

## Appeals Process

The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) enforces the Animal Welfare Act (AWA) primarily through inspections of regulated facilities.

APHIS' Animal Care program understands that at times there may be concerns about findings noted on inspection reports. It is in the best interest of the facility, Animal Care, and, above all, the welfare of animals to resolve the disputes quickly and cooperatively. To resolve disputes over inspection report findings, Animal Care has established the following appeals process:

1. If the inspector observes during an inspection that a facility is not in full compliance with the AWA requirements, the inspector will explain to the facility operator the deficiencies noted. If the facility operator has questions or concerns about the findings noted by the inspector, the facility operator should bring the issue up with the inspector during the exit briefing. If the facility and the inspector resolve the dispute at that time, the citation will be amended before the inspection report is finalized.
2. After the inspection report is finalized, a facility operator should contact the inspector as soon as possible to discuss questions and concerns with the inspection report findings. If the facility operator and the inspector resolve the dispute, the citation will be modified, and an amended inspection report will be generated. If Animal Care does not receive an appeal within 21 days of the date of the finalized inspection report, the finalized inspection report will be posted online.
3. If the facility operator and inspector are unable to resolve disputes over inspection report findings, the facility operator should send a written description of the areas of concern to the Supervisory Animal Care Specialist (SACS) in the appropriate Animal Care regional office. The SACS will review the facility operator's concerns and determine if errors or misinterpretations were made that require correction. If appropriate, an amended inspection report will be issued. If an appeal is received before the end of the 21-day appeal period, the report will not be posted until after the appeal is resolved. If an appeal is received after the 21-day appeal period, the report will be removed from the Web site until the appeal is resolved. If the report is amended, only

the final report will be posted to the Web site. Once amended, the original report is no longer valid, and the amended report becomes the final determination of compliance by APHIS.

4. If the facility operator is unable to resolve disputes over inspection report items with the inspector or the SACS, the facility operator may then contact the Animal Care Regional Director. The Regional Director will consider the issues and, if needed, seek review from Animal Care headquarters and the Animal Care Deputy Administrator. If appropriate, an amended inspection report will be issued, or the findings of the original inspection report will be affirmed. If after 30 days the facility operator does not make an additional appeal to the Regional Director, either the amended or the original inspection report will be posted online.
5. Inspection reports under appeal will not be posted online until the entire appeals process is complete.

As noted, Animal Care realizes that disagreements are a natural part of regulatory oversight, and inspectors understand that regulated facilities have the right to appeal inspection findings. Animal Care is committed to ensuring that the inspection report review and appeals process is objective, rigorous, and does not result in reprisal against any AWA-regulated facility.

### Additional Information

For more information about the AWA inspection report appeal process, please contact APHIS' Animal Care regional offices at:

#### Eastern Region

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