

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

FSIS DIRECTIVE	5420.4, Revision 3	9/15/06
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**HOMELAND SECURITY THREAT CONDITION RESPONSE -
EMERGENCY PROCEDURES FOR THE OFFICE OF INTERNATIONAL AFFAIRS
IMPORT INSPECTION DIVISION**

I. PURPOSE

A. This directive details the emergency Food Defense Verification Procedures that Import Inspection Division (IID), Office of International Affairs (OIA), Food Safety and Inspection Service (FSIS), field personnel will follow when the Department of Homeland Security declares a threat condition Yellow, Orange or Red.

B. This directive also:

- establishes how threat condition declarations will be communicated to import inspection personnel;
- provides specific instructions to import inspection personnel on how to respond to threat condition declarations;
- provides procedures for informing OIA supervisors, the Office of Food Defense and Emergency Response (OFDER), and border personnel in other agencies of security concerns; and
- provides procedures to effectively address and resolve noted security concerns in order to ensure that food is protected, thereby protecting public health.

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

OPI: OPPED

C. If there is an actual terrorist attack on a port of entry (POE), import personnel will immediately take measures to make sure program personnel are safe and will notify the Regional Import Field Office (RIFO). The RIFO will then notify the appropriate local authorities. In addition, the RIFO may request the activation of the FSIS Emergency Management Committee (EMC) through the senior executive leadership in OIA (see FSIS Directive 5500.2, Non-Routine Incident Response).

II. CANCELLATION

FSIS Directive 5420.4, Rev. 2, dated 1/26/05

III. REASON FOR REISSUANCE

FSIS is reissuing this directive in its entirety to provide OIA personnel with updated information regarding food defense procedures that are to be conducted at or above the threat condition "Elevated" yellow and to provide new Food Defense Verification Procedures at official import establishments (ISP Codes 08S14 through 08S17) and food defense surveillance activities in commerce. This directive also updates instructions for communicating the surveillance activities to appropriate levels in FSIS.

IV. REFERENCES

9 CFR parts 300 to end

FSIS Directive 5420.1, Rev. 3, Homeland Security Threat Condition Response – Food Defense Verification Procedures

FSIS Directive 5500.2, Non-Routine Incident Response

V. BACKGROUND

In 2002, the White House Office of Homeland Security established a Homeland Security Advisory System based on color. This System provides a comprehensive and effective means to disseminate information regarding the risk of terrorist acts to Federal, State, and local authorities and to the American people. A declaration of a Threat Condition Elevated (Yellow) by the Department of Homeland Security indicates there is an elevated risk of terrorist attacks. A declaration of a Threat Condition High (Orange) indicates there is a high risk of terrorist attacks. A declaration of a Threat Condition Severe (Red) reflects a severe risk of terrorist attacks. While the threat may or may not involve the nation's food supply, it is imperative that Agency personnel take certain actions immediately during such threat conditions to ensure the safety of meat, poultry, and egg products. Given what is required in responding to a credible threat of a terrorist attack, Agency personnel must clearly understand their roles and what will be required of them in order to respond properly to that threat.

VI. NOTIFICATION

A. In the event of a declaration of any threat condition:

- Elevated (Yellow), when there is an elevated risk of terrorist attacks,
- High (Orange), when there is a high risk of terrorist attacks, or
- Severe (Red) when there is a severe risk of terrorist attacks,

by the Department of Homeland Security, FSIS' OFDER will inform the FSIS Administrator and FSIS Management Council. OFDER will issue an e-mail letter to all employees notifying them of the heightened threat condition.

B. The RIFO will notify import personnel (Import Surveillance Liaison Officers (ISLO) and import inspectors) at high risk POE (sectors that encompass a designated area of the country) and import facilities at the time of the declaration to conduct Food Defense Verification Procedures for the threat condition according to the activities set forth in Paragraph IX of this directive. The import inspector will notify the import facility management of the threat condition and of the implementation of the Food Defense Verification Procedures.

C. ISLOs will maintain communications with the Department of Homeland Security (Customs and Border Protection (CBP) and the Coast Guard), Food and Drug Administration (FDA), Animal Plant and Health Inspection Service (APHIS), other agencies, and other FSIS personnel at POE and will initiate the appropriate Food Defense Verification Procedures.

D. OFDER will communicate the downgrading of a threat condition to the FSIS Administrator and the FSIS Management Council. Upon notification from OIA senior executive leadership, the RIFO will notify import field inspection personnel of the downgrade. The RIFO will notify import establishments that the downgrading has taken place.

VII. SPECIFIC THREAT CONDITION ACTIVITIES

The following are the actions to take in the event of a declaration of:

A. Threat Condition Elevated (Yellow), High (Orange), or Severe (Red) with no specific threat to the food and agricultural sector.

1. RIFOs will:

a. Immediately confirm that import inspection program personnel are aware of any changes in threat conditions, and that they have conveyed the current threat condition declaration to the management of import establishments.

b. Verify that import inspection program personnel perform Food Defense Verification Procedures (see paragraph IX).

c. Monitor import establishment and border activity.

2. ISLOs will:

a. Coordinate food defense activity with other border agencies, including, but not limited to, the Animal and Plant Health Inspection Service (APHIS) and the Department of Homeland Security (CBP and Coast Guard).

b. Report any irregularities, including suspicious behavior, and any alerts conveyed by other border agencies at the port covered by the ISLO to OIA through the supervisory chain of command.

c. Coordinate verification activity at POE where an ISLO is not present.

3. Import inspectors will:

a. Continue to consult the Automated Import Information System (AIIS) for reinspection assignments during a heightened threat condition declaration. Should the AIIS become inaccessible during a Threat Condition Elevated (Yellow), High (Orange), or Severe (Red) with no specific threat to the food and agricultural sector, import inspectors should follow the AIIS System Down (Contingency) Plan in the Import Manual of Procedures, Part 1, Section 1, until receiving alternative instruction through proper channels.

b. Initiate Food Defense Verification Procedures through PBIS (refer to paragraph IX of this directive for further guidance) including:

i. Notify the establishment of the alert status.

ii. Perform two of the Food Defense Verification Procedures from the procedure list in paragraph VIII D of this directive at active import establishments for the duration of the threat condition. Import inspectors are to perform the Food Defense

Verification Procedures as UNSCHEDULED procedures within their established tour of duty and after they have performed all food safety procedures.

iii. Monitor establishment operations for any unusual activity that may be related to food defense.

iv. Report any observations or suspicious activity related to food defense to their supervisor, the establishment, and the ISLO.

v. Use radiation detectors, when available, to detect radiological contamination of product in suspect shipments.

B. Threat Condition High (Orange) with a specific threat to the food and agricultural sector.

1. RIFOs will:

a. Communicate heightened alert status and updates to all import personnel at POE.

b. Conduct regular briefings with headquarters and field personnel.

c. Ensure import field personnel receive and implement special instructions from OIA regarding the reinspection of suspect shipments from designated foreign countries.

2. ISLOs will:

a. Coordinate Homeland Security activities as directed by OIA in coordination with other border agencies and other FSIS activities. These activities may include conducting food defense surveillance procedures in paragraph IX and reviewing high-risk product/shipments identified at POE as suspicious, including using radiation detectors on suspect shipments.

b. Verify food defense activity at POE where ISLOs are not located.

c. Report all activity to the RIFO and headquarters through IID food security reports.

3. Import inspectors will:

a. Perform all Food Defense Verification Procedures listed in paragraph IX of this directive daily for the duration of the threat condition (08S14, 08S15, 08S16, and 08S17). Import inspectors are to perform the Food Defense Verification Procedures as UNSCHEDULED procedures within their established tour of duty and after they have performed all food safety procedures.

b. Review shipments and documentation for evidence of tampering or falsification.

c. Notify the RIFO or ISLO if the AIIS is down, and they are using the contingency plan.

d. Sample ready-to-eat (RTE) and other high-risk product shipments as directed by the AIIS, Import Inspection Division Contingency Plan, or instruction received through supervisory channels. Focus activities on high-risk products as directed by OIA at the time of the declaration, including using radiation detectors to detect radiological contamination of product in suspect shipments.

e. Follow any special instructions provided by the RIFO regarding the reinspection of suspect shipments from designated foreign countries.

f. Report suspicious activities, as related to Homeland Security, to the RIFO.

C. Threat Condition Severe (Red) with a specific threat to the food and agricultural sector.

1. RIFOs will:

a. Conduct regular briefings with headquarters and field personnel.

b. Implement increased sampling in certain POE or import establishments for all or targeted (e.g., high-risk product) shipments as directed by the senior executive leadership in OIA.

c. In the event of a border closing, hold all products that the import facility had presented to FSIS.

d. In the event of an imminent threat to the safety of import inspection program personnel, verify that all import inspection program personnel have been removed from the threatening situation and notify OFDER through the senior executive leadership in OIA using the procedures as listed in FSIS Directive 5500.2, Non-Routine Incident Response.

e. Provide on-site support to law enforcement personnel, other POE agencies, and emergency first responders.

f. If necessary, deploy additional personnel to POE where the high-risk products are being presented for reinspection.

2. ISLOs will:

a. Continue surveillance at the ports and import establishments and work closely with the Department of Homeland Security, APHIS, and other FSIS divisions regarding POE activity. These activities may include conducting food defense verification procedures in paragraph IX and reviewing any high-risk products/shipments identified at POE as suspicious, including using radiation detectors on suspect shipments.

b. Maintain communication with other POE agencies in their area of coverage.

c. In response to a specific incident within their jurisdiction, initiate and coordinate emergency response activities through the RIFO across all jurisdictions.

d. Coordinate any targeted shipment verification activities with FSIS/IID import inspection personnel and the Department of Homeland Security at POE where ISLOs are not available.

e. Use radiation detectors, when available, to detect radiological contamination of product in suspect shipments.

f. Prepare to respond to site-specific requests for assistance from RIFO.

3. Import inspectors will:

a. Perform all applicable Food Defense Verification Procedures listed in paragraph IX for the duration of the threat condition. Import inspectors are to perform the Food Defense Verification Procedures as UNSCHEDULED procedures within the established tour of duty and after they perform all food safety procedures.

b. Increase scrutiny of all shipments. Hold shipments as directed by the RIFO at the time of the declaration of a severe threat condition, pending further instructions in the likely event of a border and POE closure.

c. Follow sampling instructions through AIIIS. If the AIIIS is non-operational, perform 100 percent reinspection of products. If radiation pagers are available, scan shipments for possible radiation adulteration.

d. Report any suspicious activity to the RIFO.

D. Imported Egg Products

IID headquarters will direct all imported egg shipments to an official import establishment during Threat Condition High (Orange) or Severe (Red), with a specific threat to the food and agricultural sector. Import inspectors will follow procedures in Paragraph VII and:

1. Review shipment documentation,
2. Observe shipment condition from shipping dock,
3. Hold all suspicious shipments, and
4. Contact RIFO for further instructions.

E. Targeted shipments

Import inspectors are to reinspect shipments targeted as a food security risk per OIA regardless of the alert conditions. Import inspectors should maintain communication with the RIFO or headquarters. Reinspection may include:

1. Review of shipment documentation,
2. Food Security Lab sampling,
3. Reinspection for tampering or adulteration,
4. Radiation scanning, or
5. Use of sensory equipment to detect biological or chemical contamination.

VIII. FOOD DEFENSE PLAN

A. Import establishments are encouraged to develop a functional food defense plan to set out control measures to prevent intentional adulteration of product. Although not required, FSIS encourages import establishments to have a food defense plan. The plan should be developed, written, implemented, assessed, and maintained if it is to be functional. The Agency has developed guidelines on the elements of a food defense plan, and they are available on the FSIS web site at

http://www.fsis.usda.gov/pdf/Elements_of_a_Food_Defense_Plan.pdf

NOTE: During the weekly meetings, import inspectors should refer facility management to FSIS Food Security Guidelines for Food Processors for additional security measures at

http://www.fsis.usda.gov/Food_Defense_&_Emergency_Response/index.asp

that it may want to incorporate into its Food Defense Plans. Import inspectors should discuss with facility management the content of any developed (Maritime, Department of Homeland Security, etc.) Food Defense Plans.

B. An import establishment is not obligated to provide a copy of its written plan to import personnel. If import establishments do provide a copy, import personnel may use the plan when performing the food defense verification activities. If the import establishment shares its plan, **do not keep or make copies of the written plan.** Import personnel are not to show or share the plan with any outside source because it may contain sensitive security information.

IX. FOOD DEFENSE VERIFICATION PROCEDURES

A. The purposes of the following emergency Food Defense Verification Procedures are to identify and mitigate to the maximum extent possible potential vulnerabilities in imported meat, poultry, and egg products that could lead to deliberate contamination. A potential vulnerability can be any measure identified at the import facility or POE (or that should be implemented to protect facility or POE operations) that is found or observed to be missing or not in place. Examples include suspicious activity in reinspection areas or port areas or evidence of tampering (holes or cuts in packages) in imported products from the POE into the United States.

B. The RIFO will summarize all activities and observations during the heightened threat condition and submit a report to OIA. The RIFO will communicate all immediate concerns to headquarters at once during Threat Condition High (Orange) or Severe (Red), with a specific threat to the food and agricultural sector.

C. The ISLOs will observe and inquire about the following while conducting food defense surveillance activities at POE and in commerce:

1. Maintain vigilance to detect suspicious activity, including observing port activity, movement of people at border, and movement of people at dock and surrounding areas.

2. Control the movement of targeted or suspicious shipments.
3. Observe conveyances for possible tampering or suspicious activity.
4. Maintain communication with the Department of Homeland Security, brokers, importers, APHIS, and other FSIS personnel.
5. Coordinate all border activities.
6. Prepare and distribute OIA food security reports through the weekly reporting system advising the Import Regional Field Office of Homeland Security of compliance issues.
7. Immediately communicate concerns to the RIFO and headquarters.

D. Import inspectors are to notify the facility management of any observation or concern. Import inspectors are to take immediate action as per established policy any time they observe product adulteration.

At a minimum, import inspectors will:

1. Water systems – 08S14

a. Observe the security of the facility's water systems, especially well water and ice storage facilities and water reuse systems; and b. Pay special attention to water used in defrost tanks and for purposes of cleaning and disinfecting.

Suggested Activities:

- Determine whether access to private wells is controlled.
- Determine whether potable water lines or storage tanks are appropriately secured.
- Determine whether ice storage facilities are appropriately secured.

2. Processing/Manufacturing – 08S15

Observe import reinspection process (raw and processed product handling, repackaging of product) where exposed products are being handled for indications of attempts to introduce contaminants into the product. Observe whether the facility has procedures in place to prevent deliberate contamination (e.g., camera surveillance).

Suggested Activities:

- Check the import reinspection process (e.g. exposing of product for cutting of sample) for evidence of possible intentional product contamination.
- Check to determine whether the facility has implemented a system to restrict access to areas where reinspection is occurring, (e.g., camera surveillance, color-coded uniforms, identification badges, sign out sheets).

3. Storage Areas – 08S16

Observe products in cold and dry storage areas for evidence of tampering. Pay special attention to bulk product ingredients that will undergo mixing, such as combo bins of meat trim and poultry parts used for grinding or emulsification. Dry ingredients, including spices, breading materials, and those used in injection solution preparations, also should be checked for indication of tampering. Observe the use and storage of any hazardous materials in the establishment. Verify that entry into such storage areas is controlled, and that usage logs are maintained and current. Special attention should be paid to cleaning materials, particularly those used in clean-in-place systems, or where there is mixing of bulk products (e.g., storage silos). In addition, verify the control of laboratory reagents and cultures.

Suggested Activities:

- Verify that the facility is implementing access control procedures to dry ingredient areas.
- Verify that the facility is implementing access control procedures to raw product storage areas.
- Verify that the facility is implementing access control procedures to finished product storage areas.
- Observe all products in storage for evidence of tampering.
- Verify that the facility is implementing control procedures for access and use of hazardous chemicals.

4. Shipping and Receiving – 08S17

Observe loading dock areas and vehicular traffic in and out of the facility. Report all unattended deliveries on loading docks and unmarked vehicles parked on the premises to facility management immediately. Suggest that facility management secure dry and cold products stored in on-site trailers; that the trailers be parked in restricted access areas of the facility where possible; and that facility security staff routinely check the trailers' physical integrity (e.g. locks, seals, general condition). Pay special attention to deliveries of liquid egg products to storage silos, of combo bins of meat trim, and of dry ingredients.

Suggested Activities:

- Check to determine whether the facility has procedures in place to restrict or control access to the loading dock area, and verify that it is implementing these access control procedures.
- Observe incoming shipments to verify that the facility is checking deliveries against shipping documents. Special attention should be paid to tanker trucks and totes of liquid egg products; dry ingredients; combo bins of fresh meat trim or poultry parts; and boxes of frozen trim that will be further processed.
- Observe outdoor lighting and on-site trailer security, paying special attention to any unauthorized access.

X. DOCUMENTATION

A. ISLOs will record findings of irregularities identified at port of entry through the OIA/IID Import Alerts system. ISLOs will use the intranet based Share Point application to document findings from the food defense surveillance activities.

B. Import inspectors are to record the performance of the ISP procedures listed in paragraph IX and document findings in the following manner:

1. When import inspectors perform an 08S procedure and do not find a food defense vulnerability or concern, they are to record the procedure as performed by recording trend indicator "A".

2. When import inspectors perform an 08S procedure and find that there **is** a food defense vulnerability or food defense concern, but that there is **no** evidence of product adulteration, they are to record the procedure, as performed, by recording trend indicator "S" and are to:

- and
- a. immediately notify the facility management and discuss the findings;
 - b. complete FSIS Form 5420-4, Food Defense Memorandum of Interview;

NOTE: The form can be found in Outlook:\\Public Folders\\All Public Folders\\Agency Issuances\\Forms\\FSIS 5,000 Series.

- c. provide a copy to establishment management; and
- d. send a copy electronically to the RIFO and the IF-OFDER mailbox in Outlook and maintain a copy in the file.

3. When import inspectors perform an 08S procedure, and find that there **is** a food defense vulnerability or food defense concern, and that there **is** evidence of product adulteration, they are to record the procedure as performed by recording trend indicator "T" and are to:

- a. immediately notify the facility management and discuss the findings and take action as per established policy;
- b. complete a Non-Compliance Report (NR) for the product adulteration and cite the appropriate ISP code and regulations;
- c. complete FSIS 5420-4;
- d. provide a copy of the forms to facility management; and,
- e. send a copy electronically to the RIFO and the IF-OFDER mailbox in Outlook and maintain a copy in the file.

B. The import facility is not under any regulatory obligation to respond. After meeting with facility management and completing FSIS Form 5420-4, import personnel do not need to verify how the import facility addressed the situation. Import personnel are to continue the random selection of food defense procedures.

C. If import personnel encounter the same potential food defense vulnerability or concern while conducting food defense procedures, they are to meet with the import facility management and complete a second FSIS Form 5420-4 on this vulnerability. Import personnel are to note on the form that this is the second occurrence of this vulnerability. If import personnel, through the random performance of food defense procedures, encounter the same potential food defense vulnerability or concern a third

time, they are to: (1) meet once again with the import facility management, (2) complete a third FSIS Form 5420-4, and (3) note that it is the third occurrence of this vulnerability. If the import facility expresses no intention to address the vulnerability or concern, import personnel should notify the RIFO of this situation.

D. The RIFO will consult with OFDER and will instruct import personnel on how to handle the situation.

Direct all questions related to this directive through supervisory channels.



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