NORTH CAROLINA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES
MEAT AND POULTRY INSPECTION DIVISION
Raleigh, North Carolina

Steve Troxler, Commissioner

MPID NOTICE	**3-26**	**3-9-2026**

TESTING FOR NON-*LISTERIA MONOCYTOGENES LISTERIA* SPECIES

I. PURPOSE

This notice provides instructions for inspection program personnel (IPP) at State establishments that prepare or process ready-to-eat (RTE) meat or poultry products to notify the establishments that starting on April 1, 2026, NCDA&CS Meat and Poultry Inspection Division (MPID) is changing its laboratory method to include testing for non-*Listeria monocytogenes Listeria* species (non-*Lm Listeria* spp.) in all sampling projects that currently test for *Listeria monocytogenes* (*Lm*). This notice applies to all sampling projects that currently test product, food contact surface, or environmental non-food contact surface samples for *Lm.*

This notice also instructs IPP and Enforcement, Investigations and Analysis Officers (EIAOs) on the actions to take in response to a non-*Lm Listeria* spp. positive in RTE meat or poultry samples they collect; product, food contact surface, or non-food contact surface environmental sample

II. CANCELLATION

None

III. REFERENCE

FSIS Notice 50-24 dated 12/20/2024

IV. BACKGROUND

A. *Lm* is one of several different species within the *Listeria* genus. Starting on April 1, 2026, MPID is changing its laboratory method to add testing for non-Lm *Listeria* spp. in addition to *Lm*. MPID will report *Lm* as well as the names of non-*Lm Listeria* spp. identified by the method when any of the following more common spp. are detected: *Listeria aquatica, Listeria booriae, Listeria cornellensis, Listeria costaricensis, Listeria fleischmannii, Listeria floridensis, Listeria grandensis, Listeria grayi, Listeria innocua, Listeria ivanovii, Listeria newyorkensis, Listeria riparia, Listeria rocourtiae, Listeria seeligeri, Listeria weihenstephanesis*, and *Listeria welshimeri*. When the analysis identifies a non-Lm *Listeria* spp. but the method can't confirm the name of the species, it will report the result as indeterminant.

B. MPID is testing for non-*Lm Listeria* spp. in addition to *Lm* because these results provide more information about the effectiveness of the establishment's sanitation program. If sanitation is effective, no type of *Listeria* spp. should be found in product, on food contact surfaces, or on environmental, non-food contact surfaces in the post-lethality exposed RTE environment. Sanitation is the foundation for an effective *Lm* control program.

NOTE: MPID will continue to test for *Salmonella* in RTE meat or poultry product samples.

C. When MPID finds a sample is positive for non-*Lm Listeria* spp. but negative for *Lm*, IPP and EIAOs are to be aware that establishments must take corrective actions per 9 CFR 416.15 because a finding of non- *Lm Listeria* spp. in a product, food contact surface, or environmental non-food contact surface indicates that the sanitation program is ineffective at preventing conditions where contamination with *Lm* may occur and may have failed to prevent direct contamination of product resulting in adulteration. Therefore, establishments must take corrective actions (e.g., intensified cleaning and sanitation) even when *Listeria* spp. other than *Lm* are found on environmental, non-food contact surfaces to ensure that conditions are addressed to prevent harborage of *Lm* and cross-contamination to product. Conditions that allow *Listeria* spp. other than *Lm* to occupy and thrive in various sites in a production facility, such as on floors, in drains, or in standing water are the same conditions that allow *Lm* to occupy and thrive in those sites. In addition, if sanitation and employee hygiene practices allow *Listeria* spp. other than *Lm* to cross-contaminate processing equipment, gloves or aprons of employees, and product then those same practices may allow *Lm* contamination.

D. Repetitive non-*Lm Listeria* spp. findings from MPID testing indicate a trend and could indicate that the establishment's *Listeria* control program is not effective in controlling the presence of *Lm* in the establishment's post-lethality processing environment and indicate the need to evaluate the Sanitation SOPs according to 9 CFR 416.14.

V. AWARENESS MEETING

A. IPP at establishments that prepare or process RTE meat or poultry products are to make establishment management aware of this notice at the next weekly meeting. IPP are to document the discussion about this notice in a Memorandum of Interview (MOI) as instructed in FSIS Directive 5010.1, Food Safety Related Topics for Discussion During Weekly Meetings with Establishment Management.

B. IPP are to share that starting on April 1, 2026, MPID testing will begin identifying non-*Lm Listeria* spp. in addition to *Lm* in RTE meat and poultry product samples collected by IPP, as well as RTE meat and poultry product samples, food contact, and environmental, non-food contact samples collected by EIAOs for the most common species listed above in Section IV.A. When analysis identifies another non-*Lm Listeria* spp. but can't confirm the name of the species it will report the result as indeterminant. IPP are also to share that:

1. Establishments will continue to receive MPID sample results by phone or e-mail depending how notification is listed on the sample form, including when MPID finds *Lm* or a non-*Lm Listeria* spp.

2. Although non-*Lm Listeria* spp. will be reported as "positive" and require corrective actions as described below, the analysis result for the sample will be acceptable and the lot can be released if other results for *Lm* and *Salmonella* are negative.

3. The establishment must take corrective actions as required by 9 CFR 416.15 when a product, food contact surface, or environmental, non-food contact sample is positive for a non-*Lm Listeria* spp. (even if not identified by name and reported as indeterminant) because the results indicate the sanitation program is ineffective at preventing conditions where contamination with *Lm* may occur. However, the establishment can determine and be able to support that parts of 9 CFR 416.15(b) such as ensuring appropriate disposition of product do not apply because product can be released if other results for *Lm* and *Salmonella* are negative.

VI. IPP RESPONSIBILITIES FOR RTE MEAT AND POULTRY PRODUCT SAMPLING PROJECTS

A. IPP are to schedule and collect samples of RTE meat and poultry products following instructions in RTE Sampling Instructions for RTE 03E, RTE 03F, and RTE 03G. Instructions for scheduling and collecting samples have not changed.

B. IPP are to monitor their e-mail for sample results and provide the establishment with a copy of the results as soon as they are available. If a RTE meat or poultry product sample collected by IPP is positive for a non-*Lm Listeria* spp. but negative for *Lm* and *Salmonella* IPP are also to inform the establishment that it must take corrective actions according to 9 CFR 416.15. IPP are to document the discussion in an MOI.

NOTE: The testing MPID performs is different than the *Listeria* spp. testing of food contact surfaces establishments perform during the production of post-lethality exposed RTE meat or poultry products. Establishments often use screen tests for *Listeria* spp. and do not follow a screen positive *Listeria* spp. test result on a food contact surface with cultural confirmation like MPID does because cultural confirmation is not required for this type of establishment testing. A positive result from a screening test conducted by an establishment could mean *Lm* is present but it was not confirmed by the test. Corrective actions are required in this situation according to how the establishment addresses *Lm* in its Hazard Analysis and Critical Control Point (HACCP) system (9 CFR 417.3(a), 9 CFR 417.3(b), or 9 CFR 416.15) because a positive result could mean that *Lm* is present, just not confirmed by the test. For more information on IPP responsibilities in response to establishment test results for post-lethality exposed RTE meat or poultry products see FSIS Directive 10240.4, *Listeria Rule Verification Activities*.

C. IPP are to be aware that test results for *Lm* and non-*Lm Listeria* spp. are reported at the same time and that a sample may be positive for multiple *Listeria* spp. For example, a result could indicate that the sample is positive for *Lm*, a non-*Lm Listeria* spp., or both *Lm* and a non-*Lm Listeria* spp. If the sample confirms positive for a non-*Lm Listeria* spp., the specific species detected will be listed unless listed as indeterminant.

D. If the meat or poultry product is positive for *Lm* or *Salmonella*, product from the sampled lot is considered adulterated. IPP are to follow the instructions in FSIS Directive 5000.1 to take regulatory action in response to positive sampling results. IPP are to follow the instructions in FSIS Directive 10240.3 *Documenting Noncompliance,* Chapter IV, *Sampling Results from RTEPROD, Section II., a*nd *Verifying Product Disposition*,

Chapter V, in response to RTE meat or poultry product positive results for *Lm* or *Salmonella.*

E. Generally, if the product is negative for *Lm* and *Salmonella* but positive for a non-*Lm Listeria* spp., product can move in commerce, and IPP are not to issue a noncompliance record (NR) solely based on the positive result. IPP may issue an NR based on an establishment's compliance with 9 CFR 416.15 as described below.

F. If the product is negative for *Lm* and *Salmonella* but positive for a non-*Lm Listeria* spp., IPP are to be aware that corrective actions are required by 9 CFR 416.15 because the results indicate the sanitation program is ineffective at preventing conditions where contamination with *Lm* may occur. IPP are to be aware that:

1. At a minimum, the establishment is required to restore sanitary conditions of surfaces associated with the positive test in order to comply with 9 CFR 416.15(b);

2. Intensified cleaning and sanitation is an example of a measure an establishment can take to restore sanitary conditions; and

3. MPID recommends but does not require that the establishment conduct follow-up testing to verify corrective actions have been effective.

G. IPP are to be aware that if the product is negative for *Lm* but positive for a non-*Lm Listeria* spp.*,* then corrective actions under 9 CFR 417.3(a) or 9 CFR 417.3(b) are not typically required unless the establishment determines in its hazard analysis that *Listeria* spp. are food safety hazards reasonably likely to occur and has a Critical Control Point (CCP) for *Listeria* spp.

H. IPP are to verify that the establishment performs the appropriate corrective actions using a scheduled Operational Sanitation Standard Operating Procedure (SSOP) Review and Observations task in PHIS if they have one scheduled for the day the positive result is received but that has not yet been completed. Alternatively, if the Operational SSOP Review and Observations task scheduled for that day has already been completed, IPP are to schedule an additional directed Operational SSOP Review and Observations task to confirm the establishment's corrective actions. The task can't be completed until the establishment has implemented **all** corrective actions. IPP are to review FSIS Directive 5000.1, *Chapter II, Part III Sanitation SOPs* when performing the Operational SSOP Review and Observations task. IPP are also to review the Sanitation SOP Task Job Aid for RTE Establishments available in IPP Help when performing the task in response to RTE meat or poultry product positives.

I. When verifying corrective actions, IPP are to review Sanitation SOPs records and, when possible, observe establishment employees implementing corrective actions, such as intensified cleaning and sanitation and follow-up sampling (although sampling is not required), to verify that establishment corrective actions meet all the applicable requirements of 9 CFR 416.15. IPP are also to review sanitation NRs from the week prior to the positive to determine if there were any sanitation noncompliances that could have contributed to the finding of a positive non-*Lm Listeria* spp. result. In addition to reviewing sanitation NRs from the week prior to the positive, IPP are to correlate with their supervisor, to consider information they have gathered in the context of past findings and to look for any patterns or trends in the findings.

J. If the establishment does not restore sanitary conditions of surfaces associated with the non-*Lm Listeria* spp. positive test, then IPP are to document an NR for failure to comply with 9 CFR 416.15(b).

K. When IPP are observing conditions and operations in the establishment as part of their verification or other duties, they are to be aware of the sanitary conditions and verify that the establishment is meeting the Sanitation Performance Standard (SPS) requirements by maintaining the facilities, equipment, and utensils in a sanitary manner and by following practices that protect product from adulteration.

L. IPP are to document the results of their verification during the performance of the Operational SSOP Review and Observations task, including any noncompliance, following the instructions in Chapter V of FSIS Directive 5000.1. IPP are to document the establishment's corrective actions. This can be done in the findings tab of the task.

M. If the establishment produces products under Alternative 3 and relies on sanitation alone to control *Lm*, then IPP are also to perform a directed Hazard Analysis Verification (HAV) task as described in FSIS Directive 5000.6, *Performance of the Hazard Analysis Verification (HAV) Task*, to verify the establishment can continue to support the decisions in its hazard analysis. If the establishment produces products under Alternatives 1 or 2, IPP may also perform a directed HAV task as described in FSIS Directive 5000.6 to verify the establishment can continue to support its decisions in its hazard analysis because sanitation is the foundation for an effective *Lm* Control Program. IPP are to discuss with their supervisor as to whether a directed HAV task should be performed.

N. IPP are also to consider whether a trend is developing, for example because the establishment has had repetitive non-*Lm Listeria* spp. results from MPID testing and the establishment's corrective actions do not prevent repetitive findings. Repetitive non-*Lm Listeria* spp. findings from MPID testing indicate a trend and could indicate that the establishment's *Listeria* control program is not effective in controlling the presence of *Lm* in the establishment's post-lethality processing environment and indicate the need to evaluate the Sanitation SOPs according to 9 CFR 416.14. IPP are to discuss concerns about the establishment's history with their supervisor to determine if noncompliance with 9 CFR 416.14 exists, whether the assistance of an EIAO is needed, or whether a Food Safety Assessment should be recommended.

VII. SUPERVISORY PERSONNEL RESPONSIBILITIES

A. Supervisors are to inform IPP of their availability to assist if IPP have questions or concerns while performing the Operational SSOP Review and Observations task and HAV task.

B. Supervisors play a key role in ensuring that decisions made by IPP are consistent with MPID statutory authority and Agency policy, and that duties are performed in accordance with prescribed inspection methods and procedures addressed in this notice. Supervisory responsibilities are described in FSIS Directive 5000.1 including ensuring that IPP are correctly applying the inspection methodology, are making informed decisions, are properly documenting findings, and are taking the appropriate actions as instructed in FSIS Directive 5000.1 and FSIS Directive 5,000.6.

C. Supervisors are to verify that IPP are following the instructions in Section VI. *IPP Responsibilities for RTE Meat, Poultry, and Egg Products Sampling Projects.*

D. The supervisor may determine that it is necessary to request the assistance of an EIAO. If needed, the supervisor is to ask the TA Coordinators to have an EIAO assigned to review the establishment's corrective actions.

E. The supervisor is to follow the instructions in FSIS Directive 5000.1, including Chapter V, Section VII. Trends of Noncompliance to determine whether IPP are correctly identifying and documenting any trends of noncompliance related to the establishment's corrective actions in response to non-*Lm Listeria* spp. positives and whether a Food Safety Assessment should be recommended.

VIII. EIAO RESPONSIBILITIES

A. EIAOs are to follow instructions in FSIS Directive 5100.4, *Public Health Risk Evaluation Methodology*, FSIS Directive 10240.5, *Verification Procedures for Enforcement, Investigations, and Analysis Officers for the Listeria Monocytogenes Regulation and Routine Risk-Based Listeria monocytogenes Sampling Program*, and FSIS Directive 10300.1, *Intensified Verification Testing (IVT) Protocol for Sampling of Product, Food Contact Surfaces and Environmental Surfaces for Listeria Monocytogenes* when scheduling and collecting RLm and IVT samples. Instructions for scheduling and collecting samples have not changed.

B. Sampling results, including *Lm* and non-*Lm Listeria* spp. results, will be reported by e-mail. The lab will report the results for *Lm* and non-*Lm Listeria* spp. results for each sample.

C. After the RLm or IVT sampling is completed, during the in-plant portion of the food safety assessment (FSA), EIAOs are to monitor their e-mail for testing results. EIAOs are to inform the establishment of the results if not relay by Raleigh Office/IPP and required actions if applicable, including that if the product is negative for *Lm* but positive for a non-*Lm Listeria* spp. the establishment must take corrective actions according to 9 CFR 416.15. EIAOs are to document the discussion in an MOI.

D. If the product or food contact surface is positive for *Lm* or *Salmonella*, product from the sampled lot is considered adulterated. EIAOs are to follow instructions in FSIS Directive 10240.5 and FSIS Directive 10300.1 in response to positive *Lm* or *Salmonella* sampling results.

E. Generally, if the product, food contact surface, or environmental, non-food contact surface is negative for *Lm* but positive for a non-*Lm Listeria* spp., product can move in commerce and EIAOs are not to recommend issuing an NR solely based on the positive result. An NR may be issued based on an establishment's compliance with 9 CFR 416.15.

F. EIAOs are to inform IPP and the Area Supervisor of the sampling results if not notified by Raleigh Office so that the IPP verify that the establishment performs the appropriate corrective actions according to 9 CFR 416.15 using the Operational SSOP Review and Observations task in PHIS as instructed in Section IV of this notice. The EIAO is to

communicate with the IPP and Area Supervisor throughout the course of the assessment.

G. In addition to taking corrective actions in response to individual MPID and establishment test results, repeated *Listeria* spp. positives (either from establishment screen positive test results or MPID testing that confirms a *Lm* or non-*Lm Listeria* spp.) on product, food contact, or environmental, non-food contact indicate positive *Listeria* trends in the establishment. The finding of *Listeria* trends could indicate that the establishment's *Listeria* control program is not effective in controlling the presence of *Lm* in the establishment's post-lethality processing environment and indicate the need to evaluate the Sanitation SOPs according to 9 CFR 416.14.

H. When an FSA is performed with the RLm or IVT sampling, as indicated in FSIS Directive 5100.1, the EIAO is to consider sampling results and any sanitation noncompliance identified when determining the FSA outcome, including that non-*Lm Listeria* spp. positives indicate the sanitation program is ineffective at preventing conditions where *Lm* may be present. In some limited circumstances (e.g., there are unanticipated sampling delays or presumptive positives), results may not be available within the seven-day FSA timeframe. If sampling results are delayed, the Raleigh Office may elect to delay the exit meeting until sampling results are received.

I. EIAOs are to be aware that as indicated in section IX. Raleigh Office Responsibilities, a positive non-*Lm Listeria* spp. in a product, food contact surface, or an environmental, non-food contact surface from one sampling event, does not meet either a risk-based or for-cause risk criteria for a PHRE. However, trends in MPID sampling results over time such as recurring non-*Lm Listeria* spp. positives and other information as indicated in section IX is to be taken into account when determining whether a PHRE is warranted.

IX. RALEIGH OFFICE RESPONSIBILITIES

A. If an establishment has positive non-*Lm Listeria* spp. in a product, food contact surface, or an environmental, non-food contact surface samples from one sampling event, Raleigh Office is to be aware that this alone does not meet either a risk-based or for-cause risk criteria for a PHRE in FSIS Directive 5100.4; however, the Raleigh Office is to take this information into account along with trends in MPID sampling results over time and other information from the RTE questionnaire report, such as sanitation and SPS noncompliance and establishment test results, to determine whether a PHRE is warranted.

B. If Raleigh Office personnel recommend an enforcement action associated with MPID sampling, the Raleigh Office personnel may include positive non-*Lm Listeria* spp. findings including for RLm or IVT sampling in the enforcement letter (FSIS Directive 5100.1 and FSIS Directive 5100.3, *Administrative Enforcement Action Decision-Making and Methodology*) in addition to specific compliance history and any FSA findings. The non-*Lm Listeria* spp. findings may be included along with other information because the finding indicates the sanitation program is ineffective at preventing conditions where *Lm* may be present. MPID may determine based on other findings (e.g., compliance history and FSA findings) that the establishment's food safety system (i.e., the HACCP plan, prerequisite program, or Sanitation SOP depending on where the *Lm* control measures are included) is inadequate to control *Lm* in the post-lethality environment, the Sanitation SOP is not properly implemented or maintained, or the establishment has not

maintained sanitary conditions to prevent *Lm* product adulteration (9 CFR 500). The enforcement letter is to include the specific compliance history in addition to the non-*Lm* *Listeria* spp. findings.

X. ADDITIONAL INFORMATION

If you have any questions or need additional information, contact your supervisor.

Dr. Karen Beck
State Director

DISTRIBUTION:	**SUBJECT CATEGORY:**
MPID In-Plant, Supervisory Personnel, and EIAOs	Processing