

Commonly Asked Questions from Small and Very Small Plants Regarding Noncompliance Records (NR) (1)

Question 1a: When should inspection program personnel write a noncompliance record (NR)?

Answer 1a: A NR is to be completed whenever inspection program personnel determine that an establishment has failed to meet one or more regulatory requirements.

Question 1b: Do Enforcement Investigation and Analysis Officers (EIAO) write NRs, or do they instruct inspection program personnel to write them?

Answer 1b: It is not the role of an EIAO to issue an NR or to instruct inspection program personnel to issue an NR. However, EIAOs can recommend that inspection program personnel write an NR to document regulatory noncompliance observed during a Food Safety Assessment.

Question 2: Is there a specific number of NRs that inspection program personnel are supposed to write?

Answer 2: No, inspection program personnel will document only the regulatory noncompliances that they observe on NRs.

Question 3: How much time can pass before an NR should not be linked to another NR?

Answer 3: Inspection program personnel should consider several factors in deciding whether to link NRs including whether:

- the noncompliance is from the same cause
- a trend is developing
- the establishment's further planned actions were not implemented
- the establishment's further planned actions were not effective in reducing the frequency of the noncompliances (if there was a substantial period of compliance since previous NR)
- the establishment finds it necessary to continue to evaluate and implement measures to address recurring noncompliances on an ongoing basis

If any of these factors apply to the situation, NRs can be linked without regard to time limitations.

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Question 4: Are all NRs with the same procedure code linked?

Answer 4: No, NRs are linked because they involve the same cause. The procedure code is used to record the information into the PBIS system.

Question 5: Is there a set number of NRs that should be linked before the Agency takes further enforcement action?

Answer 5: No, there is no defined number of NRs that could or should be linked before FSIS takes enforcement action.