



March 12, 2014

To: Rex Barnes, Deputy Administrator
Agricultural Marketing Service

From: William C. Smith, Associate Administrator
Food Safety and Inspection Service
Office of Investigation, Enforcement and Audit

Re: Agreement for Receiving AMS Shell Egg Data

The Food Safety and Inspection Service (FSIS) is revising its existing policy relative to shell egg ambient storage temperature and labeling to administer more stringent enforcement for violators, namely to include detention and civil penalties. This is in response to the Office of Inspector General's audit, *USDA Controls Over Shell Egg Inspections* (Audit Report 50601-0001-23), November 2012.

To ensure effective coordination between FSIS and the Agricultural Marketing Service (AMS) regarding temperature and labeling violations of shell eggs packed for the ultimate consumer, FSIS's Office of Investigation, Enforcement and Audit (OIEA), Enforcement and Litigation Division (ELD) has convened several meetings with key members of AMS's Livestock, Poultry and Seed Program's Quality Assessment Division (QAD). Currently, QAD compiles a quarterly report of storage ambient temperatures from the shell egg surveillance inspections and submits it to key OIEA managers the following quarter. FSIS has proposed, and QAD has accepted, streamlining efforts to assist with enforcing the Egg Products Inspection Act temperature and labeling requirements for shell eggs.

Specifically, ELD has established a central mailbox (shell.egg@fsis.usda.gov) to receive the data from QAD. This eliminates the need for QAD to make distribution changes when there is an FSIS staffing change. In addition, QAD will submit data to the mailbox as it is received from the AMS inspectors in the field. This will greatly improve on OIEA's ability to address violations in a timely fashion. QAD will submit the following data to the mailbox.

- E-mail identifying a temperature or labeling violation of shells packed for the ultimate consumer
- Copy of the applicable PY-156
- Copy of the applicable PY-19, if available
- Quarterly report

In addition, QAD has agreed to instruct AMS shell egg surveillance inspectors to clearly document the identity of the specific area (cooler, hallway, etc.) where violative ambient air temperatures for the shell eggs packed for the ultimate consumer are found. The documentation will be on the Form PY-156.

The EPIA shell egg temperature requirement is 45 degrees Fahrenheit or lower. The thermometers that AMS and FSIS use are accurate to within 1 degree Fahrenheit, so that a reading of 46 degrees Fahrenheit may be compliant. To that end, QAD will only submit documentation for temperature violations observed during an on-site inspection to the Shell Egg mailbox when the average of the five temperature readings for a storage area containing eggs packaged for the ultimate consumer is 46.1 degrees Fahrenheit or higher. QAD will instruct field personnel to document the type of thermometer used to take the temperature readings.

ELD will evaluate the data AMS submits to the mailbox to determine the appropriate action. ELD may issue a notice of warning letter to the firm. ELD will copy QAD on the warning letter and submit it to the SES@ams.usda.gov mailbox in Outlook.

The efforts outlined in this memo will strengthen both the commitment of AMS and FSIS to ensure the health and safety of the consuming public. We look forward to implementing these strategies starting sometime during March 2014.

If you have any comments, questions, or concerns, please contact Scott Safian, Director of our Enforcement and Litigation Division at (202) 418-8872.

cc: Scott Safian, Director ELD
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