



FSIS ENFORCEMENT OPTIONS: Divided into 3 Groups



The three groups or classes of enforcement actions as defined in the regulations are: regulatory control action, withholding action, and suspension. Each is defined in 9 CFR 500.1



A “**regulatory control action**” is the retention of product, rejection of equipment or facilities, slowing or stopping of lines, or refusal to allow the processing of specifically identified product



A “**withholding action**” is the refusal to allow the marks of inspection to be applied to products. A withholding action may affect all product in the establishment or product produced by a particular process.



A “**suspension**” is an interruption in the assignment of program employees to all or part of an establishment.



ENFORCEMENT OF NONCOMPLIANCE (NR) in Humane Handling

NR without injury to animals



IPP may observe noncompliance with 9 CFR 313 that must be acted upon, even though the noncompliance does not cause animals to be injured, to be in pain, or to be under excessive excitement or discomfort (e.g., failure to provide access to water).

Inhumane Slaughter or handling causing injury or distress but not of an egregious nature



Non-egregious inhumane slaughter or handling can lead to animals being injured, being exposed to unnecessary pain, or to excessive excitement or discomfort (e.g., non-egregious stunning effectiveness failures or driving animals too fast and causing a few to slip and fall) and is a noncompliance with appropriate sections of 9 CFR 313.

Inhumane Slaughter or handling of an egregious nature



An egregious situation is an act or condition that results in severe harm to animals. If FSIS finds that an egregious inhumane slaughter or handling noncompliance has occurred, FSIS will move to an enforcement action.



Poultry GCP Noncompliance & Mistreatment of Poultry



MOIs Written when:



From a regulatory perspective, **adherence to GCP is a process control issue and not a bird-by-bird performance standard issue**. If IPP cannot support a loss of process control by an establishment, they are to document poultry mistreatment in MOIs. IPP are to write MOIs for noted GCP problems as outlined in the GCP Directive, FSIS Directive 6110.1.



GCP NR Written when:



IPP are to write NRs for GCP noncompliance only when they can demonstrate that an establishment has lost process control and there is an ongoing pattern or trend of birds dying other than by slaughter. An NR is also appropriate if the birds are not being appropriately bled out, with the establishment's handling practices resulting in the production of adulterated product [9 CFR 381.1(b)(v) and PPIA 21 U.S.C. 453(g)(5)].