

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



MIS DIRECTIVE

8000

10/01/22

PROTOCOL FOR RECEIVING CONSUMER AND OTHER COMPLAINTS

CHAPTER I – GENERAL INFORMATION

I. PURPOSE

- a. A consumer complaint is initiated by a consumer or his or her representative and can involve reports of illness, foreign objects, an allergic reaction injury, mislabeling, off-quality, and economic adulteration pertaining to meat or poultry products. This includes consumer complaints reported to VAAFMM by VDH or a Federal agency, such as The USDA Food Safety Inspection Service (FSIS) or the Food and Drug Administration (FDA).
- b. This document outlines important guidelines and provides additional information to employees answering the phones within the Division. It is expected that these guidelines will be followed any time a call is received from a person who is lodging a complaint against an individual, farm or business.

CHAPTER II – RECEIVING CONSUMER COMPLAINTS

I. Background

- a. While no two calls are the same, some general guidelines apply when talking to, and taking initial information from, a member of the public who has concerns about activities or conditions that he or she has observed that fall under the FSCP Division's scope of authority.
- b. It is important to follow these guidelines because it is impossible to confidently determine during the initial phone contact what the outcome of the "case" may be, and the initial phone call might be the only opportunity to obtain critical information necessary for appropriate and timely follow up by compliance officers or inspectors.
- c. Additionally, ensuring that the Agency has the ability to accurately document the number of calls received and the outcomes of those calls in various categories is important for multiple reasons.
- d. Finally, upon subsequent evaluation by an inspector or compliance officer, he or she may be deem it necessary to refer the call to another state or federal agency or municipality; complete information from the caller is a mandatory prerequisite for seamless referral. Any Agency employee who receives a call from a citizen who is reporting a questionable or illegal activity or situation and who expects follow up from the FSCP Division should consider themselves the first point of

DISTRIBUTION: Electronic

SUBJECT:

contact on behalf of the Agency in a “case” that could result in administrative, criminal or other enforcement action.

II. Process

- a. All employees who are receiving and routing calls that document a complaint against an individual, farm or business must complete the Consumer Concern Intake form (Form), either electronically or by hand.
 - i. Regardless of the method used, a copy of the completed form must be retained at the Montpelier office in a manner that is easily searchable.
 - ii. The original of the completed form may be emailed to the section chief, inspector or compliance officer who the call is routed to in order to provide him or her with necessary information about the case.
- b. Some callers may not know or be willing to share necessary information.
 - i. In these instances, employees should complete as much of the Form as possible and still route it to the appropriate co-worker for follow up.
 - ii. The call taker must inform the caller that follow up by FSCP may not be possible if critical information such as the alleged violator’s name or physical address/specific directions to property are lacking. It is not a good use of resources for inspectors/compliance officers to follow up on calls based only on an alleged violator’s name or town of residence.
- c. Some callers may want to remain anonymous. The employee taking the call should not proactively offer this option, but if the caller brings up the subject, the employee taking the call must tell the caller the following:
 - i. Refer the caller to the website
<https://agriculture.vermont.gov/submit-complaint>
to log the complaint if possible.
 - ii. Anonymous complaints are a lower priority for FSCP follow up because often times the inspector/compliance officer needs additional information from the caller in order to effectively follow up on the case. This is impossible to obtain if the Agency does not have a full set of personal ID and contact information from the caller.
 - iii. Any caller who offers his/her name and then asks to remain anonymous must be told that his or her name may have to be released by the Agency if the “case” results in legal action and records are subpoenaed.
 - iv. Any caller who is unwilling to divulge complete personal ID and contact information will not be called back by the inspector/compliance officer with an update on the case.
- d. Complaints regarding concerning activities or situations through second or third hand information.
 - i. The Agency employee taking the call must inform them that the individual who witnessed or has first-hand information about the situation should call the Agency instead. If the caller insists that this is not possible, then the Agency employee taking the call should complete and route the FORM and must inform the caller of the following:
 - ii. Complaints based on second or third hand information are a lower priority for FSCP follow up because often the inspector/compliance officer needs additional information from the witness in order to effectively follow up on the case. This is impossible to obtain if the Agency does not have a full set of personal ID and contact information for the witness.

CHAPTER III – ROUTING CONSUMER COMPLAINTS

I. Section Specific Routing Guidelines

- a. Calls coming into the office should be routed to the appropriate person the same day they are received.
- b. If the person to whom the call should be routed is out of the office on leave or for other reasons, the call information should not be left in the office voice mailbox. Instead, it should be routed via email or by calling the employee's cell phone.
- c. Meat Inspection
 1. Calls of concern that come into the office that pertain to Meat Inspection should be routed by to the Compliance Officer, preferably via email (with electronic or scanned copy of the completed intake form attached) or by phone.
 2. If the compliance officer is not available for a day or longer, information from the call should be routed to the Compliance Investigator via email (with electronic or scanned copy of the completed intake form attached) or phone.

II. Documenting the Consumer Complaint

- a. The first step in responding to a consumer complaint is to determine whether the issue meets the definition of a “consumer complaint” appropriate for the meat inspection section.
 1. If the complaint does not involve a meat or poultry product, it will be forwarded to the appropriate Department or Agency with jurisdiction.
 2. If a complaint regarding meat or poultry product **involves an illness, the caller should be directed to VDH foodborne epidemiologist in Infectious Disease Epidemiology at (800) 640-4374 or (802) 863-7240.**
 3. If the complaint involves FSIS regulated product, the Compliance officer will coordinate with the local CID supervisory investigator.
 4. If the complaint involves a restaurant or product regulated by the Vermont Department of Health Food and Lodging Division, it will be forwarded to ahs.vdhfoodandlodging@vermont.gov
 5. **FDA:** To report adverse reactions or other problems with FDA-regulated products, refer consumers to contact the Consumer Complaint Hotline for the FDA New England District Office at 1-800-891-8295.
 6. **USDA:** To report problems with USDA-regulated Meat, Poultry and Processed Egg Products, consumers can call the toll-free USDA Meat and Poultry Hotline at 1-888-MPHotline (1-888-674-6854) or report the complaint online: <https://ccms.fsis.usda.gov/>
- b. If a complaint meets the definition of a consumer complaint for meat inspection. the Compliance Officer will enter the information into the Consumer Complaint section of the Compliance Activity Log located on the MIS SharePoint and will follow up on the complaint.

III. COMPLAINT EVALUATION AND FOLLOW-UP

a. The Compliance Officer is to evaluate the complaint and accompanying information to identify any trends and similar cases.

1. Review complaint details and assess severity (i.e., lab-confirmed illness, death, or injury);
2. Conduct a historical case search in last year's Consumer Complaint Section of the Compliance Activity Log to evaluate against the known product brand, complaint type and establishment number;
3. The Compliance Officer may conduct follow-up interviews with the consumer, representatives of the consumer or a representative at the point-of-purchase if:
 - a. The case is missing pertinent information and more specific details, such as medical diagnosis, are required to fully assess the severity of the complaint;
 - b. Special risk populations such as young children, elderly or prisoners, are involved;
 - c. There is an indication that the complaint may involve a potential widespread, non-isolated problem evidenced by laboratory confirmed illnesses or multiple similar complaints;
 - d. There is an indication that the complaint is related to a recent recall or outbreak investigation; or
 - e. A death has been reported.
4. At the close of the interview, the Compliance Officer may advise the consumer to keep the complaint evidence, including remaining food products and packaging, in the freezer for a minimum of two weeks. This allows FSIS time to evaluate the case and determine the appropriate response, which may result in an investigation requiring that the evidence, product, and packaging be sent to a laboratory for further analysis.

IV. POSSIBLE OUTCOMES AFTER EVALUATION

1. The Compliance Officer will close a case if they determine that there is insufficient information, or the complaint is isolated and there is no public health concern that warrants an investigation or further action by VAAF. When a case is closed without additional follow-up, the Compliance officer will:

- a. Document on the Log the reason that additional action was not necessary;
- b. If the Consumer requested follow-up, send a letter to the consumer's e-mail or physical address informing the consumer of the final outcome of the complaint, or speak directly with the consumer.

2. The Compliance Officer or Compliance Investigator, will be assigned the case for investigation.

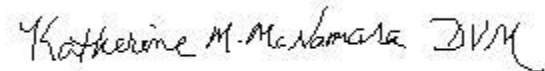
V. INVESTIGATION

1. When a consumer complaint is assigned for investigation the Compliance Officer or Compliance Investigator will initiate an investigation in accordance with VT Directive 8010.2 and Collect Evidence in accordance with VT Directive 8010.3 3.

VI. CONCLUSION

1. Based on the outcome of the investigation, the Compliance Investigator, in consultation with the Head of Service, makes a final determination on needed follow-up, recommendations, or case closure.
2. MI-C&E-34E Consumer Complaint information form will be documented by the Compliance Officer and saved in the consumer complaint folder on the S-drive.

Questions can be referred to the meat inspection office at 802-828-2426.

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