



U.S. DEPARTMENT OF AGRICULTURE

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July 17, 2023

Dr. Katherine McNamara
Assistant State Veterinarian
Deputy Director Division of Food Safety Consumer Protection
Vermont Agency of Agriculture, Food and Markets
116 State Street
Drawer 20
Montpelier, Vermont 05620

Dear Dr. McNamara:

Enclosed is the U.S. Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS), Civil Rights Staff (CRS), FY 2023 Civil Rights Compliance Review (Component 8) of the Vermont Agency of Agriculture, Foods and Markets, Vermont Meat Inspection Program which occurred in March 2023.

The review was conducted to determine the State's compliance with applicable Civil Rights laws, USDA regulations, and FSIS policies. In summary, the review found the Vermont Agency of Agriculture, Foods and Markets, Vermont Meat Inspection Program to be in full compliance.

If you have any questions regarding this report, please contact Ms. LaWan Bryan-Head at LaWan.BryanHead@usda.gov or by phone at (301) 837-7757.

Sincerely,

Angela Kelly
Director

Enclosures



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FY 2023 Civil Rights Compliance Review of the Vermont Agency of Agriculture, Foods and Markets, Vermont Meat Inspection Program

I. BACKGROUND

In March 2023, the Food Safety and Inspection Service (FSIS), Civil Rights Staff (CRS) conducted a civil rights compliance review of the Vermont Agency of Agriculture, Foods and Markets (VAAF), Vermont Meat Inspection Program (VMIP) (hereafter referred to as “the State”). The review was conducted to determine the State’s compliance with applicable civil rights laws, U.S. Department of Agriculture (USDA) regulations, and FSIS policies, and where necessary, provide recommendations for improvement. The review focused on State compliance in eight areas: (1) Civil Rights Assurances; (2) State Infrastructure and Program Accountability; (3) Public Notification; (4) Civil Rights Complaints of Discrimination; (5) Civil Rights Training; (6) Disability Compliance; (7) Program Accessibility to Individuals with Limited English Proficiency (LEP); and (8) Compliance with the Age Discrimination Act of 1975.

The review was conducted through telephonic interviews and a review of documents. The last review was performed in April 2020.

II. AUTHORITIES

The following authorities prohibit discrimination in the delivery of federally assisted activities and programs:

A. Statutory

1. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d (Discrimination on the basis of race, color or national origin);
2. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794 (Discrimination on the basis of disability);
3. Age Discrimination Act of 1975, 42 U.S.C. 6102 (Discrimination on the basis of age); and
4. Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 (Discrimination on the basis of sex).

B. Regulatory and Executive Orders

1. 7 CFR Part 15 Subpart A, Non-discrimination in Federally Assisted Programs;



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2. 7 CFR Part 15 a, Education Programs or Activities Receiving or Benefitting from Federal Financial Assistance;
3. 7 CFR Part 15 b, Non-discrimination on the Basis of Disability Programs and Activities Receiving Federal Financial Assistance;
4. 45 CFR Part 91, Non-discrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance; and
5. Executive Order 13166 on Limited English Proficiency, dated August 11, 2000.

C. Departmental and Agency Policies

1. USDA Regulation 4330-002, dated March 3, 1999, Non-discrimination in Programs and Activities Receiving Federal Financial Assistance from USDA;
2. USDA Regulation 4300-3, dated June 2, 2015, Equal Opportunity Public Notification Policy;
3. FSIS Directive 1510.1, Equal Opportunity Notification on Material for the Public, dated January 25, 2001;
4. FSIS Directive 5720.3, Revision 2, dated November 10, 2016, Methodology for Performing Scheduled and Targeted Reviews of State Meat and Poultry Inspection Programs; and
5. "At Least Equal to" Guidelines for State Meat and Poultry Cooperative Inspection Programs, dated November 2016.

III. REVIEW COMPONENTS

Component 1: Civil Rights Assurances:

As a condition of receiving Federal funds, 7 CFR 15, Subpart A and Part 15b, and USDA Regulation 4330-002, require the State to submit written assurances that its federally assisted programs and activities are conducted in compliance with Title VI and other non-discrimination authorities.

Findings – The State submitted its current Federal-State Cooperative Agreement containing a signed Civil Rights Assurance statement for State Meat and Poultry Inspection (No. 12-37-A-291) and the Talmadge-Aiken agreement (Cross Utilization) (12-37-A-279), dated November 1, 2021. The State also submitted its current FSIS Form 1520-1, signed and dated October 24, 2022. The State confirmed that Cooperative Agreements and accompanying Civil Rights Assurances are renewed on an annual basis.

Recommendation – None. Full compliance was noted.



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Component 2: State Infrastructure and Program Accountability:

7 CFR 15, Subpart A and Part 15b, and USDA Regulation 4330-002, require the State to identify individuals and/or offices responsible for ensuring program accountability and compliance with civil rights authorities.

Findings – The State explained the organization and functions of the Program, including the position classification and staffing within the office. The VMIP is comprised of 14 employees: one Assistant State Veterinarian Deputy Director (ASVDD); one Meat Program Section Chief (MPSC); two Meat Program Supervisors; one Administrative Service Coordinator; one Meat Safety Compliance and Enforcement Specialist; two Food Safety Specialist Compliance Investigators; and six Food Safety Specialists.

The State also indicated that it has designated various personnel to ensure compliance with civil rights authorities. Specifically, the Chief Operating Officer manages the receipt of program complaints of discrimination, the MPSC manages the civil rights training for VMIP staff, and the ASVDD administers and coordinates the American with Disabilities Act (ADA)/Section 504 and LEP programs as they pertain to applicants and beneficiaries for program services. To ensure program accountability, the State annually issues USDA and FSIS civil rights policy statements to employees. The State also confirmed that employee performance plans contain a civil rights goal that is comparable to the civil right performance standards of FSIS personnel; this holds their personnel accountable for non-discrimination in program delivery.

Recommendation – None. Full compliance was noted.

Component 3: Public Notification:

7 CFR 15, USDA Regulation 4300-3 and FSIS Directive 1510.1 require federally assisted programs to inform applicants, beneficiaries, and potentially eligible persons of: (1) the requirements necessary for program participation/receipt of benefits; (2) USDA's non-discrimination policy and complaint filing information at service delivery points; and (3) the inclusion of a non-discrimination statement on State material produced for public information, education, or distribution.

Findings – The State provided the following sources of information which contain the required public notification requirements:

- a. Main web page for VMIP (<https://agriculture.vermont.gov/food-safety/vermont-meat-poultry-inspection>);
- b. *2020 On-Farm Slaughter Registration*;
- c. *Plant Construction Guide 2022*;
- d. *Retail Inspection Regulations*
- e. *Vermont Statutes Chapter 204*;



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- f. *Application for Meat Handling or Slaughterhouse Operation;*
- g. *Request for State Meat Inspection Services;*
- h. *Records To Be Kept by Retail Stores and Official Establishments That Grind Raw Beef Products* (information sheet);
- i. *Certificate of Ownership (Slaughter - Process);*
- j. *Certificate of Ownership (Process);*
- k. *Meat and Poultry Processing Operations and Processed Products Condemned at Official Establishments (Commercial Production Report);*
- l. *Custom Slaughter and Processing Report;*
- m. *Notice of Temporary Custom Plant Closing;*
- n. *Special Processed Variance Application;*
- o. Vermont Food Safety & Consumer Protection Division letterhead;
- p. USDA's Assisted Programs *And Justice For All* poster; and
- q. VMIP *Limited English Proficiency Plan.*

The State described and provided examples of various methods for notifying prospective applicants about the requirements for obtaining State inspection for official slaughter and processing plants. Among the examples were program guidance materials made available on the State website (<https://agriculture.vermont.gov/food-safety/vermont-meat-poultry-inspection>). The State also conducts outreach at the request of external organizations. Most recently, they hosted two live TEAM sessions titled: 1) *Informational Session about On-Farm and Custom Slaughter* (<https://youtu.be/PfXZn5j98c8>) and 2) *Raw Milk and On-Farm Slaughter* (<https://youtu.be/lsQ4VSU8T20>).

The State informs applicants and beneficiaries of its nondiscrimination statement and civil rights complaint procedures through the materials listed in “a through q” above. These documents are made available in alternative formats for persons with disabilities and in other languages for individuals with LEP. The State’s main web page provides a direct link to its equal opportunity, accessibility, and non-discrimination statements and the availability of LEP services. In addition, the State ensures that the *And Justice For All* poster is displayed at each establishment and at the State office.

The State indicated that public notification reached persons with disabilities via the VAAFM websites (<https://www.vermont.gov/policies/accessibility> and <https://www.vermont.gov/policies>) and VMIP website (<https://agriculture.vermont.gov/food-safety/vermont-meat-poultry-inspection/civil-rights>), which contained contact information for requesting program materials in alternative formats and languages. Customers with a hearing impairment may also contact the State by calling TTY 711 or (800) 253-0191 or by accessing the *Vermont Telecommunications Relay Service (VTRS)* (<https://www.vermontrelay.com/>), which provides a Text Telephone for the deaf (TTY). The *Service* also provides Speech-to-Speech (STS), Voice Carryover (VCO), and Spanish Relay access.



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Recommendation – None. Full compliance was noted.

Component 4: Civil Rights Complaints of Discrimination:

7 CFR 15 Subpart A, and USDA Regulation 4330-2 require that beneficiaries and applicants be notified about discrimination complaint procedures. Additionally, these references provide guidance on accepting, investigating, and adjudicating discrimination complaints involving Title VI beneficiaries and applicants.

Findings – The State reported that applicants and beneficiaries are informed of the civil rights complaint procedures through the public notification means presented in Component 3.

Program applicants and beneficiaries that want to file a complaint are informed of complaint filing procedures through the State web page, as well as by referring to the *And Justice For All* poster displayed in all inspected plants. Program complaints may be filed with USDA or the State. To file a complaint with the State, an individual may write, call, or complete the appropriate questionnaire(s) available on the VHRC website (<https://hrc.vermont.gov/how-to-file>). Individuals may also initiate a complaint by speaking with State field staff or emailing or calling the State office. Once filed, all complaints are investigated by the VHRC. Although no complaints have been filed since the last program review, the State confirms measures are in place to ensure complaint records are appropriately maintained.

Three (20%) owners/operators of commercial establishments were interviewed concerning their receipt of state inspection services. One hundred percent (100%) reported that they were aware of the *And Justice For All* poster and the USDA's complaint filing procedures presented on the poster. All posters were displayed in visible locations. All owner/operators reported that they had good working relationships with VMIP inspectors and other personnel and believed that the inspection process was performed fairly. No establishment reported being subjected to any form of discrimination or harassment, nor did any feel that they had been unlawfully targeted on the basis of any protected category during the inspection process. In addition, all owners/operators indicated that they were aware of their rights under the *American with Disabilities Act (ADA)/American with Disabilities Act Amendments Act (ADAAA)* and how to request an accommodation for a disability.

Recommendation – None. Full compliance was noted.



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Component 5: Civil Rights Training:

USDA Regulation 4330-002 requires that managers, supervisors, and employees with civil rights responsibilities receive civil rights training to ensure awareness of the obligation to deliver USDA-funded services in a non-discriminatory manner.

Findings – During the review, it was confirmed that State employees completed the FY 2022 mandatory USDA, FSIS civil rights training, *USDA Section 508- What It Is and Why It's Important*. During FY 2021, State employees completed the FSIS training *Understanding Limited English Proficiency (LEP)*, and in FY 2020, they completed the *Title VI* YouTube video. The State maintains training completion records and provided them to FSIS.

Recommendation – None. Full compliance was noted.

Component 6: Disability Compliance:

Americans with Disabilities Act (ADA)/Americans with Disabilities Act Amendments Act (ADAAA), Section 504 of the Rehabilitation Act, CFR 15, and 28 CFR 35 require equal access to federally assisted programs for persons with disabilities. Title II of the ADA/ADAAA prohibits discrimination based on disability by state and local government. The ADA and Section 504 covers issues pertaining to both physical (building) access and program access (alternate formats, including Section 508 of the information technology access).

Findings – As noted previously, the ASVDD and the MPSC administer and coordinate the ADA/Section 504 program as it pertains to applicants and beneficiaries for program services. The State uses multiple means to notify applicants and beneficiaries of their rights under the ADA/Section 504 as described in Component 3. Applicants and beneficiaries are also informed that discrimination on the basis of disability is prohibited via the nondiscrimination statement contained on various official documents and the State's web page.

The State maintains written procedures for addressing accommodation requests from applicants and beneficiaries on their website at: (<https://www.vermont.gov/policies/accessibility>). The procedures provide contact information for the MPSC. Applicants and beneficiaries with disabilities may also visit the VTRS (<https://www.vermontrelay.com/>), a free service providing access to individuals that are deaf, hard of hearing, or speech impaired; this service also assists Spanish speaking individuals. Additionally, the State website includes a toll-free telephone number (711) for the deaf. As it concerns the State's Section 508 compliance, the State's Information Technology office affirmed that its website is 508 compliant. This State's website also affirms its accessibility standards on the following webpage: <https://www.vermont.gov/policies/accessibility>.



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The VMIP is located at 116 State Street, Montpelier, Vermont 05260. During the on-site review of the VMIP in March 2017, it was determined that the building was accessible to persons with disabilities. There was sufficient designated placarded vehicle parking, accessible street curbs, external signage directing visitors to an accessible entrance at the back of the building, and accessible restrooms and water fountains. The State confirmed that accessibility remained unchanged since that last civil rights review.

Recommendation – None. Full compliance was noted.

Component 7: Limited English Proficiency (LEP):

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and USDA Guidance on Services for Persons with LEP in Assisted Programs require State agencies to provide free language access services to potentially eligible applicants and program participants who are limited in their proficiency of the English language. Denial of equivalent access to federally assisted programs and services to LEP persons is a violation of Title VI on the basis of national origin. Title VI and implementing regulations require State agencies to take reasonable steps to ensure “meaningful access” to the programs and activities they provide.

Findings – While the State reported that there have been no requests for LEP services, the State maintains an *LEP Plan* and a contract service that is readily available to provide telephonic interpretation and written translation upon request. The State provided to FSIS its revised LEP Plan, dated December 5, 2022; FSIS reviewed and approved the plan.

Procedures for providing language assistance to LEP customers begin once a State employee first comes in contact with a LEP person. The employee will determine the language spoken by the LEP individual, and if needed, utilize the language identification posters displayed in the State office building. Once the language is identified, the employee will be connected with the ASVDD, which oversees the contract for the interpretation and translation services.

Employees are made aware of the State’s LEP requirements and resources through training. Most recently, in FY 2021, State employees completed FSIS’ *Understanding Limited English Proficiency (LEP)* training via USDA’s AgLearn system. Additionally, the State reported that their website is continuously updated to keep employees informed of its LEP Plan.

To ensure that the customers are aware of the State’s LEP services, they are informed by one or more of the following methods: notification on the Agency’s website; information provided by administrative assistants in the main office; outreach materials disseminated to community organizations and other groups; and by information relayed by State field



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personnel to their customers regarding the State’s LEP plan and interpretation and translation services.

Recommendation: – None. Full compliance was noted.

Component 8: Compliance with the Age Discrimination Act of 1975:

The Age Discrimination Act requires Federal agencies to annually report on the steps taken by its federally assisted recipients to reach broad spectrums of age populations through non-employment related outreach activities.

Findings – The State reported that it provides educational outreach to various age groups and agricultural sectors pertaining to its missions. Examples include dairy education efforts and the “Farm to School” program, which are specifically geared towards school age children. In addition, the State Marketing, Working Lands, Produce, Market Development and Dairy Innovation Center teams all provide outreach information to various groups of all ages. Each week, an e-newsletter is also released to over 5,500 subscribers; the newsletter outlines new funding opportunities, new programs, and highlights from across the agriculture and food system community. The State website includes many resources to any interested stakeholder.

Additionally, the State conducts outreach at the request of outside organizations; however, due to the COVID pandemic there have not been any in-person outreach activities. They have conducted two live, virtual outreach sessions via Microsoft Teams which were requested by outside organizations: 1) *Informational Session about On-Farm and Custom Slaughter* and 2) *Raw Milk and On-Farm Slaughter*.

Recommendation – None. Full compliance was noted.

IV. FINAL DETERMINATION

The FSIS Civil Rights Staff’s review found the State of Vermont to be in compliance with “at least equal to” standards for applicable civil rights laws, USDA regulations, and FSIS policies.

Notwithstanding this determination, the State’s next annual self-assessment submission, FSIS Form 1520-1 – The Civil Rights Compliance State of Inspection, is due November 1, 2023.

Appendix Y

FINAL REPORT

Fiscal Year 2023

Vermont

April 2024

Federal-State Audit Staff
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
U.S. Department of Agriculture

Executive Summary

This report describes the outcome of the annual review of the Vermont Agency of Agriculture, Food and Markets, Meat Inspection Service (VAAFMMIS), conducted by the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS), including an onsite audit conducted May 8–18, 2023. The annual review process consists of two parts: (1) annual review of the State's self-assessment submissions and (2) triennial onsite audits, which are used to verify whether the State meat and poultry inspection (MPI) program enforces requirements "at least equal to" the Federal requirements. The purpose of the Annual review was to: (1) verify the State of Vermont imposes laws, regulations, and related policies with authorities and requirements "at least equal to" those provided by the Federal Meat Inspection Act (21 U.S.C. 601, et seq.) and Poultry Products Inspection Act (21 U.S.C. 451, et seq.); (2) determine whether Vermont administers a State MPI program capable of ensuring meat and poultry products produced, distributed, and sold within the State are safe, wholesome, unadulterated, and properly labeled; and (3) confirm the State MPI program carries out its regulatory oversight activities effectively and efficiently.

The annual review focused on all nine "at least equal to" components: (1) Statutory Authority and Food Safety Regulations; (2) Inspection; (3) Sampling Programs; (4) Staffing, Training, and Supervision; (5) Humane Handling; (6) Compliance; (7) Laboratory Methods and Quality Assurance Program; (8) Civil Rights; and (9) Financial Accountability.

An analysis of the audit findings within each component did not identify systemic findings that may pose an immediate threat to public health.

Based on thorough evaluations of the audit results, FSIS determined that VAAFMMIS is operating a meat and poultry inspection program "at least equal to" the Federal requirements.

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I. INTRODUCTION

This report communicates the results of an onsite verification audit conducted by the U.S. Department of Agriculture’s (USDA) Food Safety and Inspection Service (FSIS) in Federal fiscal year (FY) 2023 to evaluate Vermont’s administered meat and poultry inspection (MPI) program to determine if it is “at least equal to” FSIS’ requirements and is capable of ensuring that the State’s supply of meat and poultry products is safe, wholesome, unadulterated, and properly labeled and packaged. This report also summarizes information examined and analyzed as part of the annual review by FSIS to determine whether the Vermont MPI program is “at least equal to” the FSIS inspection system.

The “at least equal to” standard requires that State MPI programs operate in a manner that is at least as effective as FSIS’ Federal inspection program in the protection of public health. Under the Federal Meat Inspection Act (FMIA) and Poultry Products Inspection Act (PPIA), FSIS may contribute up to 50 percent of the estimated total cost of the State’s MPI program and provide administrative support if the State operates and maintains a program that is “at least equal to” the Federal inspection program (21 U.S.C. 661(a)(3) and 454(a)(3)).

II. OBJECTIVE, SCOPE, AND METHODOLOGY

The review focused on the nine “at least equal to” components: (1) Statutory Authority and Food Safety Regulations; (2) Inspection; (3) Sampling Programs; (4) Staffing, Training, and Supervision; (5) Humane Handling; (6) Compliance; (7) Laboratory Methods and Quality Assurance Program; (8) Civil Rights; and (9) Financial Accountability. For each identified component, Vermont Agency of Agriculture, Food and Markets, Meat Inspection Service (VAAF/MIS) submitted the self-assessment documents in the State Review and Communication Tool (SRCT) that included descriptions of current program operations and procedures, and other supporting documentation pertaining to the attainment of the component’s requirements. FSIS verifies the above components to ensure VAAF/MIS is implementing food safety verification activities at State-inspected establishments that comply with applicable State laws, regulations, and policies to produce safe and wholesome products. FSIS examined the submitted documentation to verify VAAF/MIS continues to maintain regulatory operations in accordance with FMIA (21 U.S.C. 601, et seq.) and PPIA (21 U.S.C. 451, et seq.) and to check for procedural nonconformities that may prevent operations from functioning as intended. In addition, FSIS evaluated the effectiveness of current internal control and risk assessment systems and determined if there were any findings.¹ FSIS also conducted an onsite audit to verify accuracy and implementation of the SRCT submissions for Components 1–9.

¹ An issue identified by a Federal-State Audit Staff Auditor. There are two types of findings: 1. Noncompliance, failure to meet a regulatory requirement. 2. Nonconformity, State Program, or any State Official fails to implement and/or follow a policy or procedure as proffered in their Self-Assessment.

III. BACKGROUND

The FMIA (21 U.S.C. 661) and the PPIA (21 U.S.C. 454) authorize FSIS to cooperate with State agencies in developing and administering State MPI programs. An individual State MPI program is limited to meat and poultry products that are produced and sold within the State and needs to operate in a manner and with authorities that are “at least equal to” the programs that FSIS implements under the ante-mortem and post-mortem inspection, reinspection, sanitation, record keeping, and enforcement provisions of the FMIA (21 U.S.C. 601, et seq.) and PPIA (21 U.S.C. 451, et seq.). State MPI programs are to ensure that livestock are treated humanely by imposing humane handling requirements that are “at least equal to” the requirements FSIS has established under the Humane Methods of Slaughter Act of 1978 (HMSA) (7 U.S.C. 1901–1906).

The FMIA and PPIA provide for FSIS to review, at least annually, each State MPI program and its requirements and enforcement activities. If a State fails to administer a meat and poultry inspection program that is “at least equal to” FSIS’ Federal inspection program, FSIS will move to “designate” the State in accordance with 21 U.S.C. 661(c) and 454(c).

Annually, non-designated States are expected to assess and support determinations that their MPI programs operate in a manner “at least equal to” the Federal inspection program. FSIS requires State MPI programs to submit self-assessment documents through the SRCT each year and provides guidance for this process in FSIS’ “At Least Equal To” Guideline for State Meat and Poultry Inspection Programs. At a minimum, the self-assessment documentation should be representative of the current operations of the State MPI program and demonstrate the program’s ability to meet the “at least equal to” Federal requirements for the next 12 months. State MPI programs are to provide narratives in the submitted documentation for any identified administrative or operational changes made to their programs since the last FSIS review and “at least equal to” determination. As a part of the self-assessment process, State MPI programs are expected to consider the intent and assess the applicability of FSIS statutes, regulations, FSIS directives and notices in their inspection operations and compliance enforcement strategies. FSIS expects State MPI programs to submit for review copies of all applicable laws, administrative rules, regulations, and policies deemed necessary to carry out inspection programs “at least equal to” the Federal requirements.

In addition, FSIS conducts onsite audits of State MPI programs at a minimum of every three years to verify the accuracy and implementation of the State MPI programs’ self-assessment submissions. In years when a State MPI program is subject to FSIS’ onsite audits, the annual “at least equal to” determination will be based on analysis of results collected through FSIS’ two-part review and audit process. Otherwise, the annual “at least equal to” determination will be based solely on review and analysis of the State’s self-assessment submissions.

VAAF/MIS, a State organization with the overall authority to administer the State MPI program, submitted the required program self-assessment documents to demonstrate administrative and program-wide compliance with all nine “at least equal to” components. FSIS evaluated the State’s self-assessment documentation and conducted an onsite verification audit of the State MPI program.

The establishment selection process for onsite audits employs a systematic approach that considers risk determinants such as sample results, recalls, production volume and other information obtained directly from the State MPI programs through the SRCT. For this audit, a sample of 5 establishments was selected from a total of 10 State-inspected establishments.

VAAF/MIS administers the Vermont MPI program under authority of Vermont Statutes Annotated (V.S.A.). VAAF/MIS is organized on three levels: State office, State inspection, and compliance program. The program verifies compliance and enforces regulatory requirements at inspected establishments and custom exempt operators.²

FSIS verified through interviews and record reviews that all VAAF/MIS personnel are employed by the State of Vermont and are conducting verification activities as outlined in the self-assessment.

The table below details the number of inspected establishments and custom exempt operators.

Total Number of State-inspected Establishments and Custom Exempt Operators

	Establishment Type	Slaughter Only	Processing Only	Combination Slaughter and Processing	Total
Number of State-inspected Establishments	Meat Only	0	4	2	6
	Poultry Only	0	1	3	4
	Total	0	5	5	10
Number of Custom Exempt Operators	Meat Only	0	36	3	39
	Combination Meat and Poultry	1	0	0	1
	Total	1	36	3	40

IV. COMPONENT 1: STATUTORY AUTHORITY AND FOOD SAFETY REGULATIONS

The State laws or administrative rules must grant the State MPI program legal authority to administer an inspection program. State MPI program is required to have meat and poultry inspection laws and governing regulations that impose mandatory ante-mortem and post-mortem inspection, reinspection, sanitation requirements, recordkeeping requirements, and enforcement authorities that are “at least equal to” those provided by the FMIA (21 U.S.C. 601, et seq.) or the PPIA (21 U.S.C. 451, et seq.).

FSIS reviewed the submitted self-assessment documentation and confirmed Vermont administers VAAF/MIS under the applicable State laws, rules, and regulations. The State Law, V.S.A.,

² Custom exempt operators are not subject to the routine inspection requirements of the FMIA) and the PPIA, provided the specified operations meet the exemption requirements (21 U.S.C. 623 and 464).

Title 6, Chapters 201 and 204 includes legal requirements comparable to following mandatory requirements of the FMIA and the PPIA:

- ante-mortem and post-mortem inspection (6 V.S.A. Section 3304(1));
- reinspection (6 V.S.A. Section 3304(1));
- sanitation requirements (6 V.S.A. Sections 3304(5) and 3304(6));
- record keeping requirements (6 V.S.A. Section 3304(7));
- humane methods of slaughter requirements (6 V.S.A. Sections 3131–3134);
- adulteration (6 V.S.A. Section 3302(1));
- misbranding (6 V.S.A. Section 3302(25));
- prohibited acts (6 V.S.A. Sections 3308, 3309, and 3132);
- access and examination (6 V.S.A. Sections 3304(7) and 3313);
- product control actions (6 V.S.A. Sections 3314 and 3315); and
- exemption from inspection (6 V.S.A. Sections 3302, 3305 and 3312).

The V.S.A. grants the authority to promulgate rules and regulations (6 V.S.A. Section 3305(8)). Vermont adopts by reference Title 9, Code of Federal Regulations (9 CFR) Chapter III, Part 300.1 et seq., together with amendments, supplements, and revisions in the V.S.A. Section 3305(8).

FSIS confirmed through onsite record reviews, interviews, and observations that VAAFMMIS has statutory authority to enforce the provisions of V.S.A.), Title 6, Chapters 201 and 204 and the governing administrative rules and regulations, 6 V.S.A. Section 3305(8)), respectively, at State-inspected establishments and firms handling meat and poultry product with the State as outlined in the FY2023 self-assessment submission. There were not any statutory or regulatory changes made this year that affect how VAAFMMIS carries out its regulatory duties.

FSIS did not have any findings and determined that VAAFMMIS operates under State laws and regulations that provide legal authority “at least equal to” that provided under the FMIA, PPIA, HMSA, and governing regulations.

V. COMPONENT 2: INSPECTION

The State MPI program is required to administer a regulatory inspection program “at least equal to” that provided by FSIS. The inspection program is to include, at a minimum, inspection verification methods for verifying:

- Animals are suitable for slaughter, and carcasses and parts are eligible for human consumption;
- All meat and poultry products found in intrastate commerce are safe, unadulterated and truthfully labeled;
- All official establishments comply with sanitation performance standards (SPS), sanitation standard operating procedures (Sanitation SOP) and sanitary dressing regulatory requirements as articulated in 9 CFR 416, or equivalent governing State regulations;

- All official establishments develop, implement, and maintain written and Hazard Analysis and Critical Control Points (HACCP) systems as articulated in 9 CFR 417, or equivalent governing State regulations.

The inspection verification methods implemented by the State MPI program must include activities for evaluating compliance at official establishments with the applicable inspection and food safety verification requirements of 9 CFR 300 to End. These are to include observation of establishments' operations and employees' product handling practices, hands-on verification, and review of establishment records, with the results of verification being entered in the associated inspection records. The State MPI program also are to implement inspection verification methods for ensuring State-inspected meat and poultry products are wholesome, not economically adulterated, truthfully labeled, and meet regulatory requirements. The State MPI program must ensure inspection personnel interpret and apply relevant regulatory requirements uniformly when conducting inspection verification methods. The ultimate regulatory goal of the State MPI to protect consumers from meat or poultry products that are unwholesome, economically adulterated, or not truthfully labeled (21 U.S.C. 607 and 457).

FSIS reviewed the self-assessment documentation submitted as evidence showing that VAAFM/MIS has developed and implemented:

- An inspection system to ensure State-inspected establishments comply with applicable food safety and other consumer protection regulations (e.g., ante-mortem and post-mortem inspections, sanitation, HACCP system, and product standards and labeling);
- A label approval policy and process to verify labels, marks, or devices are accurate and comply with regulatory requirements prior to establishments applying them to inspected meat or poultry products;
- A risk-based methodology to analyze establishments' food safety systems to verify that the establishments can produce safe and wholesome meat or poultry products in accordance with applicable statutory and regulatory requirements;
- A system of administrative enforcement actions to bring establishments effectively under regulatory compliance in a manner that is not inferior to the comparable actions taken by FSIS; and
- An internal control system for evaluating the efficacy and effectiveness of the other systems.

VAAFM/MIS uses the FSIS Public Health Information System (PHIS) to schedule inspection tasks and to collect, consolidate, and analyze inspection data. VAAFM/MIS administers inspection for any meat or poultry product intended for human consumption, wholly or in part, from the carcass or parts of any animal defined as "livestock" or "poultry" in the V.S.A. (6 V.S.A. Section 3304(1)) and governing rules, regulations, and policies. The State inspection program maintains assurances that animals intended to be used in meat and poultry products sold commercially are slaughtered and processed in the presence of State inspection personnel. The resulting products are inspected and passed for human consumption. VAAFM/MIS adopts and implements all relevant FSIS issuances as its policies for carrying out inspection and food safety verification activities.

FSIS audited the conditions and documents onsite. The onsite documents audited included, but were not limited to, Sanitation SOPs and associated records; HACCP plans and associated records; generic *Escherichia coli* (*E. coli*) sampling procedures and associated records; procedures for the removal, segregation, and disposition of specified risk materials and associated records; custom exempt records; noncompliance records; and enforcement letters. In addition, FSIS audited the non-food safety consumer protection documents and procedures to determine whether VAAFM/MIS enforces non-food safety consumer protection regulatory standards “at least equal to” the Federal requirements. This audit included, but was not limited to, ongoing regulatory verification tasks, label approvals, labels, and product formulations.

FSIS evaluated VAAFM/MIS inspection at five establishments during the onsite audit. VAAFM/MIS personnel identified several establishment noncompliances with Sanitation SOPs, Sanitation Performance Standards (SPS), HACCP design and validity, and non-food safety consumer protection requirements). VAAFM/MIS officials initiated regulatory actions in the establishments and issued noncompliance records at the time the noncompliances were identified.

FSIS did not have any findings and determined that VAAFM/MIS maintains inspection and food safety verification systems that meet the “at least equal to” standards. Control measures are in effect to ensure that the inspection system functions as intended.

VI. COMPONENT 3: SAMPLING PROGRAMS

The State MPI program is required to assess establishments’ control of microbial pathogens, violative levels of veterinary drugs, pesticides, contaminants, and other adulterants through product sampling. The State MPI program must have access to laboratory services to conduct chemical, microbiological, physical, and pathological testing. Laboratories conducting official analyses for State inspection programs must ensure test results are accurate, reliable, and reproducible.

FSIS reviewed VAAFM/MIS’ product sampling documents, protocols, procedures, and results presented in the FY 2023 self-assessment submission. FSIS verified through interviews and record reviews that VAAFM/MIS maintains sampling programs, based on sound rationale and goals, for the following:

- *E. coli* O157:H7 in raw non-intact beef products and raw ground beef components;
- Non-O157 Shiga toxin-producing *E. coli* (non-O157 STEC) in beef manufacturing trimmings;
- *Listeria monocytogenes* (*L. monocytogenes*) and *Salmonella* in ready-to-eat (RTE) products; and
- Other consumer protection standards.

VAAFM/MIS implements developed sampling procedures for collecting samples, maintaining sample integrity, determining sampling frequencies, conducting sample analyses, responding to positive results, and preventing adulterated product from entering commerce. Additionally,

VAAF/MIS participates in the National Residue Program and collects and analyzes inspector-generated samples for violative drug residues.

VAAF/MIS adopts and implements all relevant FSIS issuances as their own policies for carrying out inspection and food safety verification activities. These included sampling plans and laboratory results for *E. coli* O157:H7 in raw non-intact beef products and raw ground beef components, non-O157 STEC in raw beef manufacturing trimmings, *L. monocytogenes* and *Salmonella* in RTE products, economic samples, violative drug residues, State laboratory activity reports, and sample seals.

FSIS did not have any findings and determined that VAAF/MIS maintains verification testing to address adulterants, other measures of properly operating food safety systems, and other consumer protection standards “at least equal to” the Federal requirements. Control measures are in effect to ensure that the sampling programs function as intended.

VII. COMPONENT 4: STAFFING, TRAINING, AND SUPERVISION

The State MPI program must maintain enough staff to carry out its responsibilities. The State MPI program is to organize a sufficient number of trained veterinarians, inspectors, and enforcement staff to carry out the inspection and regulatory duties of the MPI program well. The State MPI program ensures its personnel receive the professional, technical, inspection, and managerial training necessary to maintain a competent and effective workforce. The State MPI program is to provide instructions to MPI personnel on performing daily inspection tasks and compliance enforcement activities.

FSIS reviewed VAAF/MIS’ submitted documents and confirmed VAAF/MIS implements administrative programs to ensure a competent workforce provides daily inspection coverage in each State-inspected meat and poultry establishment where the State inspection marks are applied to products. In addition, the documentation outlines a training program that includes both formal and informal job-related courses. The State’s supervisory system aligns individual workloads with Vermont’s public health and regulatory goals and sets standards for assessing job performance that includes measures to correct unsatisfactory performance.

After further analysis of data from VAAF/MIS office and establishment audits, FSIS concluded that VAAF/MIS has an adequate number of trained persons to provide the required inspection coverage in the establishments, perform compliance verification activities, and provide supervisory oversight, and has implemented procedures to ensure daily inspection coverage in operating establishments. Inspection personnel apply VAAF/MIS’ inspection methodology and make decisions based upon the correct application of inspection methodology, document findings, and initiate regulatory action, if needed. The training program includes measures to ensure that inspection personnel receive training in the areas of meat and poultry ante-mortem and post-mortem inspection, humane handling, processed products, HACCP, Sanitation SOPs, rules of practice, IPPS guidelines, compliance, and Inspection Methods training.

FSIS did not have any findings and determined that VAAFM/MIS maintains sufficient resources to provide the required inspection coverage at State-inspected establishments to ensure that only safe, wholesome, unadulterated, and properly labeled meat and poultry products receive the State mark of inspection. The information supports the determination that inspection personnel have the education and training to consistently apply VAAFM/MIS' inspection methodology, document findings, and initiate regulatory actions when necessary. Control measures are in effect to ensure that the staffing, training, and supervision systems function as intended.

VIII. COMPONENT 5: HUMANE HANDLING

The State MPI program is required to ensure the slaughter and handling of livestock is done humanely in accordance with the HMSA 1978 (7 U.S.C. 1901–1906) and FMIA 21 U.S.C. 603 (b) and 610 (b)). The State MPI program is expected to impose laws “at least equal to” the HMSA and the requirements outlined in FSIS Directives 6900.1 and 6900.2. When livestock are slaughtered humanely, they are to be rendered insensible to pain by means that are rapid and effective before being shackled, hoisted, thrown, cast, or cut. The HMSA requires establishments to comply with a prescribed method of slaughter in which the animal loses consciousness by severing its carotid arteries simultaneously and instantly with a sharp instrument when slaughtered livestock in accordance the ritual requirements of with Jewish faith and any other religious faiths.

The State MPI Program is required to ensure poultry operators comply with Good Commercial Practices (GCP). The Poultry Products Inspection Act (PPIA) (21 U.S.C. 453(g)(5)) and the regulations (9 CFR 381.90) provide that poultry carcasses showing evidence of having died from causes other than slaughter are considered adulterated and must be condemned. The regulations (9 CFR 381.65(b)) also require that poultry be slaughtered in accordance with GCP. Poultry are to be slaughtered in a manner that ensures that breathing has stopped before scalding, so that the birds do not drown, and that slaughter results in thorough bleeding of the poultry carcass. Compliance with these practices helps ensure that poultry are treated humanely.

FSIS reviewed submitted humane handling policies, ante-mortem inspection reports, noncompliance records, and periodic supervisory review records. The results of the reviews revealed VAAFM/MIS schedules and performs regulatory verification procedures to assess whether establishment personnel humanely handle all livestock throughout the time the livestock are on official establishment premises, and it takes appropriate regulatory action in response to noncompliance.

FSIS audited the humane handling program and documents presented onsite to determine whether VAAFM/MIS adequately enforces the humane slaughter of livestock regulatory standards to ensure that animals presented for slaughter are humanely handled throughout the time they are on official establishment premises. These documents included, but were not limited to, noncompliance records and procedure schedules. When conducting establishment audits, FSIS observed humane handling of livestock, stunning methods and the condition of livestock pens, driveways, and ramps.

VAAF/MIS uses FSIS Directive 6900.2, Humane Handling and Slaughter of Livestock, to communicate instructions to inspection personnel. Inspectors document humane handling verifications in PHIS and on VAAF/MIS Meat Inspection Field Logs. Vermont requires all applicants for licensure or license renewal, as a commercial slaughter facility, to submit a written humane livestock-handling plan for review and approval by VAAF/MIS. During quarterly visits, the District Veterinary Medical Specialist (DVMS) evaluates establishments' humane handling procedures and inspectors' humane handling task performance.

VAAF/MIS employs veterinary medical officers perform annual humane handling audits at slaughter facilities in accordance with FSIS Directive 6910.1, District Veterinary Medical Specialist (DVMS) - Work Methods.

FSIS did not have any findings and determined that VAAF/MIS operates under State laws and regulations that provide legal authority "at least equal to" that provided under the FMIA, PPIA, HMSA, and governing regulations.

IX. COMPONENT 6: COMPLIANCE

The State MPI program is required to enforce compliance with all applicable laws and regulations and to take appropriate action in the event of noncompliance. The State MPI program must have the ability to:

- Detain adulterated or misbranded product (21 U.S.C. 672 and 467 (a));
- Take appropriate control in intrastate commerce of adulterated or misbranded product and to ensure proper disposition of such product, including seizure, condemnation, and destruction where appropriate (21 U.S.C. 673 and 467 (b));
- Ensure establishments maintain written recall procedures for all meat and poultry products produced and shipped (21 U.S.C. 613 and 459(c)(1));
- Conduct surveillance activities to ensure animal carcasses, and carcass parts that are not intended for use as human food are not diverted to such uses; and
- Refuse or withdraw inspection services as warranted (21 U.S.C. 671, 467, and 457 (b)). The State must maintain a statutory process to prosecute anyone who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with officials in the performance of their official duties (21 U.S.C. 675 and 461 (c)).

FSIS reviewed submitted self-assessment documents and confirmed VAAF/MIS maintained a compliance system to enforce food safety, food defense, inspection exemption, and other consumer protection statutory requirements in intrastate commerce. VAAF/MIS follows State compliance policies or adopted FSIS directives to:

- Conduct surveillance activities and investigations, as warranted, of firms producing meat and poultry products in intrastate commerce;
- Control unsafe or violative products through detentions, seizures, and voluntary recalls;
- Take appropriate enforcement actions when adulterated or misbranded products are found in intrastate commerce; and
- Develop case files to ensure all enforcement actions imposed are legally supported by applicable State laws.

FSIS audited the documents presented onsite. These included, but were not limited to, Reports of Investigation, Daily Activity Reports, Programmed Compliance Plans, Incident Reports, Case Reports, Reports of Apparent Violations, and Notices of Warning, etc.

The audit of compliance documents and case files supports the conclusion that VAAFM/MIS follows the procedures and methods in FSIS Directive 8010.1, Methodology for Conducting In-Commerce Surveillance Activities, to assess food safety, food defense, non-food safety consumer protection, and compliance with administrative and judicial court orders in firms that prepare, transport, sell, or offer for sale meat and poultry products in intrastate commerce.

VAAFM/MIS investigates alleged or actual statutory or regulatory violations, as set out in FSIS Directive 8010.2, Investigative Methodology, and controls products when there is reason to believe the products are adulterated, misbranded, or otherwise in violation of the V.S.A. The Reports of Investigation were completed in accordance with FSIS Directive 8010.4, Report of Investigation. VAAFM/MIS uses the investigative findings and evidence to pursue enforcement actions for administrative, civil, or criminal sanctions.

VAAFM/MIS follows the recall procedures in FSIS Directive 8080.1, Recall of Meat and Poultry Products, with minor modifications fitting its organizational structure. No State-inspected establishments or retail firms recalled product during FY 2023. VAAFM/MIS did respond to a voluntary recall issued by a retail store for foreign material in their ground beef and performed an effectiveness check. VAAFM/MIS verified that the recall notice was posted on the retail firm's website and local news outlets were notified to make the public aware. All ground beef returned to the retail firm was disposed of in rendering bins and picked up for rendering.

VAAFM/MIS maintains a system to audit, analyze, and triage consumer complaints. VAAFM/MIS gathers information pertinent to these complaints, directs the compliance division to investigate these complaints, and files completed investigation documents in the State office.

VAAFM/MIS has a system for reviewing custom exempt operations that is in accordance with FSIS Directive 8160.1, Custom Exempt Review Process. The custom exempt reviews are completed by the food safety specialists at least annually. All custom exempt review reports are reviewed by the meat program supervisor, and recommended follow-ups may be performed on a 2-week, 30-day, quarterly, 6-month, or annual frequency based on the review findings.

FSIS did not have any findings and determined VAAFM/MIS maintains sufficient resources to conduct surveillance reviews at registered firms, which may lead to investigations and enforcement actions. The information supports individuals, firms, and corporations in complying with applicable State statutes when producing, transporting, storing, and distributing meat and poultry products in intrastate commerce. The information supports the conclusion that inspection personnel have the education and training needed to apply VAAFM/MIS' inspection methodology, to document findings, and to initiate regulatory actions when necessary. Control measures are in effect to ensure that the compliance systems function as intended.

X. COMPONENT 7: LABORATORY METHODS AND QUALITY ASSURANCE PROGRAM

State MPI programs must use product sampling and laboratory methods with capabilities and safeguards “at least equal to” the FSIS’ product sampling and laboratory methods. State MPI program is to update and maintain as necessary its laboratory microbiological and chemical detection methods to keep pace with the applicable FSIS methods detailed in the FSIS Microbiology Laboratory Guidebook and USDA FSIS Chemistry Laboratory Guidebook.

An off-site records review of Vermont Department of Health Laboratory was performed during FY 2023 to evaluate laboratory quality assurance programs and method equivalence under the State Meat and Poultry Inspection program.

As a participant in the Cooperative Interstate Shipment (CIS) “same as” program, Vermont meets the requirements of the State MPI “at least equal to” Program Laboratory Quality Management System Checklist. To fulfill State MPI “at least equal to” program requirements and CIS “same as” program requirements, South Dakota State University-Animal Disease Research and Diagnostic Laboratory (SDSU-ADRDL) conducts microbiological testing on Vermont’s behalf to include *Salmonella*, *L. monocytogenes*, *E. coli* O157:H7, and non-O157 STEC. To fulfill the CIS program requirements, Wisconsin Department of Agriculture, Trade and Consumer Protection Bureau of Laboratory Services (WDATCP) conducts microbiological testing on Vermont’s behalf to include *Salmonella* and *Campylobacter*. For both the CIS and MPI programs, USDA/FSIS/Eastern Lab (EL) conducts chemistry testing on Vermont Agency of Agriculture, Food and Markets’ behalf to include moisture, protein, fat, and salt.

The EL has adequate food chemistry capability for the measurement of moisture, protein, fat, and salt. SDSU-ADRDL has demonstrated adequate microbiological capabilities for detection of *Salmonella*, *Listeria monocytogenes*, *E. coli* O157:H7, and non-O157 STEC. WDATCP has demonstrated adequate microbiology capabilities for the detection of *Salmonella* and *Campylobacter*.

Based on the Component 7 methods and quality assurance program review, Vermont may be eligible to perform inspection:

- At beef establishments producing raw ground beef and bench trim, provided that the State collects and submits the appropriate number of samples that are tested for *Salmonella* and *E. coli* O157:H7 and at beef slaughter establishments producing manufactured trim, where the State is required to collect and submit the appropriate number of samples that are tested for *Salmonella*, *E. coli* O157:H7, and non-O157 STEC.
- At RTE meat and poultry establishments, provided that the State collects and submits the appropriate number of samples that are tested for *Salmonella* and *L. monocytogenes*.
- At poultry slaughter establishments, provided that the State collects and submits the appropriate number of samples that are tested for *Salmonella* and *Campylobacter*. MPI

States with no participating facilities slaughtering at least 20,000 chickens and/or 20,000 turkeys per year are not required to test that raw product for *Salmonella* and *Campylobacter* since it is not required at similar federally inspected plants.

On September 12, 2023, FSIS determined the analytical methods used for microbiological and chemical analyses are “at least equal to” the FSIS methods.

XI. COMPONENT 8: CIVIL RIGHTS

The State MPI program is to adhere to Federal Civil Rights laws: Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200(d)), Section 504 of the Rehabilitation Act of 1973, as Amended (29 U.S.C. 794), Age Discrimination Act of 1990 (42 U.S.C. 12101, et seq.) and applicable USDA Civil Rights regulations.

In November 2022, VAAF/MIS submitted the required FSIS Form 1520-1, Civil Rights Compliance of State Inspection Programs, to demonstrate adherence to Federal civil rights laws and USDA civil rights regulations.

FSIS conducted a Civil Rights compliance review of VAAF/MIS. The review was conducted to determine compliance with applicable Civil Rights statutes, USDA regulations, and FSIS policies and, where necessary, provide recommendations for program improvement. The review focused on the State’s compliance in eight components: (1) Civil Rights Assurances; (2) State Infrastructure and Program Accountability; (3) Public Notification; (4) Complaints of Discrimination; (5) Civil Rights Training; (6) Civil Rights Compliance, (7) Program Accessibility to Individuals with Limited English Proficiency; and (8) Compliance with the Age Discrimination Act of 1975.

On July 17, 2023, FSIS determined the Vermont’s Civil Rights program to be in compliance with “at least equal to” standards for applicable civil rights laws, USDA regulations, and FSIS policies.

XII. COMPONENT 9: FINANCIAL ACCOUNTABILITY

The State is to appropriate funds commensurate with those provided by FSIS as specified in the Cooperative Agreement. Funding is sufficient to ensure the operation of an inspection program consistent with the criteria of the Cooperative Agreement and the satisfactory and uninterrupted operation of State inspection program activities. The State is to ensure that there is appropriate use of Federal funds, adequate accounting support for the State inspection program, and timely and accurate submission of expense reports.

VAAF/MIS submitted quarterly and final Federal Financial Reports (SF-425), and an annual Indirect Cost Proposal to demonstrate it conforms to 2 CFR Part 400 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and follows FSIS Directive 3300.1, Fiscal Guidelines for Cooperative Inspection Programs.

On October 25, 2023, FSIS determined that VAAF/MIS is “at least equal to” Federal standards for financial accountability for FY 2023.

XIII. DETERMINATION FOR VERMONT

Based on the evidence and results described above, FSIS determined that VAAF/MIS operates its MPI program “at least equal to” the Federal requirements for all audit components and enforces requirements “at least equal to” those imposed under the Federal Acts.