

## USDA Catfish Inspection Regulations Summary

FSIS USDA webpage: <http://www.fsis.usda.gov/siluriformes>

### Background

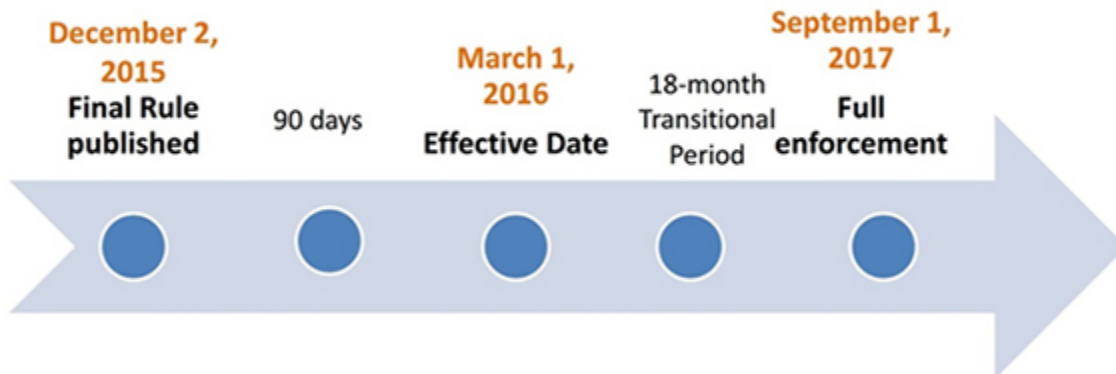
The Food Safety and Inspection Service (FSIS) is the public health agency in the U.S. Department of Agriculture (USDA) responsible for ensuring that meat, poultry, and processed egg products are safe, wholesome, and accurately labeled.

FSIS enforces the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, which require Federal inspection and regulation of meat, poultry, and processed egg products prepared for distribution in commerce for use as human food. Additionally, FSIS enforces the Humane Methods of Slaughter Act of 1958, which requires that livestock be handled and slaughtered humanely.

Through the 2008 and 2014 Farm Bills, FSIS now inspects Siluriformes, including catfish, under the Federal Meat Inspection Act.

Previously, siluriformes were inspected by the Food and Drug Administration (FDA).

### Important Dates



#### Dec 2, 2015

USDA FSIS published final rule “Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish”

- Fish of the order Siluriformes are amenable to the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601(w) (2)), and the rule establishes the mandatory inspection program and its regulatory requirements.
- Final rule: <https://www.fsis.usda.gov/wps/wcm/connect/878aa316-a70a-4297-b352-2d41becc8f73/2008-0031F.pdf?MOD=AJPERES>

#### December 10, 2015

S.J. Res 28 introduced in the Senate “A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of Agriculture relating to inspection of fish of the order Siluriformes”

- <https://www.congress.gov/bill/114th-congress/senate-joint-resolution/28?q=%7B%22search%22%3A%5B%22catfish%22%5D%7D&r=3>
- This joint resolution disapproves and nullifies a Department of Agriculture rule published on December 2, 2015, to establish a mandatory inspection program for fish of the order Siluriformes, including catfish and products derived from the fish.

#### March 1, 2016

Rule effective with 18-month transitional period.

- “Transitional Period (transition to complete implementation): Beginning on March 1, 2016 and continuing until September 1, 2017, FSIS will conduct inspection and exercise broad enforcement discretion in domestic establishments that slaughter or slaughter and process and distribute Siluriformes fish and fish products.”

#### May 25, 2016

- Senate passed S.J. Res 28 which disapproves and nullifies the siluriformes inspection rule.
- Vote 55-43.
- Sent to the House.

#### May 26, 2016

- Bipartisan group of representatives sent [letter](#) urging House NOT to consider or vote on S.J. 28.
- House did not discuss S.J. 28.

#### September 1, 2017

Transitional period ends. Full enforcement of rule begins.

## Chesapeake Bay Discussions

### **Concerns**

- Catfish processors would need costly upgrades to processing facilities that would put them out of business.
- Time-intensive and costly procedures for processors and wholesalers.

### **Uncertainty**

- Uncertain if the rule means that wild-caught catfish will have to be processed live.

### **Outreach/Questions**

- Stakeholders have brought concerns to fishery managers in Maryland, Virginia, and the Potomac River. Fishery managers have been working to identify relevant USDA contacts for outreach.
- Major concern among seafood processors in the region.
- Has anyone in the region reached out to congressional representatives?
- Have catfish processors in the region been contacted by USDA?

## Q/A

\*Indicates question listed on the FSIS USDA FAQ page on siluriformes inspection. These questions and others can be found here: <https://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/siluriformes>

### **What USDA FSIS district does the Chesapeake Bay region fall under?**

Raleigh, NC (District 80).

States: Delaware, District of Columbia, Maryland, North Carolina, New Jersey, Virginia, West Virginia

Mr. Steve Lalicker, DM (919) 208-2945

Steven.Lalicker@fsis.usda.gov

Dr. Beth Cunningham, DDM (919) 208-2934

Beth.Cunningham@fsis.usda.gov

Mr. Mark Roling, DDM (919) 208-2935

Mark.Roling@fsis.usda.gov

Dr. Roger Murphy, DDM (919) 208-2947

Roger.Murphy@fsis.usda.gov

Reginald Tillman, GC (919) 208-2965

Raleigh.GrantCurator@fsis.usda.gov

6020 Six Forks Road

Raleigh, NC 27609

Phone: (919) 844-8400 or 1-800-662-7608

Fax: (919) 844-8411 or (919) 844-8415

24-Hour Emergency: (919) 844-8400

Admin. Functions: Ms. Lorraine Jones, RM (919) 208-2944

Ms. Laura Hutchison, RC (919) 208-2933

### **What actions need to be taken to be in compliance with the new rule?**

Email from Michael J. Baburam (USDA FSIS):

Establishments or persons engaging in and intending to continue the slaughter, processing, further processing, or packaging of Siluriformes, which includes labeling of Siluriformes products, need to apply for a federal grant of inspection if they have not already done so. Such establishments or persons must immediately contact the Office of Field Operation's District Office (DO) that covers the state in which their establishment is located. The Raleigh, North Carolina DO (District 80) covers the states of Delaware, District of Columbia, Maryland, North Carolina, New Jersey, Virginia, and West Virginia. The DO will provide an Application for Federal Inspection for those establishments or persons slaughtering or processing Siluriformes fish and fish products.

FSIS personnel will assist management with completing their application if necessary, answer questions regarding the implementation of regulatory requirements during the transitional period, provide and discuss FSIS small business resource documents, and tour the facility to identify any conditions that need correction to receive a Conditional Grant for the inspection of Siluriformes fish and fish products. This visit will be beneficial to address concerns they may have regarding the inspection program.

It is in the best interest of affected establishments or persons to contact the District Office as soon as possible if they have not already done so. For further information, please contact the Raleigh NC District Office at (919) 844-8400 or 1-800-662-7608.

**\*With regards to FSIS implementing the inspection of Siluriformes fish and fish products, what activities meet the definition of "processing" that will require FSIS inspection?**

9 CFR 531.1 defines “further processed” as smoking, cooking, canning, curing, refining, or rendering in an official establishment of product previously prepared in official establishments. These regulations also define “prepared” as slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed. These regulatory changes can be found in the final rule, beginning on page 75617. All these activities require FSIS mandatory inspection. With that said, during the 18 month transition, FSIS inspection at processing facilities will be done at least once per quarter.

**\*If an establishment repacks and re-labels Siluriformes product, will that be a process subject to FSIS inspection the same as meat and poultry?**

Yes, if the facility repacks and re-labels the product, it will need to do so under FSIS inspection. If the establishment does not cut up or handle the product, it may pay for voluntary, reimbursable inspection service, rather than operate under a grant of inspection.

**\*For establishments that produce Siluriformes product, will FSIS accept currently compliant FDA HACCP Plans (as per FDA Fish and Fishery Products Hazards and Controls Guidance - Fourth Edition - April 2011) or will FSIS expect the development of new HACCP Plans under 9 CFR 417? Likewise, will FSIS accept existing Sanitation SOPs compliant with 21 CFR 123.11 or will FSIS expect the development of new Sanitation SOPs compliant with 9 CFR 416?**

To provide for an orderly changeover from FDA oversight to FSIS oversight, FSIS is providing an 18-month transitional period to give affected establishments the opportunity to train personnel and to bring their operations into full compliance with FSIS regulations. HACCP plans that met requirements under FDA’s regulations would likely meet most of the FSIS HACCP requirements. However, FSIS’s Sanitation SOP requirements are more extensive than FDA’s, and establishments will likely need to make changes to meet FSIS requirements. FSIS will work with establishments to bring them into full compliance with FSIS regulations by September 1, 2017.

**\*If an establishment will now fall under USDA FSIS inspection, what must the facility do to become inspected by USDA FSIS?**

To receive FSIS inspection, an establishment would need to apply for a grant of inspection through the appropriate FSIS District Office.

**\*I’m a commercial fisherman – I catch catfish and take them to a processor in an unlabeled container. The processor de-heads, or guts, or fillets them. Am I required to have FSIS inspection?**

No, you are not required to operate under the FSIS mandatory inspection requirements. FSIS recognizes wild-caught fish that are killed or die prior to arrival at a processing facility to have died under the controlled circumstances of commercial fish harvesting and processing, provided they are not decomposed or spoiled. If the processing establishment is packaging and labeling the fish, it’s required to operate under FSIS mandatory inspection. The processor needs to contact the District Office for the State in which the establishment is located for further information on how to apply for FSIS inspection.

**\*I am a catfish wholesaler – I buy catfish (live and dead) to resell. I resell the fish, without further-processing (de-heading, gutting, or filleting) them, to local restaurants and stores. I don’t package and label them. Am I required to have FSIS inspection?**

No, at this time, if you don't package them in a container with a label or further-process the fish, and your products are sold directly to a local restaurant or store, you are not required to operate under FSIS mandatory inspection.

**\*I am a catfish wholesaler – I buy catfish (live and dead) to resell. Sometimes I de-head them, sometimes I de-head and gut them. I put a label on them and sell them. Am I required to have FSIS inspection?**

Yes, if you are processing (e.g., de-head, gut, or fillet the fish or packaging) and labeling catfish for resale, you are required to operate under FSIS mandatory inspection. Please contact your District Office for your State for further information on how to apply for FSIS inspection.

**\*I am a catfish processor – I de-head and gut catfish, package and label it for wholesale distribution. Am I required to have FSIS inspection?**

Yes, if you are processing (e.g., further processing or packaging) and labeling catfish for wholesale distribution, you are required to operate under FSIS mandatory inspection. Please contact the District Office for your State for further information on how to apply for FSIS inspection.

**\*If a facility buys catfish from a commercial fisherman and skins or portion cuts the fillets (essentially further processing), would they be under FSIS jurisdiction? Do they need FSIS inspection?**

Yes, skinning and portioning Siluriformes fish would require FSIS inspection.

### **Operations/Inspection Timeline**

<https://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/siluriformes/operations-inspection>

March 1, 2016

- Domestic slaughter and slaughter/processing (primary) and processing only (secondary) only establishments needed to contact their respective FSIS District Office (DO) in order to secure a conditional Grant of Inspection (FSIS Form 5200-2, Application for Federal Inspection).

March 1, 2016 - September 1, 2017

- Transitional Period for domestic product.
- Domestic slaughter and slaughter/processing (primary) establishments will have an FSIS inspector present during all hours of operation.
- Processing only (secondary) establishments will have an FSIS inspector present on at least quarterly basis.

April 15, 2016 - September 1, 2017

- Transitional period for imported product; use of interim reinspection strategy.
  - Imported Siluriformes fish and fish product shipments will be selected for reinspection and subjected to species and residue testing on at least a quarterly basis.

September 1, 2017 and forward

- Full enforcement.
- Domestic slaughter and slaughter/processing (primary) facilities continue to have an FSIS inspector present.
- Processing only (secondary) facilities will have an FSIS inspector present at least once per day.

- All imported shipments of Siluriformes fish/fish products will be required to be presented for reinspection to USDA.