

**Chapter Twenty**  
**PREPARING INSPECTION REPORTS**

**Table of Contents**

	<u>Page</u>
<b>INTRODUCTION</b> .....	<b>20-1</b>
<b>PURPOSE OF WRITTEN REPORTS</b> .....	<b>20-1</b>
Communicate .....	20-1
Provide a Basis for Compliance Determination/Action .....	20-1
<b>FIVE STEPS IN WRITING A NARRATIVE REPORT</b> .....	<b>20-2</b>
Step 1 - Plan. ....	20-2
Step 2 - Organize the material .....	20-2
Step 3 - Write .....	20-2
Step 4 - Evaluate .....	20-2
Step 5 - Rewrite .....	20-3
Essentials of Good Reports .....	20-3
<b>CBI CONSIDERATIONS</b> .....	<b>20-4</b>
<b>REPORT FORMAT</b> .....	<b>20-5</b>
Exhibit 20-1: FIFRA Establishment Inspection Report .....	20-6
Exhibit 20-2: Example of Separate Memorandum of Inspector’s Findings .....	20-9
Exhibit 20-3: FIFRA Use Investigation Report .....	20-10

# PREPARING INSPECTION REPORTS

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## INTRODUCTION

The inspector is EPA’s “eyes and ears” to the regulated community. The information gathered is the foundation for U.S. EPA’s enforcement program, but unless what the inspector discovered can be documented, organized, and communicated, their knowledge is of little value. The inspector must be able to prepare clear, objective, and well-documented written reports.

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## PURPOSE OF WRITTEN REPORTS

### **Communicate**

The main purpose of a written inspection report is to clearly and concisely communicate a complete and factual record of the inspection process to the reader, from the opening conference, through the inspection/collection of samples, to closing conference. To communicate effectively, the report must be readable and inspire confidence in the reviewers.

### **Provide a Basis for Compliance Determination/ Action**

The inspection report must contain enough information/documentation about the inspection to enable a Case Review Officer to determine: (1) the facility’s compliance with FIFRA, and (2) that the inspector followed statutory requirements for presenting credentials, issuing a Notice of Inspection with a reason for the inspection, properly collecting evidence, and issuing a Receipt for Samples. If enforcement action is warranted, the inspection report must contain all the elements necessary to support any alleged violations. If an inspection report is not complete or accurate, time and resources may be wasted trying to remedy the short falls.

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## **FIVE STEPS IN WRITING A NARRATIVE REPORT**

### **Step 1 - Plan**

A good inspector begins to plan his/her report the day the inspection begins. By thinking about how the facts must be reported ahead of time, the inspector can improve both the quality of the inspection report as well as the inspection itself.

### **Step 2 - Organize the material**

All information gathered during the inspection must be collected and reviewed, including inspection report forms and checklists, for relevance and completeness. The field notebook and/or inspection checklists are useful tools for developing the narrative report, but cannot replace a narrative report. Any identified gaps in the information must be resolved by follow-up telephone calls or inspections. The material must then be organized in the order it will be presented in the report.

### **Step 3 - Write**

While writing the inspection report, keep the following in mind:

- < Write to express, not to impress. Only relevant facts and evidence necessary to prove the compliance or violations of the site being inspected must be included in the inspection report.
- < State complicated matters in simple direct terms.
- < Keep the reader in mind. When preparing an inspection report, assume that the reader knows nothing about the case except what is in the report. The report must construct a complete and accurate picture of the entire inspection, step by step.

### **Step 4 - Evaluate**

After the report has been written, review the report from the viewpoint of the reviewer and answer the following questions:

- < What is the report trying to communicate?
- < Has the report fulfilled the purpose of the investigation?
- < Can supervisors and reviewers make correct decisions based on this report?
- < Does it answer the questions - who, what, when, where, why, and how?
- < Are any further inquiries necessary?
- < Is it readable?
- < Is it fair, concise, complete, accurate, and logical?
- < Is any part ambiguous?

Proofread the report to check for inconsistencies, unnecessary repetition, tone, omissions, and typographical errors.

### **Step 5 - Rewrite**

Correct those portions of the narrative that were identified as needing improvement.

### **Essential of Good Reports**

- < **Fairness.** The reports must be entirely objective, impartial, unbiased and unemotional. Convey facts so they speak for themselves. Rumors, gossip, offensive remarks or language should be avoided. To test for fairness, read the material aloud to ensure the report is conveying the proper tone for the reader and the purpose of the report.
- < **Accuracy.** The information must be stated precisely and accurately in plain language. The inspection report must not, under any circumstances, include the inspector's conclusions regarding compliance or noncompliance. The goal is to present the facts so clearly that there will be no need for conclusions. If the inspector wants to communicate certain findings or observations to the reviewer, these opinions must be contained in a memorandum separate from the inspection report. In an enforcement case, the entire inspection report is subject to discovery by the opposing side. If conclusions of law or opinions are in the report, it may weaken the inspector's credibility by suggesting bias. In addition, the inspector may have been wrong about a violation which U.S. EPA did not pursue. This would be revealed through discovery and could also weaken the inspector's credibility. A separate memorandum of findings or conclusions will usually be protected from discovery based on attorney-client privilege.
- < **Completeness.** Include all information that is relevant. Completeness implies that all known facts have been reported either in the text or as an attachment, so that no further explanation is needed. The report must be tested to ensure that it answers the questions "who, what, how, when, where, and why."
- < **Sources of evidence.** Always report the source from whom the information or samples were obtained. Ensure that the source has been identified with his/her job title under section III. Participants, in Exhibit 20-1: FIFRA Establishment Inspection Report.
- < **Attachments.** The report will consist of a narrative portion with appropriate attachments. The attachments will support and document not only that the inspector followed statutory

requirements but also will indicate a facility's compliance status. Attachments must always be referenced parenthetically in the narrative portion of the report and consecutively numbered in the order that they are mentioned.

- < **Facts Indicating Weaknesses in the Case.** Explanations from the individuals being interviewed or important facts that point to weaknesses in the case should not be omitted. Subsequent disclosure of facts indicating weaknesses that were known by the report writer but not disclosed may compromise any potential enforcement action by the Agency. Disclosure of any potential weaknesses in the report will give reviewers an opportunity to plan a course of action.
- < **Conciseness.** Conciseness is never omitting facts, details or necessary explanation, but the removal of all that is elaborate or non-essential. Conciseness is not what is said, but how it is said. Use short sentences with active verbs and paragraphs whenever possible.
- < **Clarity and Logical Presentation.** The report must be written clearly in order to avoid misinterpretations. Writing takes time and effort. Order thoughts; select those most useful to the reader; arrange them logically; and select the words that will best convey the thoughts to the reader.

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## **CBI CONSIDERATIONS**

For the most part, the information that an inspector may encounter during an inspection that is considered Confidential Business Information (CBI) under FIFRA is the annual pesticide production report required under section 7 of FIFRA. Only federal employees may be cleared to view or collect this report during an inspection. Those portions of the report that contain CBI must be treated in accordance with FIFRA CBI procedures.

State employees conducting inspections under the authority of FIFRA are not cleared to see or handle FIFRA CBI information. Therefore, State inspectors must not ask to see or collect any CBI information as an official sample during an inspection. Some information to be obtained during these inspections may be claimed as FIFRA confidential business information (CBI). If the question should be: (1) only provided to the State inspector on a consensual or voluntary basis and only after the State informed the establishment they are not cleared to view, obtain, or copy FIFRA CBI or (2) if claimed FIFRA CBI, request the responsible company official to send the information/documents directly to the Regional FIFRA Document Control (DCO). The inspector should provide the responsible company official with a listing of all requested documents/information to be sent to the Regional office.

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## **REPORT FORMAT**

The inspection report consists of a narrative report with several attachments. The format of the report may vary, but the content must include at a minimum, the information listed in the report outline in Exhibit 20-1.

## Exhibit 20-1: FIFRA Establishment Inspection Report

Establishment Name

Street Address  
[Mailing Address]  
City, State Zip Code

Date of Inspection  
Month Day, Year

Performed by:  
U.S. Environmental Protection Agency  
Pesticides & Toxic Substances Branch  
77 West Jackson Boulevard  
Chicago, Illinois 60604

## I. Company Information

A. Company Name

B. Establishment Registration Number

C. Responsible Official(s) (Full name, title, and telephone numbers)

D. Type of Ownership

## II. Date of Inspection

## III. Participants in the Inspection

A. Company

B. U.S. EPA/State/Tribe

## IV. Inspection Objectives

## V. Company Background

## VI. Inspection Summary

A. Opening Conference

B. Inspection Observations and Sample Collection

C. Closing Conference

## VII. Index of Attachments

A. Standard Forms

1. FIFRA Notice of Inspection

2. Receipt for Sample

3. Chain of Custody

B. Evidence

1. Photographs
2. Copy of Label on Physical Sample
3. Copies of Records
  - a. Records of Inbound Shipments
  - b. Production Records
  - c. Inventory Records
  - d. Shipping Records
4. Bin Labels/Labeling
5. Statements
6. Laboratory Analysis

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(Inspector's Name), (Title)  
Pesticides and Toxics Enforcement Section

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Date

## Exhibit 20-2: Example of Separate Memorandum of Inspector's Findings

### ENFORCEMENT SENSITIVE

#### FIFRA Establishment Inspection Compliance/Non-Compliance Based on Findings and Observations

Case Number:

Inspector: (Inspector Name), (Title)

Date of  
Inspection: Month, Day, Year

Company: Name  
Street Address  
[Mailing Address]  
City, State Zip Code

Inspection/Investigation Findings and Observations:

Based on the information received during ...

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(Inspector's Signature), (Title)

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Date

## Exhibit 20-3: FIFRA Use Investigation Report

### FIFRA Use Investigation Report

#### I. Persons Involved

(for example)

A. Complainant/Address/Telephone Number

B. Certified Applicator/Company Name/Address/Telephone Number

C. Suspected Violator/Company Name/Address/Telephone Number

#### II. Circumstances

A. What Happened and Where

B. How and What was Reported

III. Chemical Information (EPA Reg. No., brand name, specific language on the label that involves the investigation)

#### IV. Investigation

A. Investigator's Activities in Sequential Order

B. Statements (who, when, and what)

C. Mapping/Photographs (where, what)

D. Sampling (what type of sample(s) were collected and where, what analyzed for)

E. Records (sales or application)

F. Weather Data (what records were obtained, from whom, date obtained, what do the records show)

#### V. Attachments