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NOAA HANDBOOK 25

U.S. Department of Commerce

Seafood Inspection Program

Our Mission:

To ensure the safety and quality, as well as enhance the marketability and sustainability, of seafood products for the benefit of the American consumer by providing science based inspection services to the seafood industry.

Our Vision:

“An informed society that has confidence in the seafood that they purchase, sell and consume today and in the future.”

USDC/NOAA Fisheries
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Administration and Policy

Chapter 1 – Administration

Section 01: EEO Policy

The NOAA Seafood Inspection Program, as a component of NOAA Fisheries, prohibits discrimination because of race, color, religion, national origin, sex, age (40 years and over), and/or physical or mental handicap and retaliation for participating in activities protected by the civil rights statutes. Please refer to the NOAA Workforce Web Site at:

<http://www.wfm.noaa.gov/employees.html>

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Section 02: Ethical Conduct and Professional Demeanor

Ethical Conduct and Disclosure of Confidential Information

The following policy has been established to ensure that each Seafood Inspection Program employee has a full knowledge and understanding of the Department of Commerce (DOC) regulations covering employee responsibilities and conduct, and his/her obligations with regard to the disclosure of confidential information obtained in connection with his/her official duties.

As a DOC employee responsible for enforcing the Regulations Governing Processed Fishery Products, the employee must follow acceptable professional standards of conduct during the discharge of his/her duties. The references cited here spell out clearly and comprehensively the responsibilities and conduct required of DOC employees; and delineate the penalties for the unauthorized disclosure of confidential information. Although the regulations pertain to all DOC employees, they are particularly germane to Program personnel who, in the normal course of their duties, acquire an intimate knowledge of the policies, operational methods, production levels, etc., of official establishments. Such employees must be ever mindful of an establishment's inviolable right to safeguard its operational procedures from unauthorized persons, including competitive establishments.

A. Consumer Safety Officers/Inspectors/Food Technologists/Trainers

1. All identified personnel are required to read and understand 15 CFR 0, Employee Responsibilities and Conduct (See ATTACHMENT #1.)

2. All identified personnel are required to read and understand 18 USC 1905, Disclosure of Confidential Information (See ATTACHMENT #2.)

3. All identified personnel are required to sign the Ethical Conduct Agreement annually (see ATTACHMENT #3.)

B. Branch Chiefs. The Branch Chief is responsible for assuring that all identified personnel under his/her supervision read and understand 15 CFR 0 and 18 USC 1905. He/She is also responsible for assuring that each identified employee signs the Ethical Conduct Agreement at least once annually.

The signed Ethical Conduct Agreement will be maintained in the office of the Branch Chief and be available for review at any time by any authorized party.

ATTACHMENT #1

Title 15 - Commerce and Foreign Trade
 SUBTITLE A - Office of the Secretary of Commerce
 CHAPTER I - Bureau of the Census, Department of Commerce
 PART 0 - Employee Responsibilities and Conduct
 15 CFR Subtitle A (1-1-02 Edition)

Subpart A-General Provisions

- 0.735-1 Purpose.
- 0.735-2 Relation to basic provisions.
- 0.735-3 Applicability.
- 0.735-4 Definitions.

Subpart B-General Policy

- 0.735-5 General principles.
- 0.735-6 Standards required in the Federal service.
- 0.735-7 Special requirements of the Department.
- 0.735-8 Limitations on private activities and interests.

Subpart C-Statutory Limitations Upon Employee Conduct

- 0.735-9 Employee responsibilities.

Subpart D-Regulatory Limitations Upon Employee Conduct

- 0.735-10 Administrative extension of statutory limitations.
- 0.735-10a Proscribed actions.
- 0.735-11 Gifts, entertainment, and favors.
- 0.735-12 Outside employment or other activity.
- 0.735-13 Financial interests.
- 0.735-14 Use of Government time or property.
- 0.735-15 Misuse of employment or information.
- 0.735-16 Indebtedness.
- 0.735-17 Gambling, betting, and lotteries.
- 0.735-18 General conduct prejudicial to the Government.
- 0.735-19 Reporting undue influence to superiors.

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Subpart E-Statements of Employment and Financial Interests

- 0.735-20 General provisions.
- 0.735-21 Form and content of statements.
- 0.735-22 Employees required to submit statements.
- 0.735-22a Employee's complaint on filing requirement.
- 0.735-23 Employees not required to submit statements.
- 0.735-24 Time and place for submission of original statements.
- 0.735-25 Supplementary statements.
- 0.735-26 Interests of employees' relatives.
- 0.735-27 Information not known by employees.
- 0.735-28 Information not required.
- 0.735-29 Confidentiality of employees' statements.
- 0.735-30 Relation of this part to other requirements.
- 0.735-31 Special Government employees.

Subpart F-Supplementary Regulations

- 0.735-32 Departmental.
- 0.735-33 Operating units.
- 0.735-34 Effective date of supplementary regulations.

Subpart G-Administration

- 0.735-35 Responsibilities of employees.
- 0.735-36 Responsibilities of operating units.
- 0.735-37 Procedure.
- 0.735-38 Availability for counseling.
- 0.735-39 Authorizations.
- 0.735-40 Disciplinary and other remedial action.
- 0.735-41 Inquiries and exceptions.

Subpart H-Disciplinary Actions Concerning Post-Employment Conflict of Interest Violations

- 0.735-42 Scope.
- 0.735-43 Report of violations and investigation.
- 0.735-44 Initiation of proceedings.
- 0.735-45 Notice.
- 0.735-46 Hearing.
- 0.735-47 Decision absent a hearing.
- 0.735-48 Administrative appeal.
- 0.735-49 Sanctions.
- 0.735-50 Judicial review.

Appendix A-Statutes Governing Conduct of Federal Employees

Appendix B-Position Categories, Grade GS-13, and Above, Requiring Statements of Employment and Financial Interests by Incumbents

Appendix C-Position Categories below GS-13 Requiring Statements of Employment and Financial Interests by Incumbents

ATTACHMENT #2

TITLE 18 – Crimes and Criminal Procedure

PART I. Crimes
CHAPTER 93. Public Officers and Employees
SECTION 1905. Disclosure of Confidential Information

[18 USC 1905 \(1/03/2007\)](#)

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ATTACHMENT #3

U.S. Department of Commerce
NOAA Fisheries
Seafood Inspection Program
Silver Spring, MD 20910

**ETHICAL CONDUCT AGREEMENT
For Seafood Inspection Program Personnel**

In my capacity as an employee of the Department of Commerce, I hereby state that I will not, either individually or as a member of a group, directly or indirectly, ask for, accept, or receive any gift, favor, service, loan or entertainment, which might reasonably be interpreted as tending in any degree to influence the performance of my official duties, from any person whom I might reasonably expect to have official relations.

In addition, I will not divulge any confidential commercial or financial information to any other members of industry or to any NOAA Fisheries personnel who are not directly involved in the inspection activities of the plant. This includes, but is not limited to, production procedures, equipment, proposed changes in production and food safety and quality assurance plans and procedures. I furthermore state that I have no private business activities or interests which might conflict with the proper performance of my official duties and will not acquire such interests or activities during my employment with the Department. I have read and understand the Department of Commerce regulations on Employee Responsibilities and Conduct which are attached.

Signature

Date

Dress Code

To establish uniformity in inspector appearance during the performance of official inspection duties, each inspector is responsible for complying with the following dress code and for assuring that his/her appearance is clean, neat and befitting that of a professional food inspector representing the Federal Government. Each inspector shall also have a clearly visible logo indicating his/her position with the USDC Seafood Inspection Program, in order to be readily identified as a representative of the Federal Government on official duty. This logo may be on the outside of a lab coat, shirt, freezer coat, or headgear. During in-plant inspections, inspectors should wear the following:

- A. Clothing
 - solid color pressed slacks or corduroy pants – **no jeans**
 - clean button-down shirt, blouse, or Polo-type shirt – **no tee shirts**
 - socks
 - lab coat (optional)
- B. Shoes
 - work shoes or boots appropriate for work environment
 - no sneakers or tennis shoes
 - no high-heeled or open-toed shoes
- C. Headgear
 - safety headgear – bump caps or hard hats, depending on the hazardous conditions, or soft caps, as appropriate. All headgear worn during the performance of official duties shall bear the USDC logo. No other company logo is permitted.
 - hair nets, as dictated by the individual's hair length and plant processing conditions
 - beard nets, if appropriate

Each inspector is responsible for his/her safety. The official policy of NOAA/Fisheries is that safety headgear (bump caps or hard hats) are to be worn during inspection, though the decision to wear a particular type of headgear is at the discretion of the inspector. Note that in cases where the local supervisor deems the wearing of a soft cap does pose a safety hazard to the inspector, the inspector must wear a bump cap or hard hat. The USDC is not liable for head injuries incurred if inappropriate headgear is worn.

Section 03: Financial Management

Billing Procedures and Delinquencies

There are two types of services available:

- A. Official Establishment & Product Inspection – Contract Basis: Under this service, one or more inspectors are assigned to a processing plant when the inspected product is being processed. Only fishery products packed in official plants operating under this inspection and in compliance with USDC inspection regulations may be labeled with the official USDC grade or inspection marks.
- B. Non-Contract Inspection or consultation – Officially & Unofficially Drawn Samples: This service is designed to provide inspection services for specific lots of fishery products in which the applicant has a financial interest. Results of this inspection are reported on an official certificate. This service is performed at the request of the applicant upon acceptance by the USDC SIP.

Miscellaneous Inspection & Consultative Service: These services include any inspection or related service, such as, but not limited to, initial and final establishment surveys, appeal inspection, sanitation evaluation, sampling, product evaluation, and label and product specification review, for which the charges based on the foregoing types are not applicable.

Billing Procedure

A. Billing Requirement: Fees and charges for inspection and grading services shall be billed monthly to contract participants and by individual invoice for non-contract participants. Fees and charges so billed shall be paid by the participant for such service in accordance with the applicable provisions in Part 260, Chapter II, Title 50 of the Code of Federal Regulations (CFR), as amended.

B. Surety Bond: Participants under contract for inspection services shall post a surety bond equal to approximately three (3) months cost for providing the inspection service prior to the initiation of such service. Inspection services shall not be initiated at the participant's establishment until such surety bond has been posted and received by NOAA. All inspection services at the establishments operating under contract shall be discontinued at such time as the receivables due are of an amount equal to or greater than the amount of the surety bond posted by the participant. Inspection services, where discontinued under these conditions, shall be reinstated only after the accounts receivable from the participant are sufficiently reduced.

C. Billing Forms: The Inspection Collection and Billing Management (ICBM) computer program will be used for bill preparation. Additional copies may be prepared, if necessary, for local administrative purposes. Bills should be prepared in such detail that the participant can readily ascertain what inspection services the bill covers, i.e., contract, lot or sample inspection, travel expense, consultative services, etc., including inclusive dates services were provided.

D. Computation of Billing Amount: Unless otherwise provided for in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulation, in Part 260, Title 50 of the CFR, shall be based on the applicable rates specified in the said Part, as amended by publication in the CFR, for the type of service performed. The monthly billing amount will be computed by the ICBM computer system.

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Bill Collection

All fees and charges for any inspection service performed, pursuant to the regulations in part 260 of the CFR, shall be paid by check, wire transfer, bank draft, or money order made payable to NOAA, Department of Commerce. Such payment shall be remitted to NOAA within thirty (30) days from the date of the billing. An automated (ICBM System) follow-up letter shall be mailed sixty (60) days after the date of the bill; a second follow-up letter shall be mailed ninety (90) days after the date of the bill advising the participant that inspection services will be discontinued and the surety bond collected if payment is not received within fifteen (15) days. Copies of all follow-up letters shall be sent to the appropriate supervisor immediately after each issuance so that he/she is alerted to the delinquency.

Uncollectible Bills

Every reasonable effort shall be made to collect all outstanding bills. Debt collection procedures should provide for the use of all reasonable means of collection available and that are consistent with good business practices and the participant's ability to pay, such as:

A. Timely and aggressive demands embodying adequate description of the debt.

- B. Efforts to locate the participant.
- C. Set-off, when appropriate, of amounts due indebted participant under NOAA's contracts.
- D. Application of the procedures prescribed in 4 GAO 55 relative to set-off amounts due indebted participants under contract with other agencies.
- E. Set-off amounts due individuals when authorized by law, with particular reference to the withholding authority in Public Law 497, approved July 15, 1954 (5 U.S.C. 46d and 46e), and Public Law 633, approved August 3, 1950 (5 U.S.C. 46b).
- F. Requests upon other agencies for cooperation in collecting debts from persons who are in their employ or service, or who are otherwise currently receiving payments from them.

After a diligent effort for collection has failed, the January 16, 1985 procedures for administratively uncollectible debts shall be followed as set forth in 4 GAO 56. This circular replaces NOAA Circular 75-72 dated August 6, 1975, filed as NOAA Directives Manual 34-53.

ATTACHMENT

[USDC Seafood Inspection Fees](#)

Submitting Charges for Services

This national uniform procedure is to be used by inspection personnel in recording charges to be used for billing applicants.

Inspector - It will be the responsibility of each inspector to keep a daily record for each assignment and to submit this completed record (see attached NOAA Form 89-811) on the last day of each month to his/her respective regional director.

Regional Inspection Director - It will be the responsibility of each director to assure he has received and verified the required records from all inspectors for all official work stations they have been assigned to during the month for billing.

The following procedures will be used in filling out the "Daily Record of Charges" (NOAA Form 89-811).

A. Header Section

Block 1 – Insert the name of the establishment to be billed.

Block 2 – Leave Blank.

Block 3 – Enter the current month.

Block 4 – Enter the current calendar year.

Block 5 – Enter the complete billing address of the establishment (this address will be used for billing purposes).

B. Type Section

Block 6.a. – Enter the total number of REGULAR hours of TYPE I inspection services rendered to the establishment on a daily basis by each inspector assigned to the establishment on the same day, the combined number of hours will be entered in the appropriate block(s) by the inspector-in-charge and each inspector's surname

will be entered in REMARKS. ONLY ONE FORM WILL BE COMPLETED MONTHLY FOR EACH ESTABLISHMENT (except for lot inspection where it may be necessary to complete more than one).

Block 6.b. – Same as 6.a. except applies only to OVERTIME.

Block 6.c. – Same as 6.a. except applies only to SUNDAY AND HOLIDAYS.

BLOCK 7.a. – Same as 6.a. except applies only to TYPE II.

Block 7.b. – Same as 6.b. except applies only to TYPE II.

Block 7.c. – Same as 6.c. except applies only to TYPE II.

Block 7.d. – Enter the numeral “1” to indicate MINIMUM FEE.

Block 8 – Write in specific TYPE III service performed (i.e. consulting, contract lot, lab, etc.).

Block 8.a. – Same as 6.a. except applies only to TYPE III.

Block 8.b. – Same as 6.b. except applies only to TYPE III.

Block 8.c. – Same as 6.c. except applies only to TYPE III.

Block 8.d. – Same as Block 7.d.

Block 9 – Enter the number of miles only (The computer will compute the cost.).

Block 10 – Remarks.

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C. Validation Section

Block TTL – Enter Column (a) - (d) totals for each type service performed. Block Other Costs - Complete OTHER COSTS as applicable at the bottom of form; check the applicable rate; sign form and forward monthly to the Regional Inspection Office.

ATTACHMENT

NOAA FORM 89-811 (REV 5/91)		U.S. DEPARTMENT OF COMMERCE NOAA-NMFS		1. Establishment Name				2. Vendor ID				
DAILY RECORD OF CHARGES				5. Establishment Bill To Address:								
3. Month				4. Year		ATTN:						
6. Type I (Contract)				7. Type II (Lot)				8. Type III (Other)		9. Miles	10. REMARKS	
D A Y	a. Reg.	b. OT	c. Sun.- Hol.	d. Night Diff.	a. Reg.	b. OT	c. Sun.- Hol.	d. Min.	a. Reg.			b. OT
	1											
2												
3												
4												
5												
6												
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OTHER COSTS:	EXAMPLE:				
\$ _____	COLA	\$ _____	Lab Fees	SIGNATURE	_____
\$ _____	PDif	\$ _____	Per Diem		INSPECTOR NAME/NO.
\$ _____	N/D	\$ _____	Parking		Check One:
\$ _____	Air Fare	\$ _____	Taxi	APPROVED:	_____
					<input type="checkbox"/> Regular Rate
					<input type="checkbox"/> Alaska Rate

Payment Guarantees

To establish uniform requirements and procedures for handling guarantee of payment requirements posted by contract establishments.

The Chief of the regional inspection office which serves the area in which inspection services are to be performed shall require a guarantee of payment in a minimum amount equal to three (3)

months cost for providing the contracted inspection services prior to the initiation of such service. Inspection services at an establishment operating under contract shall be discontinued at such time as the receivables due are of an amount equal to the amount of the guarantee of payment posted by the participant. When discontinued under these circumstances, inspection services shall be reinstated only after the accounts receivable from the participant are significantly reduced.

Procedures

Two options are available to participants by which they may comply with the contract requirement for providing a guarantee of payment for inspection services rendered.

A. An advance of funds in a minimum amount equal to three (3) months cost from providing inspection services may be posted. The advance shall be paid by check, wire transfer or credit card. The regional office will forward to NOAA Finance noting funds are in lieu of surety bond. The deposit will be non-interest bearing.

B. A surety bond in a minimum amount equal to three (3) months cost from providing inspection services may be posted. NOAA form 89-801, Surety Bond (attached) may be used for this purpose. Upon receipt, the regional office should review the bond to determine that it has been properly completed, signed and seals affixed, and that a power of attorney from the bonding company is attached that authorized its representative to sign the bond on its behalf. A copy will be retained in the regional office and the original will be forwarded along with the contract to headquarters. The surety bond requires the surety to provide thirty (30) days written notice to Seafood Inspection Headquarters and the regional office prior to terminating the bond. Should the regional office receive notice that a surety bond is being withdrawn on a specific date, the office should take immediate steps to advise the participant that a new surety bond or other guarantee of payment will be required effective on or before the termination date of the existing bond if inspection services are to continue beyond that date.



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ATTACHMENT

NOAA FORM 89-801 (Prescribed by NOAA Inspection Manual 25) (10-92)		UNITED STATES DEPARTMENT OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NATIONAL MARINE FISHERIES SERVICE	
SURETY BOND			
PRINCIPAL(S) (Legal NAME and Business Address)		TYPE OF ORGANIZATION (Check One) <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> JOINT VENTURE <input type="checkbox"/> CORPORATION <input type="checkbox"/> UNINCORPORATED BUSINESS	
STATE OF INCORPORATION	BOND NUMBER	STATE AUTHORIZED FOR SURETY BUSINESS	
SURETY(IES) NAME(S) AND BUSINESS ADDRESS		SUM OF BOND MILLION(S) THOUSAND(S) HUNDRED(S) CENT(S)	
		CONTRACT DATE	CONTRACT NUMBER
<p>OBLIGATION</p> <p>The Principal(s) cited above has/have requested, and will, in the future, request the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, United States Department of Commerce, to provide inspection services to said paid principal and has/have agreed to pay (at fees effective when inspected) for said services rendered under the referenced contract.</p> <p>If the principal pays, when due, all fees, including any interest or penalty imposed for late payment, to NMFS for the services rendered; then no other obligation will be incurred for the principal or surety. However, the principal's failure to make prompt payment will bind, jointly and severally, the principal and surety to an obligation which will not be terminated until all indebtedness for inspection services so incurred under the contract shall be liquidated.</p> <p>The United States of America, acting by and through the Regional Inspection Chief, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, United States Department of Commerce, _____ (Region, Address, Phone Number)</p> <p>_____ reserves the right at any time to terminate this bond by a written notice of such termination to the surety and thereupon this bond shall terminate and be of no more force or effect, except as to any liability already incurred or accrued as to which it shall remain in full force and effect.</p> <p>The surety herein reserves the right to withdraw as surety from this bond and may do so upon giving thirty (30) days written notice to the aforementioned Regional Inspection Chief, after which time its liability under this bond shall cease, and said bond shall thereupon terminate and be of no force or effect, except as to any liability or indebtedness already incurred or accrued thereunder prior to the date of termination.</p> <p>It is mutually agreed that the effective date of this bond shall be _____.</p> <p>IN WITNESS WHEREOF the above bounded parties have executed this instrument under their several seals, this _____ day of _____, 19____, the name and corporate seal of each corporate party being hereto affixed and duly signed on its behalf by the undersigned representative, pursuant to authority of its governing body.</p>			
CORPORATE PRINCIPAL(S)			
SIGNATURE(S)		CORPORATE SEAL	
1. _____			
2. _____			
NAME(S)/TITLE(S) (Typed)			
1. _____			
2. _____			
CORPORATE SURETY(IES)			
NAME/ADDRESS	STATE OF INC.	LIABILITY LIMIT	
		\$ _____	
SIGNATURE(S)			
1. _____			
2. _____			
NAME(S)/TITLE(S) (Typed)			
1. _____			
2. _____			
CORPORATE SEAL			
NAME/ADDRESS			
		STATE OF INC.	LIABILITY LIMIT
			\$ _____
SIGNATURE(S)			
1. _____			
2. _____			
NAME(S)/TITLE(S) (Typed)			
1. _____			
2. _____			
CORPORATE SEAL			
The rate of premium on this bond is _____ per thousand. Total amount of premium charged is \$ _____			
(ABOVE MUST BE FILLED IN BY CORPORATE SURETY)			
CERTIFICATE AS TO CORPORATE PRINCIPAL		CORPORATE SEAL	
I, _____, certify that I am the _____, of the corporation named _____, as principal in the within bond; that _____, who signed the said bond on behalf of the principal, was then _____ of said corporation; that I know this signature thereto is genuine; and that said bond is duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.			
_____ (SIGNATURE)			
_____ (DATE)			

ORIGINAL

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Use and Security of Stamping Devices

To assure that all official stamping devices are stored, used, and managed in a manner such that

only authorized personnel have access to them, and are accountable for them; and to assure that such devices are used only by or under the supervision of USDC personnel or officially cross-licensed personnel on products approved to bear official marks and in the manner prescribed by the regulations.

General

The Inspection Program has taken a number of steps to improve its control of official marks and devices. These steps include redesigning of the official stamping devices to include an accountable number, requiring the signature receipt of each device issued to authorized personnel, and restricting the purchase, use, and storage of U.S. Grade “A” and PUF1 mark stamping devices used on approved products. These instructions contain the procedures for implementing an official stamping device management system which will be operated by the Documentation Approval and Supply Services (DASS) of the Technical Services Branch (TSB).

Procedures

- A. Documentation Approval and Supply Services Section
 1. Devices
 - a. The USDC Lot Inspection Devices [50 CFR 260.86(d)]
 - (1) Officially Sampled; and
 - (2) Accepted Per Specifications
 - b. Official U.S. Grade A and Processed Under Federal Inspection (PUFI) Marking Devices [50 CFR 260.86(a), (b), and (c)]
 2. Unit of Issue: Each
 3. Source: All official stamping devices for use by inspectors will be purchased, inventoried, and issued using and documenting certified mail with return receipt requested by the TSB, DASS, Pascagoula, Mississippi.
 4. Issuing Authority: Approving Officer, DASS, TSB, Pascagoula, Mississippi.
 5. Accountability: Official Stamping Devices. The DASS will be accountable for all pre-serial numbered official stamping devices issued to requesting regions.
 6. Missing official stamping devices: Upon being notified of lost or stolen official stamping devices, it will be the responsibility of the DASS to alert all RIB offices via Fax and/or interoffice electronic mail within twenty-four (24) hours listing any identifying and pertinent information.
- B. Regional Inspection Chiefs
 1. Accountability: It will be the responsibility of the director to:
 - a. assure that all official stamping devices are used and stored by personnel under his/her supervision as prescribed by this instruction;
 - b. establish and maintain an inventory (log) which incorporates the issue and receipt of stamping devices (transfers, resignations, or discharges), a copy of which will be submitted quarterly to the DASS;
 - c. require that the accountability document (see Attachment), which accompanies each device(s) issued to field personnel be signed and returned to the Regional Inspection Office. Also, if the signed accountability document is not received within 10 days by the regional office, the requesting party must be called to determine whether the device(s) have been received, with follow-up action taken as indicated by the facts; and
 - d. use and document certified mail with return receipt requested when issuing devices.
 2. Ordering: It will be the responsibility of each regional director to order new or replacement official stamping devices in a timely manner from the DASS, using two-way memorandums, to assure that sufficient useable devices are on hand when needed.

3. Missing official stamping devices: It will be the responsibility of each regional director to notify the DASS of lost or stolen official stamping devices within twenty-four (24) hours of receipt of such information from an inspector. Notice will be via electronic mail or fax and shall include:
 - a. Inspector to whom devices(s) were issued.
 - b. Amount and type of devices(s), as well as inspector identification number(s).
 - c. Locations and brief description of incident resulting in missing device(s).
 - d. Date and approximate time of loss.
- C. USDC Inspectors and Other Authorized Personnel
1. All USDC inspectors and other authorized personnel will be responsible for the security of all accountable stamping devices issued to them. Storage will be in a locked drawer, cabinet, safe, or other secure area safeguarded by key or combination which is available to or known by only official NMFS or cross-licensed inspection personnel.
 2. All devices which are out-of-date, damaged, worn, or otherwise unusable must be returned to the DASS, through the Regional Inspection Director, for destruction by certified mail, return receipt requested.
 3. When a USDC inspector or other authorized person is transferred, resigns, or is discharged, all official devices used by such a person must be returned to the Regional Inspection Office in person or by certified mail, return receipt requested.
 4. All USDC inspectors or other authorized personnel will be responsible for reporting lost or stolen stamping devices to the regional director within twenty-four (24) hours with the required information in V.B.3 above.
- D. Official Devices: The approved inspection marks and devices listed in 50 CFR 260.86 will be under the official device management system.

ATTACHMENT

PLEASE COMPLETE AND RETURN TO ADDRESS GIVEN BELOW

I, _____, do hereby acknowledge that
(Name - Please Print)

I have received the below listed item(s):

I.D. NO. _____ ITEM NAME _____

and understand that I am held responsible for said item(s) as long as I am officially employed or cross-licensed as a Federal USDC Inspector.

I understand that: (1) if I resign or am transferred, said item(s) must be returned and receipted prior to leaving said duty station; and (2) if said item(s) are worn or broken and need repair or replacement, said item(s) will be returned to supply point listed below for repair or replacement.

SUPPLY POINT

SIGNATURE
TECHNICAL SERVICES BRANCH
DASS SECTION
3207 FREDERIC ST., STE. B
P. O. DRAWER 1207
PASCAGOULA, MS 39568-1207

LOCATION

MAILING ADDRESS

STATE ZIP

DATE

Security of Accountable Documents

The purpose of this section is to assure official certificates are properly stored, issued, and managed in such a manner that only authorized personnel have access to, and are thereby accountable for, such documents; and that such documents are executed and issued in such a manner that the potential for their misuse is severely restricted.

General

A recent internal control review was conducted to insure controls for accountable documents were in place. The findings indicated that although they were operating properly, a "fine-tuning" was needed to achieve national uniformity. This manual section contains the procedures for implementing an efficient certificate management system which will be operated by the Documentation Approval and Supply Services (DASS) Section, of the Technical Services Branch (TSB).

Procedures

- A. Documentation Approval and Supply Services (DASS) Section
 1. Responsibilities: It is the responsibility of the DASS Section to:
 - a. order un-embossed serially numbered certificates from Central Logistics Supply Center in Missouri as needed, inventory and store both certificates and certificate log (software) under lock;
 - b. provide access to computer and certificate log only to authorized personnel;
 - c. emboss all certificates and designate the region issued to, issuing officers, and date issued on each certificate book cover prior to shipment;
 - d. send all shipments via certified mail, return receipt requested, and document such in a postal log book and maintain all returned receipts in same;
 - e. include with all shipments to the regional inspection offices an accountability document containing certificate types, quantities, serial numbers, the region issued to, and make a machine copy and maintain such until the original returns for replacement;
 - f. enter into the certificate log the data from properly completed records of certificates along with any included voided certificates.
 2. Missing Certificates: When notified of lost or stolen certificates, the DASS Section will alert all RIB offices and program participants via Fax and inter-office electronic mail within twenty-four (24) hours, listing any identifying and other pertinent information.
- B. Regional Inspection Directors
 1. Responsibilities: It is the responsibility of each regional inspection director to:
 - a. store certificates and certificate log under lock;
 - b. establish and maintain the certificate log using the following procedures:
 - [1] *Receiving Certificates*
 - [a] check contents of each shipment against the attached accountability document, sign if correct, and return promptly to the DASS Section;
 - [b] enter into the certificate log the date and by whom received, certificate type(s), and serial numbers;
 - [2] *Issuing Certificates*
 - [a] check certificate log to remove required certificates sequentially, recording type and serial numbers, to whom issued, by whom issued, postal receipt number, or hand delivery where applicable, and issue date;
 - [b] complete each certificate book cover as to inspector issued to, issuing officer,

date issued, and make a machine copy and maintain such until a machine copy is made from the returned, completed record of certificates (reverse side of certificate book cover) for replacement;

[c] include with all shipments to field personnel an accountability document containing certificate types, quantities, serial numbers, the inspector issued to, and make a machine copy and maintain such until the original returns for replacement. Also, if the signed accountability document is not received within 10 days by the regional inspection office, the requesting party must be called to determine whether the certificates have been received, with follow-up action taken as indicated by the facts;

[d] send all shipments via certified mail, return receipt requested, document such in a postal log book, and maintain all returned receipts in same and;

[e] check each returned record of certificates along with any included certificates prior to returning such to the DASS Section for completion as to certificate numbers, to when issued, date of issue, as well as any voided and superseded by/superseded certificate notations and maintain a machine copy file.

2. Ordering Certificates: Each regional inspection director is to order certificates from the DASS Section semi-annually based upon projected requirements. Orders will be placed on the first Monday in February and August of each year, by two-way memorandum (OF-27).

3. Missing Certificates: Each regional inspection director will notify the DASS Section of lost or stolen certificates within 24 hours of receipt of such information. Notice will be via electronic mail or fax and shall include:

- a. inspector to whom certificate(s) were issued.
- b. type and amount of certificate(s) missing.
- c. serial number(s) of missing certificate(s).
- d. location and description of incident resulting in missing certificate(s).
- e. date and approximate time of incident.
- f. any pertinent data which might be useful in identifying and substantiating loss.

C. USDC Inspectors and Other Authorized Personnel

1. Responsibilities: It is the responsibility of all USDC inspectors and other authorized personnel to:

- a. store certificates under lock with the key or combination available to or known only by official NMFS or cross-licensed inspection personnel;
- b. check contents of each shipment against the attached accountability document, sign if correct and return promptly to the regional inspection office;
- c. enter into the record of certificates (reverse side of certificate book cover) the serial number; to whom issued, and date of issue when issuing certificates. Also, all voided and superseding certificates must be so noted on their respective record of certificates and returned along with same to the regional inspection office. Also, a copy of the superseding certificate must be attached to the superseded one.

2. Missing Certificates: All USDC inspectors and other personnel will notify their regional inspection office of lost or stolen certificates within 24 hours, with the information required in Procedures, B.3., above.

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 - 3. Missing Certificates
 - C. USDC Inspectors and other Authorized Personnel
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 - a. storing certificates
 - b. check shipments
 - c. complete records of certificates
 - 2. Missing Certificates

Leave Policy

Summary Sheet

All full-time employees must account for 80 working hours (excluding lunch) in a pay period. These 80 hours may be any combination of regular hours and approved leave hours. All part-time employees must account for the number of hours designated in their hiring plan (excluding lunch) in a pay period. These hours may be any combination of regular hours and approved leave hours. The work schedule may be adjusted as work needs change by filing an SF-52.

All mixed tour employees must account for the number of hours designated in their hiring plan (excluding lunch) in a pay period. The number of hours may be any amount from 80 down to 16 hours per pay period. These hours may be any combination of regular hours and approved leave hours. The work schedule may be adjusted as work needs change by filing an SF-52.

All intermittent employees shall work a designated number of hours mutually agreed upon by employee and supervisor. This agreement should be made the week prior to a new pay period or at a time mutually agreed upon by both parties. No paper work is needed to adjust this schedule.

- Annual Leave – Signed SF 71 (Application for Leave) required for absences.
- Sick Leave – Signed SF 71 required, appropriate documentation may be required. Sick leave

may not be used in lieu of annual leave.

- Leave With Out Pay – An approved leave category requiring a signed SF 71.
- Credit Hours – Earning Credit Hours requires prior approval and the use of Credit Hours requires a signed SF 71 (Application for Leave).

To earn credit hours you must obtain your supervisor's approval in advance. This approval may initially be verbal but must be followed up in writing, i.e., having your supervisor sign your T&A worksheet. Please remember that workload must justify the need for credit hours. Working compensatory time or overtime requires similar prior approval by your supervisor.

If timekeepers do not receive supervisory approval for these types of hours with the worksheet, they are to check with the employee about approval. If the timekeeper cannot locate the employee they are not to enter the designated credit, compensatory or overtime hours onto the timesheet. If appropriate, a change may be made at a later date.

For any sick and annual leave, please inform your supervisor as far in advance as possible. While unexpected absences will arise, please make every effort to inform your supervisor as soon as possible during these circumstances.

Tour of Duty

A tour of duty is the hours of a day (a daily tour of duty) and the days of an administrative pay period that constitute an employee's work schedule. The basic work requirement for a full-time employee is 80 hours in a biweekly pay period. In addition to the traditional workweek, several alternative options are available. There are two categories of Alternate Work Schedules (AWS): compressed and flexible. It is the employee's responsibility to obtain supervisory approval of the intended work schedule. The timekeeper must be provided with the approved scheduled.

Flexible and Compressed Work Schedules – Definition and Features

Flexible and compressed work schedules provide various work schedule arrangements in which fixed times (e.g., 8 – 5) of arrival and departure are replaced by a working day composed of schedules different from the traditional 8 – 5.

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Flexible

The employee has the basic work requirement of 80 hours for a biweekly period and may vary the number of hours worked on a given workday or the number of hours each week, within established limits. The opportunity to earn credit hours may be provided to those eligible to accumulate credit hours.

Compressed

5/4-9 - a full-time employee works 9-hour days for eight workdays and eight hours for one workday during an 80-hour biweekly pay period, with a fixed day off each pay period.

4-day workweek - a full-time employee works four 10-hour workdays per week during an 80-hour biweekly pay period, with a fixed day off each pay period. **Credit hours are not permitted under a Compressed Work Schedule.**

Time and Attendance Reporting Policy

Work plan

Each employee must complete and have on file with their supervisor a work plan, indicating hours that you intend to work on a regular basis (e.g., 9 – 5:30). A supervisor may require that a

work plan be filed on a biweekly basis.

Time and Attendance (T&A) Report

Employees shall use the official T&A report form, provided by the timekeeper, to record their actual work on a daily basis.

Complete and signed T&A reports should be provided by the employee to the timekeeper by mid-day Friday before the beginning of the new pay period. T&A reports, leave slips (which are the responsibility of the employee) and associated documents must be submitted together. Employees who will be away when T&A reports are due must provide the timekeeper in advance with the information necessary to complete an accurate T&A report.

The timekeeper shall review all individual T&A reports, work plans, and other accompanying documentation to ensure project and task numbers and hours of work and leave are properly recorded. If no discrepancies are found, the timekeeper shall generate a Draft T&A Report using the NOAA T&A reporting system.

The timekeeper shall report discrepancies to the supervisor/leave approving official. Once all discrepancies are corrected and initialed, a Draft T&A Report shall be generated.

Draft T&A Reports shall be completed by the timekeeper and initialed by the employee no later than mid-day Monday following the end of the pay period. If the employee is away, the best available data, including draft work plans, shall be used for submitting the T&A report. Corrections to any incomplete T&A records shall be completed during the pay period in which the employee returns.

Timekeepers shall make every attempt to provide a Draft T&A Report to employees for confirmation before the T&A is finalized and transmitted. By COB on the Monday following the end of the pay period, the timekeeper shall forward the Draft T&A documents to the supervisor for review.

The supervisor shall then review all T&A documents. If the supervisor determines that an employee's T&A documents are acceptable, the supervisor shall sign the documents and return them to the timekeeper for transmission via NOAA's T&A Reporting System. If the supervisor has concerns regarding a T&A package provided, the supervisor shall address these issues directly with the employee, as appropriate, prior to ultimate approval and transmission.

The timekeeper in charge of transmitting shall transmit the final, Certified T&A data to the National Finance Center for payment. This shall be done no later than 4:00 P.M. eastern time Tuesday following the end of the pay period. If, under extenuating circumstances, the supervisor or his/her designee cannot approve the Certified T&A reports, the Certified T&A reports shall be transmitted and reviewed after the fact.

Attendance Policy

Any employee taking unscheduled or emergency leave is responsible for notifying his or her immediate supervisor as early as possible, preferably before the beginning of the regular tour of duty. If the supervisor is not available, the employee should leave a message with a phone number where he or she may be contacted as necessary. However, every effort should be made to call during a time when the leave approving official would normally be available. It is the

employee's responsibility to communicate with the leave approving official directly.

Employees should not assume that leave has been granted unless written or verbal confirmation has been received from the supervisor. Also, when calling in, employees should alert their supervisor of pending deadlines, file locations, etc., that will assist office coverage during their absence.

An employee's supervisor is not required to grant leave. If the supervisor determines that the needs of the work unit precludes granting leave, or if the reasons expressed by the employee for absence are not acceptable, the supervisor may order the employee to report to duty. Failure in obtaining approval of leave requests shall be charged as absent without leave (AWOL). Abuse of leave, including multiple instances of being AWOL, may result in disciplinary action that may lead to dismissal.

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Annual Leave

Annual leave is a period of approved absence with pay from official duty. It is intended to allow the employee vacation, rest, and recreation. It is also intended for the employee's use in attending to personal or emergency business, to extend the time available to the employee under some other leave programs, and for use with specific military leave entitlements. All full-time employees assigned to an 80-hour tour of duty shall earn and be credited with annual leave for each full biweekly pay period in accordance with 5 U.S.C. 6303. Annual leave accruals shall be credited at the end of each pay period. An employee may not use leave that has yet to be credited, i.e., leave cannot be earned and used within the same pay period.

Employees must make every effort to report planned absences to their supervisor at least two weeks in advance, using Form SF-71, Application for Leave, for all annual leave. An employee may request leave in quarter hour increments. As with any absence, an employee should alert the supervisor of pending deadlines, file locations, etc., that will assist office coverage during his/her absence. The employee is also responsible for coordinating with colleagues to ensure coverage of essential tasks during the employee's period of leave and access to files, computers, etc.

- Advance annual leave – leave may be advanced up to the amount of annual leave an employee would accrue in the remainder of the leave year. It is at the discretion of the supervisor to approve a request for advanced annual leave.

Abuse of Annual Leave

When an employee violates procedures (for example, by chronic requests for unplanned emergency leave, whether under dubious circumstances or not), the employee may be required to comply with special leave procedures more stringent than those applied to other employees. For example, the employee may be required to notify the leave-approving official, in person, of an unanticipated absence or to document, with evidence, any unscheduled, emergency absences. An employee who is placed on special leave procedures must be notified in writing, before procedures take effect, of the details of the procedures, their duration, as well as the possible results of non-compliance.

Granting Advanced Annual Leave

Employees may request and be granted annual leave which is expected to accrue under their current appointment by the close of the leave year.

An employee must request advanced annual leave by submission of an SF-71 annotated to indicate “advanced annual leave.” Supervisors authorized to approve advanced leave should have reasonable assurance that the employee will be in duty status long enough to repay or liquidate the advanced leave granted. When it is known at the time the advanced leave is requested that the employee will not be returning to duty, advanced annual leave may not be granted.

When an employee has been granted the maximum amount of advanced leave he or she is eligible to be granted in a leave year, further grants of advanced leave cannot be approved. In cases where the employee is subsequently required to be absent from duty and other types of leave are not appropriate for the absence, the employee may request to be placed in a non-pay status. The granting of such a request is at management's discretion.

Sick Leave

Sick leave accruals shall be credited at the end of each pay period. Sick leave not used during the year in which it accrues shall accumulate without limitation and be available for use in succeeding years. All full-time employees assigned to an 80 hour tour of duty shall earn sick leave at the rate of one-half day (4 hours) for each full biweekly pay period.

All sick leave must be requested, either in advance using Form SF-71, Application for Leave, or after leave has been verbally approved by the supervisor. A supervisor may request evidence or supporting documentation when granting sick leave. However, for an absence in excess of 3 workdays, or for a lesser period when determined necessary by a supervisor, a medical certificate or other administratively acceptable documentation regarding the reason for an absence is required.

In accordance with the Family Friendly Leave Act, sick leave may also be used by an employee to provide for the health care needs of a family member. In all cases of sick leave used for family care, the supervisor shall require an employee to submit an SF-71, Application for Leave, and may also require the employee to provide medical certification regarding the family member's need for personal care and/or psychological comfort. In these instances, the health care provider must document: (1) that the family member requires physical and/or psychological care; (2) that the family member would benefit from the employee's care or presence; and (3) the period of incapacitation over which the employee will need to care for the family member.

- Advanced sick leave – a maximum of 30 days of sick leave may be advanced to an employee with a medical emergency or for purposes related to the adoption of a child. A maximum of 5 days of sick leave may be advanced for family care or bereavement purposes. It is at the discretion of the supervisor to approve a request for advanced sick leave.

It should be noted that while annual leave may be used in lieu of sick leave, sick leave may NOT be used in lieu of annual leave.

Granting Advanced Sick Leave

Unless it is otherwise restricted, employees may be advanced sick leave in addition to the sick leave to their credit regardless of whether they have annual leave to their credit.

By law, the amount advanced to a full-time employee who has completed a probationary or trial period in the Federal government may not exceed 240 hours. Part-time employees or those with uncommon tours of duty are advanced sick leave on a pro rata basis.

Supervisors are advised not to advance sick leave in excess of 13 days (104 hours) to probationary employees or to advance sick leave to temporary employees in excess of the amount which they will earn during the period of temporary employment.

An employee must request advance sick leave by submission of an SF-71, Application for Leave, annotated to indicate “advanced sick leave.” Supervisors authorized to approve advanced sick leave should have reasonable assurance that the employee will be in duty status long enough to repay or liquidate the advanced leave granted. When it is known at the time advanced leave is requested that the employee will not return to duty, advanced sick leave may not be granted. Sick leave must not be advanced to an employee who has filed application for disability, inasmuch as payment for such leave is not recoverable upon the employee’s subsequent separation from service.

When an employee has been granted the maximum amount (240 hours) of advanced sick leave, no further requests of advanced sick leave may be approved. However, when an employee’s advanced sick leave balance is subsequently reduced (e.g., by sick leave accruals), an advance of sick leave may again be granted.

Leave Without Pay

Leave without pay (LWOP) is a temporary non-pay status and absence from duty that may be granted at the employee’s request. An employee may request LWOP for 30 calendar days or less by filing an SF-71, Application for Leave. In most instances, granting LWOP is a matter of supervisory discretion. The employee's time and attendance reports will show the exact dates of LWOP. For LWOP in excess of 30 calendar days or requests for extension of LWOP which in total would exceed 30 calendar days, the supervisor must provide the Human Resources Office with an SF-52, Request for Personnel Action. If the LWOP request is made for health reasons, the employee may be requested to furnish a statement from a physician, or other licensed health care practitioner, indicating the need for the absence and the prognosis of the employee's ability to return to work at the end of the LWOP period. Employees have an entitlement to LWOP in the following situations:

The Family and Medical Leave Act of 1993 (FMLA) (Public Law 103-3, February 5, 1993), provides covered employees with an entitlement up to a total of 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs. (See 5 CFR part 630, subpart L.)

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The Uniformed Services Employment and Reemployment Rights Act of 1994 (Pub.L. 103-353) provides employees with an entitlement to LWOP when employment is interrupted by a period of service in the uniformed services. (See 5 CFR 353.106.)

Executive Order 5396, July 17, 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment. Employees should be aware that the accumulation of LWOP may affect certain Federal benefits and entitlements.

Absence Without Official Leave

Absence Without Official Leave (AWOL) is a period of absence without pay for which the employee did not obtain approval or for which a request for approved leave was denied. AWOL is based on the supervisor's determination that no form of leave (annual, sick, LWOP, etc.) has been or should be approved for the absence based on existing evidence. AWOL may be converted to appropriate leave when a supervisor receives and is satisfied with documentation justifying the absence. AWOL is not disciplinary in nature, but may be the basis for disciplinary action. A supervisor must consult with the Consulting Services Division, Human Resources Office when considering disciplinary action.

Credit Hours

Credit hours are base, non-overtime hours which an employee on a **flexible work schedule** voluntarily chooses to work, with supervisory approval, during the office hours. An employee may earn a maximum of two credit hours per day and carryover a maximum of 24 credit hours to the next pay period. It is the supervisor's responsibility to approve the work assignment and credit hours in advance. Credit hours shall not be approved based on the employee's desire to obtain additional leave, i.e., workload must justify the need for credit hours. These accumulated hours may be used by an employee as substitution for working an equivalent number of office hours on another business day or across multiple days. Credit hours are not overtime and should not be confused as such. Credit hours are hours worked voluntarily by the employee with supervisory approval.

The following specifications apply to credit hour accrual:

- An employee's right to use earned credit hours is subject to supervisory approval.
- Supervisors may limit the number of credit hours an employee may work on a daily (maximum of 2 hours per day), weekly, or biweekly basis.
- Supervisors may set the time frame within which an employee may apply credit hours after they have been earned.
- An employee is restricted by law from carrying forward more than 24 credit hours to the next pay period.
- An employee may not be paid Sunday pay or holiday pay for credit hours.
- Credit hours are distinguished from overtime hours in that management has not, in advance, officially ordered the employee to work. Rather, the employee, by choice, and with proper approval, has decided to work additional hours.
- Credit hours may not be earned for training or during travel status.
- Use of credit hours shall be requested using Form SF-71.

Overtime and Compensatory Time

The Fair Labor Standards Act (FLSA) provides for minimum standards for both wages and overtime entitlement, and spells out administrative procedures by which covered work time must be compensated.

Overtime and compensatory time are hours of work that management officially orders and/or approves in advance on Form CD-81 and that are in excess of the employee's daily work schedule.

"Overtime hours" for employees on a flexible AWS schedule means all hours in excess of 8 in a day or 40 hours in a week which are officially ordered in advance, not including credit hours. If

the employee **wants** to work more than 8 hours in a day or 40 hours in a week they will earn credit hours, if they are **told** they need to work more than 8 hours in a day or 40 hours in a week they will be paid overtime.

For employees on a compressed schedule, overtime is hours of work which are officially ordered or approved and which are in excess of the employees' basic work requirement. Compensatory time off is time off on an hour for hour basis in lieu of overtime pay.

FLSA non-exempt employees (all inspectors and admin staff) must indicate their voluntary consent to substitute comp time for overtime pay by signing their name in column 10 of the CD-81 form authorizing the comp time. In addition, no employee may carry over more than 80 hours of comp time into a new leave year. The Director, Chiefs, and Supervisors are considered exempt and will not be paid overtime, all other Seafood Inspection employees are eligible for overtime and will only receive comp time when requested by the employee.

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Adjustment of Work Schedules for Religious Observances

To the extent that modifications in work schedules do not interfere with the efficient accomplishment of an agency's mission, an employee whose personal religious beliefs require that he or she abstain from work at certain times of the workday or workweek must be permitted to work alternative work hours so that the employee may meet the religious obligation. The hours worked in lieu of the normal work schedule do not create any entitlement to premium pay (including overtime pay). Adjustments of work schedules for religious observances may be approved for an employee who is employed in or under an executive agency, as defined in section 105 of title 5, United States Code. Agencies should require employees to submit a written request for an adjusted work schedule in advance. An employee should specifically state that his or her request for an adjusted work schedule is for religious purposes and should provide acceptable documentation of the need to abstain from work.

The following leave policy, in compliance with Civil Service Commission, DOC, and NOAA regulations, applies to all field personnel working in processing plants. The chief inspector of each field inspection office is responsible for applying the leave policy stated herein equally and impartially to each Consumer Safety Officer (CSO) and Consumer Safety Inspector (CSI) under his/her supervision.

It is the policy of this division to assure whenever possible that each employee be scheduled a period of annual leave during each calendar year. Therefore, each chief inspector will establish at the beginning of each calendar year a mutually agreeable leave schedule for each employee under his/her supervision.

It is also the policy of this division to assign other productive work to inspectors who have become temporarily inactivated due to scheduled or unscheduled shutdowns of the plant(s) to which they have been assigned. To the maximum extent possible, such inspectors will be assigned revenue-producing work. If revenue-producing work is not available, inspectors may be assigned to non-revenue-producing activities which are essential to the efficient, effective, and timely conduct of the inspection program. Whenever possible, work will be assigned in the following order:

1. **Revenue producing**, such as contract, lot, consultative services, etc., or consumer/trade

- education efforts.
2. **Special assignments**, such as staff assignments and/or special projects commensurate with employees' abilities.
 3. **Training assignments** which will increase employees' knowledge, expertise, and ability to function more efficiently on the job.

When no such assignments are available during a scheduled or unscheduled shutdown, administrative leave and annual leave will be used as follows:

1. Administrative Leave
 - a. When an unscheduled plant shutdown occurs for less than one full day, inspectors will be granted administrative leave for the inoperative hours.
 - b. When an unscheduled plant shutdown occurs for one or more days, inspectors will be granted a minimum of one (1) workday of administrative leave during the inoperative period. A maximum of three (3) workdays of administrative leave may normally be granted when the shutdown occurred because of emergency conditions. Emergency conditions are defined as unanticipated breakdown of equipment, power failure, fuel shortages, water shortages, raw material shortages, repairs to plant facilities which are required to correct conditions which are contributing to product contamination, or other conditions which the supervisor judges to be of a like nature.
 - c. Administrative leave will normally not be granted in excess of three (3) workdays per 30 day period in either of the above situations. However, administrative leave may be granted for a period not to exceed 5 workdays per 30 day period under unusual conditions. Unusual conditions are those in which several shutdowns occur during a 30 day period for separate and distinct reasons.
2. Annual Leave
 - a. Inspectors will be placed on annual leave when a plant has been scheduled for shutdown. A scheduled plant shutdown is one which was planned and the inspection service notified one week or more in advance of the intended shutdown.
 - b. Inspectors will be placed on annual leave during unscheduled plant shutdowns for non-work periods in excess of that time for which administrative leave was granted, as detailed above.

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Rotation of Inspection Staff Between Assignments

The following procedures have been implemented to establish a national policy on the rotation of Consumer Safety Officers/Inspectors between inspection assignments.

Regular rotation of inspectors between assignments helps minimize the potential for inspectors to become overly familiar with plant personnel and plant operational practices to the extent that they could become less objective in their performance of inspectional duties. Within the USDC Seafood Inspection Program, inspectors are rotated insofar as practical given the financial constraints imposed upon the program by its self-supporting mandate. Rotation is done on a regional basis at the discretion of the Region Inspection Branch Chiefs, under informal direction furnished by the Central Office.

It is Seafood Inspection Program policy to rotate Consumer Safety Officers/Inspectors between

work assignments at intervals not exceeding one (1) year, wherever two (2) or more inspectors are located within the same commuting area, i.e., where no permanent change of station is required, and where the change of assignment does not require the payment of mileage allowances to the inspector(s).

The Region Inspection Branch Chief is responsible for assuring that inspectors are rotated in accordance with this policy, and for maintaining records of inspector assignments. Records will be made available to authorized persons upon request.

Processing Cross-License Applications

Providing Information to DASS

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Chapter 2 – NOAA SIP Policy

Section 01: Inspection Policies

Appeal Inspections

The following procedure is for processing requests for the reinspection of unreworke lots of fishery products which have been inspected and certified previously by NOAA. This procedure supersedes Inspection Manual Transmittal No. 129, dated 12/18/84, Part, Chapter, and Section as above.

Policy

It is NOAA policy to perform one appeal inspection of any un-reworke lot of product when substantial reasons for a re-inspection are furnished by the applicant; provided the request for the appeal inspection conforms to the criteria contained in 50 CFR 260. The results of an appeal inspection are final; that is, the results of an appeal inspection supersede the results of the original inspection.

General

An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate. The regulations, 50 CFR 260.36 through 260.41, govern the way applications for appeal inspections are submitted and accepted or refused, and the way appeal inspections are performed. They also direct the manner in which appeal inspection certificates are issued and distributed. The major points are:

- A. An appeal inspection may be requested by any party who has a financial interest in the product and who disagrees with the results of the findings reported on the original certificate. NOAA may refuse to perform an appeal inspection if:
1. The reason(s) for the appeal inspection is frivolous or not substantial.
 2. The quality or condition of the product has undergone a material change since the original inspection. In this instance, the product may be inspected as a new lot, and a certificate issued to replace the original certificate.
 3. The lot is not, or cannot be made accessible for sampling.
 4. The lot cannot be positively identified as the lot which was originally inspected.

- B. An application for an appeal inspection should be made within thirty (30) days of the original inspection. Extensions may be granted by the Regional Inspection Branch Chief when adjudged to be appropriate.
- C. Applications for appeal inspections may be made orally or in writing. Oral requests must be confirmed promptly in writing.
- D. Following an appeal inspection, a lot inspection certificate will be issued showing the detailed, factual results of the inspection. The “appeal” inspection certificate will supersede the original certificate (or original results if no certificate was issued), which will become null and void.

NOTE: To assure national uniformity in the handling of appeal inspections, each Regional Inspection Branch Chief will formally designate a supervisory inspector to serve as the Regional Appeal Inspection Coordinator. The Director of Field Operations will serve as the National Appeal Inspection Coordinator.

Responsibilities and Procedures

- A. Inspection Branch Chief: It is the responsibility of the Inspection Branch Chief to:
 1. Appoint formally a supervisory inspector to serve as the Regional Appeal Inspection Coordinator, and to notify each Field Inspection Branch and the National Appeal Inspection Coordinator of the appointment.
 2. Establish a roster of inspectors experienced in the inspection/grading of the appealed product. The selection of appeal inspectors will be made from this roster. This roster shall be kept current and updated at least annually.
- B. Applicant: It is the responsibility of the applicant to:
 1. File an application for the appeal inspection with:
 - a. The regional inspection office which issued the inspection certificate on which the appeal covering the product is requested; or
 - b. The regional inspection office nearest the place where the product is stored.
 2. Furnish to the Regional Appeal Inspection Coordinator that information which is necessary to determine whether the appeal inspection will be performed, where it will be performed, and by whom it will be performed. As a minimum, the information will include:
 - a. Product location.
 - b. Reason(s) why the appeal should be conducted.
 - c. The date and serial number of the certificate covering the inspection on which the appeal is requested.

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- C. Regional Appeal Inspection Coordinator: It is the responsibility of the Regional Appeal Inspection Coordinator to:
 1. Review the application for an appeal inspection for completeness of information.
 2. Determine whether the application for appeal can be accepted or refused; that is, does the applicant have substantial reason(s) for requesting a re-inspection of a product that has already been inspected? For example, a request for an appeal inspection of a product simply because it failed to meet the requirements for it to be labeled as U.S. Grade “A” cannot be accepted unless there is strong evidence that the inspector failed to sample and inspect/grade the product as prescribed by the regulations, or was unqualified to inspect/grade the product presented.
 3. Determine where the appeal inspection will be performed.
 - a. If the product is located in a storage facility with adequate accommodations for

- performing the inspection, and a qualified appeal inspector is available, the appeal should be conducted at that site. If the product is located in a geographical area other than where the request for appeal is received, the Regional Appeal Inspection Coordinator who received the request will coordinate the appeal with the Regional Appeal Inspection Coordinator of the Region where the product is located.
- b. If adequate accommodations for inspection are not available at the product location, or if a qualified appeal inspector is not available there, the Regional Appeal Inspection Coordinator must coordinate the official product sampling and shipment of the samples to a location satisfactory for the performance of the inspection. If samples must be shipped to a distant location because a qualified appeal inspector is not available at the product's location, the cost of shipping the sample will be borne by NOAA.
 - c. When an appeal inspection involves a product which has been shipped to a location distant from the processing plant, and the processor desires to be present during the appeal inspection, the Regional Appeal Inspection Coordinator may arrange for official sampling at the product's location for shipment to the original (processing) area for the appeal inspection. In this case the cost of their transportation will be borne by the processor.
4. Select a qualified inspector to perform the appeal inspection. When possible, two (2) inspectors should be assigned to perform the inspection. The inspector who performed the original inspection will not be permitted to conduct or participate in an appeal inspection; although he/she may be permitted to conduct official sampling for the appeal in the event that another inspector or licensed sampler is not available in the area where the product is located.
 5. Fix the location, date, and time for the appeal inspection and notify all concerned parties.
 6. Review the results of the appeal inspection as stated on the inspection certificate to determine that the information is reported accurately and completely.

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D. Appeal Inspector: It is the responsibility of the appeal inspector to:

1. Conduct the appeal inspection at the appointed date, time, and location. Unless otherwise requested by the applicant, the product will be examined only for those factors contested by the applicant.
2. Issue a lot inspection certificate showing the inspection results.
3. Distribute copies of the certificate to all parties who received a copy of the original certificate.
4. When the results of an appeal inspection indicate that the product is mislabeled, e.g., bears a U.S. Grade mark but does not meet the designated grade requirements, notify the product owner that the labels must be removed within ten (10) days in accordance with 50 CFR 260.86 (e). In instances where a product fails to meet a U.S. Grade requirement because of an apparent change in flesh content due to moisture migration during handling and storage, the appeal inspector will consult with his/her supervisor prior to making a label removal decision.

E. National Appeal Inspection Coordinator: It is the responsibility of the National Appeal Coordinator to:

1. Coordinate, when necessary, appeal inspections which involve more than one Regional Inspection Branch.
2. Resolve inspection operational problems which may arise during appeal inspections.

Special Situations

Defense Personnel Support Center (DPSC)

The Defense Personnel Support Center purchases foods for use by the military services. It operates an audit program that randomly surveys items for adherence to purchase specifications. Products inspected at origin by USDC inspectors are subject to these audits, and warranty action is taken by DPSC if they do not comply with DPSC acceptance criteria. In addition, products are inspected upon receipt at receiving depots to assure that products are in good condition, and meet required temperature, condition of container, and marking requirements. Non-complying products are rejected.

A. DPSC Responsibilities:

1. When a shipment of fishery products is rejected upon delivery at destination, or when a shipment is found to be nonconforming following an audit, DPSC will notify the vendor.
2. The vendor may request a re-inspection of a rejected product. If DPSC grants a re-inspection it will furnish all appropriate information to the NOAA Regional Inspection Branch which services the area where the product is located.

B. USDC Responsibilities:

1. The Regional Appeal Inspection Coordinator will arrange the appeal as prescribed above. If the region performing the inspection is different from the one that certified the product at origin, the coordinator will notify the origin coordinator of the reason for the rejection, and the time and place of the appeal inspection. The Regional Appeal Inspection Coordinator will also notify DPSC and the vendor of the scheduled time and place of the appeal inspection.
2. When the re-inspection has been completed, the Regional Appeal Inspection Coordinator will communicate the results to DPSC, the Regional Appeal Inspection Coordinator at the region where the origin inspection was performed, and the vendor. The written results of the re-inspection will be forwarded to all parties as soon as possible.

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Fees and Charges

The assessment of fees and charges for performing appeal inspections are prescribed in 50 CFR 260.74.

- A. If the results of an appeal inspection disclose that a material error was made in the original inspection on which the appeal was made, no inspection fee will be assessed to the applicant.
- B. If the results of an appeal inspection disclose that no material error was made in the original inspection on which the appeal was made, fees and charges for Type II inspection services will be assessed to the applicant.

Regulation and Policy Interpretive Decisions (RAPID)

The following policy has been established to provide a uniform procedure whereby USDC Seafood Inspection Program Branches and personnel may request regulation and policy interpretive decisions, and to have those decisions disseminated for use by all inspectors in a timely manner.

Periodically a situation arises during the conduct of Program business which appears to be outside the scope of the regulations, policies, or procedures. Sometimes these situations require interpretive decisions which may impact on the routine conduct of inspection services. Prompt

decisions are always desirable, but some questions require legal or policy guidance, or coordination between agency units, and possibly industry, before a decision can be issued.

Requests for Regulation and Policy Interpretive Decisions

1. Requests shall be submitted in writing to the Chief Quality Officer, or his designee. The request should be submitted via e-mail, but a fax or memorandum is acceptable. In an emergency situation, when telephone requests are deemed necessary, they must be followed by a written confirmation from the requester.
2. Requests must contain 1) a **clear** statement of the problem, 2) its immediate and potential impact on the Seafood Inspection Program, 3) **all** feasible alternatives to the problem, and 4) recommended solution(s). The solution(s), as well as all listed alternatives, must be well researched and documented in the request. Reasons for the recommended course of action should be provided, as well as all references to research which are pertinent to the issue and used to arrive at the recommended course of action.
3. Requests will be logged and tracked upon receipt at the Headquarters Office.
4. The Chief Quality Officer, or his designee, will evaluate the request, conduct any additional research necessary, and provide a complete package to the Director of the Seafood Inspection Program. It will be the responsibility of the Chief Quality Officer to obtain concurrence on the proposed course of action, or a modified course of action, from appropriate Program Management and support units, depending on the nature of the issue.
5. Once a decision is made regarding the request, the Chief Quality Officer will provide a written reply to all parties affected.

Fresh Fish Inspections

Minimum Inspection Effort for Lot Inspection

The USDC Voluntary Inspection Program's mission is to provide service to our lot inspection clients which the program does well in meeting the clients' needs. However, it has been noted that there have been differences in the application of the inspection effort between the regions. To resolve the differences and provide uniform services in conducting lot inspection across the nation, this memorandum defines the minimum inspection effort and the policy on conducting lot inspection.

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Notwithstanding an inspection document that requires further investigation of the fishery product, such as a buyer specification, foreign country requirements or an applicants request, the minimum inspection effort applied for lot inspection of fishery products will be Quality and Condition. However, should obvious label violations be noted during the lot inspection, they will be reported on the lot inspection certificate with the results of the quality and condition. Quality and Condition are defined in 50 CFR 260 and are listed as follows.

Quality: refers to the wholesomeness of the product. Which means the minimum basis of acceptability for human food purposes. Condition: refers to packaging and product, meaning the

degree of soundness of the product which may affect its merchantability and include, but not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper packaging, improper storage, or improper handling.

On completion of the inspection, the Lot Inspection Certificate will attest to the factors of Quality and Condition found. If weights and counts were not requested as part of the lot inspection, a statement to the effect will be placed on the certificate, "Vendor weights and counts used, but not verified."

Section 02: Labeling and Inspection Mark Policies

Inspection Mark Policy

Country of Origin Labeling

Customs Labeling

Label Declaration for Phosphates

To provide guidance in the use of phosphate compounds, such as sodium tripolyphosphate and sodium hexametaphosphate, in fishery products, and to assure that products containing them are labeled in accordance with the regulations promulgated by the Food and Drug Administration (FDA). This section replaces the Label Alert issued July 24, 1979, subject: Declaring the Food Additive Sodium Tripolyphosphate (STP) on Labels.

Policy

It is NMFS policy to assure that all products processed under USDC inspection contain only FDA approved ingredients, additives, or substances that are used in accordance with good manufacturing practice, and are declared properly on the product label.

General

Sodium tripolyphosphate has been used for several years by fishery products processors to reduce the loss of natural moisture in products during processing. Other phosphate compounds have also been used, e.g., sodium hexametaphosphate. These products are approved by FDA as general purpose substances and/or sequestrants which are generally recognized as safe (GRAS) for their intended use, when used in accordance with good manufacturing practice. However, their use in products for which definitions and standards of identity have been established by FDA is governed by the applicable definition or standard of identity. For example, the use of phosphate compounds is not permitted in the raw shrimp material in the processing of the standardized food, frozen raw breaded shrimp.

Procedure

A. Use in Products.

1. The use of phosphate compounds in foods is governed by regulations promulgated by FDA and published in 21 CFR 182.1(b). This section defines good manufacturing practice to include the following restrictions:
 - (a) The quantity of a substance added to food does not exceed the amount reasonably required to accomplish its intended physical, nutritional, or other technical effect in food; and
 - (b) The quantity of a substance that becomes a component of food as a result of its use in

the manufacturing, processing, or packaging of food, and which is not intended to accomplish any physical or other technical effect in the food itself, shall be reduced to the extent reasonably possible.

(c) The substance is of appropriate food grade and is prepared and handled as a food ingredient.

2. The quantity of phosphate compounds which may be added to fishery products to meet the aforementioned restrictions, i.e., to comply with the good manufacturing practice definition, should not exceed 0.5 percent by weight.
3. There is no test method for determining the amount of phosphate added to fishery products readily available to the inspector. However, extreme overuse of these products will result in a translucent appearance of the product.

B. Labeling. Products containing phosphate compounds must have the name of the compound(s) declared on the product label. This is required regardless of whether the product was manufactured from raw material (fishery products) containing them, or whether they were added during the manufacturing process. The common or usual name of the compound(s) added must be used. NOTE: Because they are GRAS substances (see 21 CFR 182.1810 and 21 CFR 182.6760) and are not exempt under 21 CFR 101.100, their presence must be declared to avoid being misbranded under the provisions of section 403 of the Food, Drug, and Cosmetic Act. Their declaration must be either:

1. On the principal display panel as a separate statement, or
2. In the ingredients statement in their descending order of predominance either on the principal display panel or the information panel as required in 21 CFR 101.4 and 101.2.

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Date Labeling of Fresh Fish

The purpose of this section is to establish an official NMFS policy regarding the date labeling of fresh (perishable) fishery products. There is no Federal policy on the date labeling (open dating) of foods. Several States and the District of Columbia have some form of mandatory date labeling. In some of these States certain products are exempt, e.g., fresh meat, fresh poultry, fresh fish, fresh fruits, and fresh vegetables.

NOAA Fisheries believes that the use of date labeling can be beneficial to both the processor and the consumer. It can encourage better handling practices by processors, wholesalers, retailers, and consumers by drawing attention to expediting the sale and use of fresh products nearing the end of their shelf life. It can also increase consumer confidence in the freshness of products purchased. In the case of fresh, highly perishable fishery products, however, the processor has limited, if any, control over the factors which affect the shelf life of a product once it enters the distribution chain. To attempt to determine and use the “average” shelf life of a product may discriminate unfairly against a product handled and marketed properly; and, on the other hand, mislead the consumer who purchases an improperly handled and marketed product.

NOAA Fisheries can determine and certify the condition (and quality if applicable) of fresh fishery products only at the time of inspection, and grading if appropriate.

Policy

It is NOAA policy to not require the date labeling of fresh fishery products which have been packed under USDC inspection, and graded if applicable. In the interest of making fresh

products of good quality available to consumers on a continuing basis, it is also the policy of NOAA to encourage and assist official establishments in the development and use of open-date labeling consistent with their products' inherent shelf-life characteristics, the processing, handling, and preservation methods to which they have been exposed, and the degree of quality control exercised by responsible persons in the distribution chain.

In the event NOAA determines that there is chronic abuse of product bearing official inspection mark(s), it will be the policy of NOAA to notify responsible or potentially impacted parties of their findings. This will include parties with identified involvement with the product, such as processors/distributors identified on the label. It is the policy of NOAA to use all available sanctions to remedy such abuse situations.

Retail Labeling of Fish Portions

Scrod Labeling

Metric Declaration of Quantity of Contents

This section is to establish general and specific guidance for the voluntary use of metric units of quantity to state the net quantity of contents on the labeling, including the principal display panel, of a fishery product commodity.

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General

The Metric Conversion Act of 1975 (80 stat 1007) was enacted to voluntarily increase the use of the metric system of weights and measures in the United States. In support of this policy, the FDA has developed guidance on the use of the metric system in declaring the net quantity of contents on the labels of FDA-regulated commodities.

Procedures

A. Policy

1. A metric declaration of quantity of contents is not considered to be “other printed label information” that would be subject to the separation requirements of 21 CFR 101.105(f). Other printed label information must be separated from the net weight statement.
2. On packages of foods labeled in English, with an alternate principal display panel in a foreign language, FDA does not object to the foreign language panel bearing only a metric declaration of net contents. This assumes, of course, that the container labeling otherwise complies fully with the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and the regulations promulgated thereunder.

B. Prefixes

1. In symbols or names for units having prefixes, i.e. kilogram, no space is left between letters making up the symbol or the name.
EXAMPLE: kg, kilogram
2. Prefixes chosen should result in:
 - a. numerical values between 0.1 and 1000, and
 - b. decimal fractions of no more than two places.

C. Units

1. Unless FDA advises otherwise, a declaration of quantity of contents:
 - a. In units of weight, is expressed in terms of the kilogram, gram, milligram, or microgram.

- b. In units of liquid measure, is expressed in terms of the liter or milliliter at 20 C, except for:
 - a commodity that is normally sold and consumed while frozen, the declaration expresses the volume at the frozen temperature, and
 - a commodity that is normally sold in the refrigerated state, the declaration expresses the volume at 4 degrees C.
- 2. A number of foreign countries use “re” rather than “er” spellings for the ending of metric units of measure (e.g., metre, litre, etc.). The “er” spellings are preferred for all products sold in the U.S. FDA suggests that firms using “re” spellings revise their labels to contain “er” spellings as their labels are reprinted.
- 3. Unit names, including prefixes, are not capitalized except at the beginning of a sentence and in titles, headings and other instances in which all main words are capitalized.
- 4. A space is left between a numeral and the unit name or symbol to which it refers.
EXAMPLE: 22 mg, 22 g
- 5. The decimal marker is a dot on the line. (This is the practice in the United States and Canada; however, many countries use a comma or a raised dot.)
- 6. Decimal notation is preferred with metric measurements, but simple fractions are acceptable, such as those where the denominator is 2, 4 and 8. A fraction should be reduced to its lowest terms.
- 7. A zero before the decimal point should be used in numbers between 1 and -1 to prevent the possibility that a faint decimal point will be overlooked.

EXAMPLE: The oral expression “point seven five” is written 0.75

D. Symbols

- 1. The following symbols for metric units are used in the declaration of quantity:

kilogram kg	microgram Mg
gram g	liter L
milligram mg	milliliter mL
- 2. Symbols, except for liter, are not capitalized unless the unit is derived from a proper name. Periods should not be used after the symbol. Symbols for units are the same in singular and plural.
EXAMPLE: 1 m, 100 m
- 3. The “L” symbol for liter and “mL” symbol for milliliter are preferred. FDA suggests that firms using “l” and “ml” symbols revise their labels to contain “L” and “mL” as their labels are reprinted.

E. Calculations

- 1. Conversion - The following conversion factors should be used to determine metric equivalents from inch-pound units:

Quantity: VOLUME

<u>Convert From</u>	<u>To</u>	<u>Multiply By</u>
fluid ounce (U.S.)	liter (L)	0.029 573 53
pint (U.S. liquid)	liter (L)	0.473 176 5
quart (U.S. liquid)	liter (L)	0.946 352 9
gallon (U.S. liquid)	liter (L)	3.785 412
cubic foot	liter (L)	28.316 85
bushel (U.S. liquid)	liter (L)	35.239 07

Quantity: MASS (Weight)

<u>Convert From</u>	<u>To</u>	<u>Multiply By</u>
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grain milligram	(mg)	64.798 91
ounce (avoirdupois)	gram (g)	28.349 523
ounce (avoirdupois)	kilogram (kg)	0.028 349 52
pound (avoirdupois)	gram (g)	453.592 37
pound (avoirdupois)	kilogram (kg)	0.453 592 37

2. Rounding - When the digits to be discarded begin with a 5 or more, increase by one unit the last digit retained.

EXAMPLE: 8.3745, if rounded to three digits, would be 8.37; 8.3745, if rounded to four digits, would be 8.375.

NOTE: These rounding rules are to be used for conversion of weights to metric units for labeling purposes ONLY. They are not to be confused with USDC Handbook 25 - Part III, Chapter 2, Section 05, Transmittal No. 141, Procedures for Rounding Off and Retention of Numbers, used during inspection computations.

3. Significant Digits - significant digits as defined by the American Heritage Dictionary are “digits of the decimal form of a number beginning with the leftmost nonzero digit and extending to the right to include all digits warranted by the accuracy of measuring devices used to obtain the numbers.” Although zero digits at the beginning of a number (e.g., 0.1, 0.01) are never significant digits, zero digits at the end of a number (e.g., 0.10, 10, 10 000) may be significant digits if the digit is known to be reasonably reliable. The Metric Editorial Guide advises that “Zeros at the end of a number are not considered significant unless their use results in a number that is closer to the true value than would be the case if the number were increased or decreased by 1.” The position of a decimal point in a number does not affect the number of significant digits in that number (e.g., the numbers 2834, 28.34 and 0.0002834 all have four significant digits).

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The Metric Editorial Guide provides the following rules concerning significant digits:

- a. If the first significant digit of the metric value is EQUAL TO OR LARGER than the first significant digit of the inch-pound value, round the metric value to the SAME NUMBER of significant digits as there are in the inch-pound value.

EXAMPLE: (1st significant digit underlined.)

15 oz X 0.02834952 kg/oz = 0.425 2428 kg

which rounds to 0.43 kg;

1 lb X 0.45359237 kg/lb = 0.45359237 kg

which rounds to 0.5 kg

- b. If the first significant digit of the metric value is SMALLER than the first significant digit of the inch-pound value, round the metric value to ONE MORE significant digit than is in the inch-pound value.

EXAMPLE: (1st significant digit underlined.)

42 oz X 0.02834952 kg/oz = 1.19067984 kg

which rounds to 1.19 kg;

5 lb X 0.45359237 kg/lb = 2.26796185 kg

which rounds to 2.3 kg

F. Placement

1. When a metric declaration of quantity of contents appears on a principal display panel (PDP) of an FDA-regulated fishery product commodity within the bottom 30 percent of the area of the PDP, the metric declaration should be placed with the required inch-pound

declaration of net quantity of contents.

2. A metric declaration in the bottom 30 percent of the PDP may appear as the primary declaration of quantity of contents on the PDP. This metric declaration may appear above or below or to the left or the right of the inch-pound declaration of quantity. The inch-pound declaration of quantity should not be omitted from the PDP. However, on an alternate PDP that serves solely as a foreign language PDP, FDA does not object to the foreign language PDP bearing only a metric declaration of net contents. This assumes, of course, that the container labeling otherwise complies fully with the Federal Food, Drug and Cosmetic Act, the Fair Packaging and Labeling Act, and the regulations promulgated thereunder.
3. A metric declaration in the bottom 30 percent of a PDP should comply with all provisions of FDA regulations [e.g., 21 CFR 101.105 (foods)] pertaining to the required inch-pound declaration of net quantity of contents, except for provisions pertaining to a statement of count or dual statement of count or a dual statement of quantity. Manufacturers should exercise care to assure that the combined inch-pound/metric declaration complies with all regulations and with the principles set forth in this guide. Because lower case letters are required for most metric symbols, care must be exercised to insure that both upper and lower case letters meet all letter height requirements. In lieu of the symbol, the full name of the metric unit may be used, e.g., “GRAM” or “gram” or “Gram,” provided the lower case letters meet type size requirements. Exponents should be one-half the type size of the symbol letters used.
4. Use the term “Net Weight” or “Net Wt” whenever the required declaration of net quantity of contents is in terms of weight. The metric declaration may be placed before or after such terms.
5. Whenever the required declaration of net quantity of contents is in terms of fluid measure or numerical count, the terms “net” or “Net Contents” may be used in the declaration. The metric declaration may be placed before or after such terms.
6. Always use parentheses for the second expression of a dual inch-pound declaration [e.g., net weight 24 oz (1 lb 8 oz)]. Additional parentheses should be used when the metric and U.S. customary declaration appear on one line.
7. Examples of inch-pound/metric declarations:
 - a. Net Wt 425 g (15 oz) or Net Weight 15 oz (425 g) assumes ounces are known to 3 significant digits, i.e., 15.0 oz
 - b. Net Wt 680 g (24 oz) (1 lb 8 oz) or Net Weight 680 g (24 oz (1 lb 8 oz)) or Net Wt 24 oz (1 lb 8 oz) 680 g or NET WEIGHT (680 g) 24 oz (1 lb 8 oz) assumes ounces are known to 3 significant digits, i.e., 24.0 oz

Compliance

All labels are to be submitted to the National Seafood Inspection Laboratory, Division of Documentation Approval and Supply Services for compliance review and program approval.

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Section 03: State and Federal Memorandum of Understanding

Memorandum of Understanding with the Food and Drug Administration

The purpose of this section is to standardize the implementation of the provisions of the Memorandum of Understanding (MOU) so as to promote an effective working relationship between the participating agencies which will benefit industry, consumer, and government.

General

The success of the MOU (see ATTACHMENT #1) will depend in large part on the appropriate and timely exchange of information between the two agencies. The NMFS Branch inspection offices play a significant role in communications with the FDA District offices. A current listing of the FDA District offices is furnished to the Branch offices at each updating.

Memorandum of Understanding Responsibilities

The MOU provides ten services to be provided by NMFS, eight responsibilities for FDA, and eleven points of mutual agreement. Many of the aspects of the MOU involving the Branch offices are self-explanatory, and spell out functions, responsibilities, and requirements which inspectors are responsive to on a continuing basis. The following aspects are modifications or additions to current procedures and will be implemented upon receipt of this manual release. The item numbers refer to their respective paragraph numbers of the MOU.

A. The National Marine Fisheries Service:

1. Item A.1. - Branch offices will immediately advise the Division Office in writing when 1) participating plants withdraw or are suspended from inspection service, 2) contracts are terminated, 3) inspection services are denied because of insanitation or current good manufacturing practice deficiencies, and 4) plants are reinstated in the USDC voluntary Seafood Inspection Program. The Inspection Division Office will provide FDA headquarters with a complete list of plants operating under NMFS inspection on a contract basis, and will notify FDA headquarters of any changes in plant status with reasons therefore. A copy of the notification will be furnished to the appropriate FDA District office.
2. Item A.4. - Branch offices will furnish any pertinent information regarding specific lots of products inspected or graded by NMFS to the appropriate FDA District office upon request. Telephone requests will be followed by written confirmation. In addition, the Branch office will furnish a copy of the information to the Division Office.
3. Item A.6. - Branch offices will report by telephone or other electronic means, with follow-up written confirmation, to the appropriate FDA District office, information regarding any product found by NMFS to be adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act and/or exceeds the criteria published in the FDA Compliance Policy Guides UNLESS the product is reconditioned so as to comply with FDA requirements, or is segregated and disposed of for non-food use or otherwise LAWFULLY shipped or sold. This applies to products inspected by NMFS under Types I, II, and III inspections without exception. The Branch offices will follow the provisions of the Rejection and Retention of Products and Equipment section of this manual, in the handling and reporting of products in Type I establishments.
4. Item A.7. - The re-inspection of samples of product which have previously been inspected or graded by NMFS and are subject to FDA seizure, prosecution, injunction, or import detention action will be performed by NMFS only when clearance has been received.

B. The Food and Drug Administration

1. Item B.5. - FDA review of labels, legends, stamps, and other official works will be directed to the Chief, Inspection Services Division, NMFS for submittal to FDA. Requests for such review will not be made to FDA District offices.
2. Item B.8. - The NMFS inspector should make every effort to participate and cooperate in inspections of official establishments conducted by FDA inspectors. Joint inspections are mutually beneficial, and educational to

both inspectors.

C. Mutual Responsibilities:

1. Item C.7. - Branch inspection offices should develop and maintain close working relationships with appropriate FDA District offices. Meetings may be held on a scheduled or unscheduled basis but should be held periodically to coordinate, evaluate, and review inspectional matters of mutual interest.

Reports

In addition to the reports required by the MOU and the Rejection and Retention of Products and Equipment section of this manual, Branch inspection offices will complete the NMFS/FDA Liaison Activities Report (see ATTACHMENT #2), on a monthly basis and forward one copy to the Division Office, ATTN: Chief, Inspection Services Division, and retain a copy in the Branch office file.

ATTACHMENT #1

January 17, 1975 - Pages 2971-3195

Federal Register

FRIDAY, JANUARY 17, 1975
WASHINGTON, D.C.

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PART I



National Oceanic and Atmospheric Administration
INSPECTION PROGRAM INVOLVING PRODUCERS, PROCESSORS, AND SHIPPERS OF FISH AND FISHERY PRODUCTS

Agreement with the National Marine Fisheries Service

For a document dealing with a Memorandum of Understanding between the National Oceanic and Atmospheric Administration and the Food and Drug Administration pertaining to the above captioned matter, see FR Doc. 73-1591, infra.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

INSPECTION PROGRAM INVOLVING PRODUCERS, PROCESSORS, AND SHIPPERS OF FISH AND FISHERY PRODUCTS

Agreement with the National Marine Fisheries Service

The National Marine Fisheries Service and the Food and Drug Administration have drawn up an agreement concerning certain related objectives in carrying out their respective responsibilities under the Agricultural Marketing Act, the Fish and Wildlife Act, and the Federal Food, Drug, and Cosmetic Act. The agreement, which sets forth the working arrangements being followed or adopted in the interest of the public so that each agency will discharge as effectively as possible its inspection and standardization activities for fish and fishery products, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOOD AND DRUG ADMINISTRATION, AND DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE

RELATIVE TO INSPECTION PROGRAMS FOR FISHERY PRODUCTS

1. The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. In fulfilling its responsibilities under the act, FDA directs its activities toward the protection of the public health of the Nation by ensuring that foods are safe and wholesome and that products are properly and truthfully labeled. This is accomplished by inspecting the processing and distribution of foods and examining samples thereof to assure compliance with the Act. FDA also promulgates under the act mandatory standards of identity, quality, and fill of containers for food products after appropriate notice and public procedure.

The National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration, Department of Commerce, under authority established by the Agricultural Marketing Act and the Fish and Wildlife Act, is responsible for (1) the development and advancement of commercial grade standards for fishery products and better health and sanitation standards in the industry and (2) furnishing inspection, advisory, and grading services and issuing certificates to producers, processors, shippers, receivers, or interested parties. Its major purpose is to encourage and assist the industry in improving the quality and safety of its products, and to provide objective information by means of inspection and official certification concerning the class, quality, quantity, identity, or condition of production, processing, and marketing of fish and fishery products.

SERVICES TO BE PROVIDED

- 1. Supply FDA headquarters with a complete list of all processing and packing establishments which are operating under NMFS inspection on a contract basis. This list will set forth the type of service provided and the food products involved. NMFS will immediately advise the appropriate FDA field office of those plants subject to withdrawal or suspension of service, termination of contract, or denial of inspection services because of violations or other current good manufacturing practice deficiencies.
- 2. Assign a grade or Government legend only to products which meet all requirements for such a grade or legend. Whenever the product has not been inspected for all factors required to ensure compliance with a grade and/or legend, the certificate shall state the specified factors to which the inspection or grading was limited.
- 3. Apply to plants and products under voluntary inspection appropriate FDA requirements pertaining to good manufacturing practices, labeling, food additives, colorings, standards of identity, minimum requirements, and fill of containers as set forth by FDA regulations, and which are applied by FDA in its enforcement of the Federal Food, Drug, and Cosmetic Act.

NOTICES

- 1. Provide the appropriate FDA field office in the region, with one pertinent certificate submitted under this list of products, processed or not, listed, provided for each type of fish.
- 2. Institute to inspect, grade, certify, or pass under the official grade mark or other approved identification, except Atlantic Salmon, on a food product which is processed, marketed, or packaged under the Federal Food, Drug, and Cosmetic Act, of each type and in such amounts as to ensure to the food product being subject to inspection, and to be so immediately handling the same materials and substances that would be likely to contaminate the product that is being inspected.
- 3. Report to the appropriate FDA field office in the region, the name and address of the producer, processor, shipper, receiver, or interested party, of each type and in such amounts as to ensure to the food product being subject to inspection, and to be so immediately handling the same materials and substances that would be likely to contaminate the product that is being inspected.
- 4. Report to the appropriate FDA field office in the region, the name and address of the producer, processor, shipper, receiver, or interested party, of each type and in such amounts as to ensure to the food product being subject to inspection, and to be so immediately handling the same materials and substances that would be likely to contaminate the product that is being inspected.
- 5. Report to the appropriate FDA field office in the region, the name and address of the producer, processor, shipper, receiver, or interested party, of each type and in such amounts as to ensure to the food product being subject to inspection, and to be so immediately handling the same materials and substances that would be likely to contaminate the product that is being inspected.

NOTICES

- 1. Provide timely notification to appropriate FDA field office in the region, with one pertinent certificate submitted under this list of products, processed or not, listed, provided for each type of fish.
- 2. Institute to inspect, grade, certify, or pass under the official grade mark or other approved identification, except Atlantic Salmon, on a food product which is processed, marketed, or packaged under the Federal Food, Drug, and Cosmetic Act, of each type and in such amounts as to ensure to the food product being subject to inspection, and to be so immediately handling the same materials and substances that would be likely to contaminate the product that is being inspected.
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- 2. Institute to inspect, grade, certify, or pass under the official grade mark or other approved identification, except Atlantic Salmon, on a food product which is processed, marketed, or packaged under the Federal Food, Drug, and Cosmetic Act, of each type and in such amounts as to ensure to the food product being subject to inspection, and to be so immediately handling the same materials and substances that would be likely to contaminate the product that is being inspected.
- 3. Report to the appropriate FDA field office in the region, the name and address of the producer, processor, shipper, receiver, or interested party, of each type and in such amounts as to ensure to the food product being subject to inspection, and to be so immediately handling the same materials and substances that would be likely to contaminate the product that is being inspected.
- 4. Report to the appropriate FDA field office in the region, the name and address of the producer, processor, shipper, receiver, or interested party, of each type and in such amounts as to ensure to the food product being subject to inspection, and to be so immediately handling the same materials and substances that would be likely to contaminate the product that is being inspected.
- 5. Report to the appropriate FDA field office in the region, the name and address of the producer, processor, shipper, receiver, or interested party, of each type and in such amounts as to ensure to the food product being subject to inspection, and to be so immediately handling the same materials and substances that would be likely to contaminate the product that is being inspected.

ATTACHMENT #2

MEMORANDUM FOR: F/SI - Director, Seafood Inspection Program
FROM: F/SI - Chief, Inspection Branch
SUBJECT: NMFS/FDA Liaison Activities Report for (Month, Year)

The following FDA contacts were made during the report period.
(The report should be substantially as follows.)

Number the contacts, i.e., a separate paragraph for each contact.

- For each contact include:
NMFS inspector/official present.
FDA inspector/official present.
Location of visit - plant, office, etc.
Purpose of visit.
Summary of discussions.
Follow-on actions required.

State and Federal Agreements

The purpose of this section is to assure uniform implementation of Federal/State agreements which provide for the inspection of fishery products by USDC licensed state inspectors based upon Federal requirements.

Policy

It is the policy of the Seafood Inspection Program to use cross-licensed state inspectors to perform the inspection, grading, and certification of fishery products, and to conduct sanitation inspections of USDC official establishments within the boundaries of the states with whom the NMFS has entered into formal inspection agreements.

General

Under standardized cooperative agreements between the states and NMFS each agency has agreed to adopt certain uniform operational procedures to carry out the program. Implementation of the provisions and their procedures rests with the chief inspectors that are responsible for the overall effectiveness of inspection activities in their geographical area of concern. They will work directly with their counterparts in the state agency to arrange for cross-licensing, training and technical supervision of state personnel.

Procedures

Many of the aspects of the agreements are self-explanatory. The responsibilities of each agency are given in the cooperative agreement with the respective state. The following points are intended to further explain or clarify some of their general provisions. They are numbered to correspond with the paragraphs of the cooperative agreement.

2. (A) The chief inspector responsible for the administration of the respective Federal/State Agreement will arrange for the cross-licensing of state inspectors as mutually agreed upon by both parties.
2. (D) NOAA administrative and supervisory inspection personnel will periodically review inspections performed by state personnel to determine that they are conducted in accordance with applicable Federal regulations and operational procedures contained in this inspection manual.
2. (H) NOAA will furnish to each state inspection agency sufficient supplies of inspection standards, specifications, instructions, score sheets, certificates and official stamps necessary for it to carry out its inspections under the cooperative agreement. It is the responsibility of the chief inspector administering the agreement to make certain that an adequate supply of all necessary materials are available for use by licensed state inspectors.
4. (A) At a minimum, onsite and on-the-job training will be provided to specific state inspectors at the time the first request for inspection is received by the state agency, and thereafter as the need arises.
4. (G) The chief inspector will request a copy of each State's annual audit report as required by this paragraph of the Agreement.

Section 04: Support for Sustainable Fisheries and Endangered Species

Statement of Support for NOAA Sustainable Fisheries

Inspection of Endangered Species

The purpose of this section is to alert the inspector to those species of fish, reptiles, amphibians, snails, clams, and other marine life currently designated as endangered or threatened so he may not inadvertently inspect and certify such products for use as food, in violation of applicable regulations.

General

The Endangered Species Act of 1973 sets forth specific guidelines regulating the taking, possessing, importing and exporting of endangered and threatened wildlife intended for interstate or foreign commerce, sale or offer for sale. The inspector should keep abreast of information relevant to species of marine life which have been determined to be threatened or endangered.

Policy

Inspectors will not inspect, certify, or participate in the inspection and certification of seafood products manufactured from threatened or endangered species, nor will they provide inspection services which aid in facilitating acts specifically prohibited under 50 CFR 17.21 and 17.31.

Procedures

Species of marine life currently covered under the Endangered Species Act are listed at <http://www.nmfs.noaa.gov/pr/species/esa/>.

When requested to provide inspection or certification services on products which have been manufactured from any of the species at the above website, the inspector shall contact the nearest [NMFS Enforcement Office](#) to determine whether any change in status has occurred, and whether the products in question may be legally taken and sold for use as food.

In those instances where a listed species may be legally certified by NOAA seafood inspectors, the concerned inspector will make a written statement on the inspection certificate to that effect, including the name of the NMFS Enforcement Officer and time and date of the discussion.

Inspection Procedures and Documentation

Chapter 1 – Inspector Instructions

Section 01: Quality Management Program

Reclaimed Fishery Material

Retention of Preliminary Sanitation Documents

Section 02: Label Submittal and Review Instructions

Section 03: Specification Submittal and Review Instructions

Section 04: Instructions for Inspections for the European Union

Section 05: Instructions for Inspections for the People's Republic of China

Section 06: Instructions for DSPC

Section 07: Guidelines for Retail Inspections

Section 08: Guidelines for Meeting the Child Nutrition Requirements of the Food and Nutrition Service

The purpose of this section establishes standard procedures for use by official establishments when submitting fishery product labels and specifications for approval of a Child Nutrition (CN) label statement.

General

- A. In order to assure that fishery products are approved to bear a CN label statement and can be credited toward meeting the meal pattern requirements, USDC and USDA/FNS are cooperating in the review and approval process of labels.
- B. To assure acceptance by the schools of seafood products produced under Federal inspection, the products shall bear, at a minimum, the “Processed Under Federal Inspection” (PUFI) mark. The seafood components for all CN labeled products shall possess good flavor and odor characteristic of the species as defined in the appropriate U.S. Standards for Grades of Fishery Products. For those products bearing the PUFI mark only, the product may contain less than the

minimum fish flesh requirement identified in the standard, as long as it contains the meat/meat alternate requirement of the CN statement.

Procedures

A. Contracting Party must:

1. be a USDC official establishment with an approved contract for a minimum of 4 hours of Type I inspection per week;
2. submit and receive approval of specifications used for CN labeled product in accordance Part I, Chapter 3, Section 08 of NOAA Inspection Manual 25. Specifications may be submitted prior to or along with CN label approval requests, using NOAA Form 89-819;
3. follow the USDA procedures, Child Nutrition Labeling for Seafood Products, identified as attachments to this section; and 4. in the absence of the assigned inspector, may leave Block 11, USDC Inspector's Signature, blank and place a statement in Block 14, Remarks, indicating the name of the inspector's supervisor with whom the submittal was discussed and who authorized the submittal. Such submittals will be verified by the Approving Officer prior to action.

NOTE: Contracting parties may initially submit a NOAA Form 89-819 with a draft specification and label sketch to the Approving Officer, Documentation Approval and Supply Services Section, for review and comment by NMFS and USDA/FNS before formal submittal. Inquiries regarding the status of the label review are to be directed to the USDC Approving Officer.

B. Inspector will:

1. review appropriate specification and CN label, and sign application form (NOAA Form 89-819) after ensuring completeness in accordance with the attachments to this section.
2. forward five (5) copies of all labels and specifications with NOAA Form 89-819 to:
Approving Officer, Documentation Approval and Supply Services Section
3207 Frederic Street, Suite B - P.O. Drawer 1207
Pascagoula, MS 39568-1207
3. retain and file the Field Copy of the NOAA Form 89-819 until receipt of approval notice.

C. Approving Officer:

1. will review the request for completeness, legibility, and accuracy; sign and forward to USDA/FNS for CN label statement concurrence.
2. will distribute the approved/disapproved request as follows:
 - a. original and Inspector Copy - to the USDC inspector who will forward the Original to the processor, file the Inspector Copy, and discard the Field Copy.
 - b. DASS Office Copy - retained by the Approving officer.
 - c. Regional Office Copy - forwarded to the Chief of the Regional Inspection Branch.
3. will resubmit the contracting party's corrected application, if necessary.

ATTACHMENT [CN Guidelines](#)

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Section 09: Instructions for Inspection of Fish Meal Establishments

Section 10: Instructions for Collecting and Submitting Analytical Samples to the National Seafood Inspection Laboratory

Section 11: Inspection of Products Subjected to a Process Involving Carbon Monoxide Gas

Chapter 2 – Inspector Instructions

Section 01: Monthly Activities Report

The Monthly Inspection Activities Report provides information about field inspection activities on a current basis. The usefulness of the information depends in large part on its timeliness and accuracy. Its availability should reduce the need for hurried calls to field inspection offices for information and data.

Instructions

A. Report Preparation:

1. The report will be submitted in memorandum format using the paragraph headings shown in the attached example (see Attachment #2).
2. Information will be entered under the appropriate paragraph in accordance with the instructions contained in the example.
3. Paragraphs which are not applicable will be annotated “not applicable,” “N/A,” or “none.”
4. Much of the information required will be obtained from the Daily Production Summary, NOAA Form 89-812, submitted by an official establishment’s assigned inspector. To further simplify data collection it is suggested that the “Remark” paragraph of the Production Summary be used by the inspector to convey information through the Chief of the Regional Inspection Branch to the Division Chief. Such usage will eliminate the need for additional paperwork, and serve as a permanent record. Information such as lot inspection data, FDA liaison visits, etc., could be recorded here.

B. Report Submittal:

The report will be mailed to the Central Office not later than the 16th of the month following the month covered by the report.

Section 02: Submittal of Daily and Monthly Summary Reports

The Daily Summary is used to record poundage of products inspected, and/or graded on a daily basis for a one month period. The Monthly Summary is used to record data and information about contract and lot inspection activities on a monthly basis. The summaries are consolidated by the Seafood Inspection Program (SIP) to report regional and national inspection data.

Form Overview

A. Daily Summary (NOAA Form 89-812). (See Attachment #1)

1. This form is used by the inspector and establishment personnel (HACCP) to record, on a daily basis, the type of inspection performed on the products and the poundage of products inspected. The form’s use will simplify the completion of the Monthly Summary.
2. The instructions for completing the form are located on the form’s back and are self-explanatory.
3. Canned product information is recorded on this form on a 1,000 pound basis and not as a number of units of an identified can size.
4. After the data from the daily summary has been transferred to the Monthly Summary, the form will be filed in the Regional Inspection Branch (RIB).

B. Monthly Summary (NOAA Form 89-812A) (See Attachment #2)

1. This form is used by the inspector and establishment personnel (HACCP) to record data and information about contract and lot inspection activities on a monthly basis and is easily completed from the information recorded on the Daily Summary.
2. As with the Daily Summary, the instructions for completing the Monthly Summary are located on the form's back and are self-explanatory.
3. Canned product information is recorded on this form on a 1,000 pound basis and not as a number of units of an identified can size.
4. After the data has been recorded on the Monthly Summary, the form will be distributed as follows:
 - a. Original - FIS14 - Approving Officer, Seafood Inspection Program, Technical Services Branch, DASS, P.O. Drawer 1207, Pascagoula, MS 39568-1 207.
 - b. Copy – Chief, Regional Inspection Branch.
 - c. Copy – Inspector's file.

Commodity Codes List (See Attachment #3):

- A. The Commodity Code numbers for completion of NOAA Form 89-812 and NOAA Form 89-812A are contained in Attachment #3. The established code numbers are to be used in identifying the various commodities that are inspected.
- B. As with previous releases of the Commodity Code List, inspectors and establishment personnel will not construct codes for commodities that may be produced that have no readily identifiable code. Refer to the unclassified codes.
- C. As new codes are developed, they will be distributed by the normal Quarterly Mailouts.

Data are counted according to the specific marks on the container(s). If the ‘Officially Sampled’ stamp or the ‘Accepted Per Specification’ stamp is the only mark on the master container, report the data under “NO MARK”.

Do Not Double Report! Do not duplicate where you report the data – it goes under only one category! If there is a situation (e.g., product to China) where an exported product bears a mark on the container (e.g., USDC Lot Inspected), include the data in “Export”. If it is unknown whether the product will be exported, record the data as appropriate at the time of reporting.

Rejections – If a lot of product is presented (e.g., as Grade A) and doesn’t pass, the data are reported as “Rejected.” If, however, the same lot is reworked as a new lot, is re-inspected and passed, then the data are recorded in the “Inspected and Passed” section. That is, the data are reported in both sections. If the rejected lot is NOT reworked, inspected and passed, then the data are reported only as “Rejected”.

Use abbreviated descriptions for the reason for the rejection; such as

“Adulterated”: meets the definition of adulterated food under Section 402 of the FD&C Act.

“Misbranded”: mislabeled, misrepresentation – meets the definition of misbranded under Section 403 of the FD&C Act.

“Substandard Quality”: fails to meet minimum quality requirements of a U.S. Grade Standard or Standard of Identity under Title 21.

“Failed grade/spec”: fails to meet intended grade or quality specification.

REMINDER: Be certain that the data are correctly expressed in thousands. That is, 1,534,834 pounds is 1,534.8 thousands of pounds.

Under “PLANT NAME”, enter the name of the facility. Abbreviations are OK.

Data are counted according to the specific marks on the container(s). If the “Officially Sampled” stamp or the ‘Accepted Per Specification’ stamp is the only mark on the master container, report the data under “NO MARK”.

Do Not Double Report! Do not duplicate where you report the data it goes under only one category. If there is a situation (e.g., product to China) where an exported product bears a mark on the container (e.g., USDC Lot Inspected), include the data in “Export”. If it is unknown whether the product will be exported, record the data as appropriate at the time of reporting.

Rejections – If a lot of product is presented (e.g., as Grade A) and doesn’t pass, the data are reported as “Rejected.” If, however, the same lot is reworked as a new lot, is re-inspected and passed, then the data are recorded in the “Inspected and Passed” section. That is, the data are reported in both sections. If the rejected lot is NOT reworked, inspected and passed, then the data are reported only as “Rejected”.

Use abbreviated descriptions for the reason for the rejection; such as

“Adulterated”: meets the definition of adulterated food under Section 402 of the FD&C Act.

“Misbranded”: mislabeled, misrepresentation--meets the definition of misbranded under Section 403 of the FD&C Act.

“Substandard Quality”: fails to meet minimum quality requirements of a U.S. Grade Standard or Standard of Identity under Title 21.

“Failed grade/spec”: fails to meet intended grade or quality specification.

REMINDER: Be certain that the data are correctly expressed in thousands. That is, 1,534,834 pounds is 1,534.8 thousands of pounds.

ATTACHMENT #3

[Commodity Codes](#)

Section 03: Procedures for Processing Requests for Type I Inspection

It is important that applications for inspection service filed in accordance with the referenced regulations be processed expeditiously. Unnecessary delays in responding to requests for inspection service may have an adverse effect on the industry’s ability to sell, market and/or distribute the product and further, have an adverse effect on the DOC Seafood Inspection Program (SIP) inspection service image.

It is DOC SIP policy that:

- A. Contracts will not be approved for less than four (4) hours of Type I inspection services per week. This does not preclude the negotiation of contracts which will run for specified time periods, such as those for seasonal products.
- B. Contracts will be reviewed and adjusted as necessary when the actual number of inspection hours used by an official establishment varies four (4) hours or more per week from the contractual agreement.
- C. All contractual amendments will be on a mutually agreed upon basis.
- D. Plants cannot be guaranteed inspection services beyond the period of time stipulated in the

contract.

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Procedures

A. Regional Inspection Branch (RIB)

1. Upon receipt of an application for contract inspection it should be reviewed to ascertain that information necessary to perform an inspection on the processed product(s) is furnished as required by 50 CFR 260.15.
2. The applicant should be furnished a copy of the regulations and advised of the requirements for plants operating under inspection on a contract basis contained therein. (50 CFR 260.96)
3. An initial plant survey will be conducted to determine whether the plant sanitation, hygienic practices, and subject processes are in accordance with DOC requirements. If necessary, a final plant survey will be conducted following the plant's correction of discrepancies noted on the initial survey.
4. When it has been determined that the plant facilities, etc., are in accordance with DOC regulations, the inspection supervisor will determine the inspection man-hours necessary to perform the requested inspection. This should initially be based on the best estimate of the number of hours needed to produce the products for which inspection is desired.
5. The RIB will advise the applicant of his responsibilities as stated in 50 CFR 260.97.
6. The Chief, RIB, will forward the completed application for inspection services to the Director, DOC SIP, with a recommendation for approval. A copy of the final plant survey report and a surety bond should accompany the application.

B. Inspector Assignment

1. When the number of inspection man-hours required has been determined, the supervisory inspector shall promptly advise the applicant, in writing, if an inspector can be assigned for duty immediately.
2. If an inspector is not immediately available for assignment to the plant, the supervisory inspector will advise the applicant, in writing, of the non-availability of an inspector, and, if known, the approximate date of availability.
3. If delays are encountered in obtaining an inspector, such as lack of personnel availability, hiring restrictions, etc., the applicant will be advised, in writing, of the reason therefore.
4. Copies of all correspondence relative to applications for inspection service will be furnished to Headquarters.

NOAA Form 89-800, Contract of Agreement For:

A. The information to complete the form must be received from the applicant, and the information required by NOAA Form 89-800 is self-explanatory (see Attachment)

B. Paperwork Reduction Act.

1. NOAA Form 89-800, "Contract of Agreement For" is one of several NOAA Forms identified by the Office of Management and Budget (OMB) as subject to the Act. Participants in the USDC Seafood Inspection Program are encouraged to read the Information Collection Notification by OMB prior to completing the form.
2. Information Collection Notification, NOAA Form 89-800
 - a. This information collection is authorized under 50 CFR §260.96. The information will be used to register participants requesting regular inspection services on a contractual

basis. Any changes to the contract require a contract amendment, using this form. Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden to the USDC Seafood Inspection Program, 1315 East-West Highway, Silver Spring, MD 20910. This information is required in order to receive inspection services on a contract basis.

- b. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Section 04: Procedures for Processing Requests for Type II Inspection

It is important that applications for lot inspection service be complete and processed expeditiously. Incomplete information or improper/delayed handling may result in misunderstandings of inspection needs, the inability of the requestor to meet the certification needs of the buyer and unnecessary costs to conduct the inspection.

Procedures

- A. Requests for inspection may be made by telephone or in writing to the lot inspection office nearest the product location.
- B. The applicant is responsible for making the product available at its storage location.
- C. Generally, requests for lot inspection services are received by telephone or by e-mail. Whether received by telephone or in writing, the information contained on NOAA Form 89-814, Request for Inspection Services, must be obtained from the applicant. If written by the applicant, he/she must sign the request, and the completed request must be filed with the certificate issued upon completion of the inspection. The information required of NOAA Form 89-814 is self-explanatory (see attachment). It is vital that there be a clear understanding between the applicant and the inspection office as to the type of inspection requested, i.e., what does the applicant want to know about the product. It is also essential that the applicant clearly state what the inspector is to do with the samples following completion of their examination. This information should be recorded in the form block entitled, "Disposition of Samples."
- D. Sampling. Sample size is determined using the appropriate sampling table of the regulations, 50 CFR 260.

Samples are drawn randomly from the cartons on the various pallets and from random positions on the pallets. If the lot consists of more than one production date code the inspector should sample as many different codes as possible. Samples are inspected in accordance with the standard, specification or other document requested by the applicant.

- E. Certification. Certificates are issued according to the type of sampling and inspection performed, i.e., lot, unofficial, export, etc.
- F. Fees and Charges. The applicant is responsible for all fees and charges associated with the inspection of the product. The Regional Inspection Branch (RIB) will, under separate cover, charge the applicant for the associated fees and charges of the inspection and submit the bill to

NOAA Finance, with NOAA Finance billing the applicant.

Paperwork Reduction Act

1. NOAA Form 89-814, Request of Inspection Services is one of several NOAA Forms identified by the Office of Management and Budget (OMB) as subject to the Act. Participants in the USDC Seafood Inspection Program are encouraged to read the Information Collection Notification by OMB prior to completing the form.
2. Information Collection Notification, NOAA Form 89-814.
 - a. This information collection is authorized under 50 CFR §260.15. The information will be used to record applicants requesting inspection services on non-contractual basis. Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden to the USDC Seafood Inspection Program, 1315 East-West Highway, Silver Spring, MD 20910. This information is required in order to receive inspection services on non-contract basis.
 - b. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

ATTACHMENT

OMB Control #0648-0266
Expires-9/30/2008

NOAA form 89-814 Prescribed by NOAA Inspection Manual 25		U.S. DEPARTMENT OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION		CONTRACT NUMBER:																																				
REQUEST FOR INSPECTION SERVICES				FEDERAL TAX ID #:																																				
				TODAY'S DATE:																																				
NAME OF REQUESTER			SERVICING AGENT'S NAME & PHONE NUMBER																																					
STREET ADDRESS			STREET ADDRESS																																					
CITY		STATE	ZIP CODE	CITY																																				
STATE		ZIP CODE	STATE		ZIP CODE																																			
CONTACT NAME	PHONE NO.	FAX NO.		TYPE INSPECTION REQUESTED																																				
LOCATION OF PRODUCTS - NAME			<input type="checkbox"/> Lot Inspection Certificate <input type="checkbox"/> Export Health Certificate <input type="checkbox"/> Certificate of Origin <input type="checkbox"/> EU Certificate <input type="checkbox"/> Other:																																					
LOCATION OF PRODUCTS - STREET ADDRESS			SPECIAL INSTRUCTIONS (Buyer Specifications, country requirements, etc.)																																					
CITY		STATE	ZIP CODE	<input type="checkbox"/> Market Specifications: <input type="checkbox"/> Product on FDA Hold?																																				
ASSESS CHARGES TO:			DISPOSITION OF SAMPLES:																																					
STREET ADDRESS			<input type="checkbox"/> Return <input type="checkbox"/> Destroy <input type="checkbox"/> Charity																																					
Same			<input type="checkbox"/> Inspect <input type="checkbox"/> Quantity & Condition <input type="checkbox"/> Minimum U.S. Grade Attributes <input type="checkbox"/> U.S. Grade A Attributes <input type="checkbox"/> Net Weight <input type="checkbox"/> Size or Count <input type="checkbox"/> Other: Origin: _____																																					
CITY		STATE	ZIP CODE																																					
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PORT OF EXPORT	VESSEL OR AIRLINE		PORT OF DESTINATION																																					
APPLICANT (Printed Name & Signature)				DATE																																				

Information Collection Notification - NOAA Form 89-814
 This information collection is authorized under 50 CFR §260.15. The information will be used to record applicants requesting inspection services on non-contractual basis. Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden to the Seafood Inspection Program, 1315 East-West Highway, Silver Spring, MD 20910. This information is required in order to receive inspection services on non-contract basis. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB control Number.

Section 05: Procedures for Processing Requests for Type III Consultation Inspections

Section 06: Reporting Violations of the Agricultural Marketing Act and Regulations Governing Processed Fishery Products

The purpose of this policy is to provide the basic information necessary to assist inspectors in reporting violations of the Agricultural Marketing Act and the regulations promulgated thereunder, i.e., 50 CFR 260; and to point out evidence which may be necessary to prepare cases involving violations of the law and regulations for debarment action. The procedures described are general guidelines and not intended to be inflexible rules.

The Agricultural Marketing Act of 1946 (the Act), as amended, provides for the voluntary inspection and grading of numerous agricultural commodities, including fish and shellfish, under regulations promulgated by the U.S. Department of Commerce (USDC). The Act protects consumers against false claims concerning the Federal inspection or grading of seafood, and makes it a criminal offense for anyone knowingly to represent that seafood has been officially inspected or graded under the provisions of the Act when, in fact, it has not been so inspected or graded.

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Strict enforcement of the Act is necessary to protect consumers and processors who operate under the USDC Voluntary Seafood Inspection Program. Our goal is to assure full compliance with the Act and regulations. One method of encouraging compliance is for the Consumer Safety Officer/Inspector to advise interested persons and processing firms of the Act's requirements on a timely and continuing basis. Inspectors should be thoroughly familiar with the Act and USDC regulations so they may effectively communicate with concerned parties.

The following procedures must be followed whenever violations to the Act are suspected:

A. Establishing Proof of Alleged Irregularities or Violations. It is necessary that each instance of detected or reported irregularity or violation of the Act or its implementing regulations is thoroughly investigated. The information contained in Attachment #1 will be helpful to inspection personnel during the investigative processes.

B. Investigating and Reporting Alleged Irregularities and Violations.

1. Assigned Inspector: When an irregularity or violation is detected by or reported to the assigned inspector he/she shall:

- a. Notify his/her supervisor immediately by the most expeditious means.
- b. Secure evidence to support a possible debarment, suspension, or legal action. See Attachment #2.
 - (1) Observe, when possible, the irregularity or violation in progress and record the incident, noting the date and time of occurrence. A witness, if possible, should verify the irregularity or violation.
 - (2) Explore all recorded sources which could provide reliable information relevant to the incident.
 - (3) Interview individuals who might have knowledge of the incident.
- c. Prepare, with the direct assistance of the supervisor, a written draft of the situation including all pertinent information available. See Attachments #3 and #4.
- d. Forward a copy of the report through the supervisor to the Regional Chief for review.

2. Supervisor: When a supervisor receives a report of an alleged violation he/she shall:

- a. Assist the assigned inspector in developing and conducting the investigation.
- b. Assist the assigned inspector in preparing a written draft of the incident to assure that all

information, evidence, and reports from the assigned inspector are complete, accurate, and properly documented.

c. Advise the Regional Chief of the situation and keep him/her informed of developments.

3. Regional Chief: The Regional Chief shall:

a. Provide necessary assistance to the supervisor to assure that the investigation is properly conducted.

b. Review the draft report prepared by the assigned inspector for completeness, accuracy, proper documentation, etc., and prepare the final report for submission to Headquarters.

c. Keep Headquarters advised of the status of the investigation.

4. Headquarters: The Headquarters staff shall:

a. Initiate all correspondence from NMFS to the alleged violator when the investigation conducted by field inspection personnel indicates that a violation of the Act or its implementing regulation did in fact occur. The correspondence will specify the details of the alleged violation and the provisions of the law; and will provide the opportunity for the violator to present written or oral views concerning the alleged violations.

b. Act in a liaison capacity with appropriate Government agencies (i.e., Food and Drug Administration, Federal Trade Commission, Department of Defense, Department of Justice, etc.), which may be involved in investigating products, records, etc., which are located in facilities outside of NMFS jurisdiction.

c. When substantial evidence of a violation exists, (a) refer the matter to the Office of General Counsel with a request to initiate debarment action or (b) forward the case to the Department of Justice recommending the initiation of criminal action.

ATTACHMENT #1

DEVELOPING PROOF

A. Agricultural Marketing Act

The purpose of the Act is to provide for the voluntary inspection and grading of agricultural products, e.g., to “inspect, certify, and identify the class, quality, quantity, and condition of agricultural products.” No person is required to use the services provided for in the Act. The Secretary of Commerce has issued extensive regulations under the Act providing for the inspection, sampling, and grading of various commodities, and the issuance of licenses to perform such functions. This Act also provides the criminal penalties which may be assessed upon conviction for violations of the Act. It is the responsibility of inspectors to check on reported irregularities and/or investigate alleged violations of the Act. The Agricultural Marketing Act provides sanctions as follows:

“Whoever knowingly shall falsely make, issue, alter, forge, or counterfeit any official certificate, memorandum, mark or other identification, or device for making such mark or identification, with respect to inspection, class, grade, quality, size, quantity, or condition, issued or authorized under this section or knowingly cause or procure, or aid, assist in, or be a party to, such false making, issuing, altering, forging, or counterfeiting, or whoever knowingly shall possess, without promptly notifying the Secretary of Agriculture or his representative, utter, publish, or use as true, or cause to be uttered, published or used as true, any such falsely made, altered, forged, or counterfeited official certificate, memorandum, mark, identification, or device, or whoever knowingly represents that an agricultural product has been officially inspected or graded (by an authorized inspector or grader) under the authority of this section when such commodity has in

fact not been so graded or inspected shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”
 (7 U.S.C. 1622(h))

B. Information Required Defined:

The following information should be helpful in establishing and reporting alleged irregularities and/or alleged violations. The chart lists the elements of the various offenses prohibited by Section 203(h) and the subsequent information describes the meaning of the various terms used in the law.

Evidence is needed on one or more of the elements in each column as indicated.

1. Knowingly	Falsely 1. Make 2. Issue 3. Alter 4. Forge or 5. Counterfeit	Official 1. Certificate 2. Memorandum 3. Mark or other identification or 4. Device for making such mark or identification	With respect to inspection, class, grade, quality, size, quantity, or condition, issued or authorized under Sec. 203
2. Knowingly	1. Cause or procure 2. Aid 4. Assist in or 5. Be a party to		Such false 1. Making 2. Issuing 3. Altering 4. Forging or 5. Counterfeiting
3. Knowingly	1. Possess, without promptly notifying the Secretary of Agriculture or his representative 2. Utter 3. Publish 4. Use as true or 5. Cause to be a. Uttered b. Published or c. Used as true		Any such falsely made, altered, forged, or counterfeited official 1. Certificate 2. Memorandum 3. Mark 4. Identification or 5. Device
4. Knowingly	Represent that an agricultural product has been officially inspected or graded under the authority of Sec. 203		When such product has not been so inspected or graded

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1. Knowingly: Defendant’s knowledge of the law is not required, but the defendant must have knowledge of the facts constituting the offense. Defendant is responsible only for intentional, rather than accidental or inadvertent, acts. For example, in order to establish the offense of false making of an official identification by use of an approved U.S. Grade A label on fishery products that had not been graded under the Act, proof would be needed to show that the defendant knew that the label was applied to non-graded fishery products, but it would not be necessary to show that the defendant knew that such application was illegal. If the label was accidentally or inadvertently applied, no offense was committed.

Falsely Make: Proof of falsity and proof of making must be shown. For example, to prosecute defendant for falsely making an official identification, it would be proper to prove that he applied an approved U.S. Grade A label to fishery products which had not been graded under the Act. Falsely making is deemed to include, among other things, manufacturing of official devices without authorization, inserting incorrect information in an official certificate, and applying an

official grade or inspection mark to fishery products which have not been graded or have not been inspected under the Act. The same activities may constitute falsely making and counterfeiting.

Falsely Issue: Issue means to put into circulation. The offense of falsely issuing is deemed to include the distribution of labels bearing official grade identifications by a label or box manufacturer to plants not eligible to use such labels when there is proof that the manufacturer knew that the labels would be used on products for which they were not eligible.

Falsely Alter: Proof is needed of alteration and of falsity. For example, proof that the defendant altered an inspection certificate issued under the Act so as to show more product had been inspected or graded than was actually the case.

Forge: This offense consists of the false making or material altering, with intent to defraud, of any writing which, if genuine, might be of legal efficacy. For example, the writing of an inspector's signature on a certificate by someone other than the inspector himself and without his consent.

Counterfeit: This offense consists of the making of any official certificate, memorandum, mark, or other identification or device under the Act without authority. Proof is needed that the article made closely resembled and was represented to be, but was not, the genuine article and that the defendant made it without authority from this Department.

Official Certificates, Memoranda, Marks, other Identifications and Devices: The Act prohibits the offenses specified above only with respect to certificates, memoranda, marks, other identifications, and devices which are defined by the regulations under the Act as "official." (See 260.7 of the voluntary fishery products inspection and certification regulations.)

With Respect to Inspection, Class, Grade, Quality, Size, Quantity or Condition Issued or Authorized Under Section 203: The certificates, memoranda, marks, other identifications, or devices must relate to inspection, class, grade, quality, size, quantity, or condition and must be issued or authorized under Section 203 of the Agricultural Marketing Act.

2. **Knowingly:** See remarks under 1. For an offense in this group, there must be enough evidence to establish a false making, issuing, altering, forging, or counterfeiting of an official certificate, memorandum, mark, or other identification as discussed under 1., and proof that the defendant knowingly caused, procured, aided, assisted in, or was a party to such offense.

3. **Knowingly:** See remarks under 1.

Possess: Need proof that the defendant consciously had possession and did not promptly notify the Secretary of Commerce or his representative of such possession.

Utter, Publish: These terms mean about the same thing. Need proof that the defendant put into circulation or made public as genuine the offending article involved.

Use as True: Need proof of use by defendant under circumstances showing the offending article was represented to be genuine. For example, selling fishery products bearing pressure-sensitive stickers with counterfeit U.S. Grade A marks.

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Cause to be Uttered, Published, or Used as True: Need proof of acts by the defendant which caused the utterance, publication, or use as true of the offending article. For example, a statement of an employee of the defendant that the defendant ordered him to apply pressure-sensitive stickers bearing counterfeit U.S. Grade A marks to non-graded fishery products and deliver them to a purchaser.

Falsely Made, Altered, Forged, or Counterfeited Official Certificate, Memorandum, Mark, Other Identification, or Device: See remarks under 1.

4. Knowingly: See remarks under 1.

Represent That an Agricultural Product Has Been Officially Inspected or Graded Under the Act: Need proof of such a representation with respect to fish and shellfish, and products thereof. The representation may be made in any way that conveys the idea to the public that the product was officially inspected or graded under the Act. For example, by label or sticker, retail store window sign or counter placard, store employee's statement or newspaper advertisement; and either by use of an official inspection or grading mark or by descriptive words. Report all the facts in these cases very precisely. Give exact words used that are deemed to constitute the representation. Obtain copies of labels, stickers, or advertisements if possible. Determine the quality of the fishery products under the United States standards or indicate that such a determination could not be made, in each case involving representation of grade. When it appears appropriate, purchase one or more packages of the product allegedly in violation. Do not remove or alter anything printed or written thereon. Hold product for future reference or evidence to be used in connection with a court action.

C. Typical Violations of the Agricultural Marketing Act

1. Advertising by trade periodical, newspaper, or circular, U.S. inspected or graded fishery products when such products have not been so inspected or graded.
2. Using U.S. inspection or grade marks in connection with fishery products not so inspected or graded.
3. False alteration of official memoranda or certificates.

ATTACHMENT #2 INVESTIGATING ALLEGED VIOLATIONS

A. Information Sources

To check on or investigate an alleged violation of the Agricultural Marketing Act, we must first have some indication that a violation has taken place. Such information can be developed in various ways. A common source is from someone in the fishery products business. Since the industry is highly competitive, it would be rare if any person or firm could operate in violation of the Agricultural Marketing Act for a long period of time without having their actions detected and reported to us. On many occasions we may get valuable information from city, county, or state officials and officials of other Federal agencies, particularly those in the area of health and food control. Inspectors should make it their business to know these people and to be helpful to them in return for their help to us.

Many good leads come from inspectors as a result of observations made in the course of their

duties in official establishments and elsewhere. Each irregularity or violation should be followed through. The preliminary investigation should be made in such a way that it will not be embarrassing to the person or firm suspected in the event that there is no foundation to the alleged violation. If an informant requests that his identity be kept secret, such a request must be strictly honored; otherwise, sources of information would disappear. In some cases, the informant may be an employee of the company which is the alleged offender and the situation should be handled in such a manner that his position would not be jeopardized. Maintenance of good relationships with members of industry and the public is essential. Situations should never be permitted to develop where any of these contacts will be harmed without just reason. Investigations should always be conducted in such a manner as to avoid damage to the reputation of innocent persons. Inspectors should make sure that anyone who might be a potential source of reliable information knows them and knows where and how they may be reached. Regardless of how the information is presented, we should be sure they know our office address, phone number, and office hours.

B. Interviews

Information discussed during an interview may be extremely important in the event legal action becomes necessary or is deemed appropriate. Therefore, information which will be of value as evidence should be recorded in the form of a written signed statement. Such a policy will protect the inspector against claims by witnesses of being misquoted or misunderstood and will fortify the witness in resisting pressure to alter his testimony.

Simple, clear-cut language, readily understood, and in words customarily used by the person making the statement should be used. Under no circumstances should intimidation, inducement, or force of any kind be used against the subject of an investigation (or any other person) in order to obtain a statement. Methods of obtaining signed statements will vary with individual inspectors. Some will emphasize the importance to all involved that a true recital of the facts should be established and some will point out that this insures that the signer's side of the case will be accurately presented. Others will show by their very manner that they take it for granted that the subject would be willing to sign a statement of truth. In the event the interviewee furnishes sufficient information for the preparation of a statement and afterwards declines to sign the statement, the unsigned statement should be retained for use in the report. Reasons for refusal to sign should be reported. Under no circumstances should an interviewee be provided with a copy of an unsigned statement. They may be provided with a copy of a signed copy upon request.

C. Proof of Violation

To secure successful prosecution, we must have proof of the alleged violation. This is often difficult to get, but without proof we have no case against the alleged violator. As an example, we cannot assume that fishery products were not federally graded and/or inspected; rather, we must prove that fishery products were not so graded or inspected. The Office of the General Counsel and the Justice Department will not take legal action unless there is good and sufficient evidence. The proof of a violation must be based on evidence. This may be in the form of personal observation, copies of invoices, bills of lading, freight waybills, cancelled checks, labels, sections of containers, receipts, receiver's statements, and statements made by those having knowledge of the facts. The more clearly this evidence proves that a specified amount of fishery products bearing official inspection or grade marks was not inspected or graded, the better the case.


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ATTACHMENT #3 DEVELOPING THE REPORT

A. Initiating Reports

The reporting of information developed in connection with an alleged violation is a very important phase of investigation work. Each and every step taken must be clearly documented, fully explained, and spelled out in the report. Both positive and negative evidence must be included, otherwise, the reviewer may wonder, “Did he check on _____?” Reports must be factual and based on observations and evidence and not on assumptions or opinions. The inspectors’ reports should be prepared in a clean, neat, and grammatically correct manner. Just as people in the NMFS may form an opinion of the inspector from the appearance of the records he prepares, so people outside our organization will form an opinion of the NMFS from the documents we present. You can imagine the reaction of the Office of the General Counsel or a U.S. Attorney when reviewing a narrative containing incomplete sentences, misspelled words, erasures, and improperly documented evidence. Their interest in proceeding with a poorly presented case is reduced while a well-documented report will naturally bring better results.

The following self-examination shall be made in preparing a case file:

1. Is there sufficient evidence to support the allegation?
2. Does it include all the facts at hand?
3. Are there references to supporting documents in the narrative?
4. Are the narrative and other documents properly paragraphed? Margin neat? Correctly punctuated? Acceptably free of smudges and erasures? Properly assembled?
5. Have I correctly identified the legal and/or ownership status of the firm or person involved?
6. Have I checked references to names, addresses, dates, and numbers in different parts of the report so I am sure they are accurate and identical?

A complete case file on a violation should contain such information as the reason for the investigation, the manner in which the investigation was conducted, the evidence secured, and the conclusion of the inspector. The numbered exhibits in the file should be referred to by number as the report progresses.

B. Writing Reports

An investigation report may be generally divided into four sections, which should be clearly defined either by headings or paragraphing. The sections can be generally categorized (1) Introduction and Justification, (2) Synopsis or Brief, (3) Details, and (4) Conclusions.

1. The opening paragraph of the report should contain the true and/or legal name and address of the person, partnership, company, or corporation under investigation. Citation of the statute or the regulation under which the investigation is being made should be shown. In case the individual or company does business under other names and at different addresses than its legal name and address, these should also be recorded.
2. A brief summary of the evidence as disclosed by the investigation is helpful to persons who are required to review reports. The synopsis or brief should be limited to one short paragraph where possible, except that in the case of lengthy and complex reports, a longer brief may be necessary. In short reports dealing with relatively simple subject matter, the brief or summary may be eliminated. In no case, however, should the brief exceed the

detailed reporting of the case.

3. In the 'Details' section of the report, the inspector should narrate in detail how he conducted the investigation and obtained evidence of the violation. Evidence per se is of the utmost importance in dealing with these violations but the method by which evidence is obtained is also important. In charging wrong-doings, the burden of proof is on the Government. Therefore, extreme care should be exercised so that the person who is suspected shall not be deprived of rights guaranteed by the law and rigidly enforced by the courts. In narrating the details of an investigation, the inspector should refrain from imparting extraneous details and trivia which have no bearing on the issues. Reviewing reports loaded with details which are not germane can become extremely tedious and consequently the report may completely fail to inform the reader of the subject. The inspector must be able to assure himself that he can support any statements made by him in the report of investigation. All supporting evidence should be described, and the resting place of such evidence should be carefully noted in the report, as in the work papers, etc.
4. Finally, the 'Conclusion' section of the report should relate the conclusions formed by the inspector on the basis of the evidence obtained during the investigation. Since the inspector is neither the prosecutor nor the judge, it is unnecessary to go into great detail as to the value of the evidence, but he can briefly describe his attitude toward the allegation based on the evidence.

C. Sources of Information

1. Commercial bills of lading and shippers certificates are excellent evidence that a product has moved interstate. This is especially true if we can also secure a copy of the delivery receipt.
2. Copies of invoices, delivery receipts, order forms, and cancelled checks.
3. Labels and master cartons from fishery products involved.
4. Reference to letters of caution or correspondence establishing knowledge of the respective law violated. If possible, two sets of all papers making up the file should be forwarded to the Headquarters office. Recommendations may be made by the inspector by a separate memorandum.

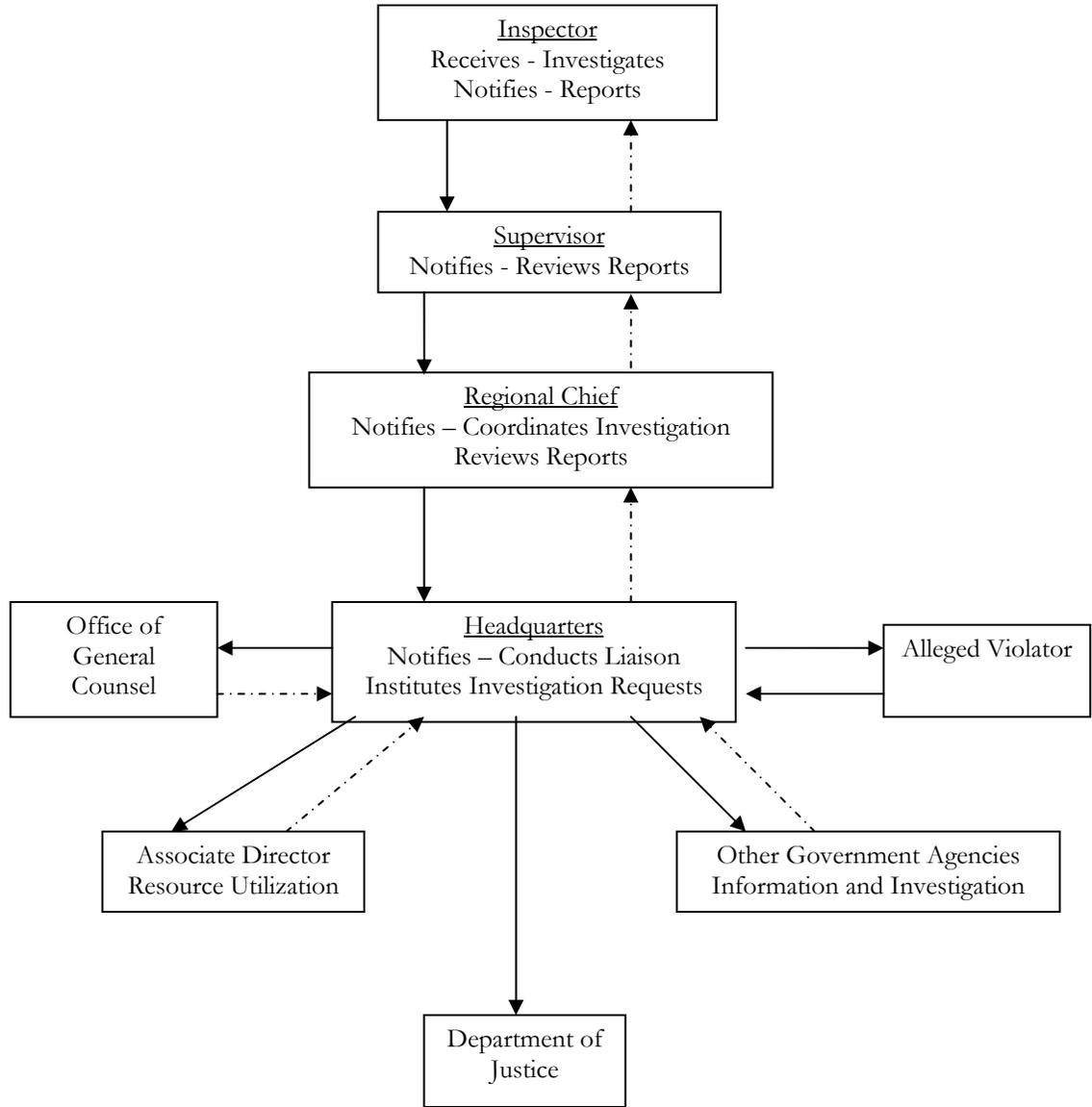
D. Conclusion

We must bear in mind that each violation is different and the development of the investigation is different. We must also bear in mind our goal is to obtain compliance with the law and related regulations under which the inspection and grading program operates. As indicated previously, criminal and/or debarment action is usually reserved for those persons or firms who, by record, have knowledge of the provisions of the law referenced herein and who in turn subsequently, with intent, violate this law or regulation.

ATTACHMENT #4
REPORT FLOW

VIOLATIONS OF THE AGRICULTURE MARKETING ACT AND
REGULATIONS GOVERNING PROCESSED FISHERY PRODUCTS

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—————▶ Written and oral reports
- - - - -▶ Provides assistance as needed

This section provides basic information necessary to assist inspectors in reporting violations of the Agricultural Marketing Act and the regulations promulgated thereunder, i.e., 50 CFR 260; and to point out evidence which may be necessary to prepare cases involving violations of the law and regulations for debarment action. The procedures described are general guidelines and not intended to be inflexible rules.

General

The Agricultural Marketing Act of 1946, as amended, provides for the voluntary inspection and grading of numerous agricultural commodities, including fish and shellfish under regulations promulgated by the U.S. Department of Commerce (USDC). The Act protects consumers against false claims concerning the Federal inspection or grading of seafood, and makes it a criminal offense for anyone knowingly to represent that seafood has been officially inspected or graded under the provisions of the Act when, in fact, it has not been so inspected or graded. Strict enforcement of the Act is necessary to protect consumers and processors who operate under the USDC Voluntary Fishery Products Inspection Program. Our goal is to assure full compliance with the Act and regulations. One method of encouraging compliance is for the fishery products inspector to advise interested persons and processing firms of the Act's requirements on a timely and continuing basis. He should be thoroughly familiar with the Act and USDC regulations so he may effectively communicate with concerned parties.

Procedures

- A. Establishing Proof of Alleged Irregularities or Violations. It is necessary that each instance of detected or reported irregularity or violation of the Act or its implementing regulations be thoroughly investigated. The information contained in ATTACHMENT #1 will be helpful to inspection personnel during the investigative processes.
- B. Investigating and Reporting Alleged Irregularities and Violations.
 1. Assigned Inspector. When an irregularity or violation is detected by or reported to the assigned inspector he shall:
 - a. Notify his supervisor immediately by the most expeditious means.
 - b. Secure evidence to support a possible debarment, suspension, or legal action. See ATTACHMENT #2.
 - (1) Observe, when possible, the irregularity or violation in progress and record the incident, noting the date and time of occurrence. A witness, if possible should verify the irregularity or violation.
 - (2) Explore all recorded sources which could provide reliable information relevant to the incident.
 - (3) Interview individuals who might have knowledge of the incident.
 - c. Prepare, with the direct assistance of his supervisor, a written draft of the situation including all pertinent information available. See Attachments #3 and #4.
 - d. Forward a copy of the report through his immediate supervisor to the Chief Inspector for review.
 2. Area Supervisor. When an area supervisor receives a report of an alleged violation he shall:
 - a. Assist the assigned inspector in developing and conducting his investigation.
 - b. Assist the assigned inspector in preparing a written draft of the incident to assure that all information, evidence, and reports from the assigned inspector are complete, accurate, and properly documented.
 - c. Advise the Chief Inspector of the situation and keep him informed of developments.
 3. Chief Inspector. The Chief Inspector will:
 - a. Provide necessary assistance to the Area Supervisor to assure that the investigation is

- properly conducted.
- b. Review the draft report prepared by the assigned inspector for completeness, accuracy, proper documentation, etc.; and prepare the final report for submission to the Chief, Fishery Products Inspection and Safety Division.
 - c. Keep the Director of Inspection Services advised of the status of the investigation.
4. Director of Inspection Services. The Director of Inspection Services will:
- a. Keep the Chief, Fishery Products Inspection and Safety Division advised of the case status.
 - b. Act in a liaison capacity with appropriate Government agencies (i.e., Food and Drug Administration, Federal Trade Commission, Department of Defense, Department of Justice, etc.), which may be involved in investigating products, records, etc., which are located in facilities outside of NMFS jurisdiction.
5. Chief, Fishery Products Inspection and Safety Division. The Chief of the Division will:
- a. Initiate all correspondence from NMFS to the alleged violator when, in his judgment, the investigation conducted by field inspection personnel indicates that a violation of the Act or its implementing regulation did in fact occur. The correspondence will specify the details of the alleged violation and the provisions of the law; and will provide the opportunity for the violator to present written or oral views concerning the alleged violations.
 - b. When, in his judgment, substantial evidence of a violation exists, (a) refer the matter to the Office of General Counsel with a request to initiate debarment action or (b) forward the case to the Department of Justice recommending the initiation of criminal action.

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[Instructions for Grading Frozen Headless Dressed Whiting](#)

[Procedures for Rounding Off and Retention of Numbers](#)

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[Reserved]

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[Instructions for Grading Frozen Salmon Steaks](#)

Section 04: U.S. Standards for Grades of Fish Fillets

[Instructions for Grading Fish Fillets](#)

Section 05: U.S. Standards for Grades of Cod Fillets

[Instructions for Grading Frozen Cod Fillets](#)

Section 06: U.S. Standards for Grades of Flounder and Sole Fillets

[Instructions for Grading Flounder and Sole Fillets](#)

Section 07: U.S. Standards for Grades of Haddock Fillets

[Instructions for Grading Frozen Haddock Fillets](#)

Section 08: U.S. Standards for Grades of Ocean Perch Fillets and Pacific Ocean Perch Fillets

[Instructions for Grading Ocean Perch Fillets and Pacific Ocean Perch Fillets](#)

Section 09: U.S. Grade Standards for Grades of Frozen Fish Blocks and Products Made Therefrom

[Instructions for Grading Frozen Fish Blocks](#)

Section 10: U.S. Grade Standards for Grades of Frozen Minced Fish Blocks

[Instructions for Grading Frozen Minced Fish Blocks](#)

Section 11: U.S. Grade Standards for Grades of Frozen Raw Fish Portions

[Instructions for Grading Frozen Raw Fish Portions](#)

Section 12: U.S. Grade Standards for Grades of Frozen Raw Breaded Fish Sticks

[Instructions for Grading Frozen Raw Breaded Fish Sticks](#)

Section 13: U.S. Grade Standards for Grades of Frozen Raw Breaded Fish Portions

[Instructions for Grading Frozen Raw Breaded Fish Portions](#)

Section 14: U.S. Grade Standards for Grades of Frozen Fried Fish Sticks

[Instructions for Grading Frozen Fried Fish Sticks](#)

Section 15: U.S. Grade Standards for Grades of Frozen Fried Fish Portions

[Instructions for Grading Frozen Fried Fish Portions](#)

Section 16: U.S. Grade Standards for Grades of Fresh and Frozen Shrimp

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[Instructions for Grading Frozen Raw Scallops](#)

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Section 19: U.S. Standards for Grades of Frozen Raw Breaded Scallops and Frozen Fried Scallops

[Instructions for Grading Frozen Raw Breaded Scallops and Frozen Fried Scallops](#)

Section 20: U.S. Standards for Grades of North American Freshwater Catfish and Products Made Therefrom

[Instructions for Grading North American Freshwater Catfish and Products Made Therefrom](#)

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[Quick Frozen Blocks of Fish Fillet, Minced Fish Flesh and Mixtures of Fillets and Minced Fish Flesh](#)

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Chapter 3 – Methodology

Section 01: Net or Drained Weight Determination

To standardize nationally the method that will be used to determine the net weight of each form of unbreaded frozen shrimp, and to assure national uniformity in certification of results. Adherence to the provisions of this manual section is required by USDC Seafood Inspection Program (SIP) fishery products inspectors, and by other Federal and State inspectors who have been cross-licensed by the program, when inspecting and certifying shrimp products on behalf of the SIP. Any departure from these procedures must be approved before the fact.

Definitions

For the purpose of this manual section, the following terms shall have the following meanings:

Clump - A cluster of two or more shrimp or pieces of shrimp frozen together, and which cannot be separated readily.

Drained weight - The weight of the shrimp of a sample unit after the sample unit has been completely thawed and drained.

Glaze - A layer (coating) of ice applied to the product's surface to serve as a barrier to air, to retard dehydration of the product. It must be removed to determine accurately a packaged product's net weight.

Glazed Weight - The weight of the entire package contents (i.e., excluding the weight of packaging material), of a sample unit that has been covered (coated) with a protective layer of ice.

Gross weight - The weight of the entire packaged sample unit, including its packaging material.

Individually Quick Frozen (IQF) - The freezing of each shrimp separately and apart from other shrimp, i.e., not frozen together in a block or clump. Shrimp frozen in this manner are usually glazed before packaging to delay the onset of dehydration.

Net Contents or Net Weight - The weight of the shrimp in a sample unit which remains after all deductions for tare and/or glaze have been made.

Tare (Tare Weight) - The weight of the container, wrapper, or other packaging material, of a sample unit that is deducted from the gross weight to obtain the net weight.

Official methods of weight determination

The procedures contained in the publication: Official Methods of Analysis of AOAC International, 17th Edition, 2000, will be used to determine the weight of the various forms of unbreaded shrimp. The procedures are identified by bold-face paragraph numbers in the publication. For the purpose of this manual section, a "common name," i.e., a term descriptive of the principal action involved in the procedure has been assigned to each of the methods. The procedures, (Attachment 1), and the products to which they apply are as follows:

- A. AOAC 963.26B(a) - Net Contents of Frozen Food Containers Unglazed Frozen Foods.

(Subsequently referred to as the Net Contents Method) This method will be used to determine the net weight of packaged, unglazed shrimp products. Results will be reported as net weight.

B. AOAC 963.18(a) - Net Contents of Frozen Seafoods – Drained Weight Glazed Seafoods. (Subsequently referred to as the Spray - Deglazed Method) This method will be used to determine the net weight of packaged, glazed, IQF shrimp products. This method will not be used for block-frozen shrimp, nor for shrimp that are of such small size that the glaze cannot be removed practically by an inspector without thawing, or partially-thawing, some of the shrimp. This method also will not be used for IQF products that contain clumps or clusters in excess of 15 percent by weight of the glazed weight. Results of this method will be reported as net weight, regardless of the designation “Drained Weight” in the paragraph heading. The product is not thawed before draining, hence it is not a drained weight.

C. AOAC 967.13 and 970.60 - Drained Weight of Frozen Shrimp and Crabmeat. (Subsequently referred to as the Immersion-Thaw Method) This method will be used to determine the drained weight of shrimp frozen together in a block. The shrimp are not readily separable in the frozen state. This method will also be used for IQF shrimp of such small size that the glaze cannot be removed practically without thawing some of the shrimp. It will also be used for IQF products which contain clumps or clusters in excess of 15 percent by weight of the glazed weight. Results of this method will be reported as drained weight.

Note: As the instructions that follow indicate, drained weight can be determined whenever requested, however net weight cannot be determined and certified on all lots. When net weight and drained weight can both be determined and the applicant has requested both, the inspector must draw two separate sets of samples, one set for determining the net weight, and one set for determining the drained weight. The applicant must be advised before sampling that two separate sets of samples will be drawn.

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Discussion

The methods cited herein for determining the weight of the various forms of packaged unbreaded frozen shrimp have been in use for several years without difficulty. Recently, there have been several controversies over apparent short weights of shipments of tiny IQF, peeled, cooked shrimp in retail packages, where the net weight has been determined by the official AOAC spray-deglazed method. These “salad-type” shrimp are extremely small -- frequently over 300 count-per pound. It is extremely difficult if not impossible for an experienced shrimp inspector to deglaze them properly without at least partially thawing them. They lose moisture rapidly when defrosted, and continue to bleed for some time. The criticality of the deglazed - without thawing - process, and the exactness to which the two-minute drain time must be controlled render the method almost impossible to perform accurately by the average inspector. For this reason, provision has been made in paragraph V.B., for the inspector to refuse to perform the spray-deglazed method (net weight) on shrimp of such small size that the glaze cannot be removed practically without at least partially thawing some of the shrimp. This is a judgement call to be made by the inspector’s supervisor if necessary. If the applicant has requested a net weight determination (not a drained weight determination), and the inspector believes it cannot be performed accurately, the applicant must be so advised, and permission received to perform a drained weight determination in lieu thereof. In the event that an applicant has requested a net weight determination, and the product contains in excess of 15 percent clumped product, the applicant must be advised that a net weight cannot be determined accurately, and permission received to perform a drained weight (immersion method) determination instead.

Certification

It is important that the certificate state exactly what “weight” was determined, i.e., net weight, drained weight, or both. Further, the inspector must include the AOAC methods used (by identifying section number) on the certificate along with the number of the edition of the AOAC manual used.

Summary

A. Adherence to the requirements of this manual section is mandatory when determining the net or drained weight of packaged, unbreaded, frozen shrimp. Any departure from these procedures must be approved before the fact by the Program manager or the Director of Field Operations in the Central Office.

B. Only the official methods contained in the publication: Official Methods of Analysis of AOAC International, 17th Edition, 2000, will be used to determine the net weight or drained weight of the various forms of unbreaded shrimp.

C. The net contents method (963.26B(a)) will be used to determine the net weight of packaged, unglazed, shrimp products.

D. The spray-deglazed method (963.18(a)) will be used to determine the net weight of packaged, glazed, IQF shrimp that can be deglazed without thawing or partially thawing some or all of the shrimp.

Note: Exception to method 963.18(a): For large packages/cases/containers of shrimp, a representative sub-sample is removed from the total contents to facilitate deglazing and for purposes of grading the product by the standard. The exception have been reviewed and found acceptable by AOAC’s General Referee for Seafood, Dr. John M. Tennyson and General Referee Elect for Seafood, R. Steve Winters.

E. The immersion-thaw method (967.13 and 970.60) will be used to determine the drained weight of:

1. block-frozen shrimp;
2. packaged, glazed, IQF shrimp of such small size that the glaze cannot be removed practically without thawing or partially thawing at least some of the shrimp;
3. packaged, glazed, IQF shrimp that contains clumps or clusters in excess of 15 percent by weight of the glazed weight.

Note: Exception to methods 967.13 and 970.60: Nylon mesh bags are used in lieu of a wire mesh basket. They are easier to use, more portable and retain the defects for purposes of grading the product. The exception have been reviewed and found acceptable by AOAC’s General Referee for Seafood, Dr. John M. Tennyson and General Referee Elect for Seafood, R. Steve Winters.

F. When both net weight and drained weight determinations are requested on the same lot, two separate sets of samples must be drawn, one set for each determination.

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Section 02: Glaze Determination of Frozen Products

Section 03: Fish Flesh Determination

Section 04: Cooking Methods

*Section 05: On-Line Flesh Determination**Section 06: Scallop Moisture Determination*

The purpose of this section establishes uniform inspection procedures when certifying scallops for total moisture content. This policy will only affect scallops for domestic use and will also not be required for lots less than 200 pounds unless other conditions warrant it (e.g., compliance history, buyer's requirements). Product intended for export will be inspected and certified relative to the importing country's requirements.

General

On August 31, 1992, the Food and Drug Administration (FDA) through the Office of Seafood developed a policy memo entitled "Interim Labeling Policy Established for Scallops. The purpose of the policy was to... "provide consumers with a better indication about the amount of water in the scallop products they buy." At that time the FDA and the Seafood Inspection Program (SIP) along with many sectors of the industry including retailers and consumer groups were concerned that the practice of adding water and phosphate compounds to scallop adductor muscle meats was potentially deceptive, fraudulent and in violation of the Food, Drug and Cosmetic (FD & C) Act as it relates to adulterated food (21 USCS, 5 342(b)(4)): "A food shall be deemed to be adulterated... if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is."

The FDA "Interim Labeling Policy" established moisture percentages that would differentiate non-treated scallops or what has been referred to as natural scallops from scallops that were subjected to water and/or a phosphate treatment. Scallops less than 80.0% total moisture, if not subjected to processing conditions utilizing excessive water and/or phosphate treatment, could be labeled simply as scallops. As opposed to scallop products whose total moisture analysis demonstrated a percentage of 80.0 % to 84.0% would have to be labeled "X % Water Added Scallop Product" appearing in the principal display panel of the label. The statement, "Processed with Sodium Tripolyphosphate," or any other polyphosphates used, is also to appear in the identity statement if the product has been processed with the ingredient. In addition, the ingredient statement on the labels for these products must include water and sodium tripolyphosphate (or other phosphate, as appropriate). Products having moisture content over 84.0 % were considered adulterated under the FD&C Act.

It has been the SIP's policy since the inception of the FDA policy to test all lots of scallops for total moisture using the "Ohaus method" or the official AOAC method. The results of these analyses are noted on the certificate and the product would have to be labeled accordingly. On May 18, 2004, the FDA rescinded their interim Labeling Policy of August 1992. In effect, the percentages that FDA used for defining labeling statements are no longer being enforced.

However, scallop products that are subjected to processing conditions that will result in added moisture and/or to food additives (e.g., phosphates) must be properly labeled both in the identity statement (i.e., on the principal display panel) and in the ingredient statement.

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Policy

Because the FDA has rescinded its policy regarding the action levels of moisture content in scallops, the SIP will no longer use that criterion. However, because of the concern over improper labeling or misuse of the process, the SIP will continue to require that all lots of scallops over 200 pounds destined for domestic use be tested for total moisture using the “Ohaus method” or the AOAC method for total moisture. The results of the analysis will be noted on the certificate, score sheet or memorandum. If the inspector has definitive knowledge that the product has been treated in some way to add water to the product, the label must reflect that. Also if the product tests over 83.0 % for total moisture, the SIP will assume that the product has been treated and must be properly labeled. This assumption is based on studies and data collected by various governmental agencies, academia, and other organizations that have demonstrated total moisture content of scallops consistently less than 83%.

At this time there is no upper limit for moisture content.

The SIP will closely follow the development of the international Proposed Draft Standard for Quick Frozen Scallop Adductor Muscle Meat under the Codex Alimentarius Commission (the joint Food Standards Program of the Food and Agriculture Organization of the United Nations and the World Health Organization). The issues of moisture content limits, phosphate usage, and proper labeling are central elements in this draft standard. The SIP will evaluate the data submitted regarding these issues during the development of this international standard, as well as any data that are obtained directly from foreign agencies or other sources with the intent of establishing appropriate moisture content and phosphate usage criteria for use by this Program.

{**Note:** “X%-water-added” is calculated by knowing the natural moisture content (A) and the moisture content after treatment (B). $X = (B-A)/(1-B)$ }

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Section 07: Determination of Ammonia in Dogfish

This section prescribes a method for use by USDC Inspectors to measure ammonia concentration in dogfish, *Squalus acanthias*, and to prescribe procedures for handling and reporting results.

General

Dogfish develops an odor of ammonia if fish are not properly handled. It has been shown that one of the best indicators of dogfish quality is ammonia content. Belgium and France have established limits for the amount of ammonia permitted in dogfish as determined by chemical testing. On the basis of such testing, a number of U.S. shipments to these countries have been rejected. Belgium denies entry to dogfish if the concentration of ammonia exceeds 55 milligrams per 100 grams of fish (55 mg percent) as determined by the accelerated microdiffusion method referenced below. In France, the norm for fresh dogfish is considered to be 50 to 70 mg percent ammonia, and the outer limit is 100 mg percent as determined by a chemical method. However, France does not specify a chemical method.

Three methods for ammonia measurement in dogfish were studied. Comparable results were obtained by use of all three methods. A rapid enzymatic method was selected for use by NMFS Inspectors. The other two methods were:

A. the Association of Official Analytical Chemists (AOAC) procedure for determining ammonia in crabmeat, *Methods of Analysis, AOAC, 13th Edition, 18.027 - 18.030*; and

B. the accelerated micro-diffusion test of Vyncke described in Fishing News International, July, 1968, pages 49 - 53.

Policy

Dogfish destined for export to France and Belgium, and to other countries with known ammonia content limits, will be sampled and tested for ammonia content by a trained NMFS Inspector prior to certification.

Responsibility

A. NMFS Inspector - With appropriate training, NMFS Inspectors will perform ammonia analyses on dogfish by means of the enzymatic test kit described herein. Inspectors will order supplies as necessary using the sources listed on Attachment 1.

B. National Seafood Quality and Inspection Laboratory (NSQIL) - NSQIL will provide training in the use of the enzymatic test kit or will assist in locating local laboratories which will perform tests for NMFS.

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Procedures

The method to be used by NMFS Inspectors to measure ammonia in dogfish is known as the “Quantitative Ultraviolet Determination of Ammonia in Plasma at 340 nm”. The test is performed with Sigma Chemical Company Kit No. 170-B. It is important that the analyst read and understand the instruction booklet accompanying the kit. The instruction booklet is to be followed with modifications listed below for sample collection, preparation, and ammonia assay procedure.

A. Sample Collection

From each lot, collect eight sample units and place the sample units in separate plastic bags.

1. Dogfish backs - Remove one dogfish back from each of eight randomly selected shipping cases. Cut a two- to four-inch section from each end of the dogfish back (anterior and posterior), and place both sections in one plastic bag. Each sample unit then consists of two pieces weighing approximately 90 grams.
2. Dogfish belly flaps - Remove one flap from each of eight randomly selected cases. Place each sample unit in a plastic bag. Sample units should weigh approximately 70 grams.

All sample units must be maintained in the frozen state until chemical analyses are performed.

B. Sample Preparation and Handling

Dogfish samples shall be prepared for analysis by the kit method as described below.

Reusable glassware must be scrupulously cleaned and rinsed with ammonia-free water.

All water used in dilutions must be ammonia-free. During blending operations, avoid overheating samples, and avoid splashing samples on the walls of the blender.

1. Weigh the sample unit, recording the result to the nearest 0.1 gram. Chop the sample unit into small pieces and place the pieces in a Waring-type blender jar. Add three equivalent weights water (e.g., 90.0 grams dogfish, 270 ml water). Blend until homogeneous (approximately two minutes).
2. Weigh 40.0 grams of the blended dogfish sample. Use a graduated cylinder to measure 360 ml water. Use enough water (60 ml) to completely transfer the 40.0 gram sample to a clean blender jar, then add the remainder of the water to the jar. Blend for one minute.
3. Filter the homogenate through fluted Whatman #1 paper into a clean container. Save

- approximately 20 ml of filtrate for analysis. Discard the remainder of the homogenate.
4. Assay for ammonia immediately or store the filtrate in an airtight container and refrigerate. Filtrates must be frozen if stored overnight. Filtrates must be brought to room temperature before analyses are performed.

C. Ammonia Assay Procedure

The kit instructions with regard to "Procedure" are modified as follows:

Where the instructions are to add "plasma," substitute "dogfish filtrate."

See Attachment 5 for a full description of reagents and modified procedure.

D. Results and Calculations

Record test results and calculations on a copy of the attached form entitled, "Results" (Attachment 2). An example of results and calculations is provided as Attachment 3 to this manual release. Attachment 3 also contains important instructions for calculating results. A table is included in this release as Attachment 4 to facilitate calculations and to provide guidelines wherein results are accurate.

Rejections

A lot of dogfish must be rejected when the ammonia content of any sample unit is determined to be in excess of 40 mg percent in both original and check analysis. When the analyst is unsure as to interpretation of results, he or she should consult a chemist at the National Seafood Inspection Laboratory in Pascagoula, Mississippi. Dogfish may, of course, be rejected for reasons other than ammonia content such as unfavorable organoleptic results.

Reporting Results

Report the ammonia content as milligram percent ammonia and reference the method used to determine the ammonia content on the USDC Inspection Certificate.

EXAMPLE

Dogfish were analyzed by a chemical method, the "Quantitative Ultraviolet Determination of Ammonia in Plasma at 340 nm". The results in milligrams ammonia per 100 grams dogfish were:

SAMPLE NO.	MG PERCENT AMMONIA
1	10
2	15
3	10
4	12
5	9
6	11
7	10
8	14

ATTACHMENTS

Section 08: Dry Ingredient Inspection Procedures

This section's purpose is to establish inspection procedures and methods of examination for use by USDC inspectors to detect the presence of insects in dry ingredients used in the manufacture of processed fishery products and to prescribe uniform procedures for handling such ingredients when found to be infested.

General

Insect infestation can occur in dry ingredients and related food products during their manufacture, distribution, and storage. Most routine inspection procedures will detect contamination (i.e., live or dead insects, larvae or other evidence of insect activity). When evidence of an insect problem is found, it must be thoroughly investigated to determine the extent and cause of the problem.

Many fishery products contain dry ingredients such as flours, meals, batters, breaders, binders, and spices. These are vulnerable to insect infestation. Infested materials are deemed adulterated under section 402 of the Food Drug and Cosmetic Act as amended, and subject to regulatory action by the Food and Drug Administration.

These procedures should prevent the adulteration of seafood products caused by the use of insect infested ingredients. They are intended for in-plant screening, not as official methods of analysis.

Policy

Inspectors shall not permit the use of any dry ingredients which are contaminated with insects (adult, pupae, larvae).

Responsibility

A. Inspectors' Responsibility

USDC inspectors are responsible for certifying the wholesomeness of inspected products in official establishments. USDC inspectors assure that all dry ingredients used in the manufacture of fishery products are free from insect contamination, and advise plant management of an immediate or potential infestation problem.

The ability to identify insects and the knowledge of their reproduction cycles and feeding habits are helpful to the inspector in determining their presence and source and extent of their activity. Inspectors are encouraged to become knowledgeable in this area. The identification of insects and insect fragments, should it become necessary, should be performed by personnel qualified in entomology.

B. Plant Responsibility

The plant management is ultimately responsible for the wholesomeness and safety of the products they produce. Each plant should develop and implement its own in-house program for evaluating and controlling insects. This program should include as a minimum:

1. Inspection of raw materials upon receipt
2. Inspection of carrier vehicles
3. Inspection of storage areas and warehouses
4. Effective rotation of all supplies and ingredients including packaging materials
5. Inspection of raw materials during processing
6. Inspection of finished products
7. Effective cleaning program
8. Effective pest control program

Procedures

A. Ingredient Receiving Areas

1. Exterior of containers should be examined for evidence of insects, particularly those areas

- most likely to harbor insects.
2. When evidence of insect activity is found:
 - a) Make a closer examination of the container and, if possible, inspect carrier.
 - b) Determine extent and source of the problem. When live insects are discovered, they are usually beetles. If the growth cycle has progressed far enough, larvae will also be present in the ingredients. When larvae are present, insect infestation is established.
 3. In the absence of evidence of external insect activity, random samples may be taken at this time and examined by using test method(s) prescribed in Section IX B. If insect infestation is found in the dry ingredients refer to Section X.
- B. Storage Areas and Warehouses
1. Exterior of containers of ingredients should be examined for evidence of insects.
 2. Possible insect harborage should be inspected for insect activity.
 3. The inspector should observe the stored product on routine inspection rounds, particularly products in inventory for an extended period of time. In the absence of evidence of external insect activity, random samples may be taken as local conditions dictate.
 4. When evidence of insect activity is noted, the stored product will be sampled and examined.
- C. On-Line Processing
1. Visual examination of the dry ingredients should be accomplished at this time along with routine examinations.
 2. Dry ingredients may also be examined in the equipment systems.
 3. If any insect activity is noted refer to Section X.

Sampling

- A. All samples shall be taken in accordance with acceptable sanitary sampling methods.
- B. Sample size (number of containers) shall be as designated in Table IV of 50 CFR 260 Section 260.61.
- C. Containers from which samples have been taken should be properly sealed and returned to storage for use at the first opportunity, unless contamination is suspected.

Methods of Examination

The following procedures will be used alternately or together when examining dry ingredients that are suspected of insect activity.

- A. Container Examination
 1. Bags

Exterior of bags should be examined for insects or evidence of insect activity. Special attention should be given to gussets, sewing tape on open-mouthed bags and spouts on valve type bags.

The outer layer of multi-wall kraft bags should be removed for closer examination of insect activity (i.e., adults, pupae, larvae and cast skins). If insect activity is noted refer to IX.B. for product examination procedures.
 2. Drums/Boxes

Exterior of drums/boxes should be examined for evidence of insect activity.

Drums/boxes should be opened and polyliner inspected for evidence of insect activity. If insect activity is noted refer to Methods of Examination B of this section for product examination procedures.
- B. Product Examination

The evaluation of dry ingredients for insect infestation may be accomplished by one or all of the following methods using a 250 gram sample per test method.

1. Slick

A sample of product should be placed on a flat black surface. Product should be stroked with trier in such a manner as to give a flat even layer of product. Look for movement of live insects and larvae. Examine product with a magnifying glass of 6X or greater power to confirm presence of insects or larvae.

2. Flotation

Mix sample of product with water in large mixing bowl or other suitable container with wire whip. Mix thoroughly to remove all lumps of products. Let product settle and examine surface of water for floating insects (adults, pupae, larvae). Slowly empty container examining product residue for evidence of insect activity.

3. Sieve

Using a No. 20 U.S. Standard Sieve, place sample of product in sieve and shake over a flat black surface. During shaking, insects will normally rise to the top of the product. Certain insects are small enough to pass through a No. 20 Sieve. Therefore, material passing through the sieve should be examined with a magnifying glass of 6X or greater power.

Handling of Infested Ingredients

When infestation is found in dry ingredients, or infested ingredients have been used in finished products, the inspector shall follow the procedures outlined in **Rejection and Retention of Products and Equipment** of the Inspection Manual.

Section 9: Determination of Count per-pound in Shrimp

This section establishes procedures to be used by USDC Consumer Safety Officers and Inspectors in Determining Count per pound in frozen raw breaded shrimp.

General

Because the U.S. Standards for Grades of Frozen Raw Breaded Shrimp do not provide a procedure for determining count per pound, it is the intent of this agency to establish a national policy to provide a uniform method for determining count per pound.

Policy

All Inspectors will use the following method for determining count per pound when grading and/or certifying frozen raw breaded shrimp.

Procedure

A. Definitions.

- (1) Whole Shrimp - Frozen raw breaded shrimp consisting of 5 or more segments of unmutated shrimp flesh which meet the styles and types as defined in 265.153 and 265.154.
- (2) Damaged Shrimp - Any frozen breaded shrimp consisting of less than five segments or that have been crushed or otherwise mutilated to the extent that their appearance is materially affected.
- (3) Adjusted Net Weight - The weight of only whole shrimp as defined in A.(1) above in the sample unit. It is determined by deleting the weight of damaged shrimp as defined in A.(2) above and shrimp not meeting the declared type and/or style from the net weight of

the shrimp in the sample unit and is expressed in ounces.

Example: The declared product is “Breaded Round Shrimp with the Tail-fin.” Shrimp in the sample unit that would NOT be included in the adjusted weight would be shrimp with less than 5 segments, damaged shrimp, shrimp with the tail-fin detached, butterflied and split shrimp.

- (4) Sample Unit - For purpose of determining count per pound the sample unit will be:
 - (a) The entire contents of a package up to and including three pounds declared net weight; or
 - (b) Randomly selected aliquot of at least three pounds of frozen raw breaded shrimp from containers in excess of three pounds declared net weight.

B. Procedure.

- (1) In determining count, only whole shrimp as defined in A.(1) above are counted.
- (2) Count per pound refers to the number of frozen raw breaded shrimp per pound. It is determined by dividing the number of whole shrimp in the sample unit by the adjusted weight of the package in ounces, and then multiplying by 16.

$$\text{Count/lb.} = \frac{\text{Number of Whole Shrimp} \times 16}{\text{Adjusted Weight (ounces)}}$$

Example: The adjusted weight of the sample unit (the shrimp meeting the definition in A.(3)) is 52 ounces (3.25 pounds). There are 58 whole shrimp in the container.

$$\frac{58 \times 16}{52 \text{ ounces}} = 17.85$$

Lot Compliance and Certification

A. Lot Compliance

A lot is considered in compliance when the average count/pound of the sample units (packages) meets the declared count per pound.

For determining lot compliance, the resultant count per pound is to be rounded to the nearest whole number using the rounding rules found in the Rounding Off and the Retention of Numbers in this manual.

Example

3 pound package 16/20 declared count

	<u>Number of Whole Shrimp</u>	<u>Package Weight</u>	<u>Calculated Count per Pound</u>
1st package	45	48.50 oz.	14.84
2nd package	50	49.25 oz.	16.24
3rd package	<u>52</u>	<u>48.75 oz.</u>	<u>17.07</u>

Average count per pound = 16.05 (round down to 16)

Lot passes. Average count per pound meets the declared count per pound.

NMFS is investigating the use of MAVs (Maximum Allowable Variations) and may amend this policy at a later date.

Section 11: Use of Acceptance Numbers[Table of Contents](#)**Chapter 4 – Certification Instructions**

Section 01: Instructions for Completing the Memorandum Report of Inspection/Certificate of Loading

These instructions establish and implement a procedure which will assure national uniformity in the completion and issuance of the Memorandum Report of Inspection/Certificate of Loading (NOAA Form 89-804) for computer based certificates.

General

- A. The Memorandum Report of Inspection/Certificate of Loading is a dual-purpose form:
1. Memorandum Report of Inspection, which is used to attest to certain facts about more than one lot of products that are available for inspection at one time, and which may or may not have been inspected previously, and
 2. Certificate of Loading, which is used to attest to certain facts about a shipment at the point of loading onto a truck, rail car, ship, or other means of conveyance.
- B. NOAA Form 89-804 shall be used only when lot samples have been drawn officially as provided in 50 CFR 260, or other USDC validated system (e.g. IQA, HACCP-QMP). Identify the basis for certification in the remarks section of the official certificate.
- C. Products which pass/fail to meet requirements or criteria specified by the applicant shall not be listed/certified on the same document. A separate certificate should be issued for passing and failing products. A Lot Inspection Certificate (NOAA Form 89-803) may also be issued for these items.
- D. The Certificate of Loading shall be issued only if an authorized inspector is present during loading, has observed the loading process, and has identified the lots which comprise the load.

Procedures for Certifying Products on the Memorandum Report of Inspection

- A. Requests for Inspection: Whether received by e-mail, telephone, fax, or in writing, the information listed on NOAA Form 89-814, (Request For Inspection Services), must be obtained from the applicant. If a written request does not contain the information necessary to perform the inspection, contact the requestor for pertinent information.
- B. Completing the Memorandum Report of Inspection: The Memorandum is prepared by transferring to it the information and data taken from the inspection request, the certificate of sampling, score sheet, work sheet, or other notes or records relative to the inspection. The certificates will be printed on official watermarked paper only. The numbered paragraphs below correspond to the circled numbers on the example in the attachment.

[Table of Contents](#)**CERTIFICATE REFERENCE NUMBER**

(Certificate reference numbers will be 11 characters/number)

- I Northeast Region: First Digit – Enter N
 Southeast Region: First Digit – Enter S
 Western Region: First Digit – Enter W

II/III Export Certificates: Use two character country ISO codes at the following link.

http://www.iso.org/iso/english_country_names_and_code_elements

Lot Inspection Certificate: Use LC

Certificate of Inspection: Use CN

Memorandum Certificate/Certificate of Loading: Use MC

Certificate of Origin: Use CR

IV-VII Enter Four-Digit Inspector/Officer number.

VIII-XI Enter Four-Digit numerical reference number starting new with each inspector/officer.
e.g., First cert 0001, next 0002, and so on.

1. Check the box indicating Memorandum of Inspection.
2. Enter the date the Memorandum was prepared.
3. Enter the USDC contract number if the product is inspected at a USDC establishment. If not, enter "Not Applicable," or "N/A."
4. Enter the location of the product(s), i.e. where the samples were drawn.
5. Enter the name and address of the applicant, i.e. the person or firm who requested the inspection.
6. Enter the name and address of the person or firm to whom the product is to be shipped. If unknown, enter "Documentary Consignee".
7. For each lot of product, enter a description of the product, with its brand if so labeled. Enter the type, e.g., fresh, frozen, canned etc., and the style, e.g., skin-on, cooked, raw, whole, eviscerated, etc.
8. Enter the lot numbers assigned by the plant or warehouse for bookkeeping purposes. If none exists enter "none."
9. Enter all codes appearing on the containers that designate the day the product was produced. If none are available enter the date of the Official Stamp applied to cases.
10. Enter the total number of cases in the lot.
11. Enter the labeled net weight of the container(s)
12. Enter the total weight of the product by multiplying the number of containers by the weight of the container. If catch weight is used, use vendor's weight and note this in the remarks section.
13. Enter the summarized results of the inspection in this section, including the condition of the containers.
14. Enter pertinent information such as the date of sampling, quantity covered by certificate, special statements, such as appeal inspections, restricted coverage, or other suitable, appropriate information.
15. Enter the address of the local office to which the inspector is assigned.
16. Enter signature, inspector number, and the date of inspection on each copy of the certificate.
17. Place the impression of the "Officially Sampled" or "Accepted Per Specification" stamp in this location.

C. Distribution of the Completed Memorandum Report of Inspection

ALL CERTIFICATES WILL BE PRINTED ON OFFICIAL WATERMARKED PAPER

- 1 Print two copies, sign stamp and forward to the customer. Additional copies at request.
- 2 Print and file copies in accordance with SIP filing plan.

Procedures for Completing the Certificate of Loading

- A. This document is normally used in conjunction with the Certificate of Inspection (NOAA Form 89-802)). It is used to certify that the product loaded is the same as that listed on the other document. It is commonly used for DPSC contracts and for USDA Commodity Purchases. In most cases at least one copy of each document will be given to the responsible person of the transit company, such as the truck driver or freight forwarder.
- B. Completing the Certificate of Loading: The certificate is prepared by transferring to it the pertinent information taken from its accompanying Certificate of Inspection and observations made during the inspection. It should be printed legibly by hand, but may be typed if time allows. The numbered paragraphs below correspond to the circled numbers on the example in the attachment.

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1. Check the box indicating Certificate of Loading.
 - 2.-12. Follow the instructions in this section “B. Completing the Memorandum Report of Inspection” 2 through 12 above
 13. Enter the results of your observations of the loading procedure.
 14. Enter pertinent information such as the car, trailer or container number; the seal number, if used; the time the refrigeration unit was turned on; the temperature of the unit at the time loading began or any other appropriate information that may impact the quality or safety of the product. Also, always enter the number(s) and date(s) of the accompanying certificate(s) for reference purposes.
 - 15.-17. Follow Nos. 15-17 in this section “B. Completing the Memorandum Report of Inspection” above.
- C. Distribution of the Completed Certificate of Loading.

ALL CERTIFICATES WILL BE PRINTED ON OFFICIAL WATERMARKED PAPER

- 1 Print two copies, sign stamp and forward to the customer. Additional copies at request.
- 2 Print and file copies in accordance with SIP filing plan

ATTACHMENT

NOAA FORM 89-804
 Prescribed by NOAA
 Inspection Manual 25 (12/91)

U.S. DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 Inspection Services Division

PLEASE REFER TO THIS CERTIFICATE BY NUMBER AND DATE

MEMORANDUM OF INSPECTION
 1 CERTIFICATE OF LOADING



M-	
DATE	2
CONTRACT NUMBER	3
LOCATION OF PRODUCT(S)	4

TO (Name and address) 5			FOR (Name and address) 6			
PRODUCT/BRAND/TYPE OR STYLE	LOT NO(S)	CODES(S)	NO. OF CASES	CONT. SIZE(S)	TOTAL WEIGHT	
7	8	9	10	11	12	
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
RESULTS: 13				OFFICIAL STAMP		
REMARKS: 14				17		
This is to certify that the U.S. Department of Commerce records of inspection show that the products listed above have been inspected and found on the date inspected to be of the grade and/or quality and condition shown.						
INSPECTION OFFICE (Region and Address) 15		INSPECTOR (Signature and Number) 16				

SAMPLE

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Section 02: Instructions for Completing the Lot Inspection Certificate

To establish and implement a procedure which will assure national uniformity in the completion and issuance of the Lot Inspection Certificate (NOAA Form 89-803) for computer printed

certificates.

General

- A. The Lot Inspection Certificate is used for certifying any number of containers of the same size and type which contain a processed product of the same type and style located in the same or adjacent warehouses and which are available for inspection at any one time. Usually these products have not been inspected during processing in an official establishment; therefore, the sanitary conditions of the processing plant, and the processing methods used are unknown.
- B. Products inspected and certified on a lot basis may not bear any U.S. Grade or “Processed Under Federal Inspection” (PUFI) mark or be U.S. Grade or PUFI certified on the certificate unless they have been inspected and passed during processing in an official establishment
- C. NOAA Form 89-803 shall be used only when lot samples have been drawn officially by an authorized inspector or sampler as provided in 50 CFR 260.
- D. The certificate shall be issued regardless of whether the product meets the requirements or criteria specified by the applicant. The certificate is an official record of the inspection findings

Procedures

- A. Requests for Inspection: Whether received by e-mail, telephone, fax or in writing, the information requested on NOAA Form 89-814, Request for Inspection Services, must be obtained from the applicant. If a written request contains the information necessary to perform the inspection, a NOAA Form 89-814 needs to be completed by SIP personnel prior to performing the inspection. The written request or NMFS-completed NOAA Form 89-814 will be filed with the file copy of the certificate as part of the permanent record.
- B. Completing the Lot Inspection Certificate: The form will be printed from computer by completing the blocks, which are numbered in the example (see Attachment) to correspond with the following numbers. Certificates will be printed on USDC watermarked paper only.

CERTIFICATE REFERENCE NUMBER

(Certificate reference numbers will be 11 characters/number)

- I Northeast Region: First Digit – Enter N
Southeast Region: First Digit – Enter S
Western Region: First Digit – Enter W
- II/III Lot Inspection Certificate: Use LC
- IV-VII Enter Four-Digit Inspector/Officer number.
- VIII-XI Enter Four-Digit numerical reference number starting new with each inspector/officer. e.g., First cert 0001, next 0002, and so on.
1. Enter the date the certificate is prepared.
 2. Enter the company name of applicant.
 3. Enter the address of applicants’ facility.
 4. Enter the name of company to which inspection is performed.
 5. Enter the address of company to which inspection is performed.
 6. Enter the product inspected, as to the production commodity code.

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7. Enter the location of product and sampling/inspection.
8. Enter container information. (e.g. Master Container size, Warehouse Storage Lot numbers)
9. Enter Label information (e.g. Brand, Processor, Product, Type style, market form size etc.)
10. Enter Container identification marks (e.g. pack dates. Best Before dates)
11. Enter Container ID Number when appropriate (e.g. Product codes.)
12. Enter Case Information (USDC Stamp number and date that identify the inspected product.)
13. Results (e.g. All pertinent information from the inspected product, weights, sizes, glaze Percentage, breading percentages etc.)
14. Remarks (Temperatures, condition of containers, special applicant requested information.)
15. Enter Regional Office name and address
16. Place the stamp that identifies the inspected product.
17. Enter Inspector name and number. Apply signature to original certificates.

C. Distribution of Certificates

OFFICIAL CERTIFICATES WILL BE PRINTED ON USDC WATERMARKED PAPER ONLY

- 1 Two originals will be printed signed and stamped to be given to the applicant.
- 2 Print and file copies according to SIP filing plan.

ATTACHMENT



U.S. DEPARTMENT OF COMMERCE
 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
 NATIONAL MARINE FISHERIES SERVICE
 SEAFOOD INSPECTION PROGRAM



CERTIFICATE NO.:
 DATE: 1

LOT INSPECTION CERTIFICATE

This certificate is admissible in all Courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with any Federal or State laws. WARNING: Any person who shall falsely make issue, alter, forge or certify, or participate in any action, is subject to a fine of not more than \$1,000 or imprisonment for not more than (1) year, or both [7 U.S.C. 1622(h)].

TO: 2 ADDRESS: 3
 FOR: 4 ADDRESS: 5

PRODUCT INSPECTED: 6
 PRODUCT LOCATION: 7 NO., SIZE AND KIND OF CONTAINER: 8
 LABEL & PRODUCT DESCRIPTION: (TITLE NUMBER, SIZE, NET WT., CONTAINER DESCRIPTION) 9
 CODES OR OTHER IDENTIFICATION MARKS: 10
 CONTAINERS: 11
 CASES: 12
 RESULTS: 13
 REMARKS: 14

Sample

I certify that in compliance with the regulations of the Secretary of Commerce governing the inspection and certification of the product designated herein pursuant to the act of August 14, 1946, as amended (7 U.S. C. 1621-1627), samples from lots indicated above have been examined in accordance with current regulations and standards and the results are shown above.

OFFICIAL STAMP

REGION: 15
 SIGNATURE/NO. OF INSPECTOR 17

16

Section 03: Instructions for Completing the Export Health Certificate

To establish and implement a procedure which will assure national uniformity in the completion and issuance of the Export Health Certificate (NOAA Form 89-807) for computer based certificates.

General

- A. The Export Health Certificate is used for certifying products for export to countries for which bilingual certificates have not been developed.
- B. The Export Health Certificates will be issued for products which have been requested as “Ship Stores in Transit”. This will be for product identified as exporting to various port destinations, never leaving bond and loading onto and consumption aboard cruise ships only.
- C. The Export Health Certificates will not be issued for products which fail to meet FDA regulations which govern the sale of products for domestic use, except that the certificate may be issued if the product meets the importing country requirements, or if official authorization is received by NMFS from the importing country which acknowledges that the product fails to meet U.S. laws and regulations, but nevertheless sanctions shipment of the product to that country. In these instances the product must be marked “For Export Only” on the outside of each container

Procedures

- A. Requests for Inspection: Whether received by e-mail, telephone, fax or in writing, the information requested on NOAA Form 89-814, Request for Inspection Services, must be obtained from the applicant. If a written request contains the information necessary to perform the inspection, a NOAA Form 89-814 needs to be completed by SIP personnel prior to performing the inspection. The written request or NMFS-completed NOAA Form 89-814 will be filed with the file copy of the certificate as part of the permanent record.
- B. Completing the Export Health Certificate: The form will be printed from computer by completing the blocks, which are numbered in the example (see Attachment) to correspond with the following numbers. Certificates will be printed on USDC watermarked paper only.

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CERTIFICATE REFERENCE NUMBER

(Certificate reference numbers will be 11 characters/number)

- I Northeast Region: First Digit – Enter N
Southeast Region: First Digit – Enter S
Western Region: First Digit – Enter W
- II/III Export Certificates: Use two character country ISO codes at the following link.
http://www.iso.org/iso/english_country_names_and_code_elements
- IV-VII Enter Four-Digit Inspector/Officer number.
- VIII-XI Enter Four-Digit numerical reference number starting new with each inspector/officer. e.g., First cert 0001, next 0002, and so on.

1. Enter the date the certificate is printed.
2. Enter the name designation and address of the issuing office.

3. Enter the name and address of the applicant or shipper of the product.
 4. Enter the name of the consignee if available. If not available, enter “Documentary Consignee”.
 5. Enter the means by which the product will be shipped, i.e., vessel, air, rail, truck, etc., and identify the carrier by number or name, if known.
 6. Enter the port of embarkation, i.e. the city/port from which the product will be shipped, if known.
 7. Enter the port of debarkation, i.e. the city/port to which product is being shipped, if known.
 8. Enter the USDC Stamp date/number that can be used to identify the product.
 9. Enter the total number of master cases being shipped. (Primary container numbers can be placed in parentheses)
 10. Enter the total marked declared net weight of the shipment. The weight shall be expressed in the metric system of weights and measures, followed by its U.S. equivalent in parentheses, (e.g., 13,607.9 kg (30,000 lbs.).
 11. Enter the identity of the product. (e.g., Shrimp Tiger 16/20, IQF)
 12. Describe the product, (e.g., Raw P/D)
 13. Enter the lot number(s) or production code(s) which appear(s) on the cases in the shipment.
 14. Describe the container size as it appears on the case.
 15. Enter the total number of cases in the lot. (Primary packages may follow in parentheses)
 16. Enter the declared net weight of the lot of product inspected in this row. The weight shall be expressed in the weights and measures declared on the label.
 17. Enter the brand name of the product. If no brand name is present, enter “unlabeled”.
 18. The results/remarks sections are used to summarize the information which has been recorded in detail on the score sheet or other worksheet. The remarks must contain pertinent information about the lot including, but not limited to the “fitness of the product for export”, country of origin, wild caught or farm raised, lab analysis information, inspection criteria used, sampling procedures and billing references.
- EXAMPLE**
- The above products were inspected and found to be of condition and quality fit for export. Product labels were sufficient to meet US FDA regulations that govern products for domestic use. Declared country of origin was USA. Product was not laboratory tested for bacteriological or toxin content. Product was inspected and sampled per U.S Regulations governing fishery products. Billing is on “Contract Basis”
19. The “officially sampled” stamp impression is placed in this location.
 20. Enter the name and number of the CSI/CSO who performed the inspection.

Procedures for Distribution of Certificates

OFFICIAL CERTIFICATES ARE TO BE PRINTED ON USDC WATERMARKED PAPER ONLY

1. Print three originals, sign, stamp and forward to the Applicant.
2. Print and file copies according to SIP filing plan.

The Fish Certificate of Origin is used for applicants' requests to identify country of origins as listed on inspected product labels. This certificate will usually be issued in combination with the Export Health Certificate or the Lot inspection Certificate.

Procedures

A. Requests for Inspection: Whether received by e-mail, telephone, fax, or in writing, the information requested on NOAA Form 89-814, Request for Inspection Services, must be obtained from the applicant. If a written request contains the information necessary to perform the inspection, a NOAA Form 89-814 needs to be completed by SIP personnel prior to performing the inspection. The written request or NMFS-completed NOAA Form 89-814 will be filed with the file copy of the certificate as part of the permanent record.

B. Completing Fish Certificate of Origin: The form will be printed from computer by completing the blocks, which are numbered in the example (see Attachment) to correspond with the following numbers. All Official Certificates will be printed on USDC watermarked paper.

1. Certificate Reference Number

(Certificate reference numbers will be 11 characters/numbers)

- | | |
|---------|---|
| I | Northeast Region: First Digit – Enter N |
| | Southeast Region: First Digit – Enter S |
| | Western Region: First Digit – Enter W |
| II/III | Certificate of Origin : Enter - CR |
| IV/VII | Enter Four-Digit Inspector/Officer number. |
| VIII/XI | Enter Four-Digit numerical reference number starting new with each inspector/officer.
(e.g. First cert 0001, next 0002 and so on.) |

2. Enter the name of the applicant.

3. Enter the date the product will be shipped.

4. Enter shipment information.

5. Enter origins listed on label of product inspected.

6. Enter final destination of product inspected.

7. Enter product information for inspected items. (e.g. Grouper Frozen Fillets)

8. Enter the USDC Stamp number and date that identifies the cases inspected.

9. Enter total case count for shipment.

10. Enter declared size of product where applicable. (e.g. 10-20 LB)

11. Enter the count of fish if applicable. (e.g. 1200 Pieces of H/G TUNA IQF) Net Weights may be added in this data block.

12. Enter the appropriate certificate number and date of accompanying USDC Certificate.

13. Enter the CSI/CSO Name and number. Sign this location.

14. Enter the date the certificate was completed.

15. Place the USDC stamp that identifies the inspected product here.

Distribution

OFFICIAL CERTIFICATES WILL BE PRINTED ON USDC WATERMARKED PAPER ONLY

1. Print three copies, sign stamp and forward to the customer.
2. Print and file copies according to SIP filing plan.

ATTACHMENT

	U.S. DEPARTMENT OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NATIONAL MARINE FISHERIES SERVICE SEAFOOD INSPECTION PROGRAM		NUMBER: 1
Certificat d'origine du poisson/Certificado de origen del pescado/Fish certificate of origin			
El presente certificado es admisible en todos los tribunales de los Estados Unidos como evidencia a primera vista de la verdad de las declaraciones contenidas en el mismo. El certificado no excusa el incumplimiento de cualquier ley federal o estatal. ADVERTENCIA: Todo persona que con falsedad emita, altere, falsifique o certifique, o participe en cualquier acción, está sujeta a una multa que no excederá US\$1,000 o a encarcelamiento por un máximo de un (1) año, o a ambas cosas [7 U.S.C. 1622(h)]./This certificate is admissible in all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with any Federal or State laws. WARNING: Any person who shall falsely make issue, alter, forge ore certify, or participate in any action, is subject to a fine of not more than \$1,000 or imprisonment for not more than one (1) year, or both [7 U.S.C. 1622(h)].			
2 Nom de expéditeur/Nombre del expedidor/Name of shipper	3 Date of shipment/Fecha de expedición/Date of shipment	4 Navire/Embarcación/Vessel	
5 Lieu d'origine/Lugar de origen/Places of origin	6 Destination/Destino en el país/Destination		
7 Detail de chargement-marchandises /Pormenores de la expedición-mercancía/Details of shipment-goods			
8 Marques/Marcas/Marks			
9 Nombre de caisses/Número de cajas/Number of cases	10 Tailles de poisson/Tamaño del pescado/Size of fish		
11 Veuillez noter aussi les certificats suivants/NOTA: Indique también los siguientes certificados/NOTE: Also reference the following certificates(s):			
12			
Nous certifions que, pour autant que nous le sachions, les articles cites ici sont d'origine americaine / Certificamos que, a nuestro mejor saber y entender, los articulos citados aquí son de origen estadounidense./ We certify to the best of our knowledge that the items listed herein are of U.S. origin.			
Certifico que, en cumplimiento de las disposiciones del Secretario de Comercio que rigen la inspección y certificación del producto aquí designado conforme a la ley del 14 de agosto de 1946, según fue emendada (7 U.S.C. 1621-1627), muestras de los lotes indicados supra han sido examinadas conforme a las disposiciones y normas vigentes y los resultados se consignan supra./I certify that in compliance with the regulations of the Secretary of Commerce governing the inspection and certification of the product designated herein pursuant to the act of August 14, 1946, as amended (7 U.S.C. 1621-1627), samples from lots indicated above have been examined in accordance with current regulations and standards and the results are shown above.		OFFICIAL STAMP 15	
Firma del inspector oficial/Signature of official inspector		Date/Fecha/Date	
13		14	

Section 05: Instructions for Completing the EU Fish and Fishery Product Certificates and Documentation

Instructions to USDC Inspectors/Officers for Completing EU Non-Molluscan Health Certificates for Fishery Products

To establish procedures that will assure national uniformity in the completion and issuance of the

EU Health Certificates

1. General Directions

Printing

- Print all pages on sheets of watermark paper. Front and back printed required.
- All pages must contain the Certificate Reference number.
- All pages must be numbered sequentially. (e.g. Page 2/3)
- All certificates must bear original signature and stamp.

Signature

- Must be different than particulars on certificate.

Stamp

- Must be different than particulars on certificate.

2. Procedures

Date

- Enter the date the certificate is issued.

Certificate Reference Number

- Enter number with color other than certificate print color.
- Certificate reference numbers will 11 characters/numbers

- A. Northeast Region: First Digit – Enter N
Southeast Region: First Digit – Enter S
Western Region : First Digit – Enter W
- B. Enter ISO Code for Country of Destination
- C. Enter Four-Digit Inspector/Officer number.
- D. Enter Four-Digit numerical reference number starting new with each inspector/officer.
(e.g., First cert 0001, next 0002 and so on.)

Example: *In Boston MA, Product going to Spain, from inspector Smith (#6789), first certificate of Export for inspector Smith.*
Certificate reference number would be: **NES67890001**

Note: ISO country names and codes can be found at:
http://www.iso.org/iso/english_country_names_and_code_elements

Note: Each inspector will have a running tally of EU certificates based on numbers not country of destination. When certificate number 10,000 is reached (after 9999), the reference number re-starts at 0001

<p>3. Part I – Details Identifying Fishery Products</p>	<p>Description of fishery/aquaculture product Enter an appropriate description of the product(s) being shipped, i.e., “Frozen, Dressed Head-off Coho Salmon.” Cross out either “fishery” or “aquaculture,” whichever does not apply.</p> <p>Species (scientific name) Enter the scientific name of the species being shipped, e.g., “Oncorhynchus kisutch” for Coho salmon. Refer to the FDA Seafood List for a listing of common and species fish names.</p> <p>Presentation of Product and Type of Treatment Enter “frozen,” “canned,” “dried,” “smoked,” “preserved,” or other description as appropriate.</p> <p>Code Number (where available) Enter lot number if available. If none, leave blank.</p> <p>Type of Packaging Enter a description of the packaging, e.g., “Fiberboard Master Cartons with Plastic Liners.”</p> <p>Number of Packages Enter the exact number of packages in the shipment.</p> <p>Net Weight Enter the total net weight of the shipment.</p> <p>Requisite Storage and Transport Temperature Enter the manufacturer’s recommendation for shipping temperature, e.g., “45°F or 6°C.” General storage terms, such as “ambient,” “refrigerated,” “iced,” or “frozen” are acceptable.</p>
<p>4. Part II – Origin of Products</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note: Always check the link below to assure company is in good standing with the FDA and is currently on the Approved List without exemptions. http://www.cfsan.fda.gov/~frf/sfeuexp.html</p> </div>	<p>Name(s) and Official Approval/Registration number(s) of establishment(s), factory vessel(s), or Cold Store(s) Approved or Freezer Vessel(s) Registered by the Competent Authority to the EC</p> <p>For Value-Added Processors: Enter the name of the last Value-Added Processor, city, state, and CFN or FEI number. If the processor is a vessel, enter the vessel name. If the shipment includes product from more than one establishment, the names and CFN or FEI numbers of all the establishments should be entered.</p> <p><i>Example:</i> Basalt Cove Seafood, Somewhere City, AK CFN: 1234567 Fresh Fish Express, Inc., Astoria, OR FEI: 9999999999</p>

	<p>If the product has been value added by several different establishments, the EU Certificate should identify the last establishment that processed the product. For example, if salmon were eviscerated and frozen at establishment “A”, portioned at establishment “B”, and breaded and placed in the final package at establishment “C”, then the EU Certificate should identify establishment “C” as the processor.</p> <p>For establishments acting solely as dispatchers: Enter the names, city, state, and CFN or FEI numbers of the last value added processor of the product being shipped.</p> <p>If the establishment uses fish and fishery products from a foreign source, the inspector shall determine that the firm and country appear on the European Union website at: http://ec.europa.eu/food/international/trade/third_en.htm. This information should be recorded and retained for a period of three years.</p> <p>For other than Value-Added Processors: Enter the name, city, state, and CFN or FEI numbers of the Processor shipping the product.</p>
<p>5. Part III – Destination of Products</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note: Flight information is optional but advisable, as there may need to be additional confirmation of this sort by some EU countries. Container numbers and seal numbers are optional per customer request)</p> </div>	<p>The Products are Dispatched: From Enter the city/state the product left the country, e.g., Los Angeles, CA, USA.</p> <p>The Products are Dispatched: To Enter the port of debarkation, e.g., “Le Havre, France,” or if it is an air shipment, “Charles De Gaulle International Airport, Paris, France.”</p> <p>By the Following Means of Transport Enter the means of transport, e.g., “Air freight Northwest Airlines Flight 789.”</p> <p>Name and Address of Dispatcher Enter the establishment name and address of the company or person that is making the shipment, e.g., “East West Seafood, P.O. Box 123 Seattle, WA, USA”</p> <p>Name and Address of Consignee at Place of Destination Enter the name and address of the final destination, e.g., “Pierre’s Seafood, 508 Rue Lafayette, Paris, France.”</p>

<p>6. Part IV – Health Attestation/Certification</p>	<p>Place Enter the location address of the issuing NOAA field office.</p> <p>Date Enter the date the certificate is issued.</p> <p>Official Enter the Name/Number/Title of Inspector/Officer signing certificate. Sign and stamp certificate in color other than printed certificate particulars.</p>
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Instructions for Completing the EU Certificate for Molluscan Shellfish

1.1. Consignor

Enter the name, address, zip code, and telephone number of the company or person that owns the product(s).

1.2. Certificate reference number

Assign the certificate number per standard procedure.

1.3. Central Competent Authority

Enter “United States Department of Commerce Seafood Inspection Program”

1.4. Local Competent Authority

Enter the name and address of the State Shellfish Control Authority, e.g. “Commonwealth of Massachusetts, Dept. of Public Health, Div. of Food and Drug, 305 South Street, Jamaica Plain, MA 02130”. (See the State Program Officers Responsible for Interstate Shellfish Sanitation Certificates Interstate Certified Shellfish Shippers List <https://info1.cfsan.fda.gov/shellfish/sh/shellfis.cfm#state>)

1.5. Consignee

Enter the name, address, postal code, and telephone number of the company of person that is purchasing the product(s).

1.7. Country of origin

Enter the ISO name and the ISO code for the country of origin, e.g. - “United States” and “US” respectively. (See the ISO website at http://www.iso.org/iso/english_country_names_and_code_elements)

1.8. Region of origin

Enter the Name and Code (Approval Number) of the production area. (See attached List of Production Areas EUMoll6.pdf)

1.9. Country of destination

Enter the ISO name and the ISO code for the country of destination. (See the ISO website at http://www.iso.org/iso/english_country_names_and_code_elements)

1.11. Place of origin

Enter the name, address, CFN or FEI number of the company shipping the products.

1.13. Place of loading

Enter the place the product will leave the country, e.g., “Seattle, WA USA.”

1.14. Date of departure

Enter the actual date of the voyage or flight.

1.15. Means of transport

Check the appropriate box for the means of transport

Identification: - Enter the flight number, name of the vessel, etc. as appropriate.

Documentary references: - Enter the commercial document (Bill of Lading) number.

I.16. Entry BIP in EU

Enter the port of debarkation, e.g., “Le Havre, France,” or if it is an air shipment, “Charles De Gaulle International Airport, Paris, France.”

Note: This must be one of the border inspection posts listed in the most recent amendment to the 2001/881/EC: Commission Decision of 7 December 2001 drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries

http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=en&model=guicheti&numdoc=32001D0881

I.19. Commodity Code (HS code)

For Molluscan Shellfish use “03 07”

I.18. Description of commodity

Enter a general description of the commodity or commodities, e.g., live oysters, frozen scallops, chilled mussels, etc.

I.20. Quantity

Enter the total net weight, in Kilograms (Kg) of the shipment.

I.22. Number of packages

Enter the exact number of packages (master cases) in the shipment.

I.23. Identification of container/Seal number

Enter the container number(s) and the seal number(s), if applicable. Enter “N/A” if not applicable.

I.24. Type of packaging

Enter the type of packaging. Enter “Various” if necessary.

I.25. Commodities certified for

Check the box for “Human Consumption.”

I.27. For import or admission into EU

Check the box for “For import or admission into the EU”

I.28. Identification of the commodities

Species (Scientific name) - Enter the common name and the scientific name (in parenthesis) for each species from each establishment, e.g., Pacific Oysters (*Crassostrea gigas*). The FDA Seafood List is a listing of common and species fish names. It can be viewed on the FDA website at www.cfsan.fda.gov/~frf/seaintro.html

Nature of commodity – leave blank

Approval number of establishments Manufacturing plant - Enter the name and CFN or FEI number of last establishment that processed or handled the molluscan shellfish for each species.

Note: The establishment must be listed in the most recent Interstate Shellfish Shippers List at <https://info1.cfsan.fda.gov/shellfish/sh/shellfis.cfm>

Number of packages - Enter the number of boxes or containers for each species from each establishment.

Net weight - Enter the net weight, in Kilograms (Kg), for each species from each establishment.

II.a. Certificate reference number

Same as 1.2

II.b.

- **Official Inspector**

Name – Enter the name of the certifying person in capital letters.

Date -Enter the date the certificate is signed

Additional Instructions:

- **Printing** - Print 2 Sided (back-to-back) on Legal paper (must select before printing)

- **Animal health attestation** - Mark (draw a diagonal line) through the Animal health attestation paragraph (II.2.) on page 2 in non-black ink

- **Official Inspector (continued):**

Qualification and title – Complete qualification and title in non-black ink

Signature of official inspector - Sign in non-black ink.

Stamp - Apply the official stamp as indicated.

Section 06 Instructions for Certifying Fish and Fishery Products to the People’s Republic of China

Section 07: Instructions for Certifying Salmonid Products to Australia

Section 08: Instructions for Completing the French Certificate for Fish and Fishery Products to French Colonial Territories

Chapter 5 – Prohibitions in Certification of Seafood

Section 01: Artificial Color in Cooked Shrimp

Section 02: Canada’s Position on Artificial Color in Cooked Shrimp

Section 03: Bloody Catfish

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Chapter 6 – Certification of Processing Methods

Section 01: Inspection and Certification of Cryovac Vacuum Packaged Marine Fresh Fish Products (Salt Water Species Only)

Section 02: Inspection and Certification of Vacuum Packaged Hot-Processed Smoked or Hot-Processed Smoke-Flavored Salmon

Section 03: Inspection and Certification of Vacuum and Modified Atmosphere Packaged (VAC and MAP) Marine and Estuarine Bulk Raw Fishery Products Held at Only Refrigerated Temperatures (non-Frozen)

Chapter 7 – Technical Information

Section 01: Technical Notes

Section 02: Codex Alimentarius Code of Practice for Fish and Fishery Products

Section 03: General Information