

VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS  
FOOD SAFETY CONSUMER PROTECTION DIVISION

MONTPELIER, VT

Chuck Ross, Secretary



# MIS NOTICE

Adopted from FSIS Notice 13-16

13-16

03/1/16

**PUBLIC HEALTH REGULATIONS AND ALERTS FOR USE IN DETERMINING INSPECTION PROGRAM PERSONNEL (IPP) ACTIONS AND FOOD SAFETY ASSESSMENT SCHEDULING IN MEAT, POULTRY ESTABLISHMENTS AND EGG PRODUCT PLANTS**

## I. PURPOSE

- A. This notice cancels FSIS Notice 12-16, issued on 2/8/16, and reissues its content with corrections and additional information.
- B. This notice instructs inspection program personnel (IPP) how to respond when there is a pattern of repetitive non-compliances at the plant to which they are assigned. Each quarter, the Program Supervisor will run the report in PHIS "PHR Noncompliances for an Establishment", and will compare the establishment's non-compliance (NR) rate to two set cut points. IPP will be notified when an establishment has a non-compliance rate that is elevated and is at or exceed the Noncompliance Cut Point for Early Warning (see III.B., below).
- C. When IPP receive notification, they are to take the steps set out in this notice.
- D. Establishments with a PHR NR rate that exceeds the Noncompliance Cut Point for *Public Health Risk Evaluation (PHRE)/Food Safety Assessment (FSA) Scheduling* (see III. B., below) will be listed in the proposed for cause PHRE/FSA schedule. An Enforcement, Investigations, and Analysis Officer (EIAO) will be scheduled to perform a PHRE and make a decision on scheduling a FSA at the establishment.
- E. This notice also includes updated instructions to EIAOs on sharing PHR information with establishments at Food Safety Assessment (FSA) entrance meetings.

## II. BACKGROUND

- A. ODIFP analyzes noncompliance data in PHIS from establishments that have received NRs that cite the regulations on the PHR list. ODIFP annually reviews the regulations designated as "Public Health Regulations" (PHRs), which are listed on the [Public Health Regulations webpage](#), and makes updates as needed to better reflect NRs associated with public health hazards.

**DISTRIBUTION:** Electronic

**NOTICE EXPIRES:** 3/1/17

**OPI:** OPPD

B. FSIS uses a three-step method to identify PHRs. The Agency:

1. Defines a set of evaluation criteria for selecting a candidate list of regulations;
2. Develops a list of candidate regulations that are relied upon in verifying food safety process control; and
3. Selects a subset of the candidate regulations that, ODIFP has determined, are out of compliance at an elevated rate in establishments that have had *Salmonella*, *E. coli* O157:H7, *non-O157 STEC*, *Listeria monocytogenes (Lm)*, or *Campylobacter* positives, or in establishments without positives that had another deficiency that resulted in an enforcement action.

C. Details on how the evaluation criteria for the PHRs were established are in the [FY2016 Public Health Regulations](#) report. The higher the NR rate is at an establishment, the more likely the establishment will produce product that will have a negative impact on the public health.

### III. RECEIPT OF A PHR ALERT

A. IPP will receive a notification when the number of NRs issued to the establishment reaches the noncompliance Cut Point for Early Warning. The information in the NRs is to be used by IPP to identify trends in noncompliance and is based on the verification data entered into PHIS in performing daily activities.

B. State PHIS is not set up to provide PHR alerts automatically. Notifications will be by email from the Meat Program Supervisor.

### III. IPP RESPONSIBILITIES IN RESPONSE TO PHR ALERTS

A. IPP are to review this notice to familiarize themselves with the FY2016 PHRs so that they can be aware of how FSIS determines the public health-related NR rates. IPP can find the FY2016 PHR list and cut points on the FSIS Data Analysis and Reporting: [Public Health Regulations webpage](#).

B. Once IPP in meat and poultry establishments receive a notification, they are to:

1. Review the NRs that have been linked or associated with the alert;

**NOTE:** IPP may run a PHIS Report to view the status of the individual establishment. The report is titled “PHR Noncompliances for an Establishment” and may be found in the report tab of PHIS. The PHIS Report provides more specific information about the NRs associated with the PHR alert. This information is particularly useful to relief personnel and to IPP who rotate to the establishment.

2. Discuss their analysis of the PHIS Report, and the associated NRs with supervisory personnel to determine whether a trend of ineffective corrective actions or repetitive NRs exists at the establishment, and what actions to take based upon their analysis, including developing a plan that may include targeted additional directed tasks. If additional tasks are performed, IPP are to mark scheduled tasks that were not completed as “Not Performed” by following the instructions in [FSIS Directive 13,000.1, Scheduling In-Plant Inspection Tasks in the Public Health Information System \(PHIS\)](#);

3. Discuss with the establishment at a weekly meeting the findings and information that underlie the PHR alert and any actions that the IPP intend to take based on their analysis of the findings and information.
4. Once they have implemented their plan, assess whether a trend of noncompliance is continuing, and whether the corrective actions that the establishment implemented have proven to be ineffective. IPP will inform the supervisor of their determination.

C. IPP, at the direction of supervisory personnel, may perform directed tasks to determine whether a trend is continuing, and whether corrective actions performed by the establishment are effective. If additional tasks are performed, IPP could mark scheduled tasks as Not Performed by following the instructions in [FSIS Directive 13,000.1](#).

#### **IV. FOOD SAFETY ASSESMENT ENTRANCE MEETINGS**

A. As per [FSIS Directive 5100.4](#), *Enforcement, Investigations and Analysis Officer (EIAO) Public Health Risk Evaluation (PHRE) Methodology*, EIAOs are to conduct a PHRE at establishments listed on the proposed “for cause” FSA schedule. EIAOs are to perform PHREs to determine whether to conduct a FSA, as described in [FSIS Directive 5100.1](#), *Enforcement, Investigations, and Analysis Officer (EIAO) Comprehensive Food Safety Assessment Methodology*; to take an administrative enforcement action as described in [FSIS Directive 5100.3](#), *Administrative Enforcement Reporting (AER) System*; or to take no action because neither an enforcement action or an FSA is needed.

B. At entrance meetings, EIAOs are to meet with establishment management as described in [FSIS Directive 5100.1](#) and discuss PHRs. The EIAO may refer establishment management to the [Review of Criteria for Public Health Related Non Compliance Records](#), from the National Advisory Committee on Meat and Poultry Inspection (NACMPI) Subcommittee, for more detailed information regarding the PHRs review criteria.

#### **VI. QUESTIONS**

Refer questions regarding this notice to the Vermont Meat Inspection Section at 802-828-2426.



Katherine McNamara, DVM  
Assistant State Veterinarian  
VT Agency of Agriculture, Food and Markets