

**ENFORCEMENT
ACTIONS**

An enforcement action should be recommended for all multiple, severe or repeat violations of the Animal Welfare Act.

You **must** recommend an enforcement action with any inspection report containing a severe or repeat noncompliant item(s).

You **may** recommend an enforcement action with any inspection report for which you want some action taken, such as:

- a chronic/recurring noncompliant item
- a direct noncompliant item
- multiple noncompliant items

See “Enforcement Action Guidance for Inspection Reports” flowchart on page 9.3.4.

NOTE: The enforcement action that you recommend should be one that you believe will gain compliance.

The enforcement action recommendation should:

- be submitted following your Region’s procedure (**not in the inspection report narrative**)
- contain an explanation as to why you are recommending that action
- include all photographs taken of animal-related noncompliances, if appropriate. **NOTE:** Photos are required for a 7060, stipulation, or OGC prosecution. If the registrant or representative refuses to allow you to take photos of noncompliances, cite under 2.38(b)(v).
- include copies of records for record-related noncompliances, if appropriate, such as:
 - ▶ to document activities requiring a registration or license
 - ▶ when you believe that the records may “lost” or altered after you leave the facility
 - ▶ for traveling exhibitors
 - ▶ at auction markets
 - ▶ at airports

NOTE: You can only request one enforcement action at a time.

The following are enforcement actions that you may recommend and guidelines to help you choose the appropriate enforcement action:

- **No action**

- ▶ registrant making clear progress toward compliance
- ▶ no critical or direct NCIs
- ▶ a small number of minor repeat NCIs
- ▶ no animals in jeopardy
- ▶ no previous enforcement actions
- ▶ expect registrant to achieve compliance on next inspection

NOTE: A Letter of Information (LOI) may be requested, if used by your Region, if you believe that no action is inappropriate but a 7060 is too harsh. However, an LOI is **not** an enforcement action.

- **Official Warning (APHIS Form 7060):**

- ▶ registrant making slow to no progress toward compliance, i.e., repeat or chronic minor NCIs
- ▶ one or more critical or direct NCIs
- ▶ multiple severe or moderate NCIs
- ▶ animal health not in serious jeopardy
- ▶ no enforcement actions in last three years

- **Stipulation**

- ▶ registrant making no progress toward compliance
- ▶ one or more critical or direct repeat NCIs
- ▶ multiple severe repeat NCIs
- ▶ animals in jeopardy
- ▶ enforcement actions in last three years
- ▶ previous enforcement actions for the noncompliance(s) have not been effective in gaining compliance

Note: Issuance of a stipulation may require an IES investigation.

- **OGC Prosecution**

- ▶ registrant blatantly making no progress toward compliance
- ▶ one or more critical or direct repeat NCIs

- ▶ multiple severe repeat NCIs
- ▶ animals in jeopardy
- ▶ enforcement actions in last three years
- ▶ previous enforcement actions for the noncompliance(s) have not been effective in gaining compliance

Note: OGC prosecution will require an IES investigation.

You should continue to conduct routine inspections regardless of on-going enforcement actions.

