



INQUIRY

Tyson Fresh Meats, Inc., Establishment 245L
Export of Ineligible Beef to Japan

March 20, 2007

EXECUTIVE SUMMARY

A shipment from Tyson Fresh Meats, Inc., Establishment 245L, 1500 Plum Creek Parkway, Lexington, Nebraska to Japan included two boxes of ineligible boneless beef short-ribs that were not listed on the export certificate and were not on Tyson's approved list of products for export to Japan. An investigation by USDA noted that the product was not from cattle verified as 20 months of age or younger. USDA also agrees with Tyson that this was an isolated incident and that the root cause was plant-specific employee error that allowed establishment shipping personnel to override an error detected by the product scanner.

As corrective actions, all employees responsible for verifying the acceptability of product codes for export to Japan have been counseled and retrained by Tysons. Additional corrective actions include: product codes as eligible for Japan will be verified by an additional person, for a total of three people, and software updates to stop operations if an error is detected will be installed on scanners for the pallet loading process and at the point of loading. The software changes will also be made at all other Tyson plants.

USDA will not certify exports to Japan from Establishment 245L until plant management has completed appropriate training and implementation of the additional management controls.

PURPOSE

The United States Department of Agriculture (USDA) has conducted an inquiry into the operations of Tyson Fresh Meats, Inc., Establishment 245L, 1500 Plum Creek Parkway, Lexington, Nebraska, in order to assess events surrounding its inclusion in a shipment to Japan of two boxes of ineligible boneless beef short-ribs that were not listed on the export certificate and were not on Tyson's approved list of products for export to Japan.

BACKGROUND

The export of U.S. meat products to other countries is facilitated by the activities of three separate but interdependent entities:

- 1) the U.S. meat and poultry industry,
- 2) USDA's Food Safety and Inspection Service (FSIS), and
- 3) USDA's Agricultural Marketing Service (AMS).

The U.S. meat industry is responsible for the slaughter of healthy animals and preparation of food products that are wholesome, properly labeled, and not adulterated. In addition to meeting U.S. food safety standards, the industry must meet all requirements imposed by importing countries. Both U.S. food safety requirements and the trade requirements of importing countries must be met before a product can be certified by USDA for export from the United States.

FSIS is responsible for the inspection of meat and poultry products and the certification of products for export to other countries. FSIS Directive 9000.1, Revision 1, "Export Certification," published March 1, 2006, provides an in-depth description of these responsibilities. The primary regulatory role of FSIS is to make critical determinations that meat and poultry products are not adulterated and meet all U.S. food safety standards for sale in domestic or international commerce. This regulatory activity is complete when FSIS applies the USDA mark of inspection. However, additional verifications are necessary after inspection is complete in order for FSIS officials to execute certifications of product for export.

AMS is responsible for developing Export Verification (EV) Program standards to ensure that establishments certified for export can meet the additional requirements of importing countries. These programs are approved and monitored by AMS for a fee, which is paid by participating establishments.

The combination of a USDA mark of inspection and an AMS EV Program provide assurance that U.S. meat and poultry products offered for export may be certified as meeting all U.S. food safety standards and importing country trade requirements.

RESULTS OF INQUIRY

USDA conducted an inquiry to determine whether the procedures and actions of Tyson Fresh Meats Inc., Establishment 245L, 1500 Plum Creek Parkway, Lexington, Nebraska, complied with U.S. export certification requirements and the import requirements of Japan. The inquiry used a combination of audit and investigative techniques. A three-person team conducted the inquiry, which included a 2-day visit to the establishment. Prior to going on-site, the team retrieved available plant records and FSIS export records. The team then began establishing a timeline and sequencing events, and performed a data analysis and document review.

The on-site portion involved additional data collection and analysis of operational information/procedures, interviews with Tyson and FSIS employees, observing the plant's layout, production workflow, and process controls. The team also examined the receiving, processing and shipping records, and used checklists developed from FSIS directives, notices, and AMS EV requirements in order to determine Agency policy and procedures were followed.

Results are as follows:

1. Inclusion of ineligible beef products

- An establishment employee was responsible for scanning all boxes of product to ensure they were coded for export to Japan.
- Employee operating the scanner received an error message identifying two boxes as product not eligible for export to Japan.
- Label codes demonstrate the product was not from cattle verified as 20 months of age or younger.
- Employee overrode the scanning system in order to assign a correct box count to the pallet.
- Two other establishment employees signed verification documents attesting that all boxes on the pallet—including the two with ineligible product—met USDA requirements for export to Japan.

2. Product traceability

- USDA trace-back analysis confirmed all boxes in the shipment—with exception of the two ineligible boxes—were conforming product and were verified during the export approval process.
- Tyson Fresh Meats, Inc. Establishment 245L management controls during staging and shipping failed to prevent inclusion of nonconforming boxed product in a shipment of products otherwise eligible for export to Japan.

CORRECTIVE ACTIONS

Tyson Fresh Meats, Inc., Establishment 245L, has proposed the following actions to correct conditions that caused or contributed to the export of ineligible product to Japan.

- Tyson has identified the root cause of its shipping mistake as human error that resulted in scanner system override.
- New management controls have been developed and have been or will be implemented in three phases.
 - **Phase 1:**

- All employees responsible for verifying the acceptability of product codes for export to Japan have been counseled and retrained.
 - If a scanner error message occurs during pallet loading, the person scanning the boxes will re-check every box on that pallet and correct the problem so that mixed product code pallets do not enter into the storage facility.
 - At the point of loading, a secondary change will be implemented that will require every box be *individually scanned again* prior to shipment. If a non-approved product is scanned, an error message will be generated and the problem will be corrected.
 - Phase 1 has been implemented.
 - **Phase 2:**
 - A scanner software update is being implemented for the pallet loading process that will stop operations if an error is detected and require management action to put the equipment back into service.
 - The pallet loading scanner software update will be implemented in all Tyson plants.
 - Phase 2 has been implemented.
 - **Phase 3:**
 - A second scanner software update is being implemented at the point of loading that also will stop operations if an error is detected and require management action to put the equipment back into service.
 - The point of loading scanner software update will be implemented in all Tyson plants.
 - Phase 3 will be implemented in April 2007.
- The Export Product Sign-Off form has been modified and improved to more clearly specify labeling and product code requirements for Japan.
 - Additional verifications will be conducted by establishment employees who are independent of the loading department.
 - All boxes staged for export to Japan will be inspected by Tyson prior to loading to verify product codes are correct.
 - Product codes will be verified by an additional person, for a total of three people: the Loading Dock Lead person or designee, the Loading Dock Supervisor, and by an independent Quality Assurance employee or a trained designee.

CONCLUSIONS

USDA conclusions from this inquiry are as follows:

- The two boxes of ineligible boneless beef short-ribs were not intended for export to Japan and did not comply with Japan's current import requirements as defined in the Export Verification Program for Japan.
- The ineligible product was inspected and passed by USDA for human consumption and was at the time of export a safe and wholesome product fit for consumption in the United States and eligible for export to most international markets.
- All other boxes in the shipment contained meat that meet the Specified Product Requirements under the EV Program for beef to Japan, including being from age-verified animals.
- USDA agrees with Tyson that the root cause for inclusion of ineligible product in an export shipment to Japan was plant-specific employee error that allowed establishment shipping personnel to override an error detected by the product scanner.
- USDA has no evidence that this error has occurred in other Tyson establishments.
- USDA has reviewed the corrective actions regarding training and management controls planned by Tyson Fresh Meats, Inc., Establishment 245L, in order to address and resolve the root cause of their shipping mistake.
- Consequently, USDA is not certifying exports to Japan from Establishment 245L.
- USDA is prepared to resume the certification of products for export to Japan from Establishment 245L upon completion of appropriate training and implementation of phase 3 of the specified management controls, which is expected to be completed in April 2007.