

Regulatory Control Action

Regulatory control action is most commonly used by in-plant inspection personnel. This term refers to any action that inspection personnel take to control product or processes. Inspection personnel use regulatory control actions to identify regulatory noncompliance and prevent the movement of the product or use of the equipment or facility until the noncompliance has been corrected. A common example is the application of the FSIS reject/retain tag.

9 CFR 500.2 (a) FSIS may take a regulatory control action because of:

- (1) Insanitary conditions or practices;
- (2) Product adulteration or misbranding;
- (3) Conditions that preclude FSIS from determining that product is not adulterated or misbranded; or
- (4) Inhumane handling or slaughtering of livestock.

(b) If a regulatory control action is taken, the program employee will immediately notify the establishment orally or in writing of the action and the basis for the action.

(c) An establishment may appeal a regulatory control action, as provided in Secs. 306.5 and 381.35 of this chapter.

Regulatory control actions are taken when there is danger of adulterated, contaminated, misbranded, or hazardous product leaving the plant. Examples of such circumstances include:

- **Insanitary conditions** likely to result in contamination of product, such as a piece of equipment that contains residue from the previous day's production found during pre-op inspection.
- **Product adulteration**, such as condensation dripping directly into a bin of meat.
- **Conditions in the plant that prevent an inspector from deciding that product is not adulterated**, such as intensity of light being not adequate to determine whether product is adulterated.

Regulatory control actions are taken in situations that require immediate correction. It is not necessary to notify the establishment in advance. Once the action is taken, however, the Rules of Practice regulations require that the

inspection personnel taking the action immediately notify plant management. This can be done orally or in writing. The written notification will be a noncompliance record (NR). The NR documents the noncompliance, and the description should include any FSIS reject/retain tag numbers issued.

The regulations also specify that the establishment has the right to appeal a regulatory control action to the next level of FSIS supervision.