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# FSIS DIRECTIVE

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9900.1

11/3/15

## IMPORTED PRODUCT SHIPMENT PRESENTATION

**DO NOT IMPLEMENT THIS DIRECTIVE UNTIL JANUARY 3, 2016**

### I. PURPOSE

This directive provides the instructions that import inspection personnel are to follow when conducting reinspection of meat, poultry, or egg product shipments presented for import reinspection. Included in this directive are new instructions regarding acceptable deviations in the number of shipping units presented at United States (U.S). port-of-entry (POE). FSIS is reissuing this directive to address changes associated with the reorganization of import inspection personnel into the Office of Field Operations (OFO).

#### KEY POINTS:

- *How to perform document review for shipments of imported meat, poultry, and egg products*
- *How to verify proper presentation of shipments of imported meat, poultry, and egg products*
- *How types of inspections (TOIs) are assigned for shipments of imported meat, poultry, and egg products*

### II. CANCELLATION

FSIS PHIS Directive 9900.1 Imported Product Shipment Presentation, 5/25/12

### III. BACKGROUND

Import inspection personnel conduct reinspection of all amenable meat, poultry, and egg products offered for import into the U.S. for commercial distribution as human food.

### IV. INSPECTION CERTIFICATES (9 CFR [327.4](#), [381.197](#), and [590.915](#))

A. Import inspection personnel are to verify that each lot of meat, poultry, or egg products that is offered for import into the U.S. is accompanied by the proper certification. Inspection certification data may be submitted either electronically, government to government (eCert), into the Public Health Information System (PHIS) or with a paper inspection certificate (non-eCert).

B. Non-eCert countries: Verify that the paper inspection certificate:

1. Is complete, accurate, and legible;
2. Contains the country's official seal, mark, or legend; the date the certificate was issued; and the name and title of the official authorized to issue inspection certificates for product imported into the U.S.;

3. Does not have any item on the official certificate listed in sections IV. B. 2. or IV. C., below, erased, altered, or changed by any other means;
4. Clearly identifies which product is from which establishment if products from multiple establishments are on a single certificate; and
5. Is in English.

C. Paper and electronic inspection certificates are to contain the following:

1. Foreign country of export and the producing foreign establishment number for each lot;

**NOTE:** The exporting foreign establishment number is on the first page of the application in PHIS.

2. Species of livestock or poultry;
3. Source country and foreign establishment number if the source materials originate from a country other than the exporting country;
4. The product's description, including the process category, the product category, and the product group;
5. Name and address of the importer or consignee;
6. Name and address of the exporter or consignor;
7. The number of units (pieces or containers) and the shipping or identification mark on the units;
8. The net weight of each lot; and
9. Any additional information the Administrator requests to determine whether the product is eligible to be imported into the U.S.

D. eCert Countries. A paper certificate is not required. Import inspection personnel are to review the transmitted eCert data in PHIS to verify the accuracy and completeness of the transmitted certification data. Import inspection personnel that have reason to question the accuracy of the eCert data in PHIS may request a copy of the eCert inspection certificate through their District Import Specialist (DIS).

**NOTE:** In some instances, the consignee information on the inspection certificate may differ from the consignee on the application.

E. Additional Certifications.

1. Pasteurized Egg Products- Import inspection personnel are to verify, in addition to the above items, that bulk packed shipments (tanker/tote shipments) of pasteurized egg products have foreign government documentation attesting to negative laboratory results for *Salmonella*.
2. Poultry Grading Certificates- USDA's Agriculture Marketing Service recognizes the Canadian Food Inspection Agency's (CFIA) poultry product grade designations provided the poultry graded for export to the U.S. satisfies the criteria for U.S. grades. Canadian product labeled with the CFIA grades will be accepted provided the shipment is accompanied by an official CFIA grading

certificate stating that the product meets USDA grade standards (e.g., “Young Turkey Canada A”). This certificate is in addition to the requirement that there be a foreign inspection certificate. If graded product is received without the accompanying grading certificate, import inspection personnel are to reject the shipment until a grading certificate is provided, or until the reference to the poultry grade has been obliterated or removed.

3. Production Dates- Import inspection personnel are to enter production date information into PHIS when product is presented from a country or foreign establishment with a history of being ineligible to export to the U.S. PHIS will determine whether the product was produced at a time the foreign establishment or country was eligible to export to the United States. When product from an establishment or country with a history of ineligibility is identified by PHIS, import inspection personnel will be prompted (red error message) to enter production dates for each lot.

a. Import inspection personnel will receive the red error notification when the reinspection assignment is drawn:



When import inspection personnel receive this message and assignment, they are to refer to the foreign inspection certificate or other supplemental documentation issued by the foreign country’s competent authority for the production dates and enter the production dates as certified. If the production dates are provided on supplemental documentation, the document must contain the inspection certificate number, the production dates that apply to each lot on the inspection certificate, and name, title, and signature of the official of the foreign inspection system.

b. When the inspection certificate or other documentation does not contain certification of the production dates, import inspection personnel are to fail the Certification TOI in PHIS, which initiates a refused entry in PHIS, and refer to [FSIS Directive 9900.8](#) *Meat, Poultry, and Egg Products Refused Entry into the United States*, for disposition.

F. When they observe errors or omissions with the certificate, such as listed in IV.B., above, import inspection personnel are to enter the Certification TOI as “Fail” in PHIS for the specific lot. PHIS will refuse entry to the lot. The import inspector is then to notify the applicant of the refused entry by clicking on “Send to Applicant” from the Refused Entry screen. PHIS will then send a refused entry notification email to the applicant. Import inspection personnel are to ask the applicant if it intends to take corrective action (rectify) on the lot or allow the lot to remain Refused Entry. Import inspection personnel are to follow [FSIS Directive 9900.8](#), and refuse entry to the product.

G. Import inspection personnel are to accept minor deviations from the quantity certified by the foreign country’s competent authority on the official inspection certificate, based on the following:

1. All shipping cartons presented for reinspection are marked with the shipping mark associated with the official inspection certificate accompanying the shipment.
2. When the number of shipping units is less than the amount stated on the inspection certificate, import inspection personnel will accept the lot, as well as the official inspection certificate, provided the deviation is less than 10%. A replacement inspection certificate is not required.

3. If the number of shipping units is significantly less (e.g. greater than or equal to 10% underage) than the number of shipping units designated on the inspection certificate, import inspection personnel are to:
  - a. Ask the management of the official import inspection establishment to obtain an explanation for the significant underage from the importer. (e.g. The product is properly certified but may be shipped in two conveyances because the cartons simply did not fit in a single container.) If the missing portion is on another conveyance, the entire shipment is to be held until the remaining portion arrives. If there is no explanation for the underage, then fail the certification TOI and refuse entry as in 3. b.
  - b. Advise the DIS of a significant underage, hold the shipment, fail the certification TOI, and refuse entry of the shipment if the missing shipping units are not presented for reinspection.

H. When the number of shipping units exceeds the amount stated on the official inspection certificate, import inspection personnel are to:

1. Accept the number of shipping units in the lot based on the following table:

<b>Lot Size (Shipping Units)</b>	<b>Overages Allowed (Shipping Units)</b>
<b>50 - under</b>	0
<b>51 - 100</b>	1
<b>101 - 200</b>	2
<b>201 - 400</b>	4
<b>401 - 600</b>	6
<b>601 - 1,200</b>	12
<b>1,201 - 2,000</b>	20
<b>2,001 - 5,000</b>	50
<b>5,001 - 10,000</b>	100
<b>10,001 - over</b>	150

**NOTE:** While the number of shipping units presented is expected to match the number of shipping units certified, FSIS will accept deviations, based on the allowances described in this section. The overage acceptance limit is intended to account for human error. The product would be marked with the shipping mark linking it to the official inspection certificate as in G.1. If the product does not bear the shipping mark, the shipment is to be refused entry. Deviations that exceed the limits require recertification or are to be refused entry.

2. Request a replacement certificate when the number of shipping units exceed the permitted overage limits; and
3. When the number of shipping units in the lot deviates from the number of units recorded in PHIS, import inspection personnel are to make the necessary corrections.

I. Replacement Certification:

1. eCert - When they find that the electronic data certification is incorrect, import inspection personnel are to fail the certification TOI. When the applicant wants to replace the certification, import inspection personnel are to notify the DIS. The DIS is to request a

replacement certificate directly from the competent authority that issued the electronic certificate. When the competent authority sends a new certificate, the DIS is to email the replacement certificate to the import inspector. The import inspection personnel are to print the replacement certificate and attach to the case file. Unacceptable certificates are to be stamped "USDA VOID."

2. Non eCert - When they find that the certification data is incorrect, import inspection personnel are to fail the certification TOI. For non-eCert countries, import inspection personnel are to accept a replacement certificate, either as an original paper copy or as an electronic copy transmitted as an attachment (e.g. pdf) to an email sent directly from the competent authority to FSIS (e.g. import inspection personnel or DIS). The import inspector is to print the replacement certification and attach it to the case file.
3. Voided original inspection certificates may be provided to the foreign inspection agency or the foreign country's embassy upon request.
  - a. The requests are to be on the official letterhead of the foreign inspection agency or embassy.
  - b. Import inspection personnel are to maintain a copy of the inspection certificate in the case file, along with a notation as to whom the original was given.

## **V. FAILURE TO PRESENT (FTP)**

A. When imported meat, poultry, and egg product bypasses FSIS import reinspection and enters commerce it constitutes a FTP and violates the Acts. If imported product has not been presented for reinspection at the official import inspection establishment identified on the Import Inspection Application by the estimated date of arrival declared, and is off-loaded from the conveyance, FSIS considers such product to be "in-commerce" and a FTP. When a product has been identified as a FTP, FSIS will request, through U.S. Customs and Border Protection (CBP), a redelivery of the shipment and appropriate penalties. If FTP product has been removed from the original cartons or further processed, FSIS will initiate a regulatory control action on all applicable FTP products, including any further processed product that contains the FTP product, for appropriate disposition (i.e., destruction).

B. Import inspection personnel are to monitor incoming shipments using the "Pre-Arrival" menu of PHIS. If a FTP is suspected, import inspection personnel are to access PHIS and determine whether the shipment was presented at another location (e.g. other official import inspection establishment), the FSIS reinspection was assigned by PHIS, and FSIS reinspection was performed.

C. When a shipment has not arrived by the estimated date of arrival (EDA), import inspection personnel are to access the Lot Tracking menu through the Lot Manager screen and select "Send FTP Warning." PHIS then sends an e-mail notification to the applicant requesting a status update on the shipment. Import inspection personnel are to expect to receive the applicant's written or oral response providing a shipment status update within the workday, provided the notification is sent early enough in the workday. The response from the applicant may come to import inspection personnel through the management of the official import inspection establishment.

**NOTE:** If the shipment is canceled, the broker/applicant should provide notification of the cancellation to the import inspection personnel to avoid a FTP. Import inspection personnel are to document the reason in PHIS and cancel the shipment.

D. Based on the applicant's response or lack thereof to the FTP warning, import inspection personnel are to:

1. If the applicant responds that the shipment is at the designated official import inspection

establishment, verify the shipment's presence, access the Lot Tracking menu through the Lot Manager screen, and change the status to "On Premises;"

2. If the applicant responds that the shipment has been delayed, ask for a revised estimated EDA, access PHIS, and find the shipment on the Pre-Arrival Shipments screen. Import inspection personnel are to access the application in PHIS, revise the EDA, click Save and Continue, select the Submit tab, and select Submit. This process will amend the EDA for each lot on the application;
3. If the location cannot be confirmed, or the applicant does not respond with a revised EDA, perform a basic investigation to determine whether a FTP should be issued by searching PHIS using "Find Shipments" and the applicable inspection certificate number;
4. If the same certificate number is listed more than once, suggesting that the product was entered under multiple customs entry numbers (CENs) at different ports and different official import inspection establishments;
  - a. Verify that it is the same product and certificate with shipments presenting at different establishments. If so, do not issue a FTP under the CEN investigated;
  - b. Request a cancellation notice from the applicant; and
  - c. Delete the application and record the reason in PHIS; and
5. If the certificate number is listed once, or if the applicant responds and states that the shipment bypassed FSIS import reinspection, access each lot on the application that is affected through the Lot Tracking menu and the Lot Manager screen and select "Issue a FTP" for each affected lot.

## **VI. FTP NOTIFICATIONS TO THE DO, FLS, AND RECALL MANAGEMENT AND TECHNICAL ANALYSIS STAFF (RMTAS)**

- A. Import inspection personnel are to notify the DIS, FLS, and RMTAS- by e-mail of the FTP. Notify RMTAS at [importinspection@fsis.usda.gov](mailto:importinspection@fsis.usda.gov).
- B. Using the View Application function in PHIS, import inspection personnel are to save a pdf copy of the application to their computer's hard drive and attach the application to the email notifications. They are to include on the email subject line the FTP, the date, and the official import inspection establishment number. Import inspection personnel are to attach a copy of the e-mail to the case file and give a hard copy to the import establishment management.
- C. The DO is to notify the OIEA Regional Director (RD) and RMTAS of any identified FTP. FSIS [FSIS Directive 8010.1](#), *Methodology for Conducting In-Commerce Surveillance Activities*, and [FSIS Directive 8010.2](#), *Investigative Methodology*, provide FTP instructions for OIEA. The DIS is to update the FLS and RMTAS on FTP shipment information as necessary.
- D. RMTAS are to review incoming information for accuracy and verify that the OIEA RD was notified of the FTP shipment.

## **VII. RECEIVE LOTS/DRAW ASSIGNMENTS**

- A. Canadian product: When import inspection personnel are notified by import establishment management that a shipment has arrived, import inspection personnel are to access PHIS, retrieve the lot, access the Lot Manager screen, select Receive Lot from the lot event drop-down menu (which will simultaneously Draw Assignments), and then proceed with verification of the lots. If correction of an entry in PHIS is needed, import inspection personnel are to request corrected documents and access PHIS to

make the needed corrections. When they have made the corrections, import inspection personnel are to access the Lot Manager screen, select Draw Assignments from the lot event drop-down menu, select a reason for drawing the assignments again, and then proceed with reinspection of the lots based on the revised assignment.

B. Other country product: When import inspection personnel are notified by import establishment management that a lot is staged and ready for reinspection, import inspection personnel are to perform the Certification TOI on the lot before accessing the PHIS and retrieving the lot information. After performing the Certification TOI, if correction of an entry is needed in PHIS, import inspection personnel are to request corrected documents and access PHIS to make the needed corrections. In making the corrections, import inspection personnel are to access the Lot Manager screen, select “Receive Lot” from the lot event drop-down menu (which will simultaneously “Draw Assignments”), and then proceed with reinspection of the lots.

### **VIII. SHIPMENT STAGING AND LOT VERIFICATION (9 CFR [327.6](#), [381.199](#), and [590.925](#))**

A. Import inspection personnel are to ensure that each lot of imported product is presented by the import inspection establishment in a manner that:

1. Ensures the safety of import inspection personnel;
2. Provides adequate space to select samples and perform verification activities; and
3. Ensures that each shipping unit has an equal chance of being selected as a sample.

B. For Canadian shipments, import inspection personnel are to perform verification on one shipping unit from each lot on the inspection certificate assigned only a Certification and Label Verification TOI. The verification (e.g., compliance with application, foreign inspection certificate, and accurate labeling) is to be performed at the rear of the open shipping conveyance backed into the unloading dock at the official import inspection establishment. Lots that receive more TOIs than just Certification and Label Verification are to be staged in an approved staging area in the official import inspection establishment for reinspection.

C. Palletized, consumer packaged (including food service—hotel, restaurant or institution (HRI)), fully marked and labeled products may be presented with the shipping mark and shipping container label applied to the outside of the pallet rather than to individual tray packs or cartons. When products are presented packaged in this manner, import inspection personnel are to verify that:

1. Only one type and size of product is presented on a pallet;

**NOTE:** For Canadian shipments, different sized boxes of the same product may be presented on the same pallet when the pallets in the lot are to be split for distribution to specific end users.

2. Fully marked and labeled packaged products are placed on pallets and secured sufficiently to allow efficient handling during sample selection. The pallet is considered a shipping carton;
3. One main shipping label is present with sufficient space to apply the U.S. import mark of inspection (Exception: Product from Canada is not stamped with the import stamp); and
4. The inspection certificate identifies all the retail package production codes present (such as date codes imprinted on the can or package) in the shipment.

D. Import inspection personnel are to perform the Certification and Label Verification TOI (e.g., compliance with application, foreign inspection certificate, and accurate labeling) on all lots presented. For lots that receive more TOIs than just Certification and Label Verification, import inspection

personnel are to perform all assigned TOIs as identified on the PHIS Lot Manager screen.

E. Inspection program personnel need to perform all pending TOI and enter the results, before they are able to “Complete” the lot in PHIS. After all TOIs are marked as “Complete” and recorded in PHIS, import inspection personnel are to release the lot by selecting “Release acceptable units.” Import inspection personnel are to verify that acceptable units (products or placard) are stamped U.S. “Inspected and Passed.”

F. If a product fails a TOI, or the lot (entire or portion) is refused entry for other than a TOI, PHIS will refuse entry to the lot or portion of a lot. Import inspection personnel are to follow the refused entry procedures outlined in [FSIS Directive 9900.8](#) for disposition of the lot.

## IX. UNSCHEDULED AND NOT PERFORMED TOIs

A. When import inspection personnel identify a situation that warrants an applicable unscheduled TOI, they are to refer to Products and TOIs on the [import inspection SharePoint site](#) to determine whether the TOI is applicable for the product. If it is applicable, the import inspector is to add the unscheduled TOI and document the reason. If the TOI is not applicable, the import inspector is not to add the unscheduled TOI.

B. When import inspection personnel identify a TOI that can not be performed on a shipment, they are to document in PHIS that the TOI is not being performed, and identify, from the drop down menu, the reason for not performing the TOI.

## X. QUESTIONS

Refer questions regarding this directive to the International Relations and Strategic Planning Staff through [askFSIS](#) or by telephone at 202-690-4354. When submitting a question, use the Submit a Question tab, and enter the following information in the fields provided:

Subject Field:	Enter <b>Directive 9900.1</b>
Question Field:	Enter question with as much detail as possible.
Product Field:	Select <b>Import</b> from the drop-down menu.
Category Field:	Select <b>Basic Import Answers</b> from the drop-down menu.
Policy Arena:	Select <b>International (Import/Export)</b> from the drop-down menu.

When all fields are complete, press **Continue** and at the next screen press **Finish Submitting Question**.

**NOTE:** Refer to [FSIS Directive 5620.1](#), *Using askFSIS*, for additional information on submitting questions.



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