

How to Appeal an NR (Noncompliance Record)

What to do if inspection staff present an NR you believe is unjustified

Step One.

Ask for clarification from the inspector (if needed).

Step Two.

Review regulatory reference in Box 6 to ensure it is appropriate.

Step Three.

Investigate, gather information, and compare to NR description.

Photos, documentation (records, written programs, etc) and interview personnel close to the situation.

Step Four.

Determine which portion(s) of the regulations do not align with the situation.

Take notes of your interpretation of the regulation relative to your facility support (documentation, written programs, and other documented evidence).

Step Five.

File the appeal or an appeal to modify the NR.

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Communication Musts:

- Stay professional
- Only use facts
- Focus on policy, not personality
- Don't be afraid to ask clarifying questions

Pro Tip:

If the USDA inspector informs you that they are going to write an NR, act quickly to discuss your perspective, and support as to why there is not non-compliance, which may then change the need to issue an NR.



BY AMERICAN MEAT SCIENCE ASSOCIATION

Document developed in consultation with the Meat Institute. For further information, email info@meatinstitute.org or call (202) 587-4200.

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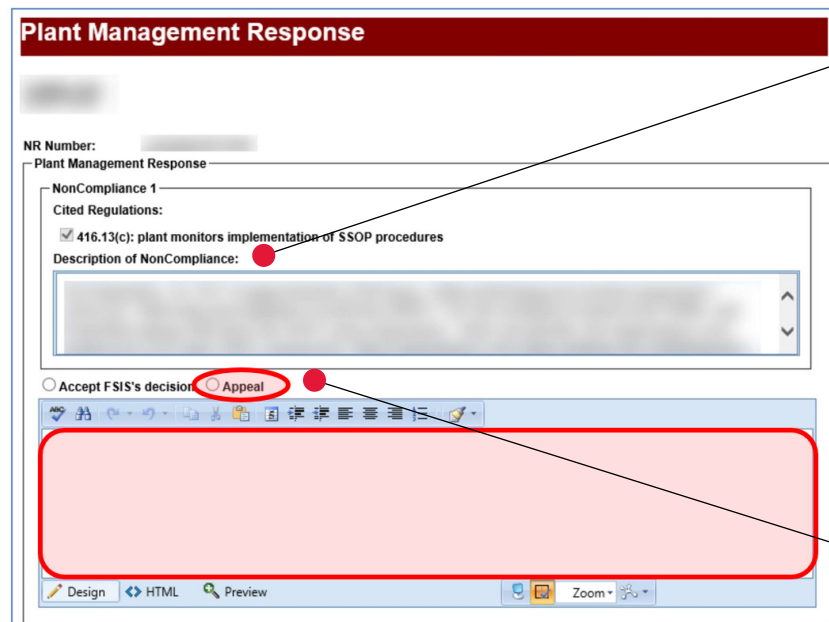
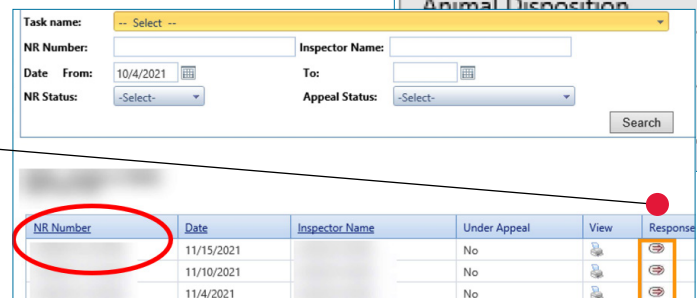
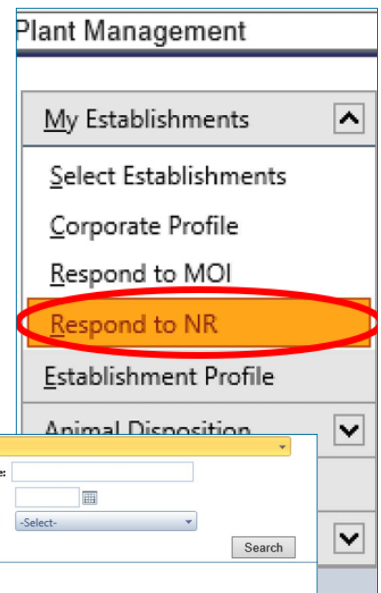
How to Appeal

Appeal or appeal to modify if inappropriate or redundant citations are used

- Cite most relevant CFR only. Multiple CFRs cited = red flag
- See Directives 5000.1 & 5000.4 to understand when multiple CFRs may be listed
- Most common incorrect citations: SPS 416.1 & 416.4(d); SSOP 416.13(a), 416.13(b), 416.14, 416.15; HACCP 417.2(a), all 417.3 (monitoring failure/deviation)

The plant may submit appeals to NRs electronically through PHIS Public Health Information System, or it can present them either in writing or orally for any inspection decision.

Find your establishment and then "Respond to NR". Locate NR Number and then hit arrow under "Response".



Compare USDA's written description to the evidence gathered:

- Any discrepancies/inaccuracies?
- Failure to reflect company programs/procedures?
- Overstate/exaggerate the significance of findings?
- Inflammatory or irrelevant information?
- Speculation or opinion?

If "yes" to any of the above appeal or appeal for a request to modify for accuracy.

On the plant management response page, you have the option to select 'Accept FSIS's decision' or 'Appeal' option and enter written response in the text box.



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