



United States Department of Agriculture

Food Safety and  
Inspection Service

1400 Independence

Avenue, SW.  
Washington, D.C.  
20250

May 31, 2017

Dear Importer/Customs Broker:

The United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS) is notifying you that until September 1, 2017, FSIS will select a subset of imported shipments of Siluriformes fish and fish products to reinspect and sample and analyze for species, chemical residues, and *Salmonella*. FSIS provided a transitional period (April 15, 2016 to September 1, 2017) to give importers, customs brokers, and other stakeholders the time needed to transition to the mandatory FSIS reinspection program for Siluriformes fish and fish products and to gain compliance with the new regulatory requirements. Beginning September 1, 2017, FSIS will reinspect all shipments of imported Siluriformes fish and fish products, just as we reinspect all shipments of imported meat products.

The 2014 Farm Bill mandated FSIS reinspection of Siluriformes fish. On December 2, 2015, FSIS published the final rule, "Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish," which can be accessed on the FSIS website at <http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register/interim-and-final-rules>. As the final rule explains, fish of the order Siluriformes are amenable to the Federal Meat Inspection Act (FMIA, 21 U.S.C. 601(w) (2)), and the rule establishes the mandatory reinspection program and its regulatory requirements. Regulatory requirements specific to imported Siluriformes fish and fish products can be found in Attachment 1 of this letter.

**Transitional Period:** On the Agency's website at <http://www.fsis.usda.gov/siluriformes>, FSIS has published a list of foreign countries and foreign establishments that may continue to export Siluriformes fish and fish products to the United States during the transitional period. For a list of official import inspection establishments that are approved for Siluriformes fish and fish products import activities, please contact the FSIS District Office in your area; refer to [\*FSIS District Offices\*](#) for contact information.

On April 15, 2016, FSIS began reinspecting selected shipments of imported Siluriformes fish and fish products at FSIS official import inspection establishments that have an approved, updated Grant of Inspection that includes Siluriformes fish.

Brokers who have not registered with FSIS should complete and submit FSIS Form 5020-1, *Registration of Meat and Poultry Handlers*, which can be found at: <http://www.fsis.usda.gov/wps/wcm/connect/245282ee-4cd5-4247-8fe004f8b7e94db5/Form-5020-1.pdf?MOD=AJPERES>.

**Application and Presentation:** Selected shipments of imported Siluriformes fish and fish products must be presented for reinspection at an official import inspection establishment during the transitional period. Importers and customs brokers are encouraged to complete entry filing for shipments of Siluriformes fish and fish products as soon as possible to ensure that logistics of the selected shipments can be accommodated. FSIS will notify importers or their customs brokers of any shipments selected for reinspection after entry filing with U.S. Customs and Border Protection (CBP). The importer or customs broker will need to present selected shipments at an official import inspection establishment, with FSIS Form 9540-1, *Import Inspection Application*, and any other documentation that may have accompanied the shipment from the foreign government (if available). The Import Inspection Application can be found online at: <http://www.fsis.usda.gov/wps/wcm/connect/a8eead0d-23c3-428e-937f-a8a05b09edbb/FSIS9540-1-Import-Inspection-Application.pdf?MOD=AJPERES>. See Attachment 2 of this letter for guidance on completing the Import Inspection Application.

The importer must select the official import inspection establishment where FSIS will reinspect the shipment, coordinate information with the FSIS official who made the notification of the reinspection and ensure that the Import Inspection Application and any other accompanying documentation are provided to FSIS at the official import inspection establishment. FSIS inspection personnel at the official import inspection establishment will enter data from the Import Inspection Application (and any other accompanying documentation) into FSIS' Public Health Information System (PHIS).

During the transition period, all shipments of Siluriformes fish and fish products selected for reinspection will be subject to sampling and analysis by FSIS. Sample analyses will include tests for species, chemical residues, and *Salmonella*. With the exception of imported Siluriformes fish or fish products that FSIS tests for *Salmonella*, FSIS will withhold the mark of inspection for product that FSIS reinspects, samples, and tests until acceptable results are received by the importer from FSIS, as per the procedures in FSIS Directive 9900.6 Laboratory Sampling Program for Imported Meat, Poultry, and Egg Products.

In performing import sampling and analysis, if FSIS finds adulterated Siluriformes fish and fish products (e.g., fish that contains a violative residue or that have been held under insanitary conditions that result in direct product contamination), or if it finds misbranded products (e.g., products labeled "Catfish" which do not contain fish of the family Ictaluridae), the products will be refused entry. NOTE: The term "catfish" can only be used on labels of fish from the family Ictaluridae (9 CFR 541.7(d)(2)). For reference, Attachment 3 of this letter provides a list of acceptable common or usual names for fish in the order Siluriformes.

In addition to speciating shipments of Siluriformes fish and fish products in the laboratory to identify misbranded, or improperly labeled product, FSIS import inspection personnel will review product labeling for all shipments selected for reinspection to identify other areas of labeling noncompliance. The importer of record or broker will be provided with an opportunity to correct most label deficiencies identified by import inspection personnel by stenciling or stamping or applying pressure sensitive stickers and obliterating the incorrect markings on all non-complying labels. FSIS import inspection personnel will verify that labeling of non-Ictaluridae species as "catfish" has been corrected before releasing the product into commerce.

Until September 1, 2017, FSIS intends to apply broad discretion while working with foreign governments, industry, and all interested persons regarding the import reinspection program for Siluriformes fish and fish products. FSIS strongly encourages importers and brokers to communicate and coordinate closely

with your FSIS District Office during the transitional period to facilitate full compliance prior to September 1, 2017. Please submit any questions to [askfish@fsis.usda.gov](mailto:askfish@fsis.usda.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Roberta F. Wagner".

Roberta F. Wagner  
Assistant Administrator  
Office of Policy and Program Development

Enclosure

**ATTACHMENT 1: FISH IMPORT REGULATORY REFERENCES**

IMPORTATION	PART 557	Part 327 §327.1
Definitions; application of provisions	§557.1	
Eligibility of foreign countries for importation of fish products into the United States	§557.2	§327.2
No fish product to be imported without compliance with applicable regulations	§557.3	§327.3
Imported fish products; foreign certificates required	§557.4	§327.4
Importer to make application for inspection of fish products for entry	§557.5	§327.5
Fish products for importation; program inspection, time and place; application for approval of facilities as OIIE	§557.6	§327.6
Products for importation; movement prior to inspection, handling; bond; assistance	§557.7	§327.7
Import fish products; equipment and means of conveyance used in handling to be maintained in sanitary condition	§557.8	§327.8
[Reserved]	§557.9	§327.9
Samples; inspection of consignments; refusal of entry; marking	§557.10	§327.10
Receipts to importers for import fish product samples	§557.11	§327.11
Foreign canned or packaged fish products bearing trade labels; sampling and inspection	§557.12	§327.12
Foreign fish products offered for importation; reporting of findings to Customs	§557.13	§327.13
Marking of fish products and labeling of immediate containers thereof for importation	§557.14	§327.14
Outside containers of foreign fish products; marking and labeling; application of official inspection legend	§557.15	§327.15
Small importations for importer's own consumption; requirements	§557.16	§327.16
Returned U.S. inspected and marked fish products	§557.17	§327.17
Fish products offered for entry and entered	§557.18	§327.18
Specimens for laboratory examination and similar purposes	§557.19	§327.19
[Reserved]	§557.20 [Reserved]	
[Reserved]	§557.21 [Reserved]	
[Reserved]	§557.22 [Reserved]	
[Reserved]	§557.23 [Reserved]	
Appeals; how made	§557.24	§327.24
Disposition procedures for fish product condemned or ordered destroyed under import inspection	§557.25	§327.25
Official import inspection marks and devices	§557.26	§327.26

## ATTACHMENT 2: FSIS 9540-1, IMPORT INSPECTION APPLICATION

### FSIS 9540-1, IMPORT INSPECTION APPLICATION

(Siluriformes Fish)

The following is guidance to importers and customs brokers of Siluriformes fish and fish products for completing FSIS' import inspection application (FSIS Form 9540-1).

**\*\*Denotes the importer. The customs broker is required to provide the information described in the block of the application. Other information may be provided if known.**

Block:

1. **\*\*Country of Origin (REQUIRED).** Enter the name of the country that produced the product.
2. **Inspection Certificate Number.** Enter the serial number, including dashes/slashes, from the inspection certificate issued by the foreign country, if available.
3. **Exporting Establishment Number.** Enter the official number of the foreign facility that exported the product, if available. This may or may not be the same facility that produced the product.
4. **\*\*U.S. Port of Entry/CBP Port Code (REQUIRED).** This is the name of the port of entry and the associated CBP port code designation where the entry is filed with U.S. Customs and Border Protection (CBP). Example: When the entry is filed at the Port of Philadelphia for merchandise unladen at Long Beach, CA, enter "Philadelphia, PA – 1101" as the U.S. Port of Entry and Port Code.
5. **\*\*U.S. Port of Unloading/CBP Port Code (REQUIRED).** This is the name of the U.S. port of entry and the associated CBP port code for where the merchandise is unladen.
6. **\*\*FSIS Establishment Number (REQUIRED).** This is the official number assigned by FSIS to the official import inspection establishment where the product will move from the port to be presented to FSIS for import inspection. Only official import inspection establishments that have updated their Grant of Inspection to receive Siluriformes fish product may be selected on the application.
7. **\*\*Name and Address of FSIS Establishment (REQUIRED).** This is the name and address of the FSIS official import inspection establishment where the product is to be moved from the port to be presented to FSIS for import reinspection.
8. **\*\*Name (first/last), Business Name and Address of Customs Broker or Applicant, as applicable (including zip code) (REQUIRED).** Self-explanatory (NOTE: the name of a responsible person is required, in addition to the name of the business).
- 8a. **\*\*Phone Number (REQUIRED).** Self-explanatory.
- 8b. **Facsimile Number.** Self-explanatory.

- 8c. **\*\*E-Mail Address (REQUIRED).** The e-mail address for communication with the applicant.
9. **\*\*Name (first/last), Business Name and Address of Consignee (including zip code) (REQUIRED):** The name and address, including zip code, of the company or person to which the product is consigned (NOTE: the name of a responsible person is required, in addition to the name of the business).
10. **\*\*Name (first/last), Business Name and Address of Importer of Record (IR) (including zip code) (REQUIRED).** The name and address of the Importer of Record as declared to CBP when the entry is filed (NOTE: the name of a responsible person is required, in addition to the name of the business).
11. **\*\*Bill of Lading Number(s) (REQUIRED).** Enter the applicable bill of lading numbers for this application.
12. **Lot No.** The lot number of each line item of product identified on the foreign inspection certificate, if available. Start with 1 and continue with 2, 3, etc.
- NOTE:** Blocks 13 through 32 repeat for each lot on an inspection certificate. FSIS expects that each line item on the foreign inspection certificate is one (1) lot on the FSIS Form 9540-1.
13. **Shipping/Identification Mark.** Enter the unique number from the inspection certificate that links the product in the lot to the inspection certificate. Include slashes/dashes as appropriate.
14. **\*\*Custom Entry Number(s) (REQUIRED).** Enter each applicable 11-digit custom entry number associated with the shipment.
15. **Production Date(s).** Enter the range of production dates from the inspection certificate for each lot when applicable.
16. **\*\*Net Weight of Lot (REQUIRED).** The net weight of each lot **MUST** be in pounds.
17. **\*\*Shipping Unit Package Type Name (REQUIRED).** Enter the type of shipping unit. Shipping units are the outside containers (e.g., boxes, totes, etc.)
18. **\*\*Number of Units (REQUIRED).** Enter the number of shipping units.
19. **Immediate Unit Package Type Name.** Enter the type of immediate container packaging.
20. **Number per Shipping Unit.** Enter the number of immediate containers contained in a shipping unit. When the amount is not standard in each shipping container, enter an average/approximate number.
21. **Seal Number(s).** Enter the conveyance seal number(s) from the inspection certificate (egg products, red meat carcass shipments, etc.).
22. **\*\*Processing Est. No. (REQUIRED).** Enter the foreign establishment number of the foreign plant that produced the product (e.g., last processed the product up to and including packaging and labeling). <http://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/siluriformes>

23. Source Country(s). Enter each country, other than the exporting country, from which product was sourced to produce the product.
24. Source Est. No. Enter each establishment, other than an establishment in the exporting country, from which product was sourced to produce the product.
25. \*\*HTS Code(s) (REQUIRED): The 10 number Harmonized Tariff Schedule code(s) for the product(s) in the lot.
26. Process Category. Enter the process category from the inspection certificate, if provided.
27. Product Category. Enter the product category from the inspection certificate, if provided.
28. Product Group. Enter the product group from the inspection certificate, if provided.
29. \*\*Species (*dominant*) (REQUIRED): Enter one of the following species that the product predominantly contains: Siluriformes-Ictaluridae (Catfish) or Siluriformes–Other.
- 29a. \*\*Additional Species (*if applicable, REQUIRED*). Enter any less predominant additional species from the inspection certificate, when applicable. Refer to #29 for the applicable entries.
30. \*\*Description of the Product (REQUIRED). Enter the name or description of the product. For example, basa filets, swai nuggets, etc.
31. Supplemental Product Code. Enter the GTIN, Intended Use Code, UPC, or other product code that is used in commerce for the product.
32. \*\*Estimated Date of Arrival (REQUIRED). Enter the date that the product is expected to arrive at the FSIS official import inspection establishment for import inspection.
33. \*\*Printed Name of Customs Broker or Applicant (REQUIRED). Enter actual name of person signing this application.
34. \*\*Signature (REQUIRED). Signature of person in #33.
35. \*\*Date (REQUIRED). Enter the date the application is completed.

**ATTACHMENT 3: ACCEPTABLE COMMON OR USUAL NAMES**

ORDER	FAMILY	ACCEPTABLE COMMON OR USUAL NAMES	GENUS AND SPECIES
<b>SILURIFORMES*</b>	<b>Ictaluridae</b>	Blue Catfish or Catfish	<i>Ictalurus furcatus</i>
		Channel Catfish or Catfish	<i>Ictalurus punctatus</i>
		White Catfish or Catfish	<i>Ameiurus catus</i>
		Black Bullhead or Bullhead or Catfish	<i>Ameiurus melas</i>
		Yellow Bullhead or Bullhead or Catfish	<i>Ameiurus natalis</i>
		Brown Bullhead or Bullhead or Catfish	<i>Ameiurus nebulosus</i>
		Flat Bullhead or Bullhead or Catfish	<i>Ameiurus platycephalus</i>
	<b>Clariidae</b>	Whitespotted fish or Chinese fish	<i>Clarias fuscus</i>
		Sharptooth Clarias Fish	<i>Clarias gariepinus</i>
		Broadhead Clarias Fish	<i>Clarias macrocephalus</i>
		Walking Clarias Fish	<i>Clarias batrachus</i>
	<b>Pangasiidae</b>	Swai or Sutchi or Striped Pangasius or Tra	<i>Pangasianodon (or Pangasius) hypophthalmus</i>
		Basa	<i>Pangasius bocourti</i>
		Mekong Giant Pangasius	<i>Pangasius gigas</i>
		Giant Pangasius	<i>Pangasius sanitwongsei</i>

\* This list is not inclusive. Domestic and foreign fish establishments should consult FDA's "Guidance for Industry: The Seafood List--FDA's Guide to Acceptable Market Names for Seafood Sold in Interstate Commerce," for appropriate common or usual names

<http://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/seafood/ucm113260.htm> and the Integrated Taxonomic Information System (ITIS) at <http://www.itis.gov>.