UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

9900.8 | 11/3/15

MEAT, POULTRY, AND EGG PRODUCTS REFUSED ENTRY INTO THE UNITED STATES (U.S.)

I. PURPOSE

This directive provides instructions to import inspection personnel concerning the identification, control, documentation, and disposition of imported meat, poultry, and egg products that are refused entry into the U.S. This directive reflects the changes associated with the reorganization of import inspection personnel into the Office of Field Operations. Additional changes include clarification that a failed type of inspection (TOI) may result in refused entry and PHIS navigation instructions with screen shots.

KEY POINTS:

- *Outlines activities for FSIS import inspection personnel concerning refused entry shipments*
- *Outlines disposition of imported product that is refused entry*

II. CANCELLATION

FSIS PHIS Directive 9900.8 Meat, Poultry, and Egg Products Refused Entry into the United States (U.S.), 5/24/12

III. BACKGROUND

Imported meat, poultry, and egg products that do not comply with U.S. requirements are not allowed to enter U.S. commerce and are to be identified as “U.S. Refused Entry” product. For the purposes of this directive, the owner or consignee is intended to include importer of record. Products that may be identified as “U.S. Refused Entry” include those that are:

1. Not eligible for importation into the U.S. (see IV A.), or
2. Eligible for importation into the U.S. but in a condition that causes them to be refused entry (see IV B. and C.).

IV. IDENTIFYING REASONS FOR REFUSED ENTRY IN THE PUBLIC HEALTH INFORMATION SYSTEM (PHIS)

A. Ineligible Product- product source and eligibility requirements. Import inspection personnel are to refuse entry to a product when they find that any of the following conditions apply:

1. The source or producing country is not eligible to export to the U.S.;

2. The source, processing, or preparing establishment is not certified to export to the U.S.;

3. The product is not eligible under FSIS or Animal and Plant Health Inspection Service (APHIS) regulations;

4. The production dates show that the product was produced when the exporting country was not eligible to export to the U.S.;

5. The production dates show that the product was produced when the processing or preparing establishment was not eligible to export to the U.S.;

6. The product is derived from a species that the exporting country is not eligible to export to the U.S.;

7. The product is not eligible for export to the U.S.; or

8. The foreign inspection certificate is incorrect or invalid under 9 CFR 327.4, 381.197, 590.915, or 590.955.

B. Failed TOI - Eligible lots of meat, poultry, and egg products that are reinspected may be refused entry for failure of one or more of the following TOIs:

1. Certification: For any of the reasons stated in section VII.A. of this directive, or for any other reason as indicated in FSIS Directive 9900.1, *Imported Product Shipment Presentation*;

2. Label Verification: For reasons as indicated in FSIS Directive 9900.5, *Label Verification of Imported Meat, Poultry and Egg Products;*

3. Physical Examinations: (e.g., Product Examination, Net Weight, Condition of Containers) focuses on the physical inspections outlined in FSIS Directive 9900.2; *Import Reinspection of Meat, Poultry and Egg Products*, for Food Defense TOI's, refer to FSIS Directive 5420.1, *Food Defense Verification Tasks And Threat Notification Response Procedures For The Office Of Field Operations .*

NOTE: Physical TOIs will automatically initiate a refused entry in the Public Health Information System (PHIS) for the lot upon a reported failed TOI result in PHIS.

1. Laboratory Analysis:

   a. Eligible lots of meat, poultry, and egg products that are reinspected may be refused entry for failure of one or more of the following TOIs with violative results.

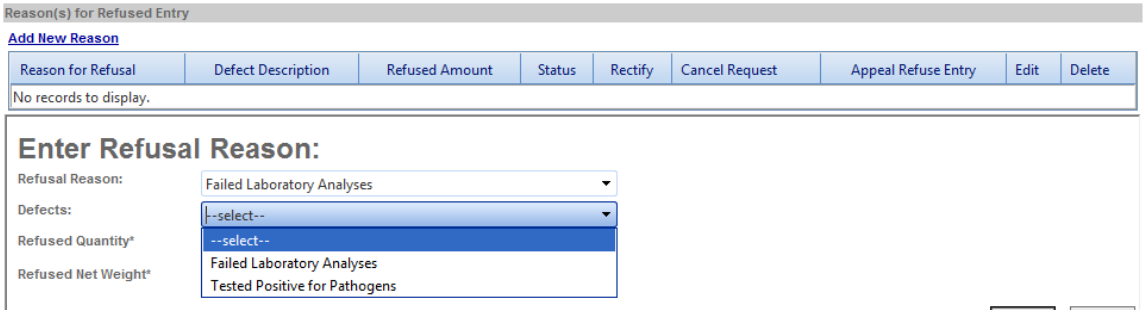
      i. Patógena Sampling (e.g., *E coli* O157:H7, *Listeria monocytogenes, Salmonella*);

      ii. Pathology Testing (includes pathology, species and central nervous system tissue);

      iii. Food Chemistry Testing (e.g. added water, moisture:protein ratio, total fat, nitrite); or

      iv. Residue Testing (e.g., Multi-Residue Method (MRM), pesticides, metals);

NOTE: Laboratory TOIs with a reported failed TOI result **do not** automatically initiate a refused entry in PHIS for the lot. Import inspection personnel must generate the refused entry manually in PHIS, selecting the most appropriate reasons based on the TOI and the reason for failure.



b. Implicated product based on laboratory analysis

i. The Recall Management and Technical Analysis Staff (RMTAS) is to contact the foreign country and request that information be provided so that the RMTAS staff can make the determination as to whether other product is implicated and needs to be refused entry or recalled if in commerce. The RMTAS is to provide direction on what product import inspection personnel are to retain when a laboratory violations occurs.

ii. The import inspector is to retain any product that has been presented for import reinspection from the foreign establishment (same process category/product group). The inspector does not reinspect product until the determination can be made that no other product is implicated. Implicated product will be refused entry in PHIS and disposed of properly under FSIS inspector supervision or recalled if in commerce.

C. Partial Lot Refused Entries-When import inspection personnel identify that a portion of a lot of product presented for reinspection is non-compliant with FSIS requirements, the non-compliant product can be sorted and removed from the lot before continuing with the reinspection. The most common reasons for partial refused entries are that shipments include immediate containers that have transportation damage, missing shipping marks, or illegible shipping marks.

V. REFUSED ENTRY PROCEDURES

A. When a lot of meat, poultry, or egg products is submitted in PHIS and is ineligible for any of the reasons identified in IV. A., import inspection personnel are to:

1. Review for accuracy the data entry in PHIS pertaining to the lot by comparing it to any other supporting documentation that is available for the lot (e.g., inspection certificates and applications);

2. Based on this review, if import inspection personnel find any data entry errors in the PHIS entry, they are to correct the application in PHIS;

3. If import inspection personnel find no data entry errors, they are to submit the application as ineligible. When the lot is presented for reinspection, import inspection personnel are to:

    a. Retrieve the application – lot in PHIS;

    b. Access the Lot Manager page in PHIS for the lot; and

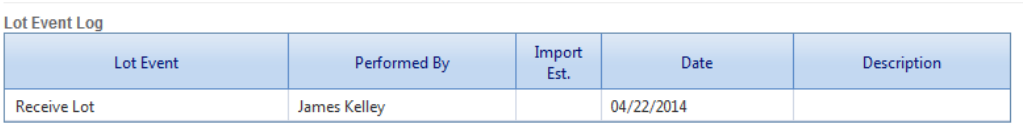
    c. Receive the lot;

4. If the Lot Manager page shows both Receive Lot and Draw Assignments in the Lot Event Log section, then this lot had no restrictions and was eligible;

Lot Event Log

Lot Event	Performed By	Import Est.	Date	Description
Receive Lot	James Kelley		04/22/2014	
Draw Assignments	James Kelley		04/22/2014	

5. If the Lot Manager page shows only Receive Lot in the Lot Event Log,



Lot Event Log

Lot Event	Performed By	Import Est.	Date	Description
Receive Lot	James Kelley		04/22/2014	

then the lot has restrictions, and import inspection personnel should see an error message such as:

or

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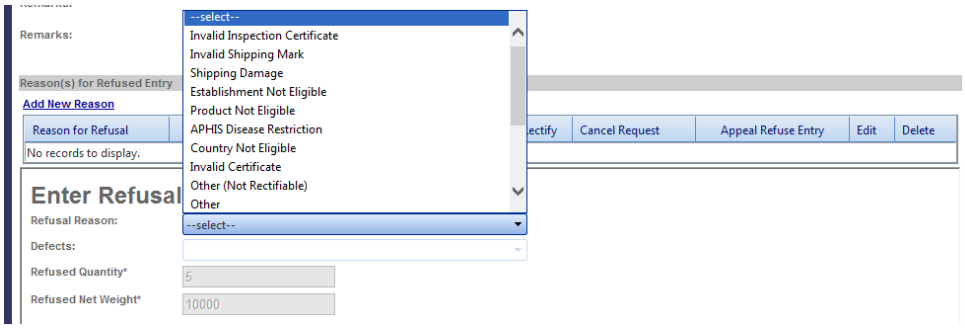
6. Import inspection personnel are to access the Lot Manager page for the lot and:

   a. Click on the Refused Entry button;

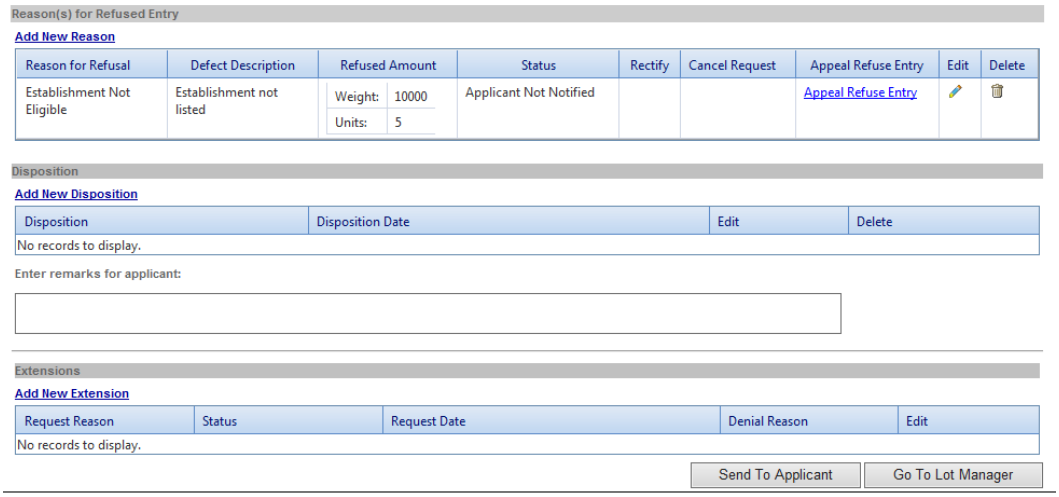
   b. Click on Add New Reason, and then from the drop down menu select the most appropriate Refusal Reason;



   c. Select most appropriate Defects reason to align with the Refusal Reason selected;

   d. Click on Save; and

   e. Click on Send To Applicant.



B. Meat, poultry, or egg products, that are refused entry for any of the reasons identified in IV. A. are to be identified as "U.S. Refused Entry" product. Access PHIS and enter defects/comments as applicable. Import inspection personnel are to enter all data concerning a lot that fails a TOI in PHIS following the completion of the reinspection. If PHIS is not accessible, import inspection personnel are to enter the data as soon as PHIS is accessible.

C. When meat, poultry, and egg products are refused entry for transportation damage or missing or illegible shipping marks, identify the non-compliant product and have the official import establishment sort and remove the non-compliant product from the lot before continuing with reinspection. Refuse the entire lot if the official import establishment refuses to sort the lot. Import inspection program personnel are to control the sorted product until final disposition is determined. Control for the purposes of refused entry product means the product is either marked with U.S. Refused Entry or is controlled with FSIS Form 6502-1, U.S. Rejected – U.S. Retained Tag. Record all data concerning partially refused entries in PHIS as soon as possible following completion of reinspection.

D. Import inspection personnel are to:

1. Ensure that the refused entry product is under FSIS control until properly identified as "U.S. Refused Entry;"

2. Notify import establishment management of each refused entry and provide a copy of FSIS Form 9840-3 upon request;

3. Verify that the application of the refused entry stamp occurs in a designated staging area. Import inspection personnel are to maintain control of the "United States Refused Entry" stamp at all times and keep an accurate count of the number of units stamped for each refused entry occurrence;

NOTE: When livestock carcass shipments or tankers from Canada are labeled with a placard, the placard, not the product or the conveyance, is to be stamped "U.S. Refused Entry;"

4. Submit notification to the applicant in PHIS of the refused entry of the lot;

5. Print and submit a copy of FSIS Form 9840-3 to Customs and Border Protection (CBP) at the local Port of Entry by mail or fax;

6. Notify APHIS and the DO when a lot or any portion of a lot from an APHIS restricted country fails an animal health TOI or other APHIS requirement (e.g., pink juices observed in cooked meat, missing or incorrect certification, failed Maximum Internal Temperature (MIT) laboratory analysis). APHIS will advise import inspection personnel regarding the product's disposition;

7. Stamp the paper foreign inspection certificate with the "U.S. Refused Entry Amount" and record the amount of refused entry in units and pounds in the blank area of the stamp. If part of the lot is not refused entry, also stamp the paper foreign inspection certificate "U.S. Inspected & Passed." To the extent possible, apply the stamps to an area of the certificate that does not obstruct required information. If there is no paper inspection certificate (electronic certificate), then a certificate does not get stamped;

8. Retain paper foreign inspection certificates in the FSIS in-plant files by country and calendar year;

9. Verify that there is proper disposition of product designated as "refused entry;" and

10. When final product disposition of the refused entry occurs, access PHIS, enter the disposition status of the product, record as completed in PHIS, then release the lot in PHIS.

VI. STORAGE AND MONITORING OF REFUSED ENTRY PRODUCT

A. Import inspection personnel are to verify that refused entry product is stored and segregated from other product at the official import inspection establishment until final disposition occurs, or permission to move the shipment is granted by the DO (e.g., movement to the port for direct and immediate exportation or to the end-user, such as an animal food manufacturer (FDA approval required, 9 CFR 327.13(a)(2)). Import inspection personnel are to advise the management of the import inspection establishment that it is its responsibility to store and segregate the product in this manner.

B. Import inspection personnel are to record the verification on the Lot Manager screen using the Lot Tracking function and selecting Verified Refused Entry. The District Import Specialist (DIS) is to set the frequency of how often import inspection personnel verify the storage and segregation of refused entry product at the official import inspection establishment. The DIS is to verify that inspection program personnel are monitoring refused entry product according to the set frequencies. Set frequencies are to be posted or entered in the case file at each official import inspection establishment. Import inspection personnel are to file the refused entry documentation in the FSIS files at the official import inspection establishment.

C. If import inspection personnel cannot locate refused entry product, they are to contact official import establishment management to ascertain the location of the product.

D. When import inspection personnel determine that refused entry product has been moved from the official import inspection establishment without FSIS knowledge, the official import inspection establishment is in violation of 9 CFR 500.3(a) (5). Import inspection personnel are to:

1. Withhold inspection of imported products;

2. Notify the DIS or designee;

3. Meet with official import establishment management to discuss this finding;

4. Document the meeting in a Memorandum of Interview(MOI) in PHIS;

5. Provide a copy of the MOI to the official import establishment and inform the DIS or designee of the MOI; and

6. Await instruction through supervisory channels.

E. The District Manager (DM) or designee is to decide whether this violation requires the initiation of a suspension under 9 CFR 500.3(a)(5) and update the establishment profile. The DM will continue to withhold inspection until suitable corrective actions are implemented.

1. If the DM or designee determines that a suspension is warranted, the DM or designee s to notify the official import inspection establishment management in accordance with 9 CFR 500.5(a);

2. If the DM or designee decides not to initiate a suspension, he or she is to issue a letter to the management of the official import establishment regarding the serious nature of removing or losing control of refused entry product; and

3. The DM or designee is to provide direction through supervisory channels during this period.

F. The DM or designee will contact OIEA Regional Director to provide notification and request follow-up to investigate the whereabouts of the refused entry product removed from the official import inspection establishment.

VII. TIME PERIOD FOR DISPOSITION

A. After notice is given by FSIS to the Director of Customs at the original port of entry, the owner or consignee has 30 days for egg products, and 45 days for meat or poultry products, to take the action as required by 9 CFR 327.13(a)(2), 381.202(a)(2), or 590.945(a) for product that has been refused entry. For product that is refused entry because of APHIS animal disease restrictions, APHIS or CBP will notify import inspection personnel and the DIS regarding the products' disposition and timeframes for required disposition (e.g., 72 hours), including the method of the disposal of the product.

B. The applicant may contact the DO to request an extension of the time limit for disposition. Requests for extension beyond the regulatory time period for disposition are only to be granted by the DO and only when extreme circumstances warrant, such as an unforeseeable vessel delay or dock strike.

C. If final disposition of the refused entry product has not been accomplished within the regulatory time period), import inspection personnel are to:

1. Take control of refused entry product using FSIS Form 6502-1;

2. Notify the DO by phone or e-mail and DIS by e-mail; and

3. Follow instructions provided by the DO to ensure that proper disposition of the product occurs.

D. The DO is to notify OIEA Regional Director to contact the owner or consignee to arrange for disposition of the refused entry product.

VIII. TYPES OF DISPOSITION

A. Import inspection personnel are to verify that disposition of refused entry product occurs within the regulatory time limits. The owner or consignee is to decide on using one of the methods of disposition listed below. The import inspection personnel are to verify that the disposition of refused entry product is completed.

1. Exportation (return) of the product to the originating country or to a third country, if permitted (see 9 CFR 327.13(a)(2), 381.202(a)(2), 590.945(a)).

2. Destruction of the product for human food purposes (9 CFR 327.13(a) (2), 381.202(a) (2), 590.945(a)) by one of the following methods:

    a. Landfill;

    b. Rendering;

    c. Incineration – normally required by APHIS when product is refused entry for animal disease restrictions; or

    d. Denaturing the product so it cannot be used for human food (9 CFR 325.13, 327.25, 381.202(e)).

3. Conversion of the product to animal food (9 CFR 327.13(a)(2), 381.202(a)(2)) if permitted and approved by the Food and Drug Administration (FDA), and that permission is communicated to the DO.

4. Rectified – The reason for refusal has been corrected (e.g., new inspection certificate, re-labeling).

B. The intended disposition needs to be communicated to FSIS (9 CFR 327.13(a)(5)). Import inspection personnel are to enter the method of disposition in PHIS and retain the documentation (FSIS Form 9840-4 Voluntary Disposition of Imported Meat and Poultry Products) in the case file.

IX. VERIFYING DISPOSITIONS

A. Exportation of Refused Entry Product

1. General: import inspection personnel are to:

    a. Access PHIS and document that the applicant has requested re-exportation (for Canadian product this request can be made to the import inspector; for other countries, the DIS);

    b. Select the “Released to Port Date” in PHIS and save;

    c. Notify import establishment management that the lot may be moved for export;

    d. Receive required “proof of export” documentation from the DIS (received from the importer or consignee);

    e. Attach proof of export documentation to appropriate case file, as applicable; and

NOTE: The DIS is to correlate with import inspection personnel regarding acceptable “proof of export” documentation.

f. Access PHIS and check “Disposition Complete” for the lot disposition.

2. Exportation of Canadian Refused Entry Product to Canada. In addition to the steps outlined above, for Canadian product, import inspection personnel are to:

   a. Complete and print FSIS Forms 9135-1and 9840-3 from PHIS;

   b. Have a copy of the inspection certificate made;

   c. Place FSIS Form 9135-1, the inspection certificate, and a copy of FSIS Form 9840-3 in an envelope, seal the envelope, and write “Attention: CFIA” on the outside of the envelope;

      i. Place the envelope prominently inside at the rear of the shipping conveyance; and

      ii. Seal the shipping conveyance with USDA Foreign Meat (Red Ball) seals.

   d. Notify the appropriate Canadian Food Inspection Agency (CFIA) contact by e-mail, with a copy to the e-mailbox for the DIS for the District in which the official import establishment is located. The list of CFIA contacts is located in the FSIS Import Inspection SharePoint site.

3. Exportation from a Port Other than the original Port-of-Entry. DIS are to:

   a. Enter the information provided by the applicant in PHIS (including the port of exit, vessel name, and date of export);

   b. Ensure that export is to occur within regulatory time limit (9 CFR 327.13(a)(2), 381.202(a)(2), 590.945(a)); and

   c. Verify that import inspection personnel complete the activities set out in IX. A.1. above.

4. Refused Entry Product Transiting Through Canada.

   a. Occasionally, refused entry product will transit through Canada on its way to the country of destination. When this mode of exit is used, import inspection personnel are to verify that the requirements in XII. A., above, are completed, and

      i. Verify that the shipping conveyance is appropriately sealed with USDA Foreign Meat (Red Ball) seals at the official import inspection establishment;

      ii. Access PHIS and enter the seal numbers used to seal the conveyance; and

      iii. Provide DIS by email the following information: name of the trucking company; the vehicle license number of truck/trailer; the truck, container, or trailer number; and the seal numbers used to seal the conveyance.

   b. DIS is to forward notification to CFIA. The list of CFIA contacts is located in the FSIS Import Inspection SharePoint site.

B. Destruction: Import inspection personnel are to:

1. Access PHIS to enter the applicant provided intended disposition;

2. Verify that the selected disposition is acceptable;

3. Observe the destruction and verify that control of the product is maintained until destruction is complete; and

4. Access PHIS and complete the Disposition, Destruction date, and Destruction Witnessed by blocks and save.

C. Conversion to Animal Food: Import inspection personnel are to:

1. Obtain from the product's owner or consignee a copy of written approval from the Department of Health and Human Services (DHHS), Food and Drug Administration (FDA), authorizing the movement of specific products to a manufacturer of animal foods;

2. Review the letter of approval to verify that it is intended for the refused product involved;

3. If documentation is acceptable, access PHIS, enter the Intended Disposition, place a check mark in the FDA Approval box, enter the released for conversion date, and save;

4. Inform official import establishment management that the product may move from the official import inspection establishment;

5. Through records review, verify that the refused entry product was received and used by the pet food manufacturer within the time period specified (e.g. 45 days for meat or poultry products). Verify all forms, certifying that the product's conversion to animal food has been properly completed; and

6. Access PHIS, enter the disposition as complete, and save.

X. QUESTIONS

Refer questions regarding this directive to the OPPD 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 **Directive 9900.8**
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.

Assistant Administrator
Office of Policy and Program Development