

Noncompliance

Completing the Continuation Sheet for the Noncompliance Record (NR), FSIS Form 5400-4

In addition to the NR, there is a Continuation Sheet, FSIS Form 5400-4a, that is used only when inspection program personnel need extra space, or when multiple inspection program personnel conduct verification of pre-operational sanitation inspection procedures in elements 01B and 01C. When using the NR Continuation Sheet for extra space, inspection program personnel can just check the box next to the word "Attachment" in the top right corner of the sheet, and complete blocks 1-3, 10, 11, and 12.

General Procedures Documenting SPS Noncompliance

You perform ISP procedure 06D01 to verify compliance with the SPS regulations. Noncompliance is the failure of an establishment to meet one or more regulatory requirements. Every time you find that the establishment is not meeting the SPS requirements, you should document the noncompliance on an NR. You should not allow the plant to address noncompliance without documenting it. The **Food Safety** block is checked on the NR.

Note: When you find noncompliance with more than one SPS regulatory requirement during the performance of procedure 06D01, you should document **all** noncompliance on **one** NR. Likewise, when you find noncompliance with a SPS regulatory requirement and a SSOP regulatory requirement during the performance of procedure 06D01, you should document **all** noncompliance on **one** NR but in this case you will record the appropriate SSOP procedure code and trend indicator rather than procedure 06D01 and an SPS trend indicator.

When you find noncompliance with a SPS regulatory requirement and a HACCP regulatory requirement during the performance of procedure 06D01, you should document **each** noncompliance on an NR. Document the HACCP noncompliance on one NR using the appropriate HACCP procedure code and trend indicator. Document the SPS noncompliance on another NR under the 06D01 procedure code and appropriate SPS trend indicator.

There are **four trend indicators** associated with procedure 06D01. Those trend indicators are lighting, structural, outside premises, and product based. Only one of these trend indicators can be used for each NR issued. If more than one trend indicator applies, you should use the most appropriate one to describe the noncompliance. If the determination has been made that there is regulatory noncompliance, you must include the regulation citation in block 6 of the NR.

Selecting the lighting trend indicator

The lighting trend indicator is used when there is noncompliance with lighting requirements. If an inoperable light causes the quality or intensity of lighting to be inadequate to determine whether the products are being processed, handled, stored, or examined under sanitary conditions, and thus whether the product is not adulterated, the

lighting trend indicator should be marked on the NR.

Selecting the structural trend indicator

The structural trend indicator is used when structural regulatory requirements are not met. You should use the structural trend indicator when structural noncompliance is observed, such as holes in the wall, cracks or holes in the floor, or condensation on overheads that creates insanitary conditions or could result in product adulteration.

Selecting the outside premises trend indicator

The outside premises trend indicator is used when you find that the regulatory requirements for outside premises are not met. For example, you should use the outside premises trend indicator when you observe an accumulation of trash or rubbish outside the establishment that permits harborage and breeding of pests.

Selecting the product based trend indicator

The product based trend indicator is used when there is noncompliance involving product that does not result in misbranding, mislabeling, or direct product contamination that is covered by the SSOP requirements. For example, when you observe product from the previous day's production on a wall before the start of operations that creates an insanitary condition, you should use the product-based trend indicator.