

## **Withholding Actions**

Withholding actions withhold the marks of inspection. Such actions may be taken against product produced by a particular process or all products in the plant. Withholding is a more severe enforcement action than a regulatory control action, because it can affect a larger part of an establishment or establishment processes. The decision to take an immediate withholding action can be made by whomever is in charge for FSIS at the establishment (for example, the IIC or designee), the frontline supervisor; or the District Office (DO).

## **Suspension**

Suspension refers to the interruption in the assignment of inspection personnel to the plant. A suspension of inspection also has a severe impact on an establishment. A suspension is usually in effect for a much longer duration of time than a withholding action. Because a federally inspected establishment cannot legally apply marks of inspection to product without an assigned inspector, this action stops all production, or it can be applied to a specific production process. For example, FSIS may suspend all inspection at a beef slaughter and processing plant. The decision to suspend inspection is made at the District Office, or higher level of authority.

## **Withholding or Suspension without Prior Notice**

9 CFR 500.3 (a) FSIS may take a withholding action or impose a suspension without providing the establishment prior notification because:

- (1) The establishment produced and shipped adulterated or misbranded product as defined in 21 U.S.C. 453 or 21 U.S.C. 601;
- (2) The establishment does not have a HACCP plan as specified in Sec. 417.2 of this chapter;
- (3) The establishment does not have Sanitation Standard Operating Procedures as specified in Secs. 416.11-416.12 of this chapter;
- (4) Sanitary conditions are such that products in the establishment are or would be rendered adulterated;

## **Withholding or Suspension with Prior Notice**

9 CFR 500.4 FSIS may take a withholding action or impose a suspension after an establishment is provided prior notification and the opportunity to demonstrate or achieve compliance because:

- (a) The HACCP system is inadequate, as specified in Sec. 417.6 of this chapter, due to multiple or recurring noncompliances;

- (b) The Sanitation Standard Operating Procedures have not been properly implemented or maintained as specified in Secs. 416.13 through 416.16 of this chapter;
- (c) The establishment has not maintained sanitary conditions as prescribed in Secs. 416.2-416.6 of this chapter due to multiple or recurring noncompliances;
- (d) The establishment did not collect and analyze samples for Escherichia coli Biotype I and record results in accordance with Sec. 310.25(a) or Sec. 381.94 (a) of this chapter;
- (e) The establishment did not meet the Salmonella performance standard requirements prescribed in Sec. 310.25(b) or Sec. 381.94 (b) of this chapter.