

Enforcement

If an establishment has not complied with a sanitation performance standard, and product **is not** directly contaminated, you need to determine whether the noncompliance requires a regulatory control action to prevent contamination or adulteration of product.

SPS Noncompliance *without* Direct Product Contamination or Adulteration

If there is an imminent probability that the noncompliance will result in product contamination or adulteration if not addressed immediately, you **will** take a regulatory control action such as retaining product or rejecting the equipment or room with a tag, and then complete an NR.

§416.6 Tagging insanitary equipment, utensils, rooms or compartments

When an FSIS program employee finds that any equipment, utensil, room, or compartment at an official establishment is insanitary or that its use could cause the adulteration of product, he will attach to it a "U.S. Rejected" tag. Equipment, utensils, rooms, or compartments so tagged cannot be used until made acceptable. Only an FSIS program employee may remove a "U.S. Rejected" tag.

Regulatory control actions should remain in effect until the establishment has brought itself back into compliance with regulations. If the noncompliance does not need immediate attention, you are to notify the establishment management of the noncompliance and document the finding on an NR.

Noncompliance *with* Direct Product Contamination or Adulteration

If an establishment has not complied with a sanitation performance standard, and product is directly contaminated, you will verify that the establishment addresses the noncompliance by meeting the requirements of either Part 416 or Part 417 as described below. You will write an NR using the appropriate 01 SSOP procedure or 03 HACCP element and procedure.

If direct product contamination occurs, you will verify that the establishment implements corrective actions, including product control actions, that meet the requirements of §416.15. The plant may need to re-evaluate the effectiveness of its procedures in its SSOP and modify them if they are no longer effective in preventing direct contamination or adulteration of product.

If the direct product contamination poses a food safety hazard, you will verify that the establishment implements corrective actions, including product control actions, that meet the requirements of §417.3(b). These corrective actions include a reassessment to determine whether the unforeseen hazard should be incorporated into the HACCP plan.