

**TEXAS DEPARTMENT OF STATE HEALTH SERVICES
MEAT SAFETY ASSURANCE
AUSTIN, TEXAS**

<h1 style="margin:0;">MSA DIRECTIVE</h1>	5220.3 Rev. 1.1	03/16/16
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ISSUANCE OF A 10-DAY LETTER FOR INACTIVE OPERATIONS

I. PURPOSE

This directive outlines the actions that a Circuit Manager (CM) may take when a meat or poultry establishment is not operating (i.e., inactive) or is operating but not conducting operations that require inspectional oversight (e.g., facility is a dual jurisdiction establishment, but is currently only producing Food and Drug Administration products). This directive provides instructions regarding communicating with an inactive establishment, and actions to be taken when an establishment has failed to respond to Central Office (CO) inquiries about its operational status and intentions (i.e., the issuance of a ten-day letter). MSA is reissuing this directive to update the instructions concerning the Public Health Information System (PHIS).

II. CANCELLATION

MSA Directive 5220.3, Issuance of a Ten-Day Letter for Inactive Operations

III. BACKGROUND

A. An official meat or poultry establishment may request a voluntary suspension of inspection services for purposes such as, but not limited to, when the facility is for sale; when minor to major structural change or remodeling is being done; when the presence of inspection program personnel (IPP) is not needed; or when there is an unforeseen disaster. A voluntary suspension of inspection services is temporary and, except for establishments that operate on a seasonal basis, normally should not exceed 120 calendar days.

NOTE: From here on, official meat and poultry establishments will be referred to as “establishments,”

B. When situations beyond the establishment’s control arise (e.g., inability to obtain equipment on schedule or inability to complete major structural changes because of weather conditions), the CM, at the establishment’s request, may extend the 120-calendar day suspension for an additional time period.

C. If a seasonal establishment has gone one year or more without conducting any operations, the CM is to follow the instructions in Section IV below.

IV. PROCEDURES FOR COMMUNICATING WITH INACTIVE ESTABLISHMENTS AND PLANTS

A. If an establishment is inactive for more than 120 days and has not communicated its intentions, or if it ceases operations and has failed to communicate why the establishment has been inactive to the CO, the CO is to send a letter to the plant or establishment address listed in PHIS.

B. The letter is to be sent by overnight service with a “Return Receipt Requested” (e.g., U.S.P.S., Fed-Ex, UPS and LSO) and is to clearly inform the establishment of the following:

1. The establishment needs to respond back to the CO within 10 business days from the receipt of the 10-day letter. If the CO does not receive a response within 10 business days from the receipt of the 10-day letter, it will consider the grant of inspection to have been abandoned and voluntarily withdrawn;
2. The grant of inspection and the assigned establishment number will be changed to “Voluntarily Withdrawn;”
3. If the establishment intends to resume operations, it needs to respond to the CO within 10 business days from the receipt of the 10-day letter. The establishment in its response needs to propose a date that is acceptable to the CO and CM on which it will resume inspected operations.
4. The CO will reinstate an establishment’s inspection service only after the CM finds the sanitary conditions, Sanitation Performance Standards, the written Sanitation Standard Operating Procedures, the HACCP food safety system, and the written recall procedure (if applicable) to be acceptable.

C. The CO is to e-mail a copy of the letter to the CM for that establishment

V. ACTIONS TO BE TAKEN BASED ON ESTABLISHMENT RESPONSE

A. If the CO does not receive a response within 10 business days of receipt of the letter, if the letter is returned “Not Deliverable,” or if the establishment responds that it does not intend to continue to operate, the CO will:

1. Treat the grant of inspection as being voluntarily withdrawn;
2. Complete MSA Form 57, *Suspension or Withdrawal of Service*. Send a copy of the completed form to the establishment through an overnight service with a “Return Receipt Requested” (e.g., U.S.P.S., Fed-Ex, UPS);
3. E-mail an electronic copy of the completed MSA Form 57 to the CM for that establishment; and
4. Update PHIS to reflect the appropriate status of the establishment (see section VI).

B. If the establishment responds that it intends to resume inspection with a tentative date acceptable to the CO and CM, then no further action needs to be taken by the CO. If the CO determines that additional information is needed from the establishment, however, the CO will inform the owner of what additional information is required.

NOTE: Given the length of time that an establishment has been inactive, sanitary conditions may need to be verified before inspection can resume. The CO may direct the assigned CM to assess the establishment’s sanitary condition before reassigning inspectors.

VI. QUESTIONS

Refer questions through supervisory channels.

A handwritten signature in blue ink that reads "James R. Dillon". The signature is written in a cursive style with a large initial 'J' and 'D'.

James R. Dillon, DVM, MPH
Director, Texas State Meat and Poultry Inspection Program
Department of State Health Services