

**VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS**  
**FOOD SAFETY CONSUMER PROTECTION DIVISION**  
**Meat Inspection Service**  
MONTPELIER, VT  
Ansons Tebbetts, Secretary



# MIS DIRECTIVE

5730.1 Revision 1	10/01/23
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## RESPONSIBILITIES IN DUAL JURISDICTION ESTABLISHMENTS

### I. PURPOSE

This directive provides instruction to VAAFM inspection program personnel (IPP) about their roles and responsibilities regarding inspection, verification, documentation of findings, reporting and enforcement actions in establishments that operate under the jurisdiction of both VAAFM and the Vermont Department of Health (VDH) on behalf of the U.S. Food and Drug Administration (FDA), (i.e., a dual jurisdiction establishment (DJE)).

- *Updates situations where VAAFM will share information with VDH according to the MOU.*
- *Establishments that harvest amenable cells for cell-cultured meat and poultry food products will be under the jurisdiction of USDA FSIS*
- *The VAAFM Meat Inspection Section is small enough that we do not need a Liaison to VDH*

### II. CANCELLATION

FSIS Directive 5730.1, *Responsibilities in Dual Jurisdiction Establishments*, 06/28/2005.

### III. BACKGROUND

A. DJEs, as addressed in this directive, are those establishments subject to the jurisdiction of both VDH and VAAFM. This includes establishments that produce and ship products regulated by FDA as well as products regulated by VAAFM. For example, the establishment produces and ships both a cooked bean chili and a beef chili or a spaghetti sauce with meat and a spaghetti sauce without meat.

**NOTE:** An VAAFM-regulated establishment that only manufactures meat and poultry products that incorporate FDA-regulated ingredients produced at another establishment is not a DJE.

B. In an effort to increase cooperation among agencies responsible for food safety, VAAFM and VDH will exchange information relevant to the other Agency's inspection of establishments under dual jurisdiction. This exchange of information will permit more efficient use of resources and will contribute to improved public health protection. VAAFM and VDH agreed to communicate at the office level about findings of hazardous, contaminated, or misbranded foods, processes that may result in contamination, recalls, or evidence of tampering in DJEs, and awareness of whole genome sequencing (WGS) information indicating positive results in the DJEs.

C. VDH and VAAFM agreed to share test results in DJEs, which may provide information about sanitary conditions in those establishments or indicate serious adverse health consequences of products under either Agency's jurisdiction. For example, the Agencies will share WGS results from DJEs according to the agreed upon standard operating procedures.

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D. VAAFM will notify VDH when it intends to withhold, suspend, or withdraw inspection from a DJE.

E. VDH will notify VAAFM when:

1. Any processing condition is observed in a DJE that could render foods bearing a Vermont mark of inspection adulterated or misbranded; or
2. VDH plans to conduct an inspection of a DJE where physical inspection presence is not continuous, e.g., a patrol assignment, or a VAAFM establishment that does not produce VAAFM inspected product every day, during VAAFM inspection coverage.

#### **IV. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES**

A. VAAFM IPP are to focus inspection on the VAAFM-regulated products. IPP are not to routinely enter or inspect an area of the establishment where nothing subject to VAAFM jurisdiction and inspection occurs. In official meat and poultry establishments, the extent of the official premises is defined in the grant of inspection. IPP are to limit their verification to these areas.

B. If conditions in the area of the establishment that is only under VDH's jurisdiction may lead to, or are creating, insanitary conditions or product adulteration in the VAAFM inspected areas of the establishment as described in [9 CFR 416.2](#), *Establishment grounds and facilities*, IPP are to:

1. Take the appropriate action with respect to VAAFM-regulated products as set forth in VT Directive 5000.1, *Verifying an Establishment's Food Safety System*, Chapter II, Sanitation and Chapter V, Documentation and Enforcement; and
2. Notify the Chief of the situation through supervisory channels.

C. If the production of VDH products and VAAFM products is separated by time, IPP are to verify the Sanitation Performance Standards (SPS), Sanitation Standard Operating Procedures (Sanitation SOPs), and Hazard Analysis and Critical Control Point (HACCP) requirements by following the instructions in VT Directive 5000.1, when the establishment starts its operation under jurisdiction.

D. IPP are not to take any regulatory control action or other administrative enforcement action against the VDH-regulated products or the production of the VDH products.

E. IPP are to request instructions from their supervisor when VDH investigators invite VAAFM IPP to accompany the VDH investigator prior to inspecting a DJE.

F. IPP are to communicate through the supervisory chain of command when they are contacted by VDH or when they are made aware of VDH involvement in the establishment.

## V. OFFICE RESPONSIBILITIES

A. VAAFM will report to the VDH Chief of Food and Lodging, the following situations in a DJE:

1. The finding of foods involved in outbreaks of foodborne illness, injuries, or adverse health consequences;
2. The finding of adulterated or misbranded foods such that there is a reasonable probability that the use of or exposure to such products will cause serious adverse health consequences;
3. A processing condition or failure that is likely to result in food contamination leading to outbreaks of foodborne illness or serious adverse health consequences;
4. Significant findings in the facility of insanitary conditions such as rodent infestation;
5. Any positive microbiological or other sampling project results. These results are to include microbial characteristics (e.g., serotype, whole genome sequence, antimicrobial resistance profile) where applicable, and other information related to categorizing and tracking pathogens, such as findings of harborage or cross-contamination from *Listeria* WGS reports;
6. All for-cause sampling results, including both positive and negative results;
7. The initiation of a recall;
8. Reports of tampering or threats of tampering;
9. A food handler diagnosed as having a communicable disease that is likely to result in food contamination or outbreaks of foodborne illness (e.g., hepatitis);
10. Convictions of a DJE, or any officer or key employee of a DJE, for any felony or more than one misdemeanor involving the DJE or any food prepared or packed in the DJE; or
11. VAAFM has acted to withhold the mark of inspection or to suspend or withdraw the grant of inspection.

B. AAFM will direct IPP to conduct appropriate follow-up verification or investigation activities when VDH notifies VAAFM about the following situations:

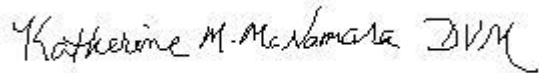
1. Any processing condition is observed in a DJE that could render foods bearing a VAAFM mark of inspection adulterated or misbranded;
2. VDH plans to conduct an inspection of a DJE where physical inspection presence is not continuous, e.g., a patrol assignment, or an VAAFM establishment that does not produce VAAFM inspected product every day, during VAAFM inspection coverage; or
3. VDH shares sampling information that there are matching *Listeria monocytogenes* isolates found

over time in a DJE, which may or may not match *Listeria monocytogenes* isolates collected by VAAFMM.

C. The FSSIV Supervisor is to schedule a for-cause public health risk evaluation (PHRE) as directed in [FSIS Directive 5100.4](#), *Public Health Risk Evaluation Methodology*, when VDH testing results in a DJE indicates a potential food safety concern that could impact the VAAFMM production. During the PHRE, the Enforcement, Investigation, and Analysis Officers are to consider whether the VDH test results are from areas of the establishment where the FSIS product could become contaminated.

## VI. QUESTIONS

Refer questions through supervisory channels.

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

Katherine M. McNamara, DVM  
Assistant State Veterinarian  
Meat Inspection Service