

REVISION 01
OPI: RP/CP

8040.1 REPORTS of APPARENT VIOLATIONS 6/22/94

REPORTS OF APPARENT VIOLATIONS

I. PURPOSE

This directive provides guidance for documenting reports of apparent violations of the Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA) and related laws and regulations.

II. CANCELLATION

FSIS Directive 8040.1, dated 9/23/83

III. REASON FOR REISSUANCE

This directive has been rewritten in its entirety to reflect updated reporting procedures.

IV. REFERENCES

Federal Meat Inspection Act
Poultry Products Inspection Act

V. POLICY

A FSIS Form 8000-8, Review and Compliance Record, referred to as the Planned Compliance Program (Attachment 1), is used to report minor or technical violations of the FMIA and PPIA. FSIS Form 8050-1, Report of Apparent Violation, (Attachment 2) is used to report findings and incorporate evidence obtained to support criminal, civil or administrative actions. The officers in charge of the Compliance Area Offices have the discretion to deviate from the use of the FSIS Form 8050-1 format in favor of a modified report of investigation when deemed necessary.

VI. PREPARATION OF FORMS

A. FSIS Form 8800-8 is prepared as follows when documenting minor or technical violations of the FMIA and PPIA:

1. Place an "L" in the "STATUS" block of Part I.

2. Include a Predication, a brief paragraph and the firm's compliance history in the block marked "SOURCE(S) OF INFORMATION."

3. Include, at a minimum, FSIS Form 8050-2, Shipper's or Receiver's Certification (Attachment 3), obtained from each firm involved in the violation and the Compliance Photographic Report, when submitting photographs as violation exhibits.

B. FSIS Form 8050-1 is prepared for cases requiring Washington Headquarters disposition. Each block must have an entry and the information contained therein should be accurate, concise, and specific. The narrative section of the report will consist of the following:

1. Predication - which states briefly how the Compliance Program became involved in the matter.

2. Synopsis of Facts - which states in concise terms the who, what, when, where and why of the violation.

3. Compliance History - which shows any past violation.

4. List of Exhibits - exhibits will be numbered and listed in numerical order on FSIS Form 8000-7, Compliance Exhibit Sheet. (Attachment 4). The exhibits may include shipper's or receiver's certifications, photographs, invoices, labels, laboratory report forms, shipping papers, storage records, delivery tickets, transfer records, bills of lading, signed statements, detention forms, flow charts, and information on organizational structures.

VII. DISTRIBUTION OF REPORTS

Completed reports are forwarded through channels to the Compliance Officer In Charge for disposition. FSIS Form 8050-1 and modified reports of violation are forwarded through supervisory channels to the Director, Evaluation and Enforcement Division, Compliance Program, Regulatory Programs, for appropriate action.

Robert W. Gonter
Deputy Administrator
Regulatory Programs

Attachments

- 1 -- FSIS Form 8000-8, Review and Compliance Record
(Reference to 8040.1, Rev.1, dated 6/22/94)
- 2 -- FSIS Form 8050-1, Report of Apparent Violation
(Reference to 8040.1, Rev.1, dated 6/22/94)

- 3 -- FSIS Form 8050-2, Shipper's or Receiver's
Certification
(Reference to 8040.1, Rev.1, dated 6/22/94)
- 4 -- FSIS Form 8000-7, Compliance Exhibit Sheet
(Reference to 8040.1, Rev.1, dated 6/22/94)

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