

FSIS DIRECTIVE

9000.1,
Revision 1

3/1/06

EXPORT CERTIFICATION

I. PURPOSE

The export certification process serves to instill confidence in United States (U.S.) meat and poultry products throughout the world. Therefore, the Food Safety and Inspection Service (FSIS) must continue to ensure a high level of integrity, security, and accuracy within the process. This directive provides a clear set of standards for District Offices (DO) and inspection program personnel to follow. This directive clarifies the process if an FSIS certifying official feels that he or she is unable to sign an export certificate; makes clear that a facsimile of FSIS Form 9060-6, Application for Export Certificate, may be used to provide the information requested in that form; clarifies the purpose of the Export Library; and clarifies other aspects of the directive.

II. CANCELLATION

FSIS Directive 9000.1, dated 9/9/99

III. REASON FOR REISSUANCE

FSIS is reissuing this directive in its entirety to clarify Agency policy regarding the export certification process.

IV. REFERENCES

21 U.S.C. 616

9 CFR 156, 307.4(c), 312.8, 316.5, 317.1, 317.7, 318.2, 322.1, 322.2, 322.4, 325.8, 325.13, 350, 351, 354, 355, 362, 381.37(c), 381.66, 381.104, 381.105-107, 381.128, 381.193

FSIS Directives 5110.1, Revision 1 and 9040.1, Revision 3

V. BACKGROUND

A. As specified in FSIS regulations, upon application by an exporter (applicant), an FSIS inspection program employee is authorized to issue official export certificates for the shipment of inspected and passed products to any foreign country. The applicant provides a completed FSIS Form 9060-6 to an inspection program employee. An inspection program employee may sign the application and

issue (but not sign) an export certificate (FSIS Form 9060-5, Meat and Poultry Export Certificate of Wholesomeness) and export stamp, only after he or she has:

1. verified that the information on the application is correct, and the applicant has signed the application attesting to the accuracy of the information;

2. verified that the country requirements as specified in the Export Library have been met; and

3. re-inspected the product as set out in Part VII of this directive and has no reason to conclude that the product has become adulterated or unwholesome, or that the product is mislabeled or ineligible for export to the country listed on the application.

The inspection program employee should request from the exporter any documentation needed. (See paragraph VII. of this directive for more specific direction.)

B. After receiving a completed export certificate from an exporter, an FSIS certifying official (inspection program employee that signs the certificate) verifies the information by comparing the information on the certificate to the information on the certified (signed) application. The statement on the export certificate is a certification that may be based on information provided to the certifying official, and he or she need not have been directly associated with the inspection of the product. If further clarification is needed, the certifying official will request additional information or documentation from the inspection program employee who signed the application or from the exporter. Once the certifying official is assured that all information is accurate, he or she is to sign the export certificate. If a certifying official refuses to sign a certificate, he or she should have good and sufficient reasons (e.g., the documents are incomplete, or he or she cannot verify, based on the information provided, that the product meets the export requirements). The certifying official should document the reasons for his or her refusal to sign and notify the exporter. The exporter may correct the reasons identified by the certifying official, or forward a copy of the export documentation to the next-line supervisor (See paragraph VII. of this directive for more specific direction.)

C. If a certifying official refuses to sign a certificate, his or her refusal and the reasons for doing so will be reviewed by the next-line supervisor. Based on the review, the next-line supervisor will take one of the following actions:

1. uphold the refusal of the certifying official to sign the export certificate on the grounds that the information presented by the exporter is not adequate to justify signing the certificate; or

2. decide, based on his or her review of the record, that the signature is justified and sign the certificate. If a Public Health Veterinarian (PHV) signature is required, the next-line supervisor would forward, if necessary, to the appropriate DO personnel the findings with a recommendation that the certificate and other export documents be signed.

D. If the Front-line Supervisor signs the export certificate and determines that the certifying official's refusal to sign the export certificate was not based on good and sufficient reasons as outlined in Section B above (e.g., the documents are incomplete, or he or she cannot verify requirements), the Front-line Supervisor documents the incident and forwards a report to the DO. The DO will review the information from the Front-line Supervisor and make a decision whether or not to forward the information to the Labor and Employee Relations Division, Employee Relations Branch, for determination of appropriate administrative action, including disciplinary or adverse action.

E. When export certification services are performed in an official establishments, the issuance of export certificates that are required by 9 CFR Part 322 and 381.104 through 381.111 are not reimbursable services. Only the execution of certifications that are in addition to FSIS regulatory requirements, e.g., additional certifications that are required by the importing country, and the transferring of products for export as described in 9 CFR 322.3, are considered reimbursable services. When export certifications services are performed at non-official establishments, the services are reimbursable and charged as set out in FSIS Directive 5110.1.

VI. EXPORT LIBRARY

A. The Export Library contains the requirements that have been officially communicated to FSIS by the country to which the product is to be exported. It should be used to determine the eligibility of shipments for export and includes information such as:

1. certificate requirements
2. eligible and ineligible products
3. facility requirements
4. labeling requirements
5. edible and inedible products
6. plant requirements to become eligible to export
7. PHV signature requirements, if any
8. animal health requirements
9. list of plants eligible to export

10. export notices

11. Frequently Asked Questions

B. Ways to access information from the Export Library:

1. on the internet at:

www.fsis.usda.gov/Regulations&Policies/Export_Information/index.asp

2. Outlook: Public Folders/All Public Folders/Export Library

3. The FSIS Technical Service Center (TSC) at 1-800-233-3935 or 402-221-7400

C. For information regarding animal health status and certification:

1. consult the Export Library;

2. consult the TSC at the above numbers; and

3. after consulting the Export Library and the TSC, if specific questions remain regarding the status of a particular disease within a state, consult the Animal and Plant Health Inspection Service (APHIS) Area Veterinarian in Charge (AVIC) for that state. A list of AVIC's is available on the APHIS website at:

<http://www.aphis.usda.gov/vs/areaoffices.htm>

VII. APPLICATION FOR EXPORT CERTIFICATE

A. Upon receiving an application for export, an inspection program employee reviews the application to verify that it is complete and that all pertinent information is included.

B. An inspection program employee reviews the application to verify that the requirements of the receiving country have been met. The inspection program employee verifies statements on the application, when necessary, by requesting appropriate documentation from the applicant. The inspection program employee should inform the applicant that the process may be expedited if he or she provides the necessary documents (e.g., Export Verification record eligibility information), along with the application.

1. If the inspection program employee has concerns as to whether each product listed on the application is eligible for export to the country listed on the application, he or she is to:

- a. raise such concerns with exporter;
- b. document a memorandum of interview addressing what was discussed, and whether the concerns were adequately addressed; and
- c. provide a copy of the memorandum to the applicant and maintain a copy in the inspection files.

C. An inspection program employee performs a sensory evaluation of the product to determine its eligibility for export. The inspection program employee should be particularly alert for signs that product is or may become adulterated or unwholesome (e.g., off-condition odor, torn, damp cartons, or other evidence of insanitary handling or storage).

1. If the inspection program employee finds signs of poor product handling and storage, he or she may examine the product as set out in FSIS Directive 9040.1, Revision 3, Re-inspection of Product Intended for Export, and take any necessary actions when the product may be adulterated as provided in FSIS Directive 5000.1 (at official establishments (e.g., regulatory control actions or issuance of Non-Compliance Records (NRs)) or FSIS Directive 8410.1 (at non-official establishments (e.g., detaining products)).

2. Also, if an inspection program employee has reason to question whether the products are properly identified and labeled to meet FSIS regulatory requirements and the requirements of the importing country, he or she may examine the product as set out in FSIS Directive 9040.1, Revision 3, and:

a. when the product is not properly labeled or misbranded, take the appropriate action as provided in 9 CFR part 500 and FSIS Directive 5400.5, (at official establishments issuing NRs, taking regulatory control action) or FSIS Directive 8410.1 (at non-official establishments); or

b. when the product in the container or the labeling of the product does not meet the requirements of the importing country, raise the concern with the applicant and prepare a memorandum of interview as described in paragraph VII. B. 1. b. and c. above.

D. An inspection program employee verifies that the foreign language sticker, if required, shows no wording other than that shown on the approved label.

NOTE: The inspection program employee also verifies that any required letter of guarantee from the exporter supplying the foreign language sticker, which certifies that the sticker is an accurate translation of the wording on the approved label, is included.

E. After the inspection program employee completes A. through D. above, and everything is acceptable, he or she:

1. signs the application;
2. retains a copy of the application and any accompanying documents for filing;
3. returns the originals to the applicant;
4. provides the export certificate for completion by the exporter and issues the export stamp;
5. permits the establishment to stamp product; and
6. secures the stamp after the establishment finishes stamping the product.

F. An inspection program employee may permit an establishment to stamp boxes and complete the export certificate when he or she is not present (pre-stamp). However, the inspection program employee should verify that the establishment can ensure the stamp will be applied in a clear and legible manner only to boxes that are in sound condition before presenting the stamp to be used. An inspection program employee performs re-inspection as specified in paragraph VII. C. anytime he or she determines that it is necessary.

NOTE: An inspection program employee may allow an establishment to use a computer generated export stamp (sticker) as long as the establishment identifies the number of stickers produced before applying them to product and provides the inspection program employee with any unused stickers.

G. On the day inspection program personnel perform the procedures above at official establishments, they are to record Inspection System Procedure code 06A01 as performed. Inspection program personnel only record the procedure as performed once in a day and not for each application received. At a non-official establishment, inspection program personnel charge for the service as set out in FSIS Directive 5110.1.

VIII. EXPORT CERTIFICATES

A. The certifying official receives the appropriate completed export certificate (FSIS Form 9060-5), other certificates as required by the importing country (see paragraph X.), letterhead certificates (see paragraph VIII. C.), and a copy of the signed application (FSIS Form 9060-6) from the exporter. The certifying official verifies that the information on the certificates is consistent with the information on the application by reviewing any attached documentation or checking in the Export Library and no additional statements or documents not provided for in the Export Library are added.

B. If needed, a continuation sheet is prepared by the exporter when multiple items in the shipment exceed the space available on the face of the certificate. The continuation sheet is to be prepared in quadruplicate and includes:

1. date issued;
2. title (e.g., Continuation Sheet for Export Certificate # _____);
3. product description – name, boxes, weight, as indicated on the face of the certificate; and
4. the certifying official's name and signature, followed by the district number. The name and code number must be the same as that on the face of the certificate.

C. In some cases, a USDA/FSIS letterhead certification is necessary and is issued for certain products when specified in the individual country requirements found in the Export Library. If the exporter submits a letterhead certificate along with the certificate, the FSIS certifying official is to verify that:

1. the most current version of the letterhead certificate found in the Export Library was submitted;
2. no statements on the letterhead certificate have been changed from what appears in the Export Library and no additional statements have been added;
3. the certificate is dated by the exporter; and
4. any certification required by another USDA Agency (e.g., AMS) is provided along with the completed letterhead.

The letterhead certifications are prepared in quadruplicate and must include:

1. corresponding export certificate number;

2. certification statement (e.g., I (name of inspector/veterinarian) certify...);

3. inspector/veterinarian name typed/printed, followed by professional degree, if applicable, and the District number;

4. signature of inspector/veterinarian exactly as typed/printed; and

5. date signed.

D. If the certifying official has questions about the information on the application (FSIS Form 9060-6), the certificate (FSIS Form 9060-5), any other certificates, including letterhead certificates, he or she does not sign the certificate until he or she has contacted the inspection program employee who signed the application or the exporter. Any communication that the certifying official has with the exporter should be documented in a memorandum of interview as described in paragraph VII. B. 1. b. and c. above.

E. Before signing the certificate, the certifying official:

1. checks the certificate for accuracy and corrections;

2. checks the boxes indicating that the animal received ante- and post-mortem inspection;

3. checks for attachments and ensures that the exporting firm has lined-out any unused space; and

4. initials minor erasures or alterations, unless this is not acceptable to a foreign country (see Export Library to verify if receiving country permits erasures or alterations).

F. The certifying official signs the original certificate in the signature block in **other than** black ink, all continuation sheets, and other certifications, including letterhead certifications. Also, if the importing country requires a PHV's signature, the certifying official is to include his or her professional degree. The certifying official should not stamp the certificate with the export stamp unless required by a receiving country as specified in the Export Library.

IX. REPLACEMENT CERTIFICATES

A. A certificate replacing an original certificate is a re-certification of the product's condition **at the time of the initial export certification**. A replacement certificate for a lot **does not** represent that lot's current condition. A replacement certificate may be issued in situations such as, but not limited to:

1. the original certificate did not carry required information;
2. the original certificate carried incorrect information;
3. the name of the consignee or exporter has changed; and
4. the certificate has been lost.

B. The replacement certificate must be dated with the same date as that shown on the original certificate.

C. A request to increase the box count or the total net weight shall not be honored unless the product is re-inspected in accordance with paragraph VII. C. of this directive.

D. An application (FSIS Form 9060-6) is submitted to request a new certificate and must be accompanied by (if possible) the original and all copies of the original certificate. Exception: In the case of lost certificates, the exporter should provide a letter of assurance to the certifying official stating the certificate will be returned if found.

E. Multiple export certificates may be issued to replace an original if the exported product has been subdivided for shipping to more than one consignee, and an export certificate is required for each part, provided that:

1. the lot was originally manifested in sufficient detail to enable the direct correlation of containers, identification, and corresponding weights on the new certificate; and
2. the original certificate is returned for cancellation.

F. Before signing a replacement certificate, an inspection program employee:

1. verifies that the following statement is in the top left margin or in the "Remarks" block of the new certificate: "Issued in lieu of certificate no. _____. The export mark on the product covered by this certificate shows certificate no. _____."

2. obtains the superseded certificate (if possible), and:

- a. verifies that it is marked in the left margin or in the "Remarks" block with the number of the certificate which supersedes it (e.g., "Superseded by No. _____"); and

- b. attaches it to the "inspector's" copy of the replacement certificate and files it in the government office.

X. INVENTORY

A. Official export stamps must be controlled at all times. Export certificates, stamps, and pertinent inventory records must be maintained under official lock or seal when not in use.

B. The inspection program employee at each establishment must maintain an accurate inventory record of export certificates issued and voided certificates.

A handwritten signature in black ink, appearing to read "Mary S. Duple". The signature is fluid and cursive, with a long horizontal stroke at the end.

Assistant Administrator
Office of Policy, Program, and Employee Development