

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNITED STATES
DEPARTMENT OF AGRICULTURE FOOD
SAFETY AND INSPECTION SERVICE
AND
THE UNITED STATES DEPARTMENT OF
AGRICULTURE ANIMAL AND PLANT
HEALTH INSPECTION SERVICE**

**Relative to
Cooperation on Import/Export Activities and
Surveillance Programs**

ARTICLE 1 - PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to document the collaborative efforts between the United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) and Animal and Plant Health Inspection Service (APHIS) relative to inspection of domestic products, reinspection of imported products, animal health slaughter surveillance activities, and information sharing.

ARTICLE 2 - BACKGROUND

FSIS is the public health agency responsible for ensuring the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labeled. To successfully execute its mission, FSIS has qualified personnel available in federally inspected slaughter and import establishments to inspect, observe, and report evidence of communicable diseases at the time of slaughter and restricted tissue material at the time of importation. In addition, FSIS has qualified personnel that conduct on-site audits of foreign establishments and has the ability to perform verification activities for animal health controls ensuring foreign equivalency for establishments eligible for export to the United States.

APHIS has responsibilities for protecting and improving the health, quality, and marketability of our nation's animals, animal products, and veterinary biologics. To carry out its responsibilities, APHIS has laboratory expertise, facilities, and personnel available to conduct tests on blood samples and tissue specimens; conduct sample collection for surveillance purposes; conduct epidemiological traces of animals and animal products; and respond to disease outbreaks and animal welfare concerns.

By working collaboratively on foreign, endemic, and domestic program animal disease surveillance issues, the two agencies enhance the efficiency and effectiveness of their regulatory public health protection.

This MOU cancels the MOU between APHIS and FSIS relative to cooperation with respect to surveillance programs signed in 2014; the MOU between APHIS and FSIS regarding scrapie testing signed in 2014; and the MOU between APHIS and FSIS regarding the Bovine Spongiform Encephalopathy Final Rule (72 FR, Docket No. APHIS 2006-0041, pages 533140 – 53379) signed in 2007.

ARTICLE 3 - AUTHORITIES

Under the Animal Health Protection Act, as amended (7 USC 8401 et seq.) (AHPA), the Secretary of Agriculture is authorized to issue regulations and orders and to carry out operations and measures to prevent, detect, control, and eradicate diseases and pests of livestock, and to cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international associations, Indian tribes, and other persons, to carry out the purposes of AHPA. Additionally, APHIS is authorized to enact regulations to assure the safe and effective supply of animal vaccines and other biological products under the Virus Serum Toxin Act (21 USC 151-159). FSIS regulates the slaughter, processing, and distribution of meat, poultry, and egg products under the Federal Meat Inspection Act (FMIA), 21 USC 601 et seq.; the Poultry Products Inspection Act (PPIA), 21 USC 451 et seq.; and the Egg Products Inspection Act (EPIA), 21 USC 1031 et seq., to ensure that these products are wholesome, not adulterated, and properly marked, labeled, and packaged. Generally, these statutes require FSIS to inspect meat, poultry, and egg products in commerce; require these products to be processed under sanitary conditions; and require these products be unadulterated and properly labeled. FSIS has authority to detain products in commerce if there is reason to believe that the products are adulterated, misbranded or uninspected, and to initiate an action to seize such products. The statutes also provide broad authority to promulgate regulations to carry out the provisions of the Acts.

ARTICLE 4 - MUTUAL RESPONSIBILITIES

FSIS and APHIS understand that:

1. The details of this MOU shall be jointly planned and executed by the cooperating parties. Each party will acquire and expend its own funds.
2. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures, including those for government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. The signature on this instrument does not provide or create such authority.

3. The responsibilities assumed by each of the parties hereto are contingent upon funds being available from which expenditures legally may be met.
4. Either party requesting an activity shall furnish to the other party such equipment as may be needed by the other party to carry out the cooperative activities agreed herein without cost to the other party. Any such equipment furnished shall remain the property of the providing party and subject to its disposition. Training resources will be shared, when possible, involving subjects of mutual interest, such as tuberculosis postmortem training by FSIS, Public Health Veterinarian training by FSIS, and foreign animal disease diagnostician training by APHIS.
5. The results of the work herein may be published jointly by the parties hereto or by either part separately, but manuscripts prepared for publication by either shall be submitted to the other party for suggestions and approval prior to publication; however, in the event of disagreement, either party may publish results about its own responsibility, giving proper acknowledgement to the other cooperator.
6. Both parties shall share with each other proposed policies or procedures related to this MOU that may directly impact the other prior to the public release, with sufficient time for the other to respond appropriately prior to publication.
7. Cooperating will increase the efficiency of collecting, identifying, submitting, and reporting laboratory results on specimens.
8. The parties intend to inform the other of impending changes in procedure that are likely to affect the submission or handling of specimens, including prompt notification of program cessation, laboratory availability, and supply availability for surveillance sampling programs.
9. Parties intend to collaborate in furnishing summaries to appropriate personnel of results obtained from testing of specimens.
10. The parties will conduct virtual conferences with officials from APHIS, FSIS, and other interested government agencies as needed.
11. Both parties mutually agree to maintain appropriate access to paper forms and electronic systems to support mission goals of both parties, including establishing reasonable procedures for granting access to those electronic systems.
12. Both parties will cooperate to provide assistance to ensure mission goals of both agencies are achieved by cross utilization of veterinarians as needed. The parties will communicate needs necessary to achieve mission goals.
13. Both parties agree to comply with the security guidelines as outlined in the USDA Departmental manual 3140-011, Management Security ADP Manual, and other applicable guidance material when connected to the respective agency network. Both parties agree to comply with the respective personnel training requirements for any system utilized.

ARTICLE 5 - FSIS RESPONSIBILITIES

FSIS understands that it will:

1. Designate an authorized representative who shall be responsible for collaboratively administering the activities conducted under this MOU, and notify the Deputy Administrator of APHIS, Veterinary Services (VS), of the name of the authorized representative within ten days of the effective date of this MOU and thereafter as necessary.
2. Promptly notify APHIS when signs and/or lesions of foreign animal diseases are noted in livestock or poultry during antemortem and/or postmortem inspections. FSIS will inform the Area Veterinarian-in-Charge (AVIC) of APHIS prior to processing animals suspected of a foreign animal disease and will follow existing applicable FSIS regulatory procedures.

Bovine Spongiform Encephalopathy

3. Provide oversight for bovine spongiform encephalopathy (BSE) sample collection at Federally inspected slaughter establishments as directed in the APHIS Veterinary Services Procedures Manual for the BSE Ongoing Surveillance Program on:
 - a. All cattle 1 year of age and older that are condemned on antemortem inspection for Central Nervous System (CNS) disorders; and
 - b. Cattle over 30 months of age that are condemned by FSIS on antemortem inspection for reasons other than CNS disorders that are sampled by VS contractors at selected FSIS-inspected slaughter establishments.
4. Provide the following information to APHIS and/or to a third party designated by the Area Veterinarian in Charge (AVIC) on an animal 1 year of age or older that is condemned by FSIS on antemortem inspection and is sampled at an approved offsite sample collection location: any animal identification, U.S. Condemned antemortem inspection condemnation tag (Z tag) number, and disposition information (e.g., history, clinical signs, and comments).
5. At federally inspected establishments that do not have approved alternative off-site sample collection arrangements with APHIS, FSIS Public Health Veterinarians (PHVs) will notify the AVIC when an animal 1 year of age or older has been antemortem condemned for CNS disorders, provide the information described in paragraph 4 above, and confirm the responsibility for the collection of the BSE test samples according to arrangements previously worked out between FSIS and APHIS.
6. If arrangements for BSE sample collection and submission have not been established or if APHIS personnel are not available to collect the samples, the PHV will collect and submit the appropriate samples for BSE testing.

Brucellosis

7. Report to APHIS all known, identified, or permitted brucellosis reactors slaughtered and supervise the collection of all manmade identification devices on such animals.
8. Collect tissues from animals upon special request for *Brucella* culturing.
9. Submit tissue samples to the National Veterinary Services Laboratories (NVSL) for *Brucella* isolation, in accordance with established procedures (sampling, use of official forms, shipping, etc.), provided sufficient personnel are available or, if personnel are not available, to notify VS immediately.
10. Cooperate with APHIS on the brucellosis surveillance program through blood sample collection at slaughter.

Tuberculosis

11. Cooperate with the collection and submission of suspected tuberculosis lesions disclosed at the time of slaughter from cattle, and suspected tuberculosis thoracic lesions disclosed at the time of slaughter from sheep and goats, and to collect all manmade identification devices with a quarter sized piece of the tissue still attached from all carcasses from which lesions are collected.
12. Submit specimens (plus all manmade non-FSIS identification devices with a quarter-sized piece of tissue still attached) to NVSL to be examined for tuberculosis from carcasses where lesions resembling tuberculosis or thoracic granulomas are found.
13. Submit: (a) a completed VS Form 6-35, Report of Tuberculosis Lesions or Thoracic Granulomas in Regular Kill Animals, for each nonreactor animal from which specimens are submitted to NVSL; or (b) complete a VS Form 10-4, Specimen Submission (or FSIS Form 6000-1), with specimens from reactors.
14. Provide electronic data for histopathology results from granulomas evaluated at FSIS laboratories, and to submit any mycobacteriosis-compatible lesions to the NVSL for confirmatory testing. In cases of dispute, NVSL will have the final authority in the determination of TB results.
15. Report to APHIS all known, identified, or permitted tuberculosis reactors slaughtered, and collect all manmade identification devices on such animals.

Scrapie and Rabies

16. When FSIS determines that an animal condemned on antemortem inspection might have rabies, FSIS will be responsible for:
 - a. Notifying the APHIS-VS Field Operations (FiOps) AVIC for the state where the establishment is located; and

- b. Ensuring the appropriate tissue samples and identification information are submitted to the NVSL for scrapie testing as part of the National Scrapie Eradication Program (when FSIS collects samples in lieu of APHIS).
17. Identify animals during antemortem inspection that meet the clinical signs targeted criteria for scrapie surveillance testing at those federally inspected slaughter establishments that have APHIS employees or contractors in place for scrapie sample collection such that the animals can be sampled.
 18. Notify the APHIS-VS FiOps, AVIC for the state where the establishment is located of any scrapie suspect or any mature (either or both first permanent incisors have erupted) sheep or goat condemned for CNS signs so that APHIS can collect the necessary samples, and preserve the head on ice or the required samples in formalin if the animal dies or is euthanized before the APHIS collector arrives.
 19. Notify the APHIS-VS FiOps, AVIC for the state where the establishment is located if 10% or more of the mature sheep or goats presented in any consignment are not identified individually or by group as required in Title 9 CFR Section 79 within 10 business days or as mutually agreed, if an APHIS employee or contract collector is not present. The notification shall include the name and address of the consignor, the date, and the number of mature sheep or goats in the consignment and the number of mature sheep or goats not identified.
 20. When notified by APHIS of the targeted selection, collect and submit whole heads or tissues from establishments slaughtering on average two or fewer targeted mature sheep or goats per day of operation for scrapie testing where the establishment has declined to enter into a sampling agreement with APHIS but agrees to the loss of the product resulting from the whole head submission.
 21. Maintain manmade non-FSIS identification devices attached to the head or maintain the device (with a quarter sized piece of ear tissue attached) correlated with the head at establishments where sheep/goats are being sampled for scrapie testing and allow APHIS and its cooperators and contractors to submit all manmade non-FSIS identification devices with the tissue samples to be tested for scrapie.

Public Health Information System (PHIS)

22. Provide APHIS read-only electronic access to data from the Public Health Information System (PHIS), as defined in the FSIS-APHIS PHIS MOU in order to increase efficient data transfer from PHIS to APHIS's Laboratory Information Management System (LIMS).
23. Assist in troubleshooting problems with access to the PHIS incurred by APHIS.

Veterinary Biologics

24. Notify APHIS and the respective Office of Field Operations District Office when evidence is found at slaughter that abnormal findings may have resulted from the administration of veterinary biologics.

Industrial Chemicals, Foreign Animal Disease Agents, or Toxic Agents Suspects

25. Notify APHIS when agents of biological or chemical warfare or terrorism are suspected in an animal-based food product.
26. Notify APHIS of imported meat, poultry, or egg products suspected of being tampered with or containing toxic industrial chemicals, foreign animal disease agents, or other potential biological or chemical contamination.
27. Coordinate with APHIS officials regarding any food defense concerns involving live animals.

Inspect, Collect, and Examine Imported Cooked Meats for Under Processing and Fresh Meats for the Presence of Restricted Tissue Material upon Import Reinspection

28. Cooperate with APHIS on routine reinspection TOI (types of inspection) of restricted meats imported into the United States, including laboratory examination as required, for certain products produced in specific foreign establishments, which are suspected of being undercooked or having the presence of restricted tissue material such as bones, blood clots, or lymphoid tissue.
29. Assist APHIS in the examination of suspected lots and collect samples as directed by APHIS.
30. Notify APHIS of any suspect lots and findings and retain/detain suspect lots when available. FSIS will retain or control any related lots of products that APHIS considers necessary. Suspect lots include, but are not limited to, those displaying evidence of inadequate processing, such as undercooking or the presence of restricted material such as bones, blood clots, or lymphoid tissue.
31. As directed by APHIS, refuse entry of any lot not meeting APHIS requirements during import inspection, and impose restrictions on future lots.
32. Provide, when appropriate, representatives from various FSIS staffs to serve on emergency response teams.
33. Coordinate action in cases where the product has not completed FSIS import reinspection.

Standard Procedures for Handling Imported Cooked Meat Products in Which Pink Juices Are Found, or Fresh Meat Products in Which Restricted Tissue Material is Found at an Approved FSIS Import Establishment

34. Retain, if available, the entire shipment, including the sample, and notify the local Department of Homeland Security Customs and Border Protection staff as well as the APHIS VS Import Animal Products Staff, and provide the following information:
 - a. Production code (complete tube or representative batch sample and carton identification);
 - b. Country of origin and establishment number;
 - c. Type and amount of product; and
 - d. Location of retained product.

Standard Procedures for Handling Perishable Cooked Pork Products and Fresh Pork Products from Restricted Countries as Indicated in 9 CFR Part 94

35. Immediately notify APHIS when FSIS laboratory results indicate that a cooked pork product was undercooked, or a fresh pork product contained restricted tissue material such as bones, blood clots, or lymphoid tissue. The laboratory report should include production codes, specific type of product, and any other pertinent information.
36. Coordinate the retention and detention of all the available products in the lot and oversee recovery of products that have been shipped from the import establishment.

Ensuring Imported Meat and Poultry Products Meet Applicable Animal Health and Inspection Control Standards During FSIS International Audits

37. Exchange information with APHIS regarding slaughter establishments certified as eligible to export to the United States and provide updates of the establishment listings.
38. Conduct virtual conferences with officials from APHIS and other interested government agencies as needed.
39. Provide APHIS with FSIS's foreign onsite audit schedule. FSIS will notify APHIS of any issues of concern related to animal health found during review of records and onsite audit activities. When requested by APHIS, FSIS will collect information regarding animal disease issues and in-plant processes during regularly scheduled audits and will report relevant information to APHIS.
40. Brief APHIS foreign program personnel on the various facets of FSIS's international audit program and/or direct them to the appropriate official for information.
41. When auditing countries or regions that are identified in 9 CFR 94.29, "Restrictions on importation of fresh (chilled or frozen) beef and ovine meat from specified regions,"

review the implementation of measures in place to allow the competent authority to verify the following points:

- a. The meat comes from bovines that received ante-mortem and post-mortem veterinary inspections, paying particular attention to the head and feet, at the slaughtering establishment, with no evidence found of vesicular disease;
 - b. The meat consists only of bovine parts that are, by standard practice, part of the animal's carcass that is placed in a chiller for maturation after slaughter. The bovine parts that may not be imported include all parts of the head, feet, hump, hooves, and internal organs;
 - c. All restricted tissue material has been removed from the meat; and
 - d. The fresh meat comes from carcasses that were allowed to mature at 40° to 50° F (4° to 10° C) for a minimum of 24 hours after slaughter and that reached a pH of below 6.0 in the loin muscle at the end of the maturation period. Measurements for pH must be taken at the middle of both longissimus dorsi muscles. Any carcass in which the pH does not reach less than 6.0 may be allowed to mature an additional 24 hours and be retested, and, if the carcass still has not reached a pH of less than 6.0 after 48 hours, the meat from the carcass may not be exported to the United States.
42. Attend all training provided by APHIS for this purpose as needed.
43. Provide and share the final audit report on the countries identified in 9 CFR 94.29.

ARTICLE 6 - APHIS RESPONSIBILITIES

APHIS understands that it will:

1. Designate an authorized representative who shall be responsible for collaboratively administering the activities conducted under this MOU, and notify the Assistant Administrator of FSIS Office of Field Operations of the name of the authorized representative within ten days of the effective date of this MOU and thereafter as necessary.
2. Provide FSIS with:
 - a. A list of diseases of interest to APHIS and guidelines to report such diseases;
 - b. Recommendations about on-farm, market, and transportation biosecurity measures;
 - c. Supplies for the collection and shipment of specimens and identification devices sent to APHIS;

- d. Collection procedures, safety guidelines, any necessary training, and references for each disease condition listed in this MOU for which FSIS is requested to collect samples on behalf of APHIS;
 - e. An annual list of all establishments that have a sample collection agreement with APHIS for the collection of tissues, specifically identifying if the collection is by APHIS or contractors; and
 - f. A summary of the competent authority's measures to ensure compliance with 9 CFR 94.29 at least 90 days prior to a scheduled foreign audit.
3. Notify FSIS about:
 - a. Outbreaks of diseases that affect the health of animals, including those of public health significance such as brucellosis, tuberculosis, ornithosis, anthrax, rabies, BSE, or other zoonotic or potentially zoonotic diseases or syndromes of interest to APHIS, and to report progress in eradicating those diseases; and
 - b. Imported meat, poultry, or egg product samples that do not meet APHIS regulatory requirements.
 4. Provide FSIS with a copy of the approved permit for movement of animals or materials from the slaughterhouse to alternate locations.
 5. Provide prior notification to FSIS IPP that a plant will be participating in the ID retention program under the FSIS/APHIS traceability MOU.
 6. Cooperate, when requested, on the tracing of product recovery efforts should there be an animal health, public health, or food defense emergency involving product that entered commerce.
 7. Assist FSIS when notified of serious livestock animal welfare concerns and when inhumane transportation is observed, especially if it concerns imported animals shipped under an APHIS seal.
 8. Notify FSIS of training provided by APHIS that would support identification of requirements specified in 9 CFR 94.29.

Veterinary Biologics

9. Notify FSIS when food animals may have been exposed to a veterinary biologic used to control an APHIS program disease or other emergency disease outbreak, and which may result in abnormal reactions identifiable at slaughter.
10. Notify appropriate FSIS officials of any findings of residue or chemical substances in livestock or poultry, or in the tissues or products thereof, which may indicate the potential for adulteration of the meat or poultry supply, including specific available

information on the origin or location of livestock or poultry associated with such findings.

Industrial Chemicals, Foreign Animal Disease Agents, or Toxic Agents Suspects

11. Notify FSIS officials of any findings suggestive of biologic or chemical warfare agents or terrorist actions against livestock or poultry.
12. Notify FSIS officials of any live imported food animal suspected of having been exposed to potential terrorist or warfare agents.

Brucellosis

13. Provide FSIS, upon request, with reports on the number of brucellosis blood samples received by APHIS laboratories for analysis from their respective areas.
14. Provide information relative to traceback of animals to points of origin, as requested by FSIS inspectors, and to conduct field investigations for those incidences that are of mutual interest to both parties.
15. Work with FSIS to increase the efficiency of collecting, submitting, and reporting laboratory results on specimens identified for *Brucella* culturing.

Tuberculosis

16. Provide adequate personnel in plants where it is mutually agreed that assistance is required to meet program goals.
17. Notify FSIS inspectors when known tuberculosis-exposed, suspect, or reactor animals are shipped to slaughter plants and whether APHIS wants FSIS to collect tissues from no gross lesioned carcasses that are reactors and/or if APHIS is available to assist.
18. Examine specimens submitted by FSIS in appropriate laboratories as promptly as possible for tuberculosis.
19. Provide FSIS with monthly reports on cultures received from FSIS by APHIS.
20. Advise FSIS of significant increases or decreases in mycobacteria infections or mortalities in domesticated animals.
21. Work with FSIS to increase the efficiency of collecting, identifying, submitting, and reporting laboratory results on specimens resembling tuberculosis and thoracic granulomas.
22. Inform FSIS of impending changes in procedure that are likely to affect the submission or handling of tuberculosis granuloma specimens.

Scrapie

23. Collect or arrange for the collection of samples from mature animals (over 1 year of age as evidenced by eruption of the first incisor) condemned for CNS signs and any other animal that an FSIS veterinarian determines to be a scrapie suspect animal.
24. Collect or arrange for the collection of samples from targeted animals at certain federally inspected slaughter establishments.
25. Test samples collected from animals identified by FSIS for sampling at the NVSL in Ames, Iowa, or another APHIS-designated laboratory.
26. Provide a worksheet for FSIS personnel to capture requested information concerning identification compliance and access to electronic systems for entry.
27. Provide the FSIS personnel that are collecting and submitting Scrapie samples on behalf of APHIS access to the applicable APHIS electronic systems or provide an alternative method for sample submission utilizing paper sample submission form(s) in lieu of direct electronic entry.

Foreign Animal Diseases and Reportable Diseases

28. Provide, upon request, assistance in the inspection of livestock and poultry at slaughter when vesicular or other reportable or exotic diseases of foreign origin are suspected.
29. Conduct field investigations to advise FSIS in a timely manner of outbreaks of vesicular or other reportable or exotic diseases of foreign origin.
30. Provide FSIS training slots in each applicable class to attend the foreign animal disease diagnostician course, at FSIS's expense.

Public Health Information System (PHIS)

31. Make available, upon request, electronic copies of reports and to consult with FSIS prior to publicly releasing data derived from PHIS, in accordance with the FSIS-APHIS PHIS MOU.
32. Correlate on information entered into PHIS concerning animals sampled as a result of animal disease and surveillance programs.
33. Protect the confidentiality and sensitivity of the data being provided to the extent required by Federal regulations and the Freedom of Information Act. Furthermore, APHIS will not release, publish, or publicly report any proprietary information originating from the PHIS and will consult with FSIS prior to proposing policy or program direction based on the data obtained. APHIS will make available to FSIS, upon request, electronic copies of internal reports derived from PHIS data.
34. Provide limited electronic data access to authorized personnel.

35. Access the system only for retrieval or analysis of identified information and log off PHIS promptly after retrieving necessary data.

Inspect, Collect, and Examine Imported Cooked Meats for Under Processing and Fresh Meats for the Presence of Restricted Tissue Material

36. Determine the final disposition of suspect lots in violation of APHIS import requirements.
37. Provide FSIS, as quickly as possible, with oral and written instructions on sampling plans and action requested, such as retention or detention of suspect lots, recommendations for recall consideration, and final disposition of product.
38. Determine and inform FSIS of any additional information required to ensure complete enforcement of APHIS standards and import requirements.
39. Notify the foreign government, the brokers or importers, and the appropriate FSIS office of the findings and actions being taken by APHIS as a result of violations of regulatory requirements.
40. Provide APHIS representatives to work with FSIS emergency response teams.

Ensure That Meat and Poultry Products Imported from Foreign Countries into the United States Meet Applicable Animal Health and Inspection Control Standards

41. Provide information to FSIS on slaughter establishments certified and approved to export to the United States and provide updates of the establishment listings.
42. Conduct virtual conferences with officials from APHIS, FSIS, and other interested government agencies as needed.
43. Inform FSIS of changes in a foreign country's disease status and/or export eligibility status.
44. Provide FSIS with the names of program officials stationed in foreign countries with notification of changes made in a timely manner.
45. Provide FSIS with information regarding the disease status of countries exporting products to the United States, and information on their respective audit plans.
46. Brief APHIS's foreign program personnel on the various facets of FSIS's program and/or direct them to the appropriate official for information.
47. Provide FSIS with copies of product restriction information when this information is not contained in Title 9 CFR Part 94, or when more detailed information is available.

48. Inform FSIS of acceptable interpretations of regulations affecting product production in restricted countries. This information will be updated on a periodic basis when FSIS personnel are attending area meetings or when there are significant changes in policy.
49. Conduct reviews of foreign establishments to determine the adequacy of proposed procedures for processing product to mitigate risk due to animal disease. APHIS will provide to FSIS detailed interpretations of requirements and how they must be met in the establishments. APHIS, when auditing in a foreign country, will advise FSIS of observations that indicate the central competent authority is failing to ensure product for U.S. export is produced and handled in a manner to prevent product adulteration and misbranding.
50. Provide FSIS with specific regulations and parts (9 CFR Part 94.29) that are to be verified during on-site audits, including notification when any changes are made to these regulations.
51. Provide training and guidance for FSIS audit personnel on the requirements in 9 CFR Part 94.29.
52. Provide and share the APHIS final establishment audit report on the countries identified in 9 CFR 94.29.

Standard Procedures for Handling imported meat products in Which Pink Juices Are Found, or Fresh Meat Products in Which Restricted Tissue Material is Found at an Approved FSIS Official Import Inspection Establishment.

53. Advise APHIS field personnel to not take action to dispose of a product without first obtaining instructions through channels from APHIS VS National Import Export Services (NIES) Import Animal Products Staff Director, or their designee.
54. Consider any contamination hazards and coordinate with FSIS on specific procedures related to potential food defense issues.
55. Through the APHIS Director or the designee of the NIES Import Animal Products Staff:
 - a. Establish communication with the following:
 - I. U.S. representative of the foreign establishment or the U.S. importer; and
 - II. The appropriate FSIS office;
 - b. Notify appropriate government officials in the country of origin through the Agricultural Attaché;
 - c. Investigate the extent of the problem by determining if other shipments are involved;
 - d. Initiate appropriate action to:

- I. Refuse entry in accordance with APHIS regulations and policy;
- II. Coordinate with direct assistance of APHIS headquarters, with local APHIS field office, and FSIS to ensure that satisfactory disposition of the product is made in accordance with VS policy and to ensure that all appropriate VS and FSIS personnel are notified as is appropriate; and
- III. Coordinate appropriate actions with regional and local APHIS offices when pink juices or restricted tissue materials are found in products in commerce (i.e., in U.S. establishments or wholesale warehouses after passing port-of-arrival inspection).

Standard Procedures for Handling Perishable Cooked or Fresh Pork Products from Restricted Countries as Indicated in 9 CFR, Part 94

56. The Director of APHIS VS Animal Products Permitting and Negotiation Services, or their designee, will:

- a. Immediately contact the U.S. representative of the foreign establishment or importer;
- b. Notify appropriate government officials in the country of origin through the Agricultural Attaché;
- c. Request information (records) for location, etc., of identified production code product;
- d. Coordinate with appropriate FSIS or APHIS VS headquarters office of any action to control, recall, destroy, or export product;
- e. Involve APHIS VS and APHIS Investigative and Enforcement Services (IES) field personnel in tracing product, if necessary; and
- f. Supervise the movement and/or destruction of the product.

ARTICLE 7 - STATEMENT OF NO FINANCIAL OBLIGATION

Signature of this MOU does not constitute a financial obligation on the part of APHIS or FSIS. Each signatory party is to use and manage its own funds in carrying out the purpose of this MOU. Transfers of funds or items of value are not authorized under this MOU.

ARTICLE 8 - LIMITATIONS OF COMMITMENT

This MOU and any continuation thereof shall be contingent upon the availability of funds appropriated by the Congress of the United States. It is understood and agreed that any monies allocated for purposes covered by this MOU shall be expended in accordance with its terms and

the manner prescribed by the fiscal regulations and/or administrative policies of the party making the funds available. If the fiscal resources are to transfer, a separate agreement must be developed by the parties.

ARTICLE 9 - CONGRESSIONAL RESTRICTION

Under 41 USC 22, no member of, or delegate to, Congress shall be admitted to any share or part of the MOU or to any benefit to arise therefrom.

ARTICLE 10 - AMENDMENTS

This MOU may be amended at any time by mutual agreement of the parties in writing.

ARTICLE 11 - TERMINATION

This MOU may be terminated by either party upon sixty (60) days written notice to the other party.

ARTICLE 12- EFFECTIVE DATE AND DURATION

This Memorandum of Understanding shall become effective upon the date of final signature and shall continue for 10 years but may be modified or discontinued at the request of either party. Each party shall provide in writing 60 days' notice in advance of the effective date desired for termination of this agreement or any major modification. The provisions of this Memorandum of Understanding shall be reviewed annually.

**UNITED STATES DEPARTMENT OF
AGRICULTURE FOOD SAFETY AND
INSPECTION SERVICE**

**UNITED STATES DEPARTMENT OF
AGRICULTURE FOOD SAFETY AND
INSPECTION SERVICE**

ASSISTANT ADMINISTRATOR DATE
Office of Field Operations

ASSISTANT ADMINISTRATOR DATE
Office of Investigation, Enforcement
And Audit

**UNITED STATES DEPARTMENT OF
AGRICULTURE ANIMAL PLANT AND
HEALTH INSPECTION SERVICE**

DEPUTY ADMINISTRATOR DATE