

SUBJECT: Out of Condition TEFAP Commodities and Food Alerts; Holds and Recalls

A. Purpose. All incidents of USDA TEFAP commodities that are out of condition and not fit for human consumption due to contamination, deterioration, spoilage, infestation, or latent defects must be reported to the Bureau of Food Distribution. (For information on filing a Commodity Loss Claim, see P & P 251.2-2.)

B. Scope. This policy applies to all USDA TEFAP commodities distributed to state-contracted Recipient Agencies.

C. Food Safety and Inspection Service

1. **Mission.** The Food Safety and Inspection Service (FSIS) ensures that the Nation's commercial supply of meat, poultry and egg products is safe, wholesome and correctly labeled and packaged as required by the Federal Meat Inspection Act, the Poultry Products Inspection Act and the Egg Products Inspection Act.
2. **be FoodSafe: The FSIS Magazine.** A quarterly USDA publication that focuses on food safety behavior trends, emerging science and research, inspection issues and education programs. Request a subscription of the magazine by mail to: New Orders- Be FoodSafe, Superintendent of Documents, Stop IDCC, Washington, DC 20402, or online at: GPO Bookstore <http://bookstore.gpo.gov/collections/befoodsafe.jsp>.
3. **USDA's Meat and Poultry Hotline.** For assistance, call toll free 800-535-4555 or via email at mp hotline.fsis@usda.gov. Trained specialists are available to answer food safety questions from 10:00 a.m. to 4:00 p.m., Eastern Time, Monday through Friday.

D. Characteristics of Out of Condition Commodities.

1. **Types of Containers.** There are two types of containers: a primary container and a secondary container. The primary container is the one that touches the commodity such as a can, bottle, bag, or box. The secondary container is usually a box in which the primary container is packaged.
2. The following is a partial list of conditions that may be used as criteria for reporting a TEFAP commodity not meeting specifications:
 - (a) Canned or bottled foods: leaking, bulging top, bottom or side seams; rusty or pitted interior; and discolored, mushy, or foul smelling contents.
 - (b) Bagged or boxed foods: the package is torn exposing the food; insect infestation internally or externally; adulteration of the package inside or

outside from rodents; caking or hardening of contents.

- (c) Foreign matter in the food.
- (d) Short pack: the primary container is not full, has too much liquid and not enough solid product; the secondary container does not have the proper quantity of primary containers.
- (e) Obviously spoiled.

E. Information Needed for Processing Reports of Unacceptable TEFAP Commodities. If the product bears a USDA label, to properly handle a report of an unacceptable TEFAP commodity, provide the information below. If the product bears a commercial label rather than a USDA label, not all the requested information may be readily available. To the extent possible, all of this information must be entered on the Unfit Commodity Report.

1. Vendor's Contract Number. This is a number assigned for specific commodity purchases. The contract number consists of nine to ten digits. The following illustrates the composition of the contract number:

(a) Group A Commodities. Sample contract number 120202001:

- 12 The first two digits denote that the United States Department of Agriculture (USDA) is the contractor.
- 02 The second two digits identify the Agriculture Marketing Service (AMS) as the contract administrator.
- 0 The fifth digit designates the Federal Fiscal Year.
- 2 The sixth digit identifies the division within AMS. For example, 1 is for poultry, 2 is for frozen commodities and 3 is for livestock, etc.
- 001 The last three digits is the sequence number for the commodity being produced.

(b) Group B Commodities. Sample contract number VD0D031001:

VD0D The first four digits identify the vendor.

- 03 The fifth and sixth digits identify the division. In this case, the 03 stands for the Southeast Region Office, USDA, Atlanta, GA.
- 1 The seventh digit designates the Federal Fiscal Year.

001 The last three digits is the sequence number for the commodity being produced.

2. Can Codes. These are the vendor's own identity codes for the date and time. The can codes easily identify which lot had the questionable commodity and the time the lot was produced.
3. Lot Number or Code. This identifies a commodity produced in an eight-hour shift. The number consists of exact time and date of production.
4. Carton/Package Code. This is used on fruits and vegetables and is an embossed or ink jet code usually found on a seam of the case or package. This code denotes the shift, vendor's plant and the day and time the commodity was produced.
5. Vendor Code. A four-digit code placed on the primary and secondary containers to identify the vendor that provided the commodity.
6. Pack Date – TEFAP commodities bearing USDA labels. (Products with commercial labels do not always include a Pack Date.) The pack date shows when the commodity was processed and packaged. The pack date is printed on some inner containers (primary) and on all outer containers (secondary) with USDA labels. Some USDA commodities are not packed with a secondary container. Such commodities as frozen cherries and strawberries are packed in plastic pails. Since the primary container is also the secondary container, vendors are required to include some form of pack date on this container. In some cases, the vendors will use a Julian date since this is the standard industry format.
 - (a) Julian Date. Julian dates are shown as the day of the year and the year packed based on the Julian calendar that has 365 days a year with a leap year every four years. For example, commodities that were packed on March 20, 2004, will be 80-4, the 80th day of the year 2004.
 - (b) Container Marking. When dealing with questions about pack dates, it is important to remember that USDA purchases commodities from the same vendors who pack for commercial markets and "pack dates" are the same as those on all containers. No additional or separate information is required on commodities.
 - (c) Generic List of Date Codes. FDA's nutrition labeling regulations require the following items to be shown only on certain canned foods: (1) the establishment where packed, (2) the product contained therein, (3) the year packed, (4) the day packed, and (5) the period in which packed. USDA provides guidelines as to the "period in which packed" so the vendors can

make ready identification of packing lots. However, many of the codes on cans, bags and boxes are voluntary and differ widely among industries and among packers within an industry. Vendors choose their package codes primarily for purposes of internal control and inventory. Therefore, there is not a generic list of date codes.

- (d) Old Pack Dates. It is important to understand that a pack date several months old does not mean the commodity is old. For example, peas are generally harvested and processed during June and July and will show one of those months plus the year of pack. Therefore, if a shipment arrives in March, the pack date will be from the previous year. Recipients may think they are getting an old commodity because of the 9-month old pack date. However, the commodity is wholesome and of good quality. In fact, it is the same domestic product found on the grocer's shelf at that time. This is true for most domestic fruit and vegetable products because they are harvested during the spring and summer months.

F. Reporting an Unacceptable Commodity.

1. Emergency Reports. If the unfit TEFAP commodity is such that it constitutes an immediate hazard to health and welfare of potential consumers of the commodity, the **situation must be reported immediately to the Bureau upon discovery (via phone 850-488-8835, Fax 850-488-6961 or e-mail). If an emergency complaint occurs after 5:00 p.m. (EDT) or over a weekend, the caller must report the situation not later than 9:00 a.m. (EDT) of the next work day. If it is determined that a food safety inspection is required, the Bureau will arrange for the inspection.** This initial report must be followed by a written report using the Unacceptable USDA Commodity Report (TEFAP) (Exhibit J)
2. Non-Emergency Reports. If the report is not of an emergency nature, then the Report of Unacceptable USDA Commodity (Exhibit J) must be completed and mailed or faxed to the Bureau. See Exhibit L for best if used by information.
 - (a) Damaged Commodities. Only commodities that are unfit for human consumption are to be reported. Commodities damaged in shipment, hidden damage found at the warehouse, trucks arriving at a warehouse with improper temperatures and other such problems are to be reported in accordance with Policy and Procedures 250.14, Receiving and Storing USDA Commodities.
 - (b) Spoiled Commodities. Commodities that have spoiled due to underutilization by the recipient agencies are not to be reported as unfit. The losses are to be reported in accordance with the provisions of Policy and Procedures 251.2-2, Losses Due to Spoilage or Damage to USDA TEFAP Commodities.

G. Disposal of Condemned USDA TEFAP Commodities. Generally, there are two methods used to dispose of condemned commodities:

1. **Recall by USDA and Pickup by the Vendor.** If USDA advises that the vendor will pick up the remaining quantities, the Bureau will coordinate the pickup. In most cases, the condemned commodity is picked up from the state-contracted recipient agencies by a State-contracted warehouse where it is stored until the vendor picks it up. Usually, if an agency has 50 cases or less in inventory, USDA directs that the commodity be disposed of on site. If the commodity is destroyed on site it must first be rendered inedible. If not in conflict with local health regulations, the usual method for rendering the commodity inedible is to pour bleach on it. The bleach must be poured directly onto the commodity itself and not on its can or box. All USDA markings must be obliterated or covered up with an indelible pen. Trucking the condemned TEFAP commodity to a government-owned or government-contracted landfill is an alternative to disposing of the commodity on site. If the TEFAP commodity is taken directly from where it is stored to a landfill where it will be completely destroyed and immediately buried, it does not have to be rendered inedible or have the USDA markings obliterated.
2. **Destruction of All Remaining Quantities.** USDA may direct that all remaining quantities of a condemned TEFAP commodity be disposed of on site. If this is the case, the Bureau will arrange to have a State-contracted warehouse or carrier pick up the remaining TEFAP commodity from those state-contracted recipient agencies that have over 50 cases in storage. Those agencies that have 50 or fewer cases in storage must destroy the commodity in accordance with the provisions of Paragraph G.1 above. Normally, all expenses associated with the destruction of the commodity are reimbursed by USDA. Accordingly, detailed records must be kept on all expenses incurred in the destruction of the commodity.
3. **Commodities at Sub-distributing Sites.** If any sub-distributor has over 50 cases of the condemned TEFAP commodity in storage, they must be picked up by the state-contracted RA and returned to their storage facility. The Bureau may then arrange to have a State-contracted warehouse or carrier pick up the TEFAP commodity from those state-contracted recipient agencies and consolidated at the state-contracted warehouse for disposal.
4. **The state-contracted RA must comply with all of the USDA's Hold and Recall policies and procedures, including (a) immediately placing product on hold and notifying its sites and sub-distributors to do the same, (b) providing information to the Bureau by the designated deadlines of the quantities and locations of the product in question and any other pertinent information requested by the Bureau, (c) submitting all necessary documentation, including destruction notices, to the Bureau by the designated due date, etc. Reimbursement for any expenses related to the Hold and Recall action is contingent on the Bureau receiving all the required information and**

documentation from the state-contracted RA on a timely basis.

H. Food Alert System – Holds and Recalls by USDA. When USDA issues a hold or recall on a TEFAP commodity, the state-contracted RAs must comply with the instructions provided by USDA and the Bureau concerning the handling of the commodity in question. In addition, the RAs are responsible for notifying their sites and sub-distributors and ensuring compliance with the hold and/or recall instructions.

1. 24-Hour Notification. When a food alert is received from USDA, the Bureau will notify all state-contracted recipient agencies within 24 hours of receiving the notification. Notification of RAs will be done via email, telephone or Fax. If notification is made via telephone, the Bureau will follow with written confirmation. The state-contracted recipient agency must immediately notify its sites and sub-distributors of the food alert.
2. Commodities Placed on Hold. USDA may place a TEFAP commodity on “hold” due to inspection problems, packaging problems or contamination. The product may or may not be found fit for human consumption. Regardless of the reason, a sign stating “**HOLD**” should be immediately placed on the commodity item, (case or pallet[s]) at all storage and distribution sites, to clearly identify those items on hold to prevent their distribution. The RA must alert its sub-distributors immediately and keep them apprised of the situation. **When a TEFAP commodity is placed on hold, the state-contracted RA, its sites and sub-distributors must hold that commodity until notified by the Bureau that (1) it has been released by USDA as fit for human consumption; or (2) that it is being recalled and can (a) be destroyed locally or (b) will be picked up by the vendor or the warehouse. Do not destroy, distribute or use the product until you are notified to do so by the Bureau.** A claim can be assessed against a recipient agency for destroying, distributing or using a TEFAP commodity placed on hold without prior approval from the Bureau.
3. Payment of Costs Associated With Removal of Commodities That Pose a Health or Safety Risk. USDA may reimburse the State and state-contracted recipient agencies for costs associated with the removal of TEFAP commodities that have been determined by USDA to pose a health or safety risk. These costs include costs for storage, transportation, processing and destruction. USDA may purchase additional TEFAP commodities to replace those commodities that have been destroyed; however, there is no guarantee that the product will be replaced.
4. Needed Information. When a TEFAP commodity has been placed on “hold”, the state-contracted RAs, sub-distributors and warehouses that have the subject TEFAP commodity in inventory must report this fact and any other required information to the Bureau by the deadline. In addition to the information required in Section E above, the following additional information is needed:

- (a) Commodity Identification. This includes the FNS Code and the commodity name.
 - (b) Delivery Order Number. This is the number assigned by the Bureau when the commodity was requisitioned from USDA. It is a unique number and is the sole means for tracking a requisitioned commodity.
 - (c) Federal Establishment Number (FEN). This is a unique number assigned by USDA to identify the vendor that produced the commodity. It is normally on the end of the case.
 - (d) Vendor Name. The name of the vendor that produced the commodity is normally on the side of the case.
 - (e) Vendor Contract Number. This is a number assigned by USDA for a specific commodity purchase.
 - (f) USDA Quantity. This is the quantity of the USDA commodity in inventory as expressed in cases.
 - (g) Processed Quantity, if applicable. This is the quantity, expressed in end product units, that was processed from the basic commodity that is on hold.
 - (h) Local Quantity. This is the quantity of the questionable commodity, in units, cases or pounds that was purchased locally and is still on hand.
 - (i) Locations. These are the places where the products are physically stored.
5. Any recalled product should be consolidated at one location for pickup as soon as possible but no later than 15 days after the date of the recall notification. This will allow time for the Bureau or vendor to pick up and consolidate product, if needed. The USDA Commodity Hold & Recall Sample Worksheet (Exhibit Y) may be used to compile information that is usually requested by the Bureau.