**Guidelines for Writing Non-Compliance Records**

**Block 6-Relevant Regulations**

 -Are relevant regulations cited?

 -Are cited regulations specific (ex. 416.15)?

 -Are other appropriate related regulations cited?

NOTES:
\*Never cite 416.1 as a non-compliant regulation unless the inspector determines that insanitary conditions have been occurring on an ongoing or systematic basis. If documenting an NR under a Beef Sanitary Dressing task, 416.1 would automatically be cited because you determined that there was a systematic failure in sanitary dressing procedures.

\*Do not cite 416.4(a) on NRs related to inspected products.

**Block 8-Inspection Task**

-Is the name of the inspection task the correct task to document the non-compliance, activity and process?

**Block 9-Verification Activity**

-Are the verification activity/activities selected relevant to how the inspector performed the task?

-Was there any affected product?

-Was any product, equipment, room, etc. tagged? If so, place the retain/reject tag numbers in this section.

**Block 10-Description of Non-Compliance**

A) Description

-What activity was being performed at the time of the finding? (For example, “While performing the recordkeeping component of the pre-operational sanitation procedures, I observed…”)

-Are the time and location specified?

-Description of the regulatory non-compliance?

-What is it?

-What does it look like?

-How big is it?

-How many?

-When describing the findings of non-compliant equipment, after naming the equipment that is dirty put whether or not the item is a food contact surface, incidental food contact surface or non-food contact surface in parentheses. (i.e. 2 fat specks approximately 1/8”x1/8” in size found on the boning knife (Food Contact Surface))

-An incidental food contact surface is one that product doesn’t contact, however, items that contact the product may contact the incidental surface. (i.e. An employee touches the cooler handle, walks into the cooler, then touches the handle again to close the cooler and then proceeds to go back to handling product. The door handle doesn’t directly contact product, but the employees’ hands/gloves will contact product.)

-Does the description of the non-compliance correspond to the cited regulation?

-Do any of the establishment plans/programs address the finding?

-Do not state your opinion in the description, only state facts.

B) Linkage

-Should the non-compliance be linked to a previous non-compliance written?

-Non-compliances can be linked when the inspector determines similar causes were the reason for each non-compliance.

-Link non-compliances within a reasonable time frame. Link those two months apart and newer OR if your establishment meets the below exceptions:

-If you inspect at an establishment that does not operate often, but you are continuously writing NRs with similar causes.

-If you are continuously writing NRs with quarterly tasks that have similar cause.

-If you write a similar NR every year around the same time due to similar causes. (I.e. every April you have to write an NR due to condensation with similar cause)

-If you have questions about linking contact your area supervisor.

-Place the applicable statement (1 or 2) below in Block 10 if you link/associate NRs.

1) If corrective actions needing met include preventative measures (i.e. Operational SSOP, HACCP) use the below statement:

“This non-compliance was linked to a previous NR (NR # here) on (date of previous NR here) due to the same or similar cause and corrective actions (include what corrective actions the establishment took here) being ineffective in preventing the reoccurrence. This document serves as written notification that the failure to comply with regulatory requirements could result in additional regulatory and/or administrative action.”

2) If corrective actions needing met DO NOT include preventative measures (i.e. SPS or Pre-Op SSOP) use the statement below:

“This non-compliance was linked to a previous NR (NR # here) on (date of previous NR here) due to the same or similar cause and corrective actions (include what corrective actions the establishment took here) being ineffective. This document serves as written notification that the failure to comply with regulatory requirements could result in additional regulatory and/or administrative action.”

C) If the establishment is a State plant always include the following in the description of the NR:

-Poultry non-compliance: This represents non-compliance with 9 CFR (insert regulation number(s) here) and Chapter 106, Articles 49 D of the North Carolina Poultry Products Inspection Act.

-Meat non-compliance: This represents non-compliance with 9 CFR (insert regulation number(s) here) and Chapter 106, Articles 49 B&C of the North Carolina Compulsory Meat Inspection Law.

-Meat & Poultry non-compliance: This represents non-compliance with 9 CFR (insert regulation number here) and Chapter 106 of the general statutes of NC in accordance to articles 49 B, C & D of the NC Compulsory Meat Inspection Law and NC Poultry Products Inspection Act.

**Block 11-Signature of Inspection Program Employee**

-Was the NR signed by the person that found the non-compliance?

**Block 12-Establisment Management Response**

-Did the plant respond with appropriate corrective actions for HACCP (9 CFR 417. 3)?

-Did the plant respond with appropriate corrective actions for SSOP (9 CFR 416.15)?

NOTE: The establishment is not required to respond in writing to an **NR**. However, doing so may assist the establishment by creating a written record. When inspection program personnel document noncompliance, the establishment must comply with regulatory requirements by correcting the noncompliance or contesting the validity of the finding of noncompliance on the **NR**. In some situations, the establishment **response** will include documenting the corrective actions in the establishment Sanitation SOP or HACCP records. (AskFSIS question updated 11/16/2016)

**Block 13 & 14-Signature of Establishment Management & Date**

-Did the plant official sign and date the non-compliance?

**Block 15-Verification Signature of Inspection Program Employee & Date**

-Did the inspector verify that the establishment implemented the corrective actions or correct the non-compliance?

-Are the corrective actions taken reasonable and effective?

**In PHIS:**

-**Finalize** your NR once it is ready to give to plant management but make sure you notify the establishment prior to finalizing the non-compliance (a lot of plant managers receive the email notifications for non-compliance records and once they are finalized the email automatically sends).

-**Complete** your NR once all appropriate corrective actions have been taken/issues have been resolved; it is best to **complete** them after you have received plant’s managements final signature of completion.