

Electronic 9540-1 submission - Numerous audited import inspection deficiencies, spend 30 years and millions of dollars establishing the need for paper 9540-1's then discard it all to save \$5,000. Isn't this a waste of money?

A: FSIS is committed to full implementation of the International Trade Data System, or "single window," mandated for all federal agencies by the Security and Accountability for Every (SAFE) Port Act of 2006. Additionally, Executive Order 13659, Streamlining the Export/Import Process for America's Businesses, signed on February 19, 2014, sets timelines for single window implementation. (<http://www.whitehouse.gov/the-press-office/2014/02/19/executive-order-streamlining-exportimport-process-america-s-businesses>).

PHIS system has numerous other basic function challenges? Will using electronic 9540-1s because more problems associated with:

System down,
ACE down,
Typographical errors when entering data, and
Communication errors.

A: FSIS Directive 9500.1, *CONTINGENCY PLAN FOR IMPORT REINSPECTIONS WHEN THE PUBLIC HEALTH INFORMATION SYSTEM (PHIS) IS UNAVAILABLE*, instructs FSIS personnel on their responsibilities when the PHIS is unavailable to them. http://www.fsis.usda.gov/wps/wcm/connect/dbdd4bb4-2601-44b3-a855-282253304988/PHIS_9500.1.pdf?MOD=AJPERES. U.S. Customs and Border Protection owns and addresses contingency operations with regard to the Automated Customs Environment (ACE).

Import establishments have been left out of the loop with obtaining a copy of the application (as well as e cert) through the PHIS. How will import establishments:

Track shipments,
Know what to stage by lot or production lot since nothing is available,
Know what is actually on the truck or container, and
Identify issues as they arise.

A: The importer of record is the responsible party for a shipment and must ensure that the application for inspection is submitted to FSIS. FSIS does not get involved in the business relationship between the importer of record and the official import inspection establishment. This is something the businesses would address between themselves. Agency communications regarding decisions or actions being taken on the product are coordinated with the importer of record or designee.

Foreign shippers can freely use anyones import establishment number to gain access into the US without notifying the owner. Will FSIS take responsibility for falsification of shipments?

A: The importer of record is the responsible party for a shipment and as such designates on the paper FSIS form 9540-1, Application for Import Inspection or the electronic import application through ACE, which official import inspection establishment, or alternative FSIS authorized inspection location, the shipment is to be presented for reinspection.

USDA has a very difficult time detecting FTP's without the import establishment's help. Some borders

are increasingly chaotic. Requiring prior notice to the import establishment would save a lot more time and money than the \$5,000 identified in the docket?

A: The importer of record is the responsible party for a shipment and must ensure that the application for inspection is submitted to FSIS. Agency communications regarding decisions or actions to be taken on the product are coordinated with the importer of record or designee. Electronic Import Inspection Application and Certification of Imported Products and Foreign Establishments; Amendments To Facilitate the Public Health Information System (PHIS) and Other Changes to Import Inspection Regulations (Docket Number FSIS-2009-0022) requires that Import Inspection Applications be submitted to FSIS in advance of the shipment's arrival at the official import inspection establishment, but no later than when the entry is filed with CBP (9 CFR 327.5(b), 381.198(b), and 590.920(b)).

<http://www.fsis.usda.gov/wps/wcm/connect/254736fe-e474-4a45-b954-e3ff06dd5742/2009-0022F.htm?MOD=AJPERES>

What about the import establishments time and extra hours in staging only electronic application/certificate shipments? Import establishments will become increasingly dependent on import inspectors to share applications. Brokers are willing to send the application data at a cost to import establishments. Importers of record are not willing to share data because of privacy issues. How will FSIS handle this? Will they take responsibility? Will FSIS give import establishments more hours at normal rates due to the time that will be spent working through these other people? Wouldnt a sharing of application data through a firms code be the best option?

A: FSIS does not dictate, or interfere in the business relationships between the importer of record, the custom's broker, and the official import inspection establishment. Official establishments are granted 8 hours of free inspection coverage per day within a 40 hour workweek.

How will FSIS guarantee all meat shipments are inspected and legally enter commerce? And that all import establishments are notified of each shipment using their I number and/or the shipper and I house needs an e mail notification of inspection completion.

A: The importer is required to present all imported meat, poultry, and egg products for reinspection upon entry into the United States. FSIS utilizes the information from ACE and PHIS to monitor incoming shipments and to help identify any possible Failure-To-Present (FTP). While monitoring these entries may not prevent shipments from bypassing inspection, the goal is to identify and intercept shipments as quickly as possible before they enter the U.S. food supply.

Previous requests to receive the electronic 9540-1 submission were denied by FSIS. FSIS should revisit this before commenting on electronic 9540-1 submissions. There has to be a method for import establishments to get the data electronic and work with FSIS to follow through on import shipments.

Why not every 9540-1 electronic submission needs to be emailed or reported by some means to the import establishment identified on the 9540-1?

A: The importer of record is the responsible party for a shipment and must ensure that the application for inspection is submitted to FSIS. Agency communications regarding decisions or actions to be taken on the product are coordinated with the importer of record or designee.

Why not every completed inspection assignment needs to be email or electronically notified to the import establishment identified on the 9540-1? and shippers email address entered on the 9540-1?

A: The importer of record is the responsible party for a shipment and must ensure that the application for inspection is submitted to FSIS. Agency communications regarding decisions or actions to be taken on the product are coordinated with the importer of record or designee.

As of now there have been numerous containers that have come to us using the electronic 9540's. I receive a partially filled in 9540 from the Custom Broker. I have attached a copy of a 9540 and a health certificate.

If, in fact, the 9540 becomes totally electronic then where do we find the Importer of Record, the Custom's Entry Number, Customer Reference Number (PO number), Vessel Name, etc. since the information on the Health Certificate is not always reflective of this information.

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