

FSIS DIRECTIVE

9510.1

4/23/15

IMPORTATION OF INEDIBLE MEAT, POULTRY, AND EGG PRODUCTS

I. PURPOSE

This directive provides instructions to the Office of Field Operations (OFO), Recall Management and Technical Analysis Staff (RMTAS), and the Compliance and Investigations Division (CID), Office of Investigation, Enforcement and Audit (OIEA), on actions to take when verifying that the requirements for imported undenatured inedible meat and egg products are met. At this time, inedible poultry cannot be imported unless it is denatured regardless of the intended use (9 CFR 381.193).

KEY POINTS:

- *How to review and verify the documentation and labeling required for imported undenatured inedible products*
- *How to verify that imported undenatured inedible shipments move from the United States (U.S.) port of entry to the final destination as stated on the shipment documentation*

II. BACKGROUND

A. The Federal Meat Inspection Act (FMIA) (21 U.S.C. 641) states that carcasses or parts of carcasses produced from amenable species that are not intended for human food cannot be offered for sale or transported in commerce unless they are naturally inedible for humans and are denatured or otherwise identified as required by regulation to deter their use for human food.

B. FSIS provides for the segregation, handling, and transportation of undenatured inedible livestock products that have the physical characteristics of a product fit for human food from official establishments in the U.S. under certain very limited conditions (9 CFR 325.11(e)(2), (3), and (4)).

C. Given the treatment of domestic meat products under the FMIA, FSIS will allow undenatured inedible livestock products to be imported into the U.S. provided that the products are labeled, packed, and handled in accordance with the requirements in 9 CFR 325.11(e).

D. Section 10 of the Egg Products Inspection Act (21 U.S.C. 1039) prohibits the transporting of inedible eggs in commerce unless they are denatured or otherwise identified as required by the regulations of the Secretary of Agriculture. 9 CFR 590.45(d) provides that the competent authority of a foreign government may petition FSIS for approval to import undenatured inedible egg products into the U.S. for industrial use or animal food requirements.

E. FSIS is responsible for verifying that undenatured inedible meat and egg products that have the appearance of being fit for human consumption, but that are intended for use in the manufacture of articles not for human food, meet the requirements outlined in 9 CFR 325.11(e) and 9 CFR 590.45(d), respectively. These products must originate from foreign countries eligible to export meat or egg products to the U.S. Such imported materials must be denatured before movement from the foreign establishment to a manufacturer of articles not for human food unless the materials are covered by a numbered permit and are in compliance with the other requirements in 9 CFR 325.11(e) for inedible meat or 9 CFR 590.45 (d) for inedible egg products.

F. The Animal and Plant Health Inspection Service (APHIS) restricts certain products from entering the U.S. because of animal health disease conditions in the country of origin. Importers of undenatured inedible products are required to contact APHIS to verify that the product is eligible to enter the U.S. given any animal health disease restriction for the country of origin under 9 CFR Parts 93 and 94.

G. Shipments of imported undenatured inedible product are not required to present to FSIS at an official import inspection establishment and are not subject to reinspection, so any undenatured inedible meat or egg products are subject to OIEA surveillance.

III. APPLICATION AND REVIEW PROCESS FOR OBTAINING A PERMIT NUMBER

A. RMTAS is responsible for deciding whether to issue a numbered permit to an applicant requesting to import an undenatured inedible product.

B. RMTAS is to verify that any application for an undenatured inedible numbered permit for imported product provides the following information:

1. Applicant name;
2. Applicant address;
3. Applicant telephone number;
4. Applicant facsimile number;
5. Applicant E-mail address;
6. Description of the type of business operations; and
7. Purpose of making such application.

C. RMTAS personnel are to:

1. Review each application for completeness; and
2. Assess the non-compliance history of the permit requestor in FSIS databases (e.g., In-Commerce System (ICS)). RMTAS personnel are to contact the OIEA, CID Director or designee for assistance in obtaining necessary enforcement history.

D. The RMTAS Director or designee (hereafter “the RMTAS Director”) is to approve any application for a numbered permit that meets the requirements in [9 CFR 325.11\(e\) \(1\)](#). The RMTAS Director is to return incomplete applications to the applicant. A unique numbered permit is to be issued for each approved application. A list of active permit holders is available on the OFO International SharePoint site.

E. The RMTAS Director is to notify the permit holder in writing that the numbered permit issued by FSIS is active for three years from the date of issuing the number, unless suspended or canceled because of a documented violation of the conditions of the permit or the conditions for entry of inedible undenatured product into the U.S. Additionally, the RMTAS Director is to notify the permit holder that:

1. It is the responsibility of the permit holder to renew his or her application for the permit number before it expires;
2. Numbered permits that are not renewed are considered expired and are no longer valid; and
3. It is the responsibility of the permit holder to submit the completed FSIS form 9540-4, "Shipper Notification – Importation of Undenatured Inedible Product" in advance of each shipment of undenatured inedible product to the U.S.

F. When the competent authority of the foreign government petitions FSIS for approval to import undenatured inedible egg products to the U.S. for industrial use or animal food requirements:

1. The Office of Policy and Program Development (OPPD) is to review the request; and
2. OPPD is to provide notification to the foreign country, RMTAS, and CID if the foreign country's petition is approved. If the petition is approved, OFO, RMTAS, is responsible for processing individual applications in accordance with section III. A-E of this document above.

IV. FSIS FORM 9540-4 PROCEDURES

A. RMTAS personnel are to receive the FSIS form 9540-4 and review the form for completeness. When reviewing the FSIS form 9540-4, they are to identify any:

1. Incomplete or missing information (e.g., data fields on form not filled out);
2. Inaccurate information (information that does not match the database for that shipper, questionable data);
3. Ineligible product (e.g., originating from a country not eligible to ship edible meat or egg products); or
4. Shippers that do not have the required permit approval, which can be determined by checking the list of permit holders outlined in Section III, D.

B. If RMTAS personnel determine that the FSIS form 9540-4 is complete and accurate, RMTAS will post the FSIS form 9540-4 to the [OFO International SharePoint site](#) for access by the CID investigators. If the FSIS form 9540-4 is incomplete or inaccurate, RMTAS personnel are to return the application to the permit holder for correction and resubmission. If RMTAS identifies any other issues relating to the information on the FSIS form 9540-4 relating to compliance activities, RMTAS is to contact the OIEA, CID Regional Office with those concerns.

C. RMTAS is to maintain shipment documentation and forms for each shipment of inedible product on the SharePoint site.

V. VERIFICATION PROCEDURES FOR ENTRY INTO THE UNITED STATES

A. OIEA – CID investigators, when conducting in-commerce surveillance activities either at the port

of entry or destination, are to randomly verify that the paperwork, seals, and labels on designated shipments of undenatured, inedible product, are in compliance with the regulations (9 CFR 325.11(e) or 9 CFR 590.45(d)) and the procedures referenced in D., below.

B. An investigator may also target shipments for verification based on:

1. A determination that the permit holder has had previous violations, or the fact that there are trends of non-compliances documented in the ICS (e.g., product mislabeled); or
2. A review of import entry data obtained from the Automated Commercial Environment (ACE) Portal that identifies shipments entering the U.S. without prior notification (e.g., without FSIS form 9540-4).

C. When conducting a shipment review, the investigator is to verify that undenatured inedible shipments entering the U.S. are:

1. Accompanied by a completed FSIS form 9540-4;
2. Labeled and sealed properly as follows:
 - a. The outside container (or wrap) of undenatured inedible meat products is labeled with the words "Inedible - Not Intended for Human Food" in letters not less than two inches high in the case of containers such as cartons, drums, tierces, barrels, and half barrels and not less than four inches high in the case of tank cars and trucks used to transport such product not in other containers, as per 9 CFR 325.11(e)(3);
 - b. The conveyance (e.g., railroad cars, trucks, or containers) bears an unofficial seal applied by the shipper that identifies the unique inedible permit number as well as an individual seal serial number assigned by the shipper, and the product is accompanied by an invoice or bill of lading specifying the permit holder's permit number as per 9 CFR 325.11(e)(4); and
 - c. All undenatured inedible, unwholesome, or adulterated egg products are identified with the name and address of the processor, as well as the words "Inedible Egg Products-Not to Be Used as Human Food", as per 9 CFR 590.840 and must be shipped under government seal as per 9 CFR 590.504.
3. Not transported in commerce to any other consignee or storage location other than the one listed on the FSIS form 9540-4 received by FSIS. Diversion to any other consignee or storage location requires that an updated FSIS form 9540-4 be submitted to RMTAS before the product is moved in commerce.

D. Investigators are to follow the procedures outlined in [FSIS Directive 8010.1](#), *Methodology for Conducting In-Commerce Surveillance Activities*, regarding prioritization of surveillance (verification) activities regarding the end-use of the imported undenatured inedible product.

VI. VIOLATIONS

A. When a shipment of undenatured inedible product does not meet all required conditions, the investigator is to conduct an investigation and to control any undenatured inedible product that has been identified. Investigators are to:

1. Document any violations in the ICS in accordance with:

- a. [FSIS Directive 8010.1](#) *Methodology for Conducting In Commerce Surveillance Activities*;
 - b. [FSIS Directive 8410.1](#), *Detentions and Seizures*;
 - c. [FSIS Directive 8010.2](#), *Investigative Methodology*;
 - d. [FSIS Directive 8010.3](#), *Procedures for Evidence Collection, Safeguarding and Disposal*; and
 - e. [FSIS Directive 8010.4](#), *Report of Investigation*;
2. Request through RMTAS a Redelivery with U.S. Customs and Border Protection (CBP) of any shipment identified in violation of FSIS requirements and request that CBP have the product re-exported;
 3. Conduct follow-up with the permit holder when compliance verification findings identify deficiencies in a shipment's documentation, storage, or usage; and
 4. Notify RMTAS Headquarters of any issues that may require follow up with the competent authority in the country of origin.

B. OFO, RMTAS Headquarters is to notify the competent authority in the country of origin when violations are identified that implicate a foreign entity as the permit holder. OFO, RMTAS Headquarters is to request that the foreign country conduct follow up activities on corrective actions when a violation is identified from a foreign supplier. OFO, RMTAS Headquarters is to inform the foreign country if FSIS plans to take action against the permit holder, including cancellation of a permit number and prohibition of shipping product into the U.S.

VII. QUESTIONS

Refer questions regarding this directive through your supervisor or submit your questions through [askFSIS](#). When submitting a question, use the Submit a Question tab, and enter the following information in the fields provided:

Subject Field: Enter **Directive 9510.1**

Question Field: Enter question with as much detail as possible.

Product Field: Select **Import** from the drop-down menu.

Category Field: Select **Basic Import Answers** from the drop-down menu.

Policy Arena: Select International (Import/Export) 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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