

If the applicant exceeds the 45 day limit to render disposition, retain the product and notify the FLS and District Office.

## Types of Disposition

There are four (4) approved methods of disposition of refused entry product, which will be discussed in further detail. Except when the method and timeframe is dictated by APHIS, the applicant is required by regulation to notify FSIS of their selected method of disposition.

- Exportation
- Destruction
- Conversion to animal feed
- Rectification

## Types of Disposition - Exportation

The importer or consignee may request permission to export refused entry product back to the country of origin (return), or to a third country.

IPP may approve requests to return Canadian product back to Canada if it arrived at the border by truck. The FLS approves requests for returns to all other countries. The District Office must approve consolidated shipments, which we will discuss next.

Regardless of the destination, once export of refused entry product is approved, IPP will select **Released to Port Date** in PHIS and supervise the loading of the conveyance.

## Types of Disposition - Exportation

### **Consolidation:**

An importer or consignee may request to consolidate refused entry from multiple import establishments into a shipment for export. These requests must be made to the District Office. If product is being consolidated from multiple districts, the request is made to the DO where the *final* pickup of product will occur.

Requests to consolidate must provide information suitable to demonstrate that measures are in place (e.g., seals) to ensure the shipment remains intact as it moves from establishment to establishment.

## Types of Disposition - Exportation

### Verification Procedures:

Refused entry product may be exported...

1. To its country of origin, or to a third country (not including Canada)
2. Canadian product may be returned to Canada
3. Product may transit through Canada to another third country

Section IX. A. of FSIS Directive 9900.8 describes the general procedures for approving, initiating, and subsequently documenting *all* exports (see next slide).

## Types of Disposition - Exportation

### Verification Procedures - All Exports:

Once exportation has been approved...

1. Document that the applicant has elected to export in PHIS
2. Select **Released to Port Date** and **Save**
3. Notify establishment that product may be moved
4. Receive documentation sufficient to demonstrate the the product was exported and attach it to the case file
5. Check **Disposition Complete** in PHIS

## Types of Disposition - Exportation

### Verification Procedures - Canadian Product Returned to Canada:

In addition to the steps on the previous slide...

1. Complete and print FSIS Forms 9135-1 and 9840-3
2. Make a copy of the inspection certificate
3. Place all three above documents into an envelope addressed "Attention: CFIA"
4. Place envelope in a prominent location in the rear of the conveyance
5. Place a USDA Foreign Meat (Red Ball) seal on the conveyance
6. Notify the appropriate CFIA contact and FLS via email

## Types of Disposition - Exportation

### Verification Procedures - Product Transited through Canada:

In addition to the steps on the slide 29...

1. Seal the conveyance with a Red Ball seal and enter the seal numbers into PHIS
2. Email the CFIA contact and the FLS
  - a. Name of trucking company
  - b. Truck/trailer vehicle license number
  - c. Truck, container, or trailer number
  - d. Seal number(s)

## Types of Disposition - Destruction

An importer or consignee may elect to have refused entry product destroyed so that it can no longer be used for human food. Options include:

- Landfill
- Rendering for industrial, non-food purposes
- Incineration
- Denaturing

**Note:**

## Types of Disposition - Destruction

### On-site (denaturing):

1. Enter the intended disposition method into PHIS (first verify it is appropriate)
2. Request the importer/broker/agent complete FSIS Form 9840-4
3. Observe the destruction and verify that control of product is maintained until it is completed
4. Complete the **Disposition**, **Destruction Date**, and **Destruction Witness By** blocks in PHIS

## Types of Disposition - Destruction

### Off-site (landfill, rendering, incineration):

1. Complete steps 1 and 2 from the previous slide
2. Examine documentation provided by the applicant to verify that the product received the appropriate declared disposition
3. Complete the **Disposition**, and **Destruction Date** blocks in PHIS

## Types of Disposition - Conversion to Animal Food

Although it is a fairly uncommon practice, importers may elect to have refused entry product diverted for conversion to animal food.

The importer must get written approval from the Food and Drug Administration (FDA) to send this product for conversion to animal food, and that approval should be communicated to the District Office before the product is moved.

The FLS will review the approval document and forward it to the IPP.

### **Procedure:**

## Types of Disposition - Rectification

Certain reasons for refused entry can be rectified, such as:

- Replacement certificates
- Labeling issues
- Partially missing or obscured shipping marks

These were addressed in the prior Importing Products and Label Verification modules.

## Types of Disposition - IPP Responsibilities

With any refused entry disposition, you have two main responsibilities:

1. Ensure the disposition is documented in PHIS as soon as possible after it is completed
2. Verify the disposition occurs within the regulatory time limits

## Appeals

Appeals are an essential part of due process. FSIS regulations [327.24](#), [381.202\(d\)](#), and [590.945\(d\)](#) provide that the importer of record, owner (or their representative) of imported product may appeal any inspection decision, including failed TOIs.

Remember that the official import establishment *does not* have the right to appeal inspection decisions related to the product itself. They may only appeal inspection decisions specific to their operations, such as noncompliance records or further enforcement actions related to their handling, marking, storage, or movement of product.

## Appeals

Appeals are made to the IPP's immediate supervisor (usually the FLS) and then follow the OFO chain of command, similar to appeals in domestic inspection.

Certain staffs under FSIS's Office of Policy and Program Development (OPPD) may play an advisory role and provide regulatory interpretations which may either support or refute a regulatory decision, but they are not part of the supervisory chain of command and do not have the authority to deny or grant an appeal.

## Reimbursable Services

IPP inspection activities associated with the disposition of product that has been refused entry (or otherwise imported contrary to the Acts) must be charged as voluntary reimbursable inspection services and billed to the official import inspection establishment. These would include:

1. Overseeing and verifying rectification (e.g., correcting labels, sorting canned product after condition of container failure, or bringing product into compliance relative to net weight)
2. Overseeing, verifying, and documenting disposition of refused entry product by cutting it up, following it to the dump, incinerating, or preparing for re-export (including consolidation)

## Knowledge Check

The following questions are for review purposes only...  
they are not graded!

## Knowledge Check

The two types of product that may be refused entry into the United States are (select all that apply):

☐ Product that has partially missing shipping marks

☐ Product that is eligible for import but is in a condition that causes it to be refused entry

☐ Product that is ineligible for import into the U.S.

☐ Product that arrives with an incorrect certificate

☐ Check

## Knowledge Check

When IPP observe inaccurate data entry in PHIS that appears to be accurate on the certificate, they are to:

7 Fail the Certification TOI and request the applicant re-submit the application

7 Fail the Certification TOI and request the applicant submit a *new* application

7 Request a replacement certificate to match the application

7 Use the certificate to correct the application information in PHIS

☐ Check

## Knowledge Check

Cartons with completely missing or illegible shipping marks can only be re-marked with the concurrence of--and in the presence of--a representative of the foreign government inspection system:

☐ True☐ False☐ Check

## Knowledge Check

If IPP determine that several cartons in a lot are to be refused entry because the labels lack the "Product of" statement, they are to **immediately** stamp them as "United States Refused Entry" so the establishment does not inadvertently allow them to move into commerce:

☐ True☐ False☐ Check

## Knowledge Check

When a lot of product is refused entry, the applicant has \_\_\_\_\_ to render an appropriate disposition on the product:

☐ 45 calendar days

☐ 30 days

☐ 6 months

☐ 45 operating days

☐ Check

## Knowledge Check

Disposition options include (select all that apply):

- ☐ Subdivision into samples for personal use
- ☐ Conversion to animal food
- ☐ Destruction (landfill, rendering, incineration)
- ☐ Rectification
- ☐ Diversion to a domestic establishment for further processing
- ☐ Export to the country of origin or to a third country

☐ Check

## Knowledge Check

The official import establishment may appeal a failed TOI:

☐ True

☐ False

☐ Check

## Learning Objectives - Summary

- Name the 2 types of products that may be identified as "United States Refused Entry"
- List reasons why product may be refused entry into the United States
- Describe the procedures for identifying and handling refused entry product
- Name the 4 types of dispositions which may be approved for refused entry product
- Describe the procedures for verifying storage and disposition of refused entry product

## **End of Module 4**

You have completed Module 4 - Refused Entry!

Click [here](#) to proceed to the instructions for self-certifying course completion.

Slide	Score/ Total
Slide 42: Types of Refused Entry Product	0/2
Slide 43: Untitled Multiple Choice	0/1
Slide 44: Untitled True/False Question	0/1
Slide 45: Untitled True/False Question	0/1
Slide 46: Disposition	0/1
Slide 47: Disposition	0/4
Slide 48: Appeals	0/1
<div>Total Score<div>★ 0/11</div></div>	
<div><input type="checkbox"/> Show solutions<input type="checkbox"/> Retry</div>	