



Animal Care

www.aphis.usda.gov/animal_welfare

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Factsheet

USDA United States
Department of
Agriculture

Animal and Plant Health Inspection Service
APHIS 41-05-015



Appeals Process

Animal Care, a part of the U.S. Department of Agriculture (USDA), enforces the Animal Welfare Act primarily through inspections of regulated facilities. However, Animal Care understands that sometimes there may be concerns about what its inspectors cite on inspection reports. It is in the best interest of the involved facility, Animal Care, and, above all, the welfare of the animals to resolve any concerns over inspection findings quickly and cooperatively.

■ Goals

With this in mind, Animal Care has established a new process for licensees and registrants regulated under the Animal Welfare Act who wish to appeal something that has been cited on their USDA inspection report. The goal for this new process is threefold: to bring about quicker appeals resolutions; to maintain consistency in the appeals process; and to ensure that subject matter experts are involved in reviewing each appeal.

■ Revised Appeals Process

The revised appeals process is as follows:

- 1) During an inspection, if a USDA inspector observes that a facility is not in full compliance with Animal Welfare Act requirements, the inspector will cite the noncompliant item(s) on the inspection report and explain the citation(s) to the facility operator. If the facility operator has questions or concerns about the inspector's findings, the facility operator should bring the issue up with the inspector during the course of the inspection and/or during the exit briefing. If the matter is resolved at that time, the inspector will modify the citation, remove it altogether, or leave it as originally written.
- 2) If the facility operator and the inspector are unable to resolve the matter, or if the facility later decides to question the report, the facility operator should send a detailed, written appeal to the regional director in the appropriate Animal Care regional office. Animal Care must receive this appeal within 21 days of the facility receiving the finalized inspection report. If the appeal is received after the 21-day period, it will be rejected.
- 3) If no appeal is filed, Animal Care will make inspection reports publicly available on its Web site 21 days from the date they are finalized. If the inspection report is appealed, the inspection report will not be publicly available until a final decision on the appeal is made.
- 4) An Animal Care appeals team will review each appeal. Each team consists of a director from one region and an assistant director from the other region—plus an Animal Care field or staff veterinarian who serves as a subject matter expert, based on the specifics of the appeal. Within 3 weeks of receiving an appeal, the assigned team will either make a final decision or request more information. All decisions made by the appeals teams are final and represent USDA's final determination of compliance. If the inspection report is amended, only the final report will be made available online.

■ Commitment to Objectivity and Thoroughness

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 appeals process is objective and thorough, while not resulting in reprisal against any facility. The new appeals process is a way to streamline and improve decision making so that USDA Animal Care can better serve the regulated community, the general public, and the animals.

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■ Additional Information

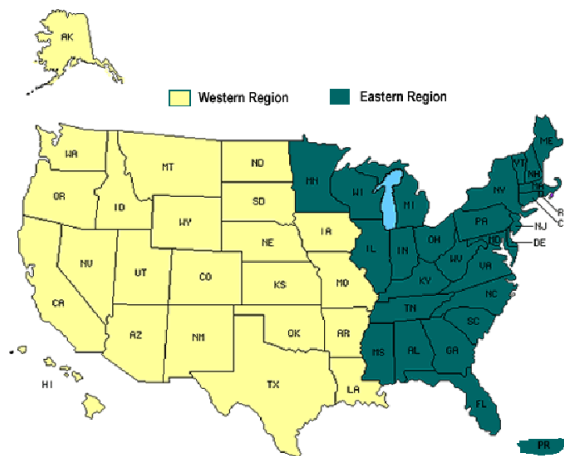
If you would like more information about the inspection report appeals process, or if you are a licensee or registrant seeking to file an appeal, please contact the appropriate USDA Animal Care regional office based on your geographic location:

Eastern Regional Office

USDA Animal Care
920 Main Campus Drive, Suite 200
Raleigh, NC 27606-5210
Phone: (919) 855-7100
Fax: (919) 855-7125
Email: aceast@aphis.usda.gov

Western Regional Office

USDA Animal Care
2150 Centre Avenue, Building B, Mailstop #3W11
Fort Collins, CO 80526-8117
Phone: (970) 494-7478
Fax: (970) 494-7461
Email: acwest@aphis.usda.gov



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