

**Voluntary Report** – Voluntary - Public Distribution

**Date:** June 17, 2024

**Report Number:** NU2024-0010

**Report Name:** Additional Guidance for Rejected Pork and Chicken Meat Shipments

**Country:** Nicaragua

**Post:** Managua

**Report Category:** FAIRS Subject Report, Poultry and Products, Livestock and Products, Agricultural Situation

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**Report Highlights:**

The Nicaraguan Institute of Agricultural Protection and Health enforces a unique interpretation of a regional technical food safety regulation for imported meat that occasionally results in rejections of U.S. pork and chicken meat shipments. This report provides guidance to U.S. exporters interested in shipping rejected cargo back to the United States, often for re-inspection and export to another destination. National regulatory authorities ultimately decide if a shipment may (re)enter a country, but this guidance represents the accumulated experience of FAS/Managua supporting U.S. exporters in this situation.

Nicaragua is a member of the Central American Integration System (SICA) bloc of countries, which develop and implement regional technical regulations (RTCA by their Spanish-language acronym) to facilitate trade within the bloc and with external trading partners. While RTCAs typically facilitate predictable trade, the RTCA system provides SICA member states discretion in the interpretation / application of the regulation within their territory. FAS/Managua has facilitated the successful return of rejected shipments of U.S. pork and chicken meat that Nicaraguan food safety officials have determined to be out of compliance with the relevant RTCA and/or national technical norm (NTON by their Spanish-language acronym) using the process described below to facilitate successful applications for U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) import permits through the [Veterinary Services Permitting Assistant](#) tool.

### **Pork**

[RTCA 67.04.50:17](#) (also attached to this report; Spanish only) includes Table 8.1 listing microbiological surveillance criteria for all (non-chicken) meat arriving in cuts, pieces, ground meat, deli meat preparations, as well as breaded, marinated, and tenderized products on page 38. The Nicaraguan Institute of Agricultural Protection and Health (IPSA) has applied these criteria to reject pork cut shipments in the past. Notably, the table includes a zero tolerance for the presence of *Salmonella*.

### **Chicken Meat**

When rejecting shipments of U.S. chicken meat, IPSA has referred to [NTON 03 023 – 12](#), which also includes a microbiological surveillance table in section 6.2.2.3 7047 of the version of *La Gaceta*. [NTON 03 023 – 12](#) has been superseded by NTON 03 003 (not yet published), which refers port of entry authorities to [RTCA 67.04.50:17](#) Table 8.2 listing the microbiological surveillance criteria for chicken meat that is chilled or frozen, whole, in cuts, pieces, chunks, ground, brined, deli meat preparations, as well as breaded or battered on page 39. Table 8.2 and the table in [NTON 03 023 – 12](#) both contain a zero detection level for *Salmonella*, while allowing one positive detection per the respective number of samples per lot; Table 8.2 requires 5 samples, while [NTON 03 023 – 12](#) requires 10 samples.

### **Rejections**

IPSA will notify the Nicaraguan importer of a rejection action in an *Acta de Rechazo*, specifying the basis for the rejection and the number of days before IPSA proceeds with product destruction at the importer's expense.

### **Steps for Returning Rejected Product to the United States**

If the U.S. shipper intends to return the rejected product to the United States for re-inspection and export certification for a different export market, then the U.S. shipper should follow these steps:

1. Work with the Nicaraguan importer to obtain a properly filled out “Notification Letter” from IPSA (see attached templates for pork- and poultry-specific Notification Letters).
  - a. It is imperative that the product remains in a container and under an official seal while awaiting re-export.

- b. Every effort should be made to obtain the container number for the container to be used to return the rejected shipment to the United States. However, it is possible to obtain a Notification Letter on the basis of the container number in which the rejected product is being held.
- c. The Notification Letter must include all four (4) attestations in paragraph 2 and must be signed by a full-time, licensed veterinarian employed by IPSA.

2. Obtain an APHIS import permit using the [Veterinary Services Permitting Assistant](#) tool.

- a. Under Step 1, “Movement Type” select “Return U.S. Goods” and fill in remaining fields.

- b. Check the appropriate boxes in Step 2. (Note: the image below represents a typical example and should not be construed as instructions for obtaining an import permit.)

c. Select “+ Add Material” to add the import permit application to your shopping cart.

**Step 3: Select Your Material**

Showing 1 of 1 Materials      Show 3 results per page      Sort by: PR #

**Edible meat and poultry products (for human consumption)**  
Edible Meat & Meat Products | PR-111847

Attributes

|   |     |
|---|-----|
| <b>Continuously Under Direct Foreign Government Oversight</b> | Yes |
| <b>Entered Foreign Country</b>                                | No  |
| <b>Original USDA Seal Intact</b>                              | No  |

[+ Add Material](#)

*Please add material or to an ingredients list, to see permit requirements on the summary page. Actual conditions for this material are not determined until added to your request.*

d. Proceed to your shopping cart.

**Step 3: Select Your Material**

Showing 1 of 1 Materials      Show 3 results per page      Sort by: PR #

e. Follow the process to pay and submit your application.

Go Back and Add More Materials      Proceed to Log-In

Permit Applications(1)    No Permit Required but Conditions Apply    Inadmissible

**1. VS 16-3 Return U.S. Goods Permit Application**  
Subtotals (1 Materials)      Estimated processing fee: **\$150.00**

**Edible meat and poultry products (for human consumption) of Porcine Origin**  
Edible Meat & Meat Products | PR-111847  
Return U.S. Goods to United States for Commercial Purposes | Exported From: Nicaragua

Attributes

|   |     |
|---|-----|
| <b>Continuously Under Direct Foreign Government Oversight</b> | Yes |
| <b>Entered Foreign Country</b>                                | No  |
| <b>Original USDA Seal Intact</b>                              | No  |

✓ Permit Required  
*You need a permit for this request. Please read the documentation required before applying. Submit a separate application for each shipment.*

✓ Documentation Required

**Applications Summary**

**Subtotal (1 Materials):**  
1 Permit Applications  
0 No Permit Required but Conditions Apply  
0 Inadmissible

**VS 16-3 Return U.S. Goods Permit Application**  
• Edible meat and poultry products (for human consumption) **\$150.00**

**Estimated Processing Fee      \$150.00**

**Disclaimer**

This is a non-refundable fee and is subject to change based on further provided information entered in the application form.

3. Comply with the requirements of USDA Food Safety Inspection Service (FSIS) [Directive 9010.1](#) to submit FSIS Form 9010-1 Application for the Return of Exported Products to the United States (see attached) and receive FSIS approval.
4. Return cargo to the United States with your preferred shipper following all requirements from U.S. Customs and Border Protection, APHIS, and FSIS.

**Please remember that final import approval of any product is subject to the importing country's rules and regulations as interpreted by competent authorities.**

**Attachments:**

[IPSA Notification for Returned Goods Template \(PORK\).docx](#)

[IPSA Notification for Returned Goods Template \(POULTRY\).docx](#)

[RTCA 67.04.50.17.pdf](#)

[NTON 03 023 – 12.pdf](#)

[FSIS Form 9010-1.pdf](#)