

Notice of Intended Enforcement (NOIE)

9 CFR 500.5 (b) the prior notification (NOIE) provided for in Sec. 500.4 of this part will:

- (1) State the type of action that FSIS may take
- (2) Describe the reason for the proposed action
- (3) Identify the products or processes affected by the proposed action
- (4) Advise the establishment of its right to contact FSIS to contest the basis for the proposed action or to explain how compliance has been or will be achieved; and
- (5) Advise the establishment that it will have three business days from receipt of the written notification to respond to FSIS unless the time period is extended by FSIS.

If the IIC believes that a withholding or suspension seems to be warranted, he or she discusses the noncompliance situation with the Frontline Supervisor and the District Office, and requests that an NOIE be issued to the establishment. An NOIE is issued for noncompliances that do not pose an imminent threat to public health, but, that may warrant a withholding or suspension if not corrected. The Notice of Intended Enforcement (NOIE) will be issued to the plant by the District Manager (DM).

A NOIE provides notification to an establishment that there is a basis for FSIS to withhold the marks of inspection or to suspend inspection. The NOIE must contain specific information including the action FSIS intends to take and the effective date of the action, the reason for the proposed action, and the operations, products, or processes affected. The NOIE provides the establishment an opportunity to present immediate corrective action and further planned preventive action. The NOIE also notifies the establishment that it has three business days to contest the basis for the proposed enforcement action or to demonstrate how compliance has been or will be achieved. This means that in the absence of a response from the establishment which includes the information requested, FSIS will take an enforcement action in three days.