

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

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# FSIS DIRECTIVE

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9020.1

04/03/01

## MEAT AND POULTRY PRODUCTS REFUSED ENTRY INTO THE U.S.

### I. PURPOSE

This directive provides instructions to inspection program personnel concerning the documentation and disposition of imported meat and poultry products refused entry, and measures required for bringing product not complying with FSIS requirements into compliance.

### II. CANCELLATION

Import Manual Part 7  
MPI Manual Part 22 and Part 27  
FSIS Form 9840-2 (obsolete)

### III. [RESERVED]

### IV. REFERENCES

9 CFR 327.13, 327.26(c), (d), 381.202, 381.204(c) and 500.3(a)(5); FSIS Forms 5110-1, 6502-1, 9135-1, 9510-1, 9530-1, 9540-1, 9840-3, 9840-4; Customs Forms (CF) 3499, 4613, 7512, MP-32

### V. FORMS

FSIS Form 9540-1, Import Inspection Application and Report – Attachment 1

FSIS Form 9840-3, Refused Entry Notification – Attachment 2

FSIS Form 9510-1, Canadian Establishment Initial Entry Worksheet – Attachment 3

DISTRIBUTION: Inspection Offices; T/A Inspectors; Plant Mgt; T/A Plant Mgt; TRA; ABB; PRD; Import Offices
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OPI: OPPDE
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FSIS Form 9530-1, Imported Meat and Poultry Product Re-inspection Record – Attachment 4

FSIS Form 9840-4, Voluntary Destruction of Imported Meat and Poultry Product(s) – Attachment 5

Customs Form 3499, Application and Approval to Manipulate, Examine, Sample or Transfer Goods – Attachment 6

Customs Form 4613, Order to Destroy and Record of Destruction of Forfeited, Abandoned, or Unclaimed Merchandise – Attachment 7

FSIS Form 6502-1, U.S. Rejected/U.S. Retained Tag – Attachment 8

MP32, U.S. Refused Entry Sticker – Attachment 9

Customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit – Attachment 10

FSIS Form 9135-1, Notice of Shipment of Refused Entry Product – Attachment 11

FSIS Form 5110-1, Services Rendered – Attachment 12

## **VI. BACKGROUND**

Imported meat and poultry products that do not comply with U.S. requirements are not allowed to enter U.S. commerce and will be identified as “U.S. Refused Entry product.” When inspection program personnel determine that the product should be stamped as refused entry product, they report their findings to the Director of Customs at the original port of entry as stated in 9 CFR 327.13(a)(1) and 381.202.

The broker/importer/applicant has 45 days from the refused entry date to handle the product according to 9 CFR 327.13(a)(2) or 381.202. The broker/importer/applicant may choose one of the following options:

- a. Destroy the product so that it cannot be used in any way,
- b. Denature the product so that it cannot be used as human food (e.g. convert to animal food),
- c. Return the product to the originating country or to a third country (re-export), if allowed by that country, or,
- d. For product that has been refused entry because of misbranding or mislabeling, bring the product into compliance with U.S. requirements.

All of these options are to be performed under the supervision of FSIS inspection program personnel.

## **VII. MARKING/NOTIFICATION/FILING PROCEDURES**

### **1. Where is the “U.S. Refused Entry” stamp applied?**

When product is designated as U.S. Refused Entry, FSIS inspection program personnel verify that the refused entry stamp has been applied to one location on each shipping container, carcass, or placard in a designated staging area.

Inspection program personnel stamp the original foreign inspection (health) certificate with “United States Refused Entry Amount \_\_\_\_\_” and enter the number of cases, cans, or pieces, and the weight of the refused entry product. If a portion of the lot is accepted, inspection program personnel also stamp the original foreign inspection certificate with “U.S. Inspected and Passed.”

### **2. Who should inspection program personnel notify, and what forms should be completed?**

Inspection program personnel advise the import establishment of the refused entry and recommend that establishment officials notify the importer. Inspection program personnel complete FSIS Form 9540-1 (except for Canada) and FSIS Form 9840-3. For Canada only, fax the U.S. Customs Service copy of FSIS Form 9840-3 to the Technical Service Center (TSC) (402) 221-7479. For other countries, the inspector faxes the U.S. Customs copy of FSIS Form 9840-3 to the local Customs office. FSIS Form 9840-3 (Est. Log) will be kept by inspection program personnel in a log book or file folder, in numerical order by refused entry date.

Refused entries resulting from an inspection failure that will affect the compliance history of the exporting establishment (all violations except transportation damage and missing shipping marks) are to be entered in the Automated Import Information System (AIIIS) immediately. All other refused entries should be entered in the AIIIS within 24 hours, or the next working day in case of a weekend or holiday.

### **3. What is included in the refused entry case file?**

When product is refused entry, a refused entry case file is established that contains the original foreign health certificate, FSIS Forms 9540-1 or 9510-1, 9530-1, 9840-3 (case file copy), 9840-4, and any other information pertinent to the case. Prior to the product's disposition, inspection program personnel keep the refused entry files separate from the “inspected and passed” files. After disposition of the refused entry product, inspection program personnel file the relevant forms by calendar year, in numerical order, at the import establishment with the “inspected and passed” files.

## **VIII. STORAGE OF REFUSED ENTRY PRODUCT**

### **How should refused entry product be stored?**

Inspection program personnel verify that the import establishment has stored each lot of refused entry product intact at the import establishment until proper disposition occurs. The lot should be easily accessible for review by inspection program personnel upon request. If product is removed from the official import establishment without FSIS prior approval, inspection program personnel immediately withhold import inspection and notify the District Office (DO) of the circumstances as specified in 9 CFR 500.3(a)(5). The DO determines when operations may be resumed at the official import establishment.

## **IX. TIME REQUIREMENTS CONCERNING FINAL DISPOSITION OF REFUSED ENTRY PRODUCT**

### **1. What is the timeframe to complete the final disposition?**

As stated in 9 CFR 327.13 and 381.202, final disposition of refused entry lots is to be accomplished within 45 calendar days from the date of the notification to U.S. Customs at the original port of entry. **NOTE:** If the original date of notification needs to be changed due to a re-inspection at the tightened level, (a level of re-inspection where there is an increase in the number of sample units, e.g., canned goods sorting), the date is changed to the date on which the tightened re-inspection occurred. In this situation, FSIS Form 9840-3 should not be released until the sorting and tightened re-inspection has occurred. Inspection program personnel must change the date in the AIIIS and amend FSIS Form 9840-3 to reflect the new date of notification.

### **2. Can the importer/broker/applicant request to extend the 45-day time limit?**

In accordance with 9 CFR 327.13(a)(5) or 381.202(a)(4), the importer/broker/applicant may request an extension beyond the 45-day limit. The importer/broker/applicant submits the written request to the TSC prior to the end of the 45-day limit. The request should detail the reason, the length of time for the extension, and the arrangements for disposition of the product.

The TSC will send a letter back to the importer/broker/applicant, granting or refusing the extension and will send copies to the DO and the inspector. If the extension is granted, inspection program personnel complete block 12(a) and (b) on the FSIS 9840-3 (Est. Log).

### **3. What happens if the 45-day limit has expired, and no extension has been granted?**

If final disposition of the lot is not accomplished within the 45-day time limit, and the TSC has not granted an extension, inspection program personnel notify the DO and the TSC of the violation. The Assistant District Manager for Enforcement for the district will determine the appropriate action to control the product. Inspection program personnel complete blocks 11(a), (b) and (c) on FSIS Form 9840-3 (Est. Log).

## **X. DISPOSITION OF REFUSED ENTRY PRODUCT**

### **1. What forms do FSIS inspection program personnel receive for disposition (other than re-export) of refused entry product?**

FSIS inspection program personnel receive 3 copies of either CF3499 (Attachment 6) or CF4613, or 2 copies of FSIS Form 9840-4 from the importer/broker/applicant. Inspection program personnel verify that FSIS Form 9540-1 or 9510-1 and the lot number are referenced on the CF3499 or 4613, as well as the method of disposition.

### **2. What are the options regarding the disposition and handling of product refused entry into the U.S.?**

When product is refused entry it can be A) destroyed, B) denatured, C) brought into compliance with U.S. requirements, or D) returned to the country of origin or a third country.

#### **A. Destruction**

Inspection program personnel receive 3 copies of either CF3499 or 4613, or 2 copies of FSIS Form 9840-4 from the importer/broker/applicant. If the refused entry product will be traveling to an off-site location for destruction without first being denatured, the product must travel under FSIS seal or visual control. The destruction process must occur under the supervision of FSIS. The product inside of a container or package must be exposed to be properly destroyed (e.g., crushing or slashing the container or package to expose the product).

Upon destruction, inspection program personnel sign and date either the CF3499 or 4613 or FSIS Form 9840-4 and provide a copy to the importer/broker/applicant. Inspection program personnel file the original in the case file, enter the disposition on FSIS Form 9840-3 (Est. Log), blocks 13 (i) or (j), circle "B" in block 14 for each applicable lot destroyed, and initial the "case closed by" block for each applicable lot. Inspection program personnel enter the disposition of each applicable lot into the AIMS as "disposed of" and, if applicable, provides a copy of CF3499 or 4613 to the U.S. Customs Service.

## B. Denaturing

Inspection program personnel receive 3 copies of either CF3499 or 4613, or 2 copies of FSIS Form 9840-4 from the importer/broker/applicant. Inspection program personnel verify that the denaturing process is complete according to the requirements in 9 CFR 327.25 or 381.202, and that the denatured product is stored in properly marked containers.

After denaturing, inspection program personnel sign and date either the CF3499 or 4613 or FSIS Form 9840-4 and provide a copy to the importer/broker/applicant. Inspection program personnel file the original in the case file, enter the disposition on FSIS Form 9840-3 (Est. Log) in blocks 13 (i) or (j), circle "B" for destroyed or "C" for denatured in block 14 for each applicable lot(s), and initial the "case closed by" block for each applicable lot(s). Inspection program personnel enter the disposition of each applicable lot(s) into the AIMS as "disposed of" and provides a copy of CF3499 or 4613 to the U.S. Customs Service.

## C. Bring Non-Complying Product Into Compliance

Upon notification by the importer/broker/applicant, imported product determined to be non-compliant (e.g., misbranding or mislabeling, net weight failures, or incorrect or completely illegible shipping marks, etc.) may be brought into compliance under the supervision of FSIS inspection program personnel. In lieu of stamping the product refused entry, proper controls will be applied to the product pending corrective actions acceptable to FSIS (i.e., FSIS Form 6502-1, or MP 32).

Product that has been refused entry solely because of misbranding, in lieu of exportation or destruction pursuant to paragraph (a)(2) of section 327.13 or 381.202 of the regulations, may be brought into compliance with the requirements of this part, under supervision of an authorized representative of the Administrator.

For product with missing, incorrect, or completely illegible shipping marks, the importer/broker/applicant has the option of having a representative of the foreign inspection system or Embassy oversee the application of shipping marks. Inspection program personnel must have a letter of authorization from the TSC before allowing remarking of the product. The application of the shipping marks must be done in accordance with U.S. labeling requirements.

Inspection program personnel will verify that the representative of the foreign inspection system or Embassy has a new health certificate or other suitable documentation attesting that the product was prepared in accordance with the regulations. The importer presents the product as a new lot by submitting a new or revised FSIS Form 9540-1 or 9510-1.

Inspection program personnel enter the date of the disposition in block 13 (k) of FSIS Form 9840-3 (Est. Log), circle "D", "E", or "F" as applicable, and initial for each

applicable lot in the “case closed by” block. Additionally, inspection program personnel enter each applicable lot as “disposed of” into the AIIS.

D. Re-Export to Originating Country (other than Canada) or Third Country

Refused entry product can be re-exported to the originating country or to a third country if acceptable by that country. Canada and Mexico do **not** accept U.S. refused entry product (as a third country). However, Canada allows U.S. refused entry product to transit through on its way to another country.

**Product returning to the originating country:**

The TSC receives a written request from the importer/broker/applicant to re-export the product, and reviews the request to verify that it includes:

A legible copy of FSIS Form 9540-1 and 9840-3

Applicable FSIS Form 9540-1 number

Lot number

Originating country

Establishment number

Number of containers

Weight of product

Date and reason for refusal

U.S. port of departure

Name and address of consignee

Country of destination

Specific details of the export arrangements (for example, trucking line, shipping line and ship name, voyage number and booking number)

When the TSC grants permission for the refused entry product to move, the TSC will fax the approval letter to FSIS inspection program personnel at the import establishment and to the importer/broker/applicant. Inspection program personnel complete block 13 (a) and (b) on FSIS Form 9840-3 (Est. Log) for the applicable lot upon receipt of the notification from the TSC.

The importer/broker/applicant provides at least 3 copies of CF7512 to inspection program personnel at the import establishment where the product was refused entry. Inspection program personnel verify that the applicable FSIS Form 9540-1 and the lot number(s) are referenced on the form.

Inspection program personnel stamp at least 3 copies of CF7512 with “Restricted Product/USDA Refused Entry,” if the importer/broker/applicant has not already typed the phrase on the form.

Inspection program personnel enter the date by which the product must be re-exported on the CF7512. Inspection program personnel place one copy of CF7512 in the case

file, return all other copies to the applicant, and notify the import establishment that the refused entry product can be moved for re-export.

When the refused entry product is removed from the import establishment, inspection program personnel enter the applicable lot as “disposed of” into the AIIS, circle “A” in block 14 of FSIS Form 9840-3 (Est. Log), and initial the “case closed by” block for each applicable lot.

### **Canadian product returning to Canada**

When refused entry product from Canada is being returned to Canada, inspection program personnel receive a minimum of 3 copies of CF7512 from the importer/broker/applicant. Inspection program personnel verify that the Custom Entry Number and AGR Number are referenced on the CF7512.

Inspection program personnel stamp at least 3 copies of the CF7512 with “Restricted Product /USDA Refused Entry” if the importer/broker/applicant has not already typed the phrase on the form, and enter the date by which the product must be re-exported. Inspection program personnel complete “A,” “B,” “C,” and “E” of FSIS Form 9135-1 including the seal number in block 13(c). Inspection program personnel place a photocopy of the original health certificate in the case file. Inspection program personnel then place in an envelope marked “Attention: Canadian Inspector,” the original FSIS Form 9135-1, the “importer” copy of the FSIS Form 9840-3 (Est. Log), and the “original” health certificate. This envelope is to be conspicuously placed with the refused entry product prior to sealing the vehicle.

Inspection program personnel seal the truck with an official seal (USDA Red Ball/Foreign Meat Seal), and enter the current date on the FSIS Form 9840-3 (Est. Log) in Block 13b, “Permission to move letter” date block for the applicable lot(s). Inspection program personnel circle the “A” on the FSIS 9840-3 (Est. Log) in block 14, “Disposition Codes,” for the applicable lot and enter the applicable lot as “disposed of” into the AIIS.

Once inspection program personnel receive FSIS Form 9135-1, signed by a Canadian Food Inspection Agency (CFIA) representative, they enter the date the form was received in block 13 (h) of the FSIS Form 9840-3 (Est. Log) and initial the “case closed by” block for the applicable lot. In instances where the FSIS Form 9135-1 is not received, a copy of the CF7512 signed and dated by Customs certifying that the product was exported from the U.S., will suffice. The date received would then be recorded in block 13(g) of FSIS Form 9840-3 (Est. Log) and the inspection program personnel would initial the “case closed by” block for the applicable lot. A copy of the applicable form is kept in the case file.

If inspection program personnel have not received a confirmation copy of either FSIS Form 9135-1 or CF7512 after 14 calendar days from the time the product left the import facility, they should request the import establishment management to either:



- a. Contact the Canadian plant, to procure a confirmation copy of the FSIS Form 9135-1, or
- b. Request the broker to obtain a confirmation copy of the CF7512. If this action fails to secure either copy within 1 working day, inspection program personnel should notify the TSC for further guidance.

### **Non-Canadian product transiting through Canada**

When an importer/broker/applicant requests permission to ship non-Canadian U.S. refused entry product through Canada, the TSC provides the following information to the Canadian Food Inspection Agency:

FSIS Form 9540-1 number and lot number  
Country of origin  
Foreign establishment number  
Name of product  
Quantity of product (number of shipping units and pounds)  
Reason for refusal  
Trucking company  
License number of truck/container  
Container or truck number  
Seal number  
Date of departure from U.S. (border crossing point)  
Name of vessel and booking number  
Final country of destination and consignee, and  
Importer/broker's address and telephone number

Inspection program personnel affix an official seal (USDA Red Ball/Foreign Meat Seal) to the vehicle and notify the TSC of the number.

### **XI. SERVICES RENDERED**

#### **What can inspection program personnel claim as a reimbursable service while dealing with refused entry product?**

Inspection program personnel time and mileage incurred while dealing with the destruction, re-exportation, conversion to animal food, or other disposition of refused entry product is a reimbursable service. Complete FSIS Form 5110-1 when performing these services.

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and Evaluation