

VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS
CONSUMER PROTECTION AND FOOD SAFETY
Meat Inspection Service
MONTPELIER, VT
Roger Allbee, Secretary



MIS DIRECTIVE

Adopted from FSIS Directive 5420.3 Rev. 7

5420.3,
Revision 7

12/1/20

HOMELAND SECURITY THREAT CONDITION RESPONSE – SURVEILLANCE OF ESTABLISHMENTS AND PRODUCTS IN COMMERCE

I. PURPOSE

- A. This directive describes the procedures that VT Compliance and Enforcement personnel will follow at in-commerce facilities and ports-of-entry (non-official establishment) when the Department of Homeland Security) issues a National Terrorism Advisory System (NTAS) alert.
- B.. If there is an actual terrorist attack on an in-commerce facility or port-of- entry that handles FSIS-regulated products, or state products, Enforcement Officers will take immediate precautions to ensure their personal safety and to notify appropriate law enforcement officials, their immediate supervisor, and the VT Secretary of Agriculture. In addition, the VAAFMM may request the activation of the VT Emergency Management Committee (EMC) through the Non-Routine Incident Management System (see VT Directive 5500.2, Non-Routine Incident Response).

Key Points Covered

- *How NTAS alerts are to be communicated*
- *How to respond to NTAS alerts*
- *How to effectively address and resolve noted security concerns to ensure that food that is in commerce is protected, thereby protecting public health*
- *How to determine whether a facility has a functional food defense plan (FDP)*

DISTRIBUTION: Electronic

Subject: Compliance

II. CANCELLATION

FSIS Directive 5420.3, Revision 6, Food Defense Surveillance Procedures and National Terrorism Advisory System Alert Response for the Office of Program Evaluation, Enforcement, and Review, dated 08/01/11

III. BACKGROUND

- A. Food defense is the protection of food products from intentional adulteration with chemical, biological, physical, or radiological agents.
- B. Compliance personnel conduct food defense surveillance tasks to identify potential vulnerabilities in facilities that could lead to or allow deliberate contamination.
- C. When the Federal government receives information about a specific or credible terrorist threat to food or agriculture, additional actions may be needed to reduce the threat of intentional adulteration of food products.
- D. Under NTAS, DHS coordinates with other Federal entities to issue formal, detailed alerts when the Federal government receives information about a specific or credible terrorist threat. These alerts include a clear statement that there is an “imminent threat” (warns of a credible, specific, and impending terrorist threat against the United States) or an “elevated threat” (warns of a credible terrorist threat against the United States). The alerts also provide a concise summary of the potential threat; information about actions being taken to protect public safety; and recommended steps that individuals, communities, businesses, and governments can take.
- E. The NTAS alerts are based on the nature of the threat. In some cases, alerts are sent directly to law enforcement or affected areas of the private sector, while in others, alerts are issued more broadly to the American people through both official and media channels including Facebook and Twitter (@NTASAlerts).
- F. Additionally, NTAS has a “sunset provision,” meaning that individual threat alerts are issued with a specified end date. Alerts may be extended if new information becomes available, or if the threat evolves significantly.

IV. NTAS ALERT NOTIFICATION

- A. The state of Vermont has a Fusion Center, who will notify the VT Agency of Agriculture if the NTAS alert is expected to affect food or agriculture.
- B. Compliance personnel:
 - Ensure that on-call procedures and updated personnel contact information are in place and ready for activation; and
 - Compliance Personnel, while at a facility, to inform the management of the alert.

V. FOOD DEFENSE ACTIVITIES

A. When there are no active NTAS alerts, or when the active alerts do not threaten food or agriculture, compliance personnel are to conduct Food Defense Surveillance Procedures described in Section VII.

B. When there is an NTAS alert with elevated threat to food or agriculture:

1. Compliance personnel are to

- a. perform Food Defense Surveillance Procedures described in Section VII;
- b. be prepared to respond, if needed;
- c. Collection of product samples as needed;
- d. Coordinate with the Vermont Department of Health laboratory for testing of samples, or the Food Emergency Response Network (FERN)

C. When there is an NTAS alert with imminent threat to food or agriculture:

After being notified of an imminent threat to food or agriculture, compliance personnel are to:

1. Conduct procedures listed above under Section V B (NTAS alert with elevated threat to food or agriculture); and
2. Conduct any additional activities as directed through emergency response issuances, or by incident command.

VIII. FOOD DEFENSE PLAN

A. Although not required by statute or regulation, management has been urged at in-commerce facilities to develop functional food defense plans to set out control measures to prevent intentional adulteration of product. These plans are important preparatory measures. The plan should be developed, written, implemented, assessed, and maintained if it is to be functional. The Agency has developed guidance materials to assist in the development and understanding of what constitutes a food defense plan for warehouses and distribution centers. They are available on the FSIS web site at: http://www.fsis.usda.gov/Food_Defense_&_Emergency_Response/Guidance_Materials/index.asp.

- B. Management at in-commerce facilities is not obligated to share a copy of its written plan with Investigators. If the food defense plan is shared, Investigators should only use the plan to help them readily identify how

management has addressed food defense. If management is not implementing elements of its plan, Investigators cannot take action on that fact because there are not requirements for such plans. Investigators are not to show or share the plan with any outside source because it may contain sensitive security information.

- C. A functional FDP has all of the following characteristics:
1. The plan is written;
 2. The plan includes but is not limited to measures that address: outside security (e.g., door locks); inside security (e.g., restricted ingredients are secured); personnel security (e.g., method to identify employees in the facility); and incident response security (e.g., procedures to report unusual activities);
 3. The plan is reviewed annually (i.e., within the prior 12 months) and revised when changes occur in the facility that might affect the vulnerability of product; and
 4. The measures are tested annually (this testing can be as simple as testing locks on doors and conducting a periodic perimeter search).

NOTE: When establishment management develops and implements a new food defense plan, or when management revises an existing food defense plan, Investigators are to reference this under Block 9 of FSIS Form 5420-3 when they re-visit the facility or port-of-entry.

IX. FOOD DEFENSE SURVEILLANCE PROCEDURES

A. Surveillance reviews are conducted in accordance with VT Directive 8010.1, Methodology for Conducting In-Commerce Surveillance Activities, at warehouses, distributors, and other in-commerce facilities to verify that persons and firms, whose business activities involve FSIS-regulated products and VT state regulated product, prepare, store, transport, sell, or offer for sale or transportation such products in compliance with FSIS and VT state statutory and regulatory requirements. These surveillance reviews include procedures for food defense surveillance as well as for food safety and other in-commerce surveillance activities.

B. Compliance Investigators conduct food defense surveillance procedures to identify potential security vulnerabilities at in-commerce facilities that increase the risk of intentionally adulterated meat, poultry, and egg products. A potential vulnerability can be any part of the food continuum system identified at the facility where measures can be taken to protect food products from intentional product tampering and adulteration. Examples of potential vulnerabilities include:

- Unrestricted access to product storage and staging areas;

- Unrestricted to product processing areas;
- Unrestricted access to shipping/receiving areas; or
- Unrestricted access to water systems.

C. When Investigators conduct food defense surveillance procedures, they will:

- Determine whether the facility has a functional food defense plan;
- Determine whether the facility has a means to protect the outer perimeter and outside premises of the facility (e.g., cameras, security guards, lighting, alarm system, and locks);
- Observe and determine whether the facility has:
 - A surveillance system (e.g., cameras, security guards, lighting, and alarm system) to secure the inside premises;
 - Measures in place to ensure that all persons (e.g., employees, contractors, and construction or maintenance personnel) in the facility are authorized, properly identified, and restricted from areas as appropriate;
 - A process for the use of, storage of, and controlled access of hazardous materials in the facility to prevent product adulteration; and
 - A process to protect food or food ingredients, including water used in products prepared by the facility, especially if it is well water.

NOTE: This step is to be taken in facilities that store products only (e.g., distributors and warehouses) and facilities that process products (e.g., retail stores and restaurants).

- Observe and determine whether the facility has:
 - A process that restricts access to the receiving/shipping areas to authorized personnel;
 - A process to verify that incoming/shipped products are consistent with shipping documents;
 - A process to examine all incoming products for indications of apparent tampering or adulteration (e.g., opened or resealed boxes; the presence of an unidentified substance on packaging or product; or questionable products, packaging, or labeling); and
 - A process for maintaining security of products during loading/shipping (e.g., trucks and trailers are locked or sealed while not under the direct supervision of company personnel).
 - Determine whether there are any indications of apparent product tampering or adulteration of products currently held in storage by the facility.
- D. Compliance Investigators will conduct food defense surveillance procedures

when a facility is reviewed for the first time or during a follow-up surveillance review where food defense surveillance procedures were not conducted within the previous 12 months.

X. FOOD DEFENSE SURVEILLANCE PROCEDURE DOCUMENTATION

A. Investigators will conduct the food defense surveillance procedures listed in paragraph VII above and will document the findings on Form MI-C&E-8010.1 Surveillance Record.

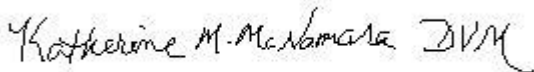
B. If Investigators find food defense vulnerabilities, they are to provide a hard copy of the completed MI-C&E-8010.1 Surveillance Record to the management at the time of the visit or subsequently via regular mail. Investigators also have the option to send a completed digital copy of form MI-C&E -8010.1 via email.

C. Investigators are to document findings on MI-C&E -8010.1 and enter a completed copy of the Form into USA Herds/USA Plants as soon as possible.

XI. ADULTERATED PRODUCT OR POSSIBLE TAMPERING

A. Investigators are to immediately follow the established policy described in VT Directive 8410.1, Detention and Seizure, when they have reason to believe that meat or poultry products in commerce are adulterated, misbranded, or otherwise in violation of the Federal Meat Inspection Act (21 U.S.C. 672), Poultry Products Inspection Act (21 U.S.C. 467a) or the Vermont Meat and Poultry Inspection Laws (6 V.S.A Chapter 204).

B. Investigators are to follow procedures defined in VT Directive 5500.2, Non-Routine Incident Response, when they have evidence or information that indicates that product may have been tampered with or other findings that require completing an NRIR.

Handwritten signature of Katherine M. McNamara in black ink.

Head of Service
VT Meat Inspection Service