

VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS
FOOD SAFETY CONSUMER PROTECTION DIVISION
Meat Inspection Service
MONTPELIER, VT
Chuck Ross, Secretary



MIS DIRECTIVE

Adopted from FSIS Directive 5000.9

5000.9

10/25/11

VERIFYING VIDEO OR OTHER ELECTRONIC MONITORING RECORDS

I. PURPOSE

The purpose of this directive is to provide instructions to inspection program personnel (IPP) when establishments have records created by video or other electronic monitoring or recording equipment. The directive also addresses use of —live feed video in slaughter facilities.

KEY POINTS:

How to review records generated by video equipment or other electronic monitoring equipment

How IPP are to approach live feed video

II. RESERVED

III. RESERVED

IV. REFERENCES

9 CFR Parts 303, 309, 313, 381, 416, 417

FSIS Directive 5000.1 Verifying an Establishment's Food Safety System

FSIS Directive 5420.1 Food Defense Verification Procedures and National Terrorism Advisory System Alert Response for the Office of Field Operations

FSIS Directive 4735.4 Reporting Assault, Harassment, Interference, Intimidation or Threat

FSIS Directive 6100.3 Ante-mortem and Post-mortem Poultry Inspection

FSIS Directive 6910.1 District Veterinary Medical specialist (DVMS) – Work Methods Compliance Guidelines for Use of Video or Other Electronic Monitoring or Recording Equipment

V. BACKGROUND

A. The Food Safety and Inspection Service (FSIS) has issued *Compliance Guidelines for Use of Video or Other Electronic Monitoring or Recording Equipment in Federally Inspected Establishments*. This document provides guidance to industry on the use of video or other electronic monitoring or recording equipment. The equipment may be used for monitoring operations and facilities for various purposes, including, but not limited to, using a systematic approach to ensure that livestock are handled humanely, ensuring that poultry good commercial practices are followed and conducting surveillance of establishment premises pursuant to a voluntary food defense plan. In addition, records from video or other electronic monitoring or recording equipment may be used to meet FSIS record requirements in accordance with 9 CFR 416, 417 and 320.

B. When video or other electronic monitoring or recording equipment is used to provide permanently recorded evidence of, or information about, events in an establishment, an electronic record is created. As with paper records, the electronic records can be used: to establish compliance with regulatory requirements that do not have specific recordkeeping requirements, such as humane handling or good commercial practices in poultry; to establish performance of non-regulatory activities such as surveillance in Food Defense plans; or to provide a designated record to meet Hazard Analysis and Critical Control Point (HACCP) or Sanitation Standard Operating Procedures (Sanitation SOPs) or other prerequisite program recordkeeping requirements. Records that are not designated for HACCP plans, Sanitation SOPs or other prerequisite programs may not be subject to the 9 CFR Parts 416 or 417 recordkeeping requirements. However, even when records are not referenced in a HACCP plan or are considered as separate activities, they can have an impact on the establishment's hazard analysis. When they do, the records are subject to the 9 CFR Parts 416 or 417 recordkeeping requirements.

VI. IPP VERIFICATION OF VIDEO OR OTHER ELECTRONIC MONITORING OR RECORDING RECORDS

NOTE: Electronic records are treated the same as paper and handwritten records and are subject to the same statutory and regulatory requirements.

NOTE: In this section, records created by video or other electronic monitoring or recording equipment are referred to as —video records.¶

A. IPP are to become aware of whether and for what purpose the establishment is using records created by video by asking the following questions:

1. Does the establishment use records created from video in its HACCP plan or Sanitation SOP or other prerequisite programs?

2. Does the establishment use records created by video in a written plan or systematic approach to ensure that it complies with humane handling or good commercial practice requirements of 9 CFR 303, 313 and 381.65(b)?

3. Does the establishment use records created by video equipment in its Food Defense plans or other non-regulatory activity?

4. At what points in the process are records created by video?

5. Does the establishment react to what it finds in the records created by video as described in its written program (if applicable)?

B. Use of video records in conjunction with HACCP plans or Sanitation SOPs or other prerequisite programs.

1. If the video records are used to meet the requirements in 9 CFR 417.2, 417.4, or 417.5 (HACCP) or in 9 CFR 416.16 (Sanitation SOPs), IPP are to verify compliance with the recordkeeping requirements as set out in FSIS Directive 5000.1, Chapter II - Sanitation and Chapter III - HACCP, and, when necessary, are to take the enforcement actions as set out in FSIS Directive 5000.1, Chapter V- Documentation and Enforcement.

2. If a record created by video is generated in addition to a monitoring or verification record that is in a paper format, IPP are to ask whether the establishment plans to use the video or other electronic monitoring record alone, or both records to meet regulatory requirements.

C. Use of video records for humane handling or good commercial practices.

1. If establishments are using their own or a third party auditor's records created by video as part of their humane handling or good commercial practices systematic approach, Asst. State Veterinarian or designee are to review a representative sample of the video or other electronic monitoring records that the establishment has made available to them when conducting reviews of an establishment's humane handling or good commercial practices. They are to follow the instructions in FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) – Work Methods, in performing their assessment.

2. IPP are to review humane handling or good commercial practices records created by video and made available by the establishment management to gather additional information to help determine whether the establishment is meeting 9 CFR 309, 313, or 381.65(b) requirements in accordance with FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, or 6100.3 Ante-mortem and Post-mortem Poultry Inspection.

NOTE: FSIS does not perform antemortem inspection by observing records created by video.

D. Use of records created by video in Food Defense Plans

1. If establishments use records created by video as part of their Food Defense Plans, and IPP have food safety concerns related to a food defense issue, IPP may request access to all applicable establishment records including records created by video.

2. For example, if potential product tampering has been detected, in the course of investigating, IPP may request access to video records that are related to the establishment's Food Defense plan. IPP are to follow the instructions in FSIS Directive 5420.1, Homeland Security Threat Condition Response—Risk-based Food Defense Verification Procedures.

VII. USE OF “LIVE FEED VIDEO”

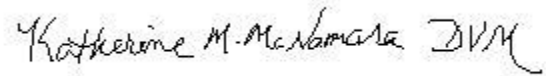
A. Some meat or poultry establishments may monitor or verify humane handling activities or good commercial practices in real time by viewing —live feed video (i.e., one that does not have a recording component to create a record). IPP are not to perform humane handling and good commercial practices verifications by observing —live feed video since this equipment does not create a record.

B. On the rare occasion when IPP happen to observe an event that appears non-compliant on an establishment's live feed video monitor, they are to go directly to the location in the establishment where the event is occurring. If the event is still occurring IPP are to take appropriate action to stop the event. IPP are to appropriately document all actions and observations, including observation of the event on the live feed monitor, even when the event is no longer occurring, according to instructions in FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock and FSIS Directive 6100.3, Antemortem and Post-mortem Poultry Inspection.

VIII. SUPERVISORY RESPONSIBILITIES

A. Supervisors are to ensure that establishments do not use video or other electronic monitoring or recording equipment in a manner to harass, intimidate, or interfere with FSIS IPP in the performance of their duties. For example, if the establishment video camera is permanently focused on the door to the inspection office, recording the comings and goings of IPP, then this situation may constitute harassment or intimidation. Another example is if the establishment's video camera constantly moves along the evisceration line, and specifically focuses on the line inspector. This practice may not constitute harassment or intimidation, if the inspector is not being specifically tracked by the camera but is appearing periodically on the recording because he/she is part of the work area.

B. If IPP believe that the establishment is focusing on them in a manner that is intended to harass, intimidate, or interfere with their performance of their duties, they are to follow procedures in FSIS Directive 4735.4, Reporting Assault, Harassment, Interference, Intimidation or Threat.

A handwritten signature in black ink that reads "Katherine M. McNamara DVM". The signature is written in a cursive style.

Head of Service
VT Meat Inspection Service