

## **RLm Sampling Program Positive Results**

The EIAO/Public Health Veterinarian (PHV) will recommend either an enforcement action (e.g., NOIE or Suspension) or that the CSI issue an NR for the noncompliance when positive sample results are obtained under the RTE RLm sampling program. You should issue an NR under the appropriate 03 procedure code using the plant verification noncompliance classification indicator and referencing 9 CFR 417.4(a) and 301.2 or 381.1 for product or food contact surface results.

When a positive environmental (non-food contact surface) sample result indicates that the establishment has not met the requirement of preventing the creation of an insanitary condition, an NR may be issued under the 06D01 procedure code using the product-based noncompliance classification indicator and referencing 9 CFR 416.4(b).

## **Verification of Corrective Actions**

A positive RTE product sample (FSIS or the establishment) result for a pathogen of public health concern is a food safety hazard regardless of what type of program the establishment is using to address the pathogen. The product represented by the sample is adulterated. If a post-lethality exposed RTE food contact surface sample (FSIS or establishment) tests positive for *L. monocytogenes*, the product passing over the surface is adulterated unless a validated post-lethality treatment was applied to it.

You are to verify that the establishment implements corrective actions in accordance with the appropriate regulation. If the EIAO recommended, and the District Office implemented, an enforcement action, you are to perform the activities in the verification plan to verify the effectiveness of the establishment's corrective actions. In all cases, the plant must meet the corrective action requirements in the HACCP regulations, 9 CFR 417.3. The establishment must meet 9 CFR 417.3(a) when the pathogen is addressed in the HACCP plan. If the pathogen is prevented through the Sanitation SOPs, then the establishment must implement the corrective action in 9 CFR 417.3(b) and also implement the corrective action requirements for SSOP, 9 CFR 416.15. If the pathogen is prevented through a prerequisite program that is used to support the decision that a hazard is not likely to occur at a particular point in a process, then the establishment must implement the corrective action in 9 CFR 417.3(b) and 417.4(a)(3) which states that when there is a change in the process that could impact the hazard analysis, a reassessment must be performed. In each situation, you will need to review all information available to determine whether the establishment has implemented all appropriate corrective actions.

In addition, you are to verify the establishment's disposition of the sampled product lot by verifying that the establishment has documentation to support that potential contamination would be limited to individual production lines or individual product lots. If the establishment elects to destroy the product, you should verify that it has destroyed the sampled lot. If the establishment elects to rework the product, you should verify that it has reworked the sampled lot with a process that is destructive of *L. monocytogenes*. Verify that the hazard analysis has considered the use of the reworked product.

You are to verify all the factors for testing in establishments that have chosen to use Alternative 3. If the establishment produces deli products or hot dog products under

Alternative 3, verify that the establishment conducts follow-up testing of the targeted site on the food contact surface and other sites after an initial positive result for *L. monocytogenes*, or indicator organism, to verify that the corrective action implemented with respect to sanitation was effective. Verify that the establishment holds lots of product that may have become contaminated by contact with the food contact surface that tests positive again (second consecutive) during follow-up testing, that it samples and tests the lots of product that may have been contaminated with *L. monocytogenes*, for *L. monocytogenes* or an indicator organism using a sampling method and frequency that provides statistical confidence that each lot is not adulterated with *L. monocytogenes* before releasing the lots of product into commerce, and that it documents the test results.