

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

8030.1

11/21/12

COMMUNICATING WITH THE OFFICE OF INSPECTOR GENERAL (OIG)

I. PURPOSE

This directive provides instructions for the Food Safety and Inspection Service (FSIS) employees on communication between FSIS and the Office of Inspector General (OIG) regarding investigations and enforcement activities. FSIS previously issued these instructions in FSIS notices. This directive does not apply to OIG audits.

II. BACKGROUND

A. OPEER and OIG investigate complaints and allegations concerning possible violations of the laws and regulations that FSIS is delegated authority to implement. Both entities also initiate or refer investigative information to the appropriate United States Attorney's (USA) Office for civil or criminal sanctions, or for other legal action.

B. FSIS and OIG signed a Memorandum of Agreement (MOA), dated May 23, 2008, that recognizes the Assistant Administrator (AA), Office of Program Evaluation, Enforcement and Review (OPEER) as the primary liaison between FSIS and OIG. The MOA is available at: [MOA- OIG/FSIS](#).

C. Under the MOA, FSIS and OIG:

1. Share information pertaining to investigations and enforcement actions;
2. Work cooperatively to ensure efficient use of resources; and
3. Conduct joint investigations, enforcement actions, and other collaborative operations.

III. OPEER LIAISON

Under the MOA:

1. The Director, Compliance and Investigations Division (CID), is designated as the primary liaison officer to OIG for all civil and criminal investigations. The Director provides oversight of CID regional directors who serve as liaisons for civil and criminal investigative activities within their specific regions of the country;
2. The Director, Evaluation and Enforcement Division (EED), is designated as the primary liaison officer for all criminal and civil enforcement actions pertaining to FSIS cases and joint OIG-FSIS cases; and
3. The Director, Internal Control and Audit Division (ICAD), is designated as the primary liaison officer for all personnel misconduct investigations and is the coordinator for OIG and FSIS MOA terms.

NOTE: See [FSIS OIG Liaison Officers](#) for a list of key CID, EED, and ICAD contacts.

IV. RESPONSIBILITY

A. When a potential regulatory or food safety violation that may involve the OIG is detected, FSIS employees are to report the matter to their supervisors. Employees may also contact the OIG directly to report criminal activities.

B. Under the MOA, FSIS supervisors are to communicate and coordinate with the designated OPEER liaison during investigation and enforcement activities involving the OIG. Provision 5 of the MOA, lists the following for which OIG involvement is necessary:

1. Alleged criminal acts involving the illegal slaughter of dead, down, diseased, or disabled animals or the processing, sale, offer for sale, or transportation of any meat and poultry products derived from such animals;
2. Circumstances relating to official misconduct or job-related activity by any full-time or part time employee of FSIS where the substantiation of the alleged misconduct by that employee could lead to a penalty of removal or criminal prosecution;
3. Circumstances involving cases of alleged criminal theft, fraud, or violations of Federal criminal statutes by FSIS employees;
4. Extortion;
5. Circumstances requiring investigation of FSIS issues where the mere appearance of a conflict of interest would necessitate that OIG conduct the investigation;
6. Violations of the Federal Anti-Tampering Act;
7. Matters that are likely to require the use of special investigative techniques (i.e., execution of search warrants, consensual monitoring, extraordinary surveillance, or undercover activities);
8. Food Defense incidents involving large-scale foodborne illness outbreaks potentially caused by intentional contamination of the Nation's food supply with threat agents. FSIS will coordinate such incidents with OIG's Emergency Response Team, where appropriate;
9. Cybersecurity incidents that require forensic examination of Information Technology ((IT) assessor data or seizure of equipment not located on FSIS or U.S. Government premises; and
10. Any other matters wherein FSIS believes that OIG involvement or assistance will better serve the interests of the Department.

NOTE: Significant incidents that may adversely affect food security or public health are to be reported through the FSIS Incident Management System. [FSIS Directives 5500.2](#) provides examples of significant incidents and outlines the procedures that the Emergency Management Committee is to follow while managing significant incidents.

C. All FSIS supervisors and employees are to cooperate fully with OIG in the conduct of investigations. Employees are to respond to questions truthfully, under oath when required, whether orally or in writing. If an employee is the subject of an investigation, the investigator will inform the employee, at the appropriate time, of his or her rights and the implications of waiving those rights, according to [FSIS Directive 8021.1](#),

Investigative Methodology for Conducting Misconduct, OIG Hotline, and Other Investigations and USDA DPM Chapter 751, Subchapter 3. [USDA DPM Chapter 751, Subchapter 3](#), Agency Investigations of Employee Misconduct.

V. ADDITIONAL INFORMATION

A. This directive does not create any rights, privileges, or benefits, either substantive or procedural, enforceable in any administrative, civil, or criminal matter; nor does it limit any rights, privileges, or benefits that the Federal government may provide in such matters.

B. Employees are to report waste, fraud, abuse, or mismanagement to the OIG pursuant to the provisions of the Whistleblower Protection Act of 1989 and the Inspector General Act of 1978. Contact information for the OIG is available on its website at <http://www.usda.gov/oig/contact.htm>. The OIG may be contacted via the telephone at:

TDD: (202) 720-3090
Hotline: (800) 424-9121
Hotline Local: (202) 690-1622
Hotline TDD: (202) 690-1202

C. Upon receiving notification of a physical assault, harassment, interference, intimidation, or threat upon an employee, management officials are to follow the instructions in [FSIS Directive 4735.4](#), Reporting Assault, Harassment, Interference, Intimidation or Threat and are to inform the Chief, Investigations Branch –East or West, or Director, ICAD, via telephone or e-mail.

Refer questions through supervisory channels.



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