



# NATIONAL ASSOCIATION OF STATE MEAT AND FOOD INSPECTION DIRECTORS

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**Comments on Federal Register Notice:** Docket No. AMS-TM-21-0034-0076

Comments close June 21, 2021

The National Association of State Meat and Food Inspection Directors (NASMFID) appreciates the opportunity to respond to the Federal Register Notice: “Supply Chains for the Production of Agricultural Commodities and Food Products” with comments. NASMFID represents the 27 States that maintain State Meat Inspection programs; these States which provide inspection services to roughly 1900 very small or small meat and poultry establishments. Our comments regarding food supply chains pertain specifically to those establishments and State meat inspection programs. Modernization of Federal regulations to allow shipment of State-inspected products across State lines would remove a major, and unnecessary barrier to these small businesses, and provide a significant benefit to consumers and livestock producers. By supporting these small businesses, this change would also help build diversity, resilience and capacity in the meat supply chain.

Per USDA FSIS’ own website, “State Meat and Poultry (MPI) Programs are an integral part of the nation’s food safety system” (<https://www.fsis.usda.gov/inspection/apply-grant-inspection/state-inspection-programs>). State MPI programs are often known to provide more personalized guidance to small businesses and often assist smaller businesses in starting inspected operations, helping them grow. The diversity of these operations is great; MPI programs conduct inspections on businesses producing very traditional meat products such as slaughter of animals and production of pork chops and ground beef, but also conduct and assist operations that produce ethnic meat foods such as specialty sausages and sambusas.

Each State MPI program operates under a cooperative agreement with USDA’s Food Safety and Inspection Service (FSIS). As a part of this agreement, each State is required to maintain a program that meets an “Equal To” FSIS standard; this means it must enforce and enact the same legal requirements as imposed by the Federal Meat Inspection Act and Poultry Products Inspection Act, but has some leeway in the procedures and procedures it uses to do so. State MPI programs are heavily audited to ensure the requirements are met, with annual records and documentation audits accompanied by on-site audits of both meat processing establishments and program procedures every three years.

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Despite meeting the “Equal To” standard, State MPI’s are not treated as equals to either federal or foreign meat inspection programs, nor are State inspected products allowed to be shipped across State lines. This creates a bureaucratic barrier to the distribution and free movement of these products across the U.S. In fact, State-inspected meat and poultry are the only commodities that are restricted in this manner. All other foods produced in the US also have oversight by State inspection programs and can be marketed freely throughout the U.S. Despite also carrying food safety risks, foods such as dairy products, fruits, vegetables, nuts, and bison can be marketed freely throughout the U.S. with no restrictions. Production facilities for these other foods are inspected far less frequently and with far fewer safety requirements and oversight than State inspected meat and poultry products.

Legislation to allow interstate shipment of state-inspected meat and poultry products has been introduced and debated in Congress for more than twenty years with little to no success. The Cooperative Interstate Shipment program (CIS) was introduced in the 2008 Farm Bills as an attempt to fill this gap and provide an avenue for State inspected products to move across State lines. Unfortunately, the USDA’s interpretation of the Farm Bill resulted in a program in which USDA asserts that any state meat or poultry inspection program must not only be “equal to” federal inspection, but must be carried out identical to federal inspection in each plant in order to sell meat across state lines. As a result, over a decade after FSIS implemented the program, just nine states now participate in the CIS program, and in those States, it is generally a minority of establishments that participate due to the additional administrative burdens placed on both the establishment and the State program. States that maintain computer systems and training programs separate from that of USDA, but still have attained “Equal To” status are not eligible to participate in the CIS program, or must carve out a section of their program to meet the “Same As” standard and in essence create another program in their State to service just a few establishments. These administrative barriers change nothing about the safety of the meat and poultry products produced in these establishments and only serve to restrict markets, and market access.

The current regulatory structure for State MPI’s restricts the ability of small, local facilities to distribute and market their safe and wholesome product in a manner competitive with federally inspected or foreign facilities. This means supply chains are also adversely impacted during normal times, and especially when markets are disrupted. For example, during the recent pandemic, State programs have numerous examples of State inspected plants who found restrictions in where their products could be marketed meant that they could not service livestock producers or customers located in nearby States. In more than one case, State meat and poultry inspected products were unable to be distributed into food shelves and banks who needed products and were located only miles away simply because the State line was present.

The NASMFID organization supports the intent of “New Markets for State Inspected Meat and Poultry Act,” a bill which would allow meat and poultry products inspected by state Meat and Poultry Inspection (MPI) programs to be sold across state lines. Congressional action is necessary to make the needed changes. This legislation would provide a straightforward and simple solution to what is currently an unnecessary barrier for meat and poultry processors.

The USDA FSIS and critics have made several arguments against this legislation in the past, suggesting several issues that they feel could not be overcome. These include:

- Safety of State inspected products: Critics claim this change would negatively impact food safety. Not only is this assertion not based on facts about food safety, it absurdly suggests



that USDA would allow States to distribute food that is not as safe within a State, but not outside of it. The data simply does not support this assertion.

- Recall of products: USDA FSIS has raised the concern that State inspected products could not easily be recalled. Inspected establishments, not government agencies, that have the responsibility to conduct a recall when warranted, and it is the establishment's responsibility to ensure a recall occurs. Even if additional tracking is necessary, USDA FSIS's compliance division has a presence in every state and maintains cooperative compliance agreements with states with MPI programs. State program personnel are often involved in verifying *Federal* establishment recalls under this agreement, and it seems reasonable that FSIS staff could assist States in the same way. Recalls of other foods and commodities produced in one State and distributed in another happen on an ongoing basis, and State and Federal Regulatory Agencies have developed the ability to cooperate in their efforts to ensure public health is adequately protected.
- Negative impacts to international trade agreements and export markets have also been pointed out as a potential concern. Maintaining U.S. exports is an important priority; however, the proposed removal of the prohibition on interstate shipment of State inspected products does not mean that these products must also be eligible for export. State inspected establishments and MPI program are simply asking for equal access to markets within the US, and current regulations on product labeling and identification provide adequate protections against products inadvertently entering the export chain.

In summary, NASMFID respectfully submit these comments to support lifting of bureaucratic and administrative barriers to building strong and diverse local and regional meat and poultry food systems, which are necessary for maintaining resilient supply chains. We ask that these small and very small State inspected establishments are afforded regulatory equality with the larger businesses with whom they compete for markets and market access. Thank you for your consideration.

Noel McSpadden, NASMFID President