

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

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# FSIS DIRECTIVE

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9040.1,  
Revision 3

3/1/06

## RE-INSPECTION OF PRODUCT INTENDED FOR EXPORT

### I. PURPOSE

This directive provides inspection program personnel with the procedures for reinspecting product that has been presented for export. These responsibilities and procedures apply whether the product is located at the establishment, or off-site at a non-official establishment, such as at an Identification (ID) warehouse (as provided for at 9 CFR 350.3(a)) or at a cold storage facility.

### II. CANCELLATION

FSIS Directive 9040.1, Revision 2, dated 8/12/93

### III. REASON FOR REISSUANCE

This directive has been revised to provide for the examination of boxes or containers in situations where inspection program personnel have a reason to question whether the product as labeled meets the importing country's requirements.

### IV. REFERENCES

9 CFR 322.2, 381.105, and 350.3(a)  
FSIS Directives 7520.2 and 9000.1 and 12,600.1

### V. POLICY

A. The regulations at 9 CFR 322.2 and 381.105, provide for the re-inspection and certification of products for export. The purpose of a re-inspection of product that is to be exported is to verify the product's safety, wholesomeness, identity, and eligibility for export. Inspection program personnel conduct a re-inspection of product for export after they receive and review FSIS Form 9060-6, Application for Export.

B. As set out in FSIS Directive 9000.1, Export Certification, inspection program personnel are to verify that each product listed on the application complies with the meat and poultry product regulations and the importing country's requirements (e.g., that each product listed on the application is eligible for export to the country listed on the application).

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**DISTRIBUTION:** Inspection Offices; T/A Inspectors; Plant Mgt.; T/A Plant Mgt.; TRA; ABB; TSC; Import Offices

**OPI:** OPPED

C. If the application is complete and accurate, inspection program personnel perform an organoleptic examination of the shipping cartons for signs of poor product handling or storage (e.g., torn, damp, damaged, or off-condition cartons). If the cartons are sound, inspection program personnel proceed by following the instructions in FSIS Directive 9000.1 regarding signing the application, FSIS Form 9060-6, Application for Export Certificate, and issuing the FSIS Form 9060-5, Export Certificate.

## **VI. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES WHEN PRODUCT HAS BEEN FOUND NOT TO BE SOUND**

A. If inspection program personnel find signs of poor product handling and storage while conducting the organoleptic examination of the shipping cartons at either official or non-official establishments, they are to (under Inspection System Procedure codes 06 using the inspection methodology outlined in FSIS Directives 5400.5 and 5000.1, Revision 1):

1. In official establishments and non-official establishments, randomly select up to 5 percent of the boxes or containers. In considering the percentage of boxes to select, inspection program personnel should consider the basis for their concern and the need to expose the contents of boxed product to the environment:

a. In an official establishment, request that the applicant open the selected sample of boxes or containers in a manner that will not create insanitary conditions or lead to product adulteration; and,

b. In a non-official establishment, request that the applicant open the selected sample of the boxes or containers in a sanitary environment (e.g., identification services area of the facility), or have the shipment or selected sample of the boxes or containers moved to a facility where boxes can be opened in a sanitary environment (e.g., from a cold storage facility without an ID services area).

2. Reinspect the contents for soundness and wholesomeness.

**NOTE:** If product is frozen, inspection program personnel are to have the official establishment or identification facility temper or thaw all individual packages in the randomly selected boxes or cartons under sanitary conditions at the official establishment or in the ID services area of a non-official establishment to conduct the reinspection. If product is canned, inspection program personnel are to follow the instructions in FSIS Directive 7520.2, Procedures for Condition of Canned Product Container Examination.

a. If the product is found to be sound and wholesome, inspection program personnel may permit the product to be re-packaged (at the packers option), sign the export application, and proceed by following the instructions in FSIS Directive 9000.1.

b. If the product is found to be not sound or not wholesome, or the establishment or facility does not open the boxes, or if the establishment elects to not move the sample or cancels the shipment, and inspection personnel have reason to believe the product may be adulterated, inspection program personnel:

i. are not to sign the application,

ii. at official establishments when any of the product is determined to be unsound or unwholesome, are to issue a Non-Compliance Record under the appropriate 06 code and are to take the appropriate enforcement action FSIS Directive 5000.1, Revision 1,

iii. at non-official establishments when any of the product is determined to be unsound or unwholesome, are to detain product as set out in FSIS Directive 8410.1 and complete FSIS Form 8080-1 Notice of Detention (at non-official establishments).

## **VII. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES WHEN INFORMATION ON THE APPLICATION DOES NOT MEET THE REQUIREMENTS**

A. If inspection program personnel have questions regarding the information on the application, they are to present them to the applicant as set out in FSIS Directive 9000.1 e.g., request applicant to provide supporting information that verifies that the requirements of the country importing the product have been met).

B. If inspection program personnel have reason to question whether the product is properly identified and labeled to meet the importing country's requirements, they are to (under Inspection System Procedure codes 04 using the inspection methodology outlined in FSIS Directives 5400.5 and 5000.1, Revision 1) follow the above methodology for:

1. Opening boxes to reinspect the product to ensure that it is properly labeled, not misbranded, and eligible for export to the country listed on the application; and

2. Taking and documenting enforcement or detention actions.

C. In official or non-official establishment if the product in the container or the labeling of the product does not meet the importing country's requirement.

1. Raise the concern with the applicant;
2. Document a memorandum of interview addressing what was discussed, and whether the concerns were adequately addressed; and
3. Provide a copy of the memorandum to the applicant and maintain a copy in the inspection files.

Direct questions to the Technical Service Center at 1-800-233-3935.

A handwritten signature in black ink, appearing to read "Theresa S. [unclear]".

Assistant Administrator  
Office of Policy, Program, and Employee Development