

Refusal of Entry Related to Inspections and Investigations

Background: Under normal circumstances, entry into private facilities to conduct official government business is not challenged with the proper credentialing. CVB Inspection & Compliance (IC) Inspectors are provided the VS Form 1-4 Identification Card and a Veterinary Biologics (CVB) Inspector Badge which is uniquely numbered and assigned. These two forms of identification are considered official government issued identification and are to be used to obtain access to facilities for inspection and investigation purposes. In the event entry is challenged, follow these procedures.

REFUSAL OF ENTRY/ACCESS

If, after the Specialist or Inspector has made proper identification as stated in [ICSOP0013](#), Section 5.1, the firm denies the Specialist or Inspector access to the licensed premises, to areas of the premises or to documents that are germane to the inspection, then the following should be initiated:

Specialist or Inspector Ensure you do have the authority to see the premises, area or document.

Explain your authority to inspect (Section 157 of Title 5, U. S. Code and 9 CFR Part 115). Be polite, assertive and patient, but not belligerent. If possible, explain this in front of another APHIS employee acting as a witness.

Notify the IC Director or the CVB Compliance Section Leader, if the firm still denies you access.

Follow the directions of the IC Director or Section Leader. If a witness was not present during the explanation of the authority to inspect, you may be advised to contact the VS Area Office and arrange for an APHIS witness to accompany you for another attempt to gain access. The CVB office can assist with contacting other APHIS personnel per guidance from the IC Director or Compliance Section Leader.

IC Director or Compliance Check that the Specialist or Inspector was properly identified to the firm.

Section Leader Check that the premises, area or document is under APHIS authority to inspect. Depending on the circumstances and seriousness of the situation, the IC Director will decide what procedures are to be followed and coordinate all activities. Some options available are:

1. Call the liaison or the person in charge of the firm. Discuss the problem, explain the authority and generally try to convince the person to allow access.
2. If necessary, contact the Regional Director for Investigative & Enforcement Services (IES) or AVIC of the area and arrange for an APHIS witness to accompany the Specialist or Inspector for another attempt to gain access.
3. Issue a stop distribution and sale on all products until access is allowed.
4. Notify the CVB Director and contact USDA Office of General Counsel.
5. Keep the Specialist or Inspector informed of events.

ICWI0113.02

Issuing Authority: Steven A. Karli

Issue Date: 17Dec10

Expiration Date: 17Dec13

Source Document and Issue Date or Edition: ICSOP0013.01, *The Inspection Proper*

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