



Georgia Department of Agriculture

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Commissioner

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To Whom It May Concern,

The Manufactured Food Regulatory Program Standards (MFRPS) Standard 3, stresses that regulatory programs should prioritize inspections, assign frequencies and allocate resources, based on risk categories established by the regulatory agency. MFRPS appendix 3.2 offers suggestions on how to establish these criteria, and says that there must be “at least three risk categories with a baseline inspection frequency specified for each category.”

There seems to be latitude given for however many categories can be used (“at least three”), and there is no prescribed minimum inspection frequencies given. This allows regulatory agencies to establish their own priorities in response to their own unique challenges. In this regard, a variance would only be sought for an agency utilizing a two category system (since having only one risk category is contradictory to the notion of a risk categorizing system). If a two tier system is already being used at the federal level for FSMA firms, making regulatory agencies apply for a variance to utilize a two tier system seems unnecessarily burdensome.

Even if a variance policy were adopted, there is a much more important issue that should be evaluated in Standard 3. Regardless of the number of tiers, the overall effectiveness of the food inspection program will be determined by resources. The most intricate system, with a multitude of risk categories and inspection frequencies all determined through risk assessment, will ultimately fail if the resources are not provided to perform the inspections at their prescribed frequencies.

A regulatory agency’s conformance with Standard 3 should ultimately be determined on the agency’s ability to perform the inspections of the firms in their inventory at their prescribed frequencies. Conformance can be demonstrated by having an updated inventory, annual evaluation of risk-assessments for the firms in their inventory, establishing a base percentage of

an agency's inventory that must be inspected annually (using their own established inspection frequencies), and the documentation provided in Standard 8 that should illustrate why the minimum inspection frequencies, or percentage of inventory if established, has not been met.

Right or wrong, regulatory agencies are beholden to metrics. GDA has to provide inspection data every year to support our operating budget. Risk categories and inspection frequencies are used to justify that we are doing our job and allocating our resources effectively. In this instance, the establishment of risk categories and inspection frequency are the means to an end.

If MFRPS is not going to establish a definitive risk-category/frequency of inspection matrix, then conformance must be gauged based on the agency's ability to establish and effectively implement a system to prioritize inspections. It would be the auditor's task to gauge the effectiveness of the agency's implementation. At the end of the day, two risk categories; three risk categories; or fifty risk categories are of little use, if the work is not being done.