

**DOCUMENTING
INSPECTION
FINDINGS**

Inspection findings must be documented in the narrative section of the inspection report.

*No noncompliant
items identified*

A) If all items are in compliance and no noncompliant items (NCIs) were cited on the previous inspection, then the following statement should be typed on the inspection report:
“**No noncompliances identified this inspection.**” (Ctrl + 7 in the inspection report template)

B) If all items are in compliance and there was a noncompliant item(s) cited on the previous inspection, then:
1) list the corrected item under:
“**Category I: Noncompliant item(s) previously identified that have been corrected.**” (Ctrl + 1 in the inspection report template)
2) use the following citation format:
▶ section & subsection number(s)
▶ regulation/standard heading
▶ brief description of correction
3) type the following statement on the inspection report:
“**No noncompliances identified this inspection.**”
(Ctrl + 7 in the inspection report template.)

EXAMPLE:

CATEGORY I: Noncompliant item(s) previously identified that have been corrected.

SECTION 3.1(e) STORAGE OF FOOD- Open bags of dog food now stored in leakproof containers with tightly fitting lids.

SECTION 2.40(b)(2) VETERINARY CARE - Expired medications have been disposed of.

“**No noncompliances identified this inspection.**”

***Noncompliant
item identified***

If a noncompliant item(s) is identified, then cite it under one of the following three categories:

CATEGORY II

CATEGORY II: Noncompliant item(s) previously identified for which time remains for correction. (Ctrl + 2 on the inspection report template)

This is an NCI which was cited on a previous inspection but the correction date has not passed or the facility has received an extension for correction from the Regional Office.

Cite as follows:

- section & subsection number(s)
NOTE: Be sure the section/subsection is the same cited on the previous inspection(s). If the incorrect section or subsection was cited, cite the correct section and subsection and add: "Cited incorrectly under (*section/subsection #*) on (*date*) inspection."
- regulation/standard heading
- brief description of the NCI
- original correction date if not passed or extension correction date
- "Direct" NCI designation, if appropriate (see Indirect & Direct Noncompliant Items - Section 7.6)

EXAMPLE:

CATEGORY II: Noncompliant item(s) previously identified for which time remains for correction.

SECTION. 3.78(d) PERIMETER FENCE-PRIMATES - Primate outdoor housing facility does not have a perimeter fence around it. Extension granted until 10/1/00.

CATEGORY III	CATEGORY III: Noncompliant item(s) identified this inspection. (Ctrl + 3 on the inspection report template.) This is an NCI newly identified on the current inspection. Cite as follows: <ul style="list-style-type: none">• section & subsection number(s)• regulation/standard heading
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- clear, detailed description of the noncompliance including, but not limited to:
 - ▶ location of the problem, e.g., building, barn, farm
 - ▶ specific place or area of the problem, e.g., room, pen, location within pen
 - ▶ complete description of what is not in compliance
 - ▶ species and number of animals or specific animal affected
- restatement or paraphrase of the appropriate regulation or standard (optional)
- correction date - “To be corrected by *(date)*” (**Ctrl + 6** on the inspection report template)
Note: If an NCI is corrected during the inspection, the inspector may use his/her discretion whether or not to cite the NCI. If cited, put “Corrected during the inspection.”
- “Direct” NCI designation, if appropriate (see Indirect & Direct Noncompliant Items - Section 7.6)

NOTE: A statement which describes how to correct the noncompliance should **not** be written on the inspection report. If requested by the licensee/applicant, the inspector may discuss ways to correct the noncompliance.

EXAMPLES:

Single NCI involving one section of regulations/standards:
SECTION. 3.6(a)(2)(ix) PRIMARY ENCLOSURES-GENERAL REQUIREMENTS - Wooden side walls and floors of 10 pens (*if pens are numbered, include the numbers*) on west side of building are chewed and clawed and are no longer impervious to moisture. A total of 30 dogs are affected. To be corrected by *(date)*.

Single NCI involving multiple sections of regulations/standards:
SECTION 3.1(e), 3.25(c), 3.50(c), 3.75(e) STORAGE OF FOOD - Food storage room (Rm #44 in basement used to store food for dogs, guinea pigs, rabbits, and nonhuman primates) is cluttered, has broken bags with food spilling on floor and food bags are stored on the floor and are touching the walls. All animals in the facility are affected. To be corrected by *(date)*.

Similar but not the same noncompliance involving multiple sections and subsections of the regulations/standards:

SECTION 3.2(c) LIGHTING - Lighting in kennel room #22 containing 10 dogs is not adequate for cleaning. Only two 100 watt bulbs provide the lighting. To be corrected by *(date)*.

SECTION 3.26(c) LIGHTING - One spotlight is pointed directly into a guinea pig cage with 5 animals, creating excessive illumination. To be corrected by *(date)*.

SECTION 3.76(c) LIGHTING - Five nonhuman primates housed in Rm 48 in the basement facility are not provided a regular diurnal lighting cycle. The lights are on only during cleaning which is 1-2 hours of every 24 hour period. To be corrected by *(date)*.

Multiple noncompliances involving one section and subsection of the regulations/standards:

SECTION 3.1(a) STRUCTURE AND CONSTRUCTION -

- Roof of the primary kennel building has an opening due to rotted wood in the southeast corner which allows rain and snow to enter building.

- Partition between the whelping room and the food storage area has numerous holes.

- Front door of the kennel building has a broken window.

A total of 15 dogs are affected. To be corrected by *(date)*.

Multiple noncompliances involving the same section but different subsections:

GENERAL REQUIREMENTS:

SECTION 3.6(a)(2)(I) - Pen # 7 in Building #3 housing 4 Dalmatians has broken wire mesh flooring in the right rear corner. To be corrected by *(date)*.

SECTION 3.6(a)(2)(viii) - Room #8 in the Hawthorne Building contains 10 Beagle puppies. The food receptacles are located approximately 8 inches above the floor. The puppies were observed having difficulty reaching the food in the receptacles. To be corrected by *(date)*.

SECTION 3.6(a)(2)(x)-Wire mesh in puppy holding room cages is 1" x 2" and small breed puppies' (2 Poodles and 2 Maltese) feet are passing through the openings.
To be corrected by (*date*).

CATEGORY IV

CATEGORY IV: Noncompliant item(s) previously identified that have not been corrected. (Ctrl + 4 on the inspection report template)

This is:

- a noncompliance cited on the previous inspection or previous consecutive inspections which has not been corrected, and/or
- a new noncompliance of the same section & subsection cited the previous inspection as a Category III or IV. For example, inadequate lighting cited in one building on the previous inspection has been corrected, but on the current inspection, there is inadequate lighting in another building.

Cite as follows:

- section and subsection
NOTE: Be sure the section/subsection is the same cited on the previous inspection(s). If the incorrect section or subsection was cited, cite the correct section and subsection and add: "Cited incorrectly under (*section/subsection #*) on (*date*) inspection."
- regulation/standard heading
- clear, detailed description of the noncompliance including, but not limited to:
 - ▶ location of the problem, e.g., building, barn, farm
 - ▶ specific place or area of the problem, e.g., room, pen, location within pen
 - ▶ complete description of what is not in compliance
 - ▶ species and number of animals or specific animal affected
- description of partial corrections
- "Direct" NCI designation, if appropriate (see Indirect & Direct Noncompliant Items - Section 7.6)

NOTE: DO NOT ASSIGN A NEW CORRECTION DATE, but

you may reference the previously assigned correction date.

EXAMPLE:

SECTION. 3.6(a)(2)(ix) PRIMARY ENCLOSURES-GENERAL REQUIREMENTS - Wooden side walls and floors of 7 pens (*if pens are numbered, include the numbers*) on west side of building are still chewed and clawed and are not impervious to moisture. Three pens (*if pens are numbered, include the numbers*) have been repaired. A total of 21 dogs are affected.

Enforcement Action

Inspection reports with Category IV noncompliant items should be accompanied by a recommended enforcement action.

Possible enforcement actions are:

- **no action**
 - ▶ submit a request for no action on a separate memo or note with the inspection report to the Regional Office
 - ▶ memo/note should explain why no action is requested
- **enforcement statement (Ctrl + 9 on the inspection report template) - “This is a warning that you have had the same alleged violation(s) documented on your last two inspections. You are being given the opportunity to correct these violations only for the purpose of facilitating compliance with the Animal Welfare Act and the regulations and standards. If legal action is initiated against you, all alleged violations may be used as evidence at a formal adjudicatory hearing.”**
 - ▶ place this statement on the inspection report after the Category IV noncompliant item(s)
 - ▶ use the enforcement statement when you do **not** want another type of enforcement action

NOTE: Use of the enforcement statement does not “settle” a noncompliant item(s) and an Official Warning, stipulation, or investigation may be requested if the noncompliance is not corrected by the next inspection.

	<ul style="list-style-type: none">▶ do NOT use this statement with a “direct” NCI▶ do NOT put this statement on the inspection report if the licensee has pending enforcement actions, such as an open investigation• Official Warning (APHIS Form 7060):<ul style="list-style-type: none">▶ submit a request for an official warning on a separate memo or note with the inspection report to the Regional Office. NOTE: The issuance of an Official Warning is an action that “settles” the noncompliant item(s). Using this action during an open investigation will close that investigation.• stipulation/investigation:<ul style="list-style-type: none">▶ submit a request for a stipulation or investigation on a separate memo or note with the inspection report to the Regional Office <p>NOTE: You can only request one enforcement action at a time.</p>
<p>No Regulated Animals Present</p>	<p>A facility with no regulated animals present may or may not be inspected at the inspector’s discretion.</p> <p>Factors to consider when deciding whether to inspect a facility include, but are not limited to:</p> <ul style="list-style-type: none">• a facility which you have never inspected before, e.g., new building, or new facility added to your territory• facility with past noncompliances• no animals currently at facility but regulated animals go in and out of the facility, such as a puppy broker <p>If you conduct an inspection:</p> <ul style="list-style-type: none">• classify the inspection as “Routine”• under inventory state “No regulated animals present.”• if a partial inspection, state which areas were inspected, such as records and/or specific buildings• NCIs found during the inspection should be properly cited but not placed in a Category (like a prelicense inspection)• for the correction date use the following or similar

statement: “Correct before being used for animals regulated by the Animal Welfare Act.”

If you do **not** conduct an inspection,

- do not complete an inspection report
- send a memo to the Regional Office explaining why an inspection was not conducted

NOTE: This does **not** count as an inspection for RBIS.