

Enforcement

When you determine that an establishment does not meet one of the regulatory requirements in §416.11 through §416.16 of 9 CFR, you should immediately notify the establishment's management about the SSOP noncompliance and take the appropriate regulatory control action if one is necessary. You will need to document the findings of the SSOP noncompliance on a Noncompliance Record (NR), FSIS Form 5400-4. Make sure that you mark the most appropriate SSOP trend indicator and the food safety box. You should use only one trend indicator for each NR issued.

You should take regulatory control actions when noncompliances result in direct contamination or adulteration of product or food contact surfaces. A regulatory control action is the retention of product, the rejection of equipment or facilities, the slowing or stopping of lines, or the refusal to allow the processing of specifically identified product. You must use sound professional judgment before you take a regulatory control action.

When you take a regulatory control action, you need to apply FSIS Form 6502-1 (U.S. Rejected/U.S. Retained tag) to the affected product, equipment, or facility. It informs the establishment that you have identified regulatory noncompliance, and that you have control of that equipment, product, operation, etc.

You are required to notify the appropriate establishment management official when you take regulatory control action. Under the Rules of Practice, §500.2(b), FSIS is required to immediately notify the establishment orally or in writing of the action and the basis for the action. As a federal official, you are accountable for the actions you take and should always think before you take any action.

When you have identified a noncompliance, you should complete a Noncompliance Record. The following descriptions will help you decide which of the four SSOP trend indicators to use.

NOTE: CSIs are to take the appropriate control action when there is direct product contamination or other adulteration of product. CSIs are not to release product or equipment affected by the control action and are not to "close out" the NR until they have verified that the establishment has restored sanitary conditions, has completed the proper product disposition, and has implemented preventive measures (see 9 CFR 416.15).