



United States Department of Agriculture

Food Safety and
Inspection Service

1400 Independence
Avenue, SW.
Washington, D.C.
20250

SENT VIA ELECTRONIC MAIL

July 5, 2017

Dear Sir/Madam,

****IMMEDIATE ACTION REQUIRED****

To: Importer/Customs Broker:

The United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS) is notifying you that, as stated in [Federal Register Notice 82 FR 30721](#), **all shipments of imported Siluriformes fish and fish products entering the United States (U.S.) must be presented to FSIS at an Official Import Inspection Establishment within 30 days for reinspection by FSIS personnel.**

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." 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. The final rule can be accessed on the FSIS Website at: <https://www.fsis.usda.gov/wps/wcm/connect/878aa316-a70a-4297-b352-2d41becc8f73/2008-0031F.pdf?MOD=AJPERES>.

This letter is to inform you that, **effective August 2, 2017**, imported Siluriformes product entering commerce without FSIS import reinspection will be considered a violation of the Federal Meat Inspection Act (FMIA) as well as the implementing regulations for each Act (9 CFR 557.3). The importer of record is responsible for any product identified as Failure to Present (FTP), which may then be subject to recall.

Beginning August 2, 2017, all imported Siluriformes fish products must move from the port or wharf, upon release by the U.S. Customs and Border Protection, directly to an FSIS official import inspection establishment. Product offloaded at any location other than such establishment will be considered a Failure to Present, no longer eligible for entry into U.S. commerce, and may be subject to recall if further distributed and no longer under the immediate control of the Importer of Record. FSIS will reinspect all shipments of imported Siluriformes fish and fish products, just as we reinspect all shipments of imported meat products.

FSIS has posted on its website a list of official import inspection establishments that are currently approved for Siluriformes fish and fish products import activities:

<https://www.fsis.usda.gov/wps/wcm/connect/b58fa982-8029-4ceb-88c1-1663f32070d9/Siluriformes-I-Houses.pdf?MOD=AJPERES>

FSIS will announce any updates to these lists in the Agency's Constituent Update (<http://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings/newsletters/constituentupdates>).

U.S. customs brokers who have not registered with FSIS must 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-4cd5-4247-8fe0-04f8b7e94db5/Form-5020-1.pdf?MOD=AJPERES>.

Application and Presentation: All shipments of imported Siluriformes fish and fish products must be presented for reinspection at an official FSIS import inspection establishment beginning August 2, 2017. The importer must apply for inspection at an official import inspection establishment by providing FSIS Form 9540-1, Import Inspection Application, to FSIS at the selected inspection location no later than the date of entry. The Import Inspection Application can be found online at:

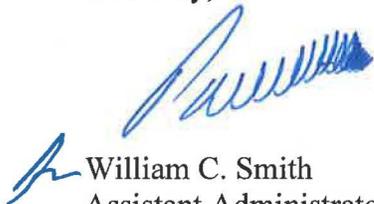
<http://www.fsis.usda.gov/wps/wcm/connect/a8eead0d-23c3-428e-937f-a8a05b09edbb/FSIS-9540-1-Import-Inspection-Application.pdf?MOD=AJPERES>.

See **Attachment 1** of this letter for guidance on completing the Import Inspection Application.

FSIS strongly encourages importers and brokers to communicate and coordinate closely with your business partners, inspection establishments, and your FSIS District Office well in advance of implementation to facilitate full compliance. While FSIS is willing to assist wherever possible to address questions and concerns, FSIS does not coordinate business flows within the trade communities.

Please submit any questions to askfish@fsis.usda.gov.

Sincerely,



William C. Smith
Assistant Administrator
Office of Field Operations

ATTACHMENT 1: 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).
 - a. ****Phone Number (REQUIRED).** Self-explanatory.
 - b. **Facsimile Number.** Self-explanatory.

- c. ****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). establishment number of the foreign plant that produced the product (e.g., last processed the product).
<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.
 - a. **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.