



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

Steve Troxler, Commissioner

MPID NOTICE

4-24

3-28-2024

**ISSUANCE OF A TEN-DAY LETTER FOR INACTIVE OPERATIONS IN STATE
ESTABLISHMENTS**

I. PURPOSE

This notice sets out the actions that the State Director may take when an establishment is not operating or has not responded to the Meat and Poultry Inspection Division (MPID) inspection personnel inquiries about the establishment's operational status and intentions. This procedure is provided as a tool that the State Director may use to ensure that MPID resources are used as effectively and efficiently as possible.

II. REFERENCES

FSIS Directive 5220.3 Revision 1

III. CANCELLATION

MPIS Notice 15-08 dated 10-22-08

IV. BACKGROUND

- A. An establishment may request in writing a voluntary suspension of inspection. A voluntary suspension of inspection is temporary and cannot exceed 120 calendar days. An establishment typically requests such suspensions for purposes of resale, major structural changes, or remodeling. When situations arise that are beyond the establishment's control (such as inability to obtain equipment on schedule, inability to complete major structural changes because of weather conditions or other valid reasons), the State Director may extend the 120-day period. Meat or poultry establishments that traditionally operate on a seasonal basis may be in suspension status beyond the 120-day period, but the suspension may not exceed 1 year. Seasonal plants are required to notify the Raleigh Office at least two weeks prior to their starting and stopping dates.
- B. Inspection is required each day an establishment operates. To best utilize MPID resources, it is necessary to provide a mechanism whereby the State Director can remove an establishment from an inspection assignment that does not resume operations after 120 calendar days or that otherwise ceases operations without communicating with MPID.

V. PROCEDURES FOR COMMUNICATING WITH INACTIVE ESTABLISHMENTS

- A. If an establishment is inactive for a period of more than 120 days and does not communicate its intentions to MPID, or if it ceases operations without communicating with MPID, the State Director will send the establishment a letter asking the establishment to respond within ten days as to why its grant of inspection should not be considered voluntarily abandoned. The letter will inform the establishment that failure to respond will result in such a determination. The letter is to be sent with return receipt requested.
- B. If the establishment responds within ten days from receipt of the letter, the State Director will not consider the grant voluntarily abandoned and the establishment's grant of inspection will continue to be in effect; however, the establishment's response or its inactivity may cause the State Director to make specific inquiries before reinstituting inspection services. For example, given the establishment's inactivity, the State Director may question whether sanitary conditions exist in the establishment and may direct the Area Supervisor to assess the facility's sanitation before allowing resumption of production operations. Should the State Director determine that facility inspections are necessary prior to resuming inspected activities, such inspections should be scheduled by the Area Supervisor as soon as possible given other commitments.
- C. If the establishment does not respond after ten days from receipt of the letter, or if the State Director's letter is not deliverable, the State Director will treat the grant of inspection as being voluntarily abandoned, send a letter by regular mail to the last known address of the establishment announcing the action, and terminate the inspection assignment for the establishment.

VI. ADDITIONAL INFORMATION

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

Attachments: Sample 10-Day Letter

Sample letter advising that Grant of Inspection has been abandoned

Dr. Karen Beck
State Director

DISTRIBUTION:
State Establishments, Compliance Staff
Inspection Personnel

SUBJECT CATEGORY:
Administration

SAMPLE 10 DAY LETTER – SUGGESTED FORMAT
(Put letter on state letterhead)

Attachment

<Date>

<Owner Name>

<Establishment Name and Number>

<Street Address>

<City, NC Zip Code?>

CERTIFIED MAIL – RETURN RECEIPT

Dear <Name>,

Since you have not operated nor produced product since <Date>, you have failed to meet the requirements for Inspection Services. There has been no communication with the Meat and Poultry Inspection Division of your intentions to continue to operate. Therefore, Inspection Services at your establishment will be discontinued effective <Date>, and your Grant of Inspection will be withdrawn.

Please respond in writing within ten (10) calendar days of your receipt of this letter and clarify your intentions regarding operations for your meat processing establishment – <Establishment Name and Number>. If a response is not received as noted, your establishment will be deemed to have been abandoned and your Grant of Inspection will be withdrawn.

Please be advised that if your Grant of Inspection is withdrawn, you may no longer utilize any labels, cartons, casings or other packing or packing materials, brands, etc., that bear any reference to or indicate that your establishment operates under State Inspection. You must also apply for a new Grant of Inspection following all Agency procedures prior to resuming any operations. If you need assistance at any time, please contact Area Supervisor <Area Supervisor Name> at <Phone Number> or this office at 919-707-3180.

Sincerely,

Dr. Karen Beck
State Director

cc: <TA Coordinator>
<Area Supervisor>
<Compliance Staff>
<Supervisory EIAO>
<County Health Dept>
State Office Files

**SAMPLE LETTER ADVISING GRANT DEEMED VOLUNTARILY
ABANDONED – SUGGESTED
(Put on state letterhead)**

Attachment

<Date>

CERTIFIED MAIL/RETURN RECEIPT

REQUESTED

<Name>>
<Business Name>
<Street Address>
<City, State Zip>

Dear <Name>:

On <Date>, the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division sent you a letter regarding your intent to operate under State Inspection. The letter indicated a response must be received within 10 days or your grant of inspection will be considered abandoned and voluntarily withdrawn. As of <<Date>>, we have not received a response from you and have, therefore, withdrawn your State grant of inspection.

It should be understood that you may no longer utilize any labels, cartons, casings, or other packaging or packing materials, brands, etc., that bear any reference to, or indicate that your establishment operates under State Inspection.

If you wish to resume operations, you must reapply for a grant of inspection. You may contact this office or <Area Supervisor's Name>, Area Supervisor, to begin that process.

Sincerely,

Dr. Karen Beck
State Director

cc: <Name>, Compliance Supervisor
<Name>, TA Coordinators
<Name>, Area Supervisor
File