

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

FSIS NOTICE

15-05

2-28-05

IMPORTATION OF CANADIAN CATTLE, SHEEP, AND GOATS INTO THE UNITED STATES

I. PURPOSE

This notice provides instructions to Food Safety and Inspection Service (FSIS) personnel regarding the receipt, slaughter, and inspection of certain ruminants imported from Canada. Regulatory requirements for the importation of certain Canadian ruminants will begin March 7, 2005, and will apply to cattle, sheep, and goats. As set out in this notice, in certain limited circumstances, if inspection program personnel find that animals that have been delivered to a slaughter plant under the Animal and Plant Health Inspection Service (APHIS) regulations do not comply with those regulations, inspection program personnel are to hold the animals under the Animal Health Protection Act (AHPA), pursuant to the authority delegated by APHIS.

II. BACKGROUND

On January 4, 2005, APHIS published the final rule, Bovine Spongiform Encephalopathy: Minimal-Risk Regions and Importation of Commodities (70 FR 460 – 553). This final rule amended APHIS regulations (9 CFR parts 93-96, see Attachment 1) to provide for the importation of certain ruminants, and ruminant products and byproducts from regions that pose a minimal risk of introducing bovine spongiform encephalopathy (BSE) into the United States (U.S.), and designated Canada as the first minimal-risk region. These actions will continue to protect against the introduction of BSE into the U.S. while removing unnecessary prohibitions on the importation of certain commodities from minimal-risk regions for BSE. The rule was promulgated under the AHPA.

Only cattle that are less than 30 months of age and sheep and goats that are less than 12 months of age are eligible for importation into the U.S. from Canada and eligible for slaughter. The importation and slaughter of cattle 30 months of age or older or of sheep and goats 12 months of age or older is prohibited.

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

NOTICE EXPIRES: 3/1/06

OPI: OPPED

Animals imported from Canada will go through specific ports of entry as listed in 9 CFR 93.403(b) or as provided for in (9 CFR 93.403(f)). At the port, the APHIS veterinarian reviews documents and inspects the shipment to ensure that it is being imported in compliance with the regulations. The APHIS veterinarian also has the authority to offload animals for verification. Animals shipped directly for slaughter will go to official establishments in sealed trucks, will bear a Canadian ear tag, will be accompanied by VS Form 17-33 and a Canadian Health Certificate, and are to be slaughtered or euthanized within two weeks of entry into the U. S. and are not to leave the official premises.

Animals shipped to a feedlot and then to an official establishment for slaughter will bear a Canadian ear tag, and a CAN brand (for cattle), or a C brand (for sheep and goats), and will be accompanied by VS Form 1-27 and a copy of the Canadian Health Certificate, which indicates the age and other descriptive information on each of the animals. A federally accredited veterinarian, state representative, or USDA representative at the feedlot will verify the presence of the Canadian ear tag, appropriate brands, and that cattle, sheep and goats meet all requirements when they go directly to slaughter under seal.

Only a USDA representative can break the seal on the truck containing Canadian animals upon arrival at an official establishment (i.e., FSIS inspection program personnel, an APHIS Technician or other APHIS representatives). FSIS strongly recommends that establishments receiving such ruminants implement procedures that ensure that trucks carrying the animals arrive at the establishment when a USDA representative is readily available to promptly break the seals on the truck. These procedures will facilitate prompt unloading of these ruminants and humane handling in connection with slaughter of these ruminants. However, in all cases, the establishment is to ensure that animals are humanely handled in accordance with the Humane Methods of Slaughter Act and 9 CFR part 313.

An establishment is to have procedures in place to ensure that animals arriving directly from Canada for immediate slaughter are slaughtered as a group (9 CFR 93.436(a)(6)). This is not required for animals that arrive at slaughter via a feedlot because they may be separated and sent to different official establishments for slaughter. To facilitate the determination as to whether animals are eligible for slaughter, a prudent establishment should also maintain the identity of the animals from Canada via a feedlot until the marks of inspection are applied.

Although there are no new food safety requirements related to the receipt of animals from Canada, FSIS is reiterating that establishments receiving cattle from Canada are subject to the regulations regarding Specified Risk Materials (SRMs) at 9 CFR 310.22. Therefore, in accordance with 9 CFR 310.22(d)(3) an establishment is to evaluate the effectiveness of its procedures for the removal, segregation, and disposition of SRMs (as incorporated into its HACCP plans, Sanitation SOPs, or prerequisite program (9 CFR 310.22(d)(1)) whenever a change occurs that could affect the procedures such as ensuring that the Canadian animals are properly identified. Also, in accordance with 9 CFR 417.4(a)(3), an establishment is to reassess its HACCP system whenever there is a change in raw materials or in the source of raw materials,

as would be the case here. Therefore, an official establishment that begins to receive eligible cattle from Canada will need to evaluate its SRM procedures, reassess its HACCP system, and incorporate necessary changes. The SRM requirements do not apply to sheep and goats; however, an establishment receiving sheep and goats from Canada is to reassess its HACCP system and ensure that sheep and goats presented for slaughter are less than 12 months of age.

Unless the establishment can demonstrate through records or other means that the cattle are less than 30 months of age, FSIS will consider the cattle to be 30 months of age or older (9 CFR 310.22(e)) and therefore ineligible for slaughter. FSIS will also consider sheep and goats to be 12 months of age or older unless the establishment can demonstrate through records or other means that the sheep or goats are less than 12 months of age.

III. DEFINITION AND FORMS

Hold: For purposes of this notice, when cattle 30 months of age or older or sheep and goats 12 months of age or older arrive at an official establishment, or when the proper documentation (i.e., seals, forms, tags) is not present or accurate, inspection program personnel are to ensure that the animals in question are segregated and are not moved to slaughter or outside the official premises (see the AHPA and the regulations at 9 CFR 93-96). In all cases, animals in question will be moved off of the means of transportation, into an area or pen at the official establishment, and treated under humane conditions. To execute the holding of animals and to restrict their movement under the AHPA, inspection program personnel will use a “U.S. Retained” tag applied to the pens containing the affected animals.

In addition to Canadian Health Certificates, the Veterinary Services (VS) APHIS forms that must accompany shipments of animals from Canada are as follows:

For Animals from Canada for Immediate Slaughter:

VS Form 17-33, Animals Imported for Immediate Slaughter

For Animals from Canada Shipped to a Designated/Approved Feedlot in the U.S. Before Shipment to an Official Establishment:

VS Form 1-27, Permit for Movement of Restricted Animals

IV. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES REGARDING HACCP SYSTEMS

A. Upon receipt of this notice Public Health Veterinarians (PHVs) are to have an awareness meeting at establishments that may choose to receive animals from Canada. PHVs are to inform the establishment that if it decides to receive animals from Canada it will need to reassess its HACCP system as set out in 9 CFR 417.4(a)(3) because the receipt of the animals, as a new source of raw materials, is a change at the establishment that may affect the HACCP system. The establishment needs to be

separately approved by APHIS to receive these restricted Canadian animals and can obtain a list of plants approved to handle animals for immediate slaughter at: www.aphis.usda.gov/vs/ncie.

NOTE: If an establishment plans to receive bison from Canada, inspection program personnel are to contact the Technical Service Center.

B. In a memorandum of interview, the PHV is to document who was present at the initial awareness meeting, the date and time of the meeting, what was discussed, and any documents that were shared with management. Inspection program personnel are to maintain a copy of the memorandum in the official government file and provide a copy to the plant management.

C. After the establishment has performed its reassessment, PHVs are to verify into which programs (i.e., HACCP plans, Sanitation SOPs, or prerequisite programs) the establishment incorporated any procedures adopted as a result of its reassessment. PHV's are to verify that the establishment has appropriately addressed in its HACCP system the receipt of animals from Canada to ensure that animals ineligible for slaughter are not slaughtered. PHV's also are to verify, consistent with the regulations and current policy, that for cattle that are slaughtered, the SRMs are properly segregated, removed, and disposed (See 9 CFR 310.22, FSIS Notice 9-04, Verification Instructions For The Interim Final Rule Regarding Specified Risk Materials (SRMs) In Cattle, and FSIS Notice 10-04, Questions and Answers, Regarding the Age Determination of Cattle and Sanitation).

D. Inspection program personnel will verify the execution of the establishment's food safety systems and will issue a Noncompliance Record and take the necessary enforcement action if an establishment fails to follow its written procedures as incorporated into its food safety systems, (e.g., fails to ensure that only animals of a specified age are presented for slaughter). (See FSIS Directive 5000.1, Revision 1, FSIS Notices 9-04 and 10-04, and 9 CFR 417.3 and 416.15.) On-line inspection program personnel are to notify the PHV or, if unavailable, other off-line inspection program personnel if they have reason to believe that an establishment's SRM control program, or the establishment's segregation of Canadian animals, may be ineffective (for example, when repeated presentation of contaminated cattle heads or carcasses for post-mortem inspection at the rail and head inspection station indicates failure to control SRM contamination, or Canadian animals for direct slaughter are not slaughtered as a group). The PHV or other off-line personnel will perform the appropriate HACCP or Sanitation SOP procedures to evaluate the process.

V. VERIFICATION ACTIVITIES WHEN ANIMALS FROM CANADA ARRIVE AT OFFICIAL ESTABLISHMENTS

A. Animals Shipped From Canada For Immediate Slaughter

Inspection program personnel will perform the following activities when animals are shipped from Canada for immediate slaughter.

1. Inspection program personnel will verify that a seal is present and intact on the shipping truck. The vehicle will be sealed with either a Canadian government seal,

or a U.S. government seal. If the seal on the truck is missing or broken, or otherwise tampered with, inspection program personnel are to:

- a. have all animals unloaded from the truck onto the official premises,
- b. institute a hold on the animals in the pen and restrict movement using a “U.S. Retained” tag applied to the pens,
- c. promptly contact the District Office so that it can notify the APHIS AVIC with jurisdiction in the state where the official establishment is located. (See http://www.aphis.usda.gov/vs/area_offices.htm for addresses of AVICs).

2. The AVIC will directly notify the establishment on disposition of the affected animals. An establishment may have a letter on file from the AVIC regarding the disposition of animals from Canada, and the establishment is to dispose of the animals in accordance with the letter.

NOTE: Inspection program personnel are to consider Canadian animals that are on the truck and that are nonambulatory-disabled or dead on arrival to be presented for inspection. Inspection program personnel are to verify that they are handled humanely, euthanized (where applicable), entered into e-ADRS, and, for cattle, sampled for the BSE surveillance program as set out in FSIS Notice 28-04 and 29-04.

3. After verifying that the truck is properly sealed, inspection program personnel are to break the seal. Only a USDA representative can break the seal on the truck (i.e., FSIS inspection program personnel, an APHIS Technician or other APHIS representatives).

4. Inspection program personnel are to verify that the establishment follows its procedures for immediately off-loading and segregating the entire group of animals onto the official premises.

5. Inspection program personnel are to verify that:

- a. a VS Form 17-33 and a Canadian Health Certificate are present,
- b. the establishment follows its procedures to ensure that there are no animals in the group that are not listed on the Health Certificate, and
- c. the establishment follows its procedures to ensure that the animals listed on the VS Form 17-33 are tagged as follows:
 - i. bovine are to be individually identified by an official Canadian Food Inspection Agency (CFIA) ear tag, and
 - ii sheep and goats are to be individually identified by an official CFIA ear tag.

NOTE: Animals may arrive with forms in addition to the VS Form 17-33 and Canadian Health Certificate. Inspection program personnel are to maintain copies of any additional documents in the inspection file, however there are no verification or distribution activities that inspection program personnel are to perform related to these other documents.

6. Inspection program personnel are to institute a hold on the animals in question with a “U.S. Retained” tag applied to the pens and promptly contact the District Office so that it can notify the APHIS AVIC if:

- a. the VS 17-33 or the Canadian Health Certificate is not present,
- b. the establishment has found animals that are not listed on the Health Certificate,
- c. the establishment has failed to follow its procedures referenced in paragraph V. A. 4 of this notice.

7. The AVIC will directly notify the establishment of subsequent actions. An establishment may have a letter on file from the AVIC regarding the disposition of any ineligible animals from Canada, and the establishment is to dispose of the ineligible animals in accordance with the letter.

8. Inspection program personnel are to verify that the establishment takes the appropriate action as set out its procedures for the removal, segregation, and disposition of SRMs and as incorporated into its HACCP system.

B. Animals from Canada Shipped to a Feedlot into the U.S. before Shipment to an Official Establishment

1. Inspection program personnel will follow the instructions in section V. A. 1. through 4.

2. Inspection program personnel are to verify that:

a. VS Forms 1-27 and a Canadian Health Certificates accompany the shipment, and

b. the establishment follows its procedures to ensure that there are no animals in the group that are not listed on the VS Forms 1-27.

NOTE: Due to the fact that Canadian origin animals may leave the feedlot at different times, the Canadian Health Certificates may have more animals listed than on the VS Forms 1-27, and there may be more than one Canadian Health Certificate attached to the VS Forms 1-27. Inspection program personnel are to maintain copies of any additional documents in the inspection file, however there are no verification or distribution activities that inspection program personnel are to perform related to these

other documents.

3. Inspection program personnel are to institute a hold on the animals in question with a "U.S. Retained" tag applied to the pens and promptly contact the District Office so that it can notify the APHIS AVIC if:

- a. The VS Forms 1-27 or the Canadian Health Certificates is not present,
- b. the establishment has found animals that are not listed on the VS Form 1-27, or
- c. the establishment has failed to follow its procedures that are referenced in paragraph V. B. 2. b. of this notice.

4. The AVIC will directly notify the establishment of subsequent actions. An establishment may have a letter on file from the AVIC regarding the disposition of any ineligible animals from Canada, and the establishment is to dispose of the ineligible animals in accordance with the letter.

5. Inspection program personnel are to verify that the establishment takes the appropriate action as set out its procedures for the removal, segregation, and disposition of SRMs and as incorporated into its HACCP system.

VI. ANTEMORTEM AND POSTMORTEM VERIFICATION ACTIVITIES

A. Antemortem Inspection

1. Inspection program personnel are to conduct routine antemortem inspection, after the establishment has completed the procedures it has in place for segregating cattle and as incorporated into its HACCP system. (See FSIS Notice 7-04, and 9-04). As instructed in FSIS Notice 10-04:

a. while performing verification activities related to the age of cattle, inspection program personnel are to verify, in establishments using documentation, that the records support the establishment's determinations. If the records do not support the determinations, inspection program personnel are to verify that the establishment takes the appropriate corrective action under 9 CFR 417.3(a) or (b).

NOTE: Hands-on dentition examinations are not to be used to determine the adequacy of the documentation. If a PHV is unsure as to whether the plant's procedures are adequate, he or she is to contact the Technical Service Center for technical assistance.

b. while performing verification activities related to the age of cattle, inspection program personnel are to verify, in establishments using dentition, that the establishment's determinations, which are typically made at postmortem, are consistent with the guidance provided in FSIS Notice 5-04. If the determinations made by the establishment are not consistent with the guidelines, inspection program personnel are to verify that the establishment takes the appropriate corrective action under 9 CFR

417.3(a) or (b).

NOTE: For sheep and goats, inspection program personnel are to conduct routine antemortem inspection, after the establishment has completed the procedures it has in place for segregating the animals and as incorporated into its HACCP system. Inspection program personnel are to follow the instructions above related to documentation to verify that such animals are not 12 months of age or older. In an establishment slaughtering sheep and goats that are using dentition, inspection program personnel are to verify the establishment's determinations, which are typically made at postmortem are consistent with the permanent incisor eruption as shown on the Technical Service Center Website: www.fsis.usda.gov/ofotsc.

2. For ruminants arriving under VS Form 17-33, inspection program personnel are to verify that the establishment is properly executing its procedures to ensure that the cattle, sheep, and goats are slaughtered as a group until the marks of inspection are applied.

NOTE: If animals are pregnant, the collection of fetal bovine serum is prohibited and is to be disposed of as set out by the AVIC. (See 3 and 4 below).

3. If an establishment fails to prevent Canadian origin animals that are ineligible for slaughter from being presented for slaughter, PHVs are to institute a hold on affected animals using a U.S. retained tag applied to the pens and promptly contact the District Office so that it can notify the APHIS AVIC.

4. The AVIC will directly notify the establishment of subsequent actions. An establishment may have a letter on file from the AVIC regarding the disposition of any ineligible animals from Canada, and the establishment is to dispose of the ineligible animals in accordance with the letter.

5. Inspection program personnel are to verify that the establishment takes the appropriate action as set out its procedures for the removal, segregation, and disposition of SRMs and as incorporated into its HACCP system.

6. For antemortem condemnations on eligible animals from Canada under 9 CFR Part 309, inspection program personnel are to continue to follow current regulations and directives.

7. If inspection program personnel observe any animal with a CAN brand (for cattle), and C brand (for sheep and goats) or CFIA ear tag while performing antemortem inspection on any domestic cattle lots, they are to institute a hold on the animals using a "U.S. Retained" tag applied to the pens and the PHV is to contact the District Office so that it can notify the APHIS AVIC. The AVIC will directly notify the establishment of subsequent actions and inspection program personnel are to verify that the establishment takes the appropriate action as set out its procedures for the removal, segregation, and disposition of SRMs and as incorporated into its HACCP system.

B. Postmortem Inspection

1. Off-line inspection program personnel are to verify execution of establishment programs for ensuring that animals ineligible for slaughter were not slaughtered and that eligible animals direct from Canada are slaughtered as a group until the marks of inspection are applied.

2. If an establishment slaughters animals that are ineligible for slaughter, PHVs are to institute a hold on the carcass and parts with a "U.S. Retained" tag. PHV's are to promptly contact the District Office so that it can notify the AVIC. Inspection program personnel are to verify that the establishment takes the appropriate action as set out its procedures for the removal, segregation, and disposition of SRMs and as incorporated into its HACCP system.

3. PHV's are to collect and hold for the AVIC all means of identification (i.e., ear tags, the VS-Form 1-27, and Health Certificate) and evidence regarding the age of the animals (i.e., a picture, when a camera is available, or a written description regarding a dentition finding).

4. The AVIC will contact the establishment, under its obligations as an establishment approved by APHIS to receive these animals, to ensure specific disposition and disposal requirements. An establishment may have a letter on file from the AVIC regarding the disposition of any ineligible animals (including a fetus) from Canada, and the establishment is to dispose of the ineligible animals in accordance with the letter.

5. If PHV's have concerns regarding the establishment's disposal, or failure to dispose of carcasses or parts of ineligible animals, they are to notify the District Office so that it can notify the APHIS AVIC. The AVIC will initiate any necessary investigation.

6. Any SRM's will be disposed in accordance with plant programs under 9 CFR 310.22.

7. For postmortem condemnations of eligible Canadian animals under 9 CFR Part 310, inspection program personnel are to continue to follow current regulations and directives. No special reporting of any condemnations on eligible animals is required.

VII. COMPLETING AND DISTRIBUTING FORMS

A. For animals from Canada that were shipped for immediate slaughter

After the slaughter of the shipment of animals, inspection program personnel are to:

1. sign and date the VS Form 17-33, (See Outlook Public Folders/All Public Folders/OFO/Technical Service Center/BSE Training Info for additional information about the VS Form 17-33),

2. maintain a copy of the VS Form 17-33 and the Canadian Health Certificate and

any other documentation arriving with the shipment in the inspection file, and

3. send a copy of the signed and dated VS Form 17-33 (Part 3) to the port of entry as written on the form.

B. For animals from Canada that were shipped to a feedlot before shipment to an official establishment

After the slaughter of the shipment of animals, inspection program personnel are to:

1. sign and date the VS Form 1-27, (See Outlook Public Folders/All Public Folders/OFO/Technical Service Center/BSE Training Info for additional information about the VS Form 1-27),

2. maintain a copy of the VS Form 1-27 and the Canadian Health Certificate (see above) and any other documentation arriving with the shipment in the inspection file, and

3. send a copy of the signed and dated VS Form 1-27 (Part 2), to the APHIS AVIC in the state where the designated feedlot is located.

Direct technical questions regarding this notice to the Technical Service Center at 1-800-233-3935. Direct other questions through supervisory channels.

Philip S. Derfler /s/

Assistant Administrator
Office of Policy, Program, and Employee Development