

<b>INSPECTION APPEALS PROCESS</b>	If the licensee has a concern about any findings on the inspection report, the inspection appeals process should be used to resolve the dispute.
<b>Procedure</b>	<p>A licensee may <b>not</b> make written comments about the inspection findings on the inspection report.</p> <p><i>Prior to Finalizing the Inspection Report</i> If a licensee has questions or concerns about a noncompliant item(s) cited on the inspection report, you, the inspector, should:</p> <ul style="list-style-type: none"><li>• at the exit briefing, take time to adequately explain why the noncompliance was cited</li><li>• if you and the licensee resolve the disagreement, amend the citation</li><li>• if the dispute cannot be resolved:<ul style="list-style-type: none"><li>➤ inform the licensee of the next step in the appeals process</li><li>➤ give the licensee a copy of the appeals process letter (see page 7.8.4)</li></ul></li></ul> <p>If there was an unresolved disputed noncompliance:</p> <ul style="list-style-type: none"><li>• finalize the inspection report</li><li>• inform your SACS that there may be an appeal of a noncompliance(s) cited on the inspection report</li></ul> <p><i>After Finalizing the Inspection Report</i> If a licensee has questions or concerns about a noncompliant item(s) cited on the inspection report, you, the inspector, should:</p> <ul style="list-style-type: none"><li>• if requested, meet with the licensee again to discuss the noncompliance</li><li>• if you and the licensee resolve the disagreement on the noncompliance, you should:<ul style="list-style-type: none"><li>➤ generate an amended inspection report (see page 7.8.2)</li><li>➤ inform your SACS of the resolution</li><li>➤ give or send (by certified mail) a copy of the amended inspection report to the licensee</li><li>➤ send a copy of the amended inspection report to the Regional Office</li></ul></li></ul>

- if the dispute cannot be resolved:
  - inform the licensee of the next step in the appeals process
  - give the licensee a copy of the appeals process letter (see page 7.8.4)
  - inform your SACS that there may be an appeal of a noncompliance(s) cited on the inspection report

If the licensee's appeal of a noncompliance is determined to be valid, i.e., a citation is to be modified or deleted, a new, amended inspection report will be generated in LARIS either by the original inspector or the SACS, as determined by the SACS.

If the licensee's appeal of a noncompliance is determined to be invalid, a letter will be written by the SACS to the licensee informing him/her of the decision. The inspector will receive a copy of the letter.

NOTE: Inspection appeals should **NOT**:

- delay reinspection of direct noncompliances
- interfere with efforts to ensure that the immediate welfare needs of the animals are met

**Amended  
Inspection Report**

The amended inspection report should:

- be dated the date that the actual inspection was conducted in "Inspection Date"
- be dated the date that the amended inspection report was signed or sent to the licensee/registrant in the "signature block"
- cite any noncompliances that were modified on appeal
- cite the noncompliances that were not appealed or overturned on appeal. NOTE: The citation on the amended inspection report must be identical to the citation on the original inspection report.
- contain the statement: "This is an amended report of inspection report (*LARIS inspection "id" codes of original inspection report*)."

If the inspector generates the amended inspection report, he/she should send a copy of the inspection report:

- to the licensee by certified, return receipt mail
- to the Regional Office

If the SACS generates the amended inspection report, he/she should send a copy of the inspection report:

- to the licensee by certified, return receipt mail
  - to the inspector
  - to the Regional Office
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Dear Licensee or Registrant:

Animal Care (AC) understands that at times there may be concerns about findings noted on inspection reports. It is in the best interest of you (the facility), AC, and, above all, the welfare of the animals to resolve disputes quickly and cooperatively. AC hopes the following process will achieve that goal.

If you have questions or concerns regarding the findings on an AC inspection report, you should:

1. Discuss the area in question with the inspector. You may have this discussion during the inspection or call your inspector later. Take sufficient time to clarify the areas of disagreement and, if necessary, your inspector can set up an appointment to meet with you again to discuss issues. Most concerns and questions can be resolved in this first step.
2. If questions or concerns persist, send a written description of the areas of concern to the Supervisory Animal Care Specialist (SACS) in your regional office. The SACS will review your concerns and determine if errors or misinterpretations were made by the inspector that need correction. If appropriate, an amended inspection report will be issued. As noted above, AC realizes that disagreements are a natural part of regulatory oversight, and inspectors understand that regulated facilities have the right to appeal inspection findings. An appeal of inspection findings will never result in reprisal against the facility by any AC employee.
3. If areas of disagreement persist, contact your regional director. He or she will consider the issues and seek review from the AC headquarters staff, if appropriate.
4. If the matter is still unresolved to your satisfaction, send your concerns to me, AC Deputy Administrator, at the Headquarters address below.

For more information about this process or compliance inspections, please contact your AC regional office. Other information about AC is available from our website and you may send questions or comments to our e-mail address, both shown below.

Chester Gipson  
Deputy Administrator  
Animal Care

**Headquarters**  
USDA/APHIS/AC  
4700 River Road, Unit 84  
Riverdale, MD 20737  
Phone: (301) 734-7833  
Fax: (301) 734-4978

**Eastern Region**  
USDA/APHIS/AC  
920 Main Campus Drive  
Suite 200, Unit 3040  
Raleigh, NC 27606  
Phone: (919) 855-7100  
Fax: (919) 855-7123

**Western Region**  
USDA/APHIS/AC  
2150 Centre Ave.  
Building B, Mailstop 3W11  
Fort Collins, CO 80526  
Phone: (970) 494-7478  
Fax: (970) 494-7460

**E-mail**  
ace@usda.gov

**Internet Homepage**  
www.aphis.usda.gov/ac

