

Retail Food Establishments: Enforcement Referral Process

Regulation 61-25: Retail Food Establishments



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This document is intended to educate facility operators about the risks associated with violations identified during an inspection and to provide information about enforcement procedures.

Enforcement actions become necessary when no effective effort is taken to correct food safety hazards that are recurring by a retail food establishment in a timely manner. When the efforts to gain compliance are unsuccessful, the Department follows an established enforcement process, and carries out the actions described by R.61-25 and state laws.

Priority/Priority Foundation Violations

(these are major foodborne illness risks)

Inspections:

1st Routine Inspection Priority/Priority Foundation Violations: Violation(s) are noted on the inspection report. A follow-up inspection will be conducted within ten (10) days. If not corrected, the facility will be downgraded to the next lowest grade, regardless of score, and additional inspections will be done to ensure compliance.

2nd Routine Inspection Priority/Priority Foundation Violations: Consecutive (reoccurring) Violation(s) are noted on the inspection report, the facility is downgraded to the next lowest grade and the facility will be referred for enforcement (Violation was noted twice). A follow up inspection will be conducted within ten (10) days.

Enforcement Referrals (Consecutive Violations)

1st Referral: An enforcement order will be issued.

2nd Referral: An enforcement order will be issued that would include a written warning of permit suspension. If this referral is for a similar violation (as the first referral), a risk control plan may also be required to be developed and implemented. Failure to do so may result in additional enforcement action.

3rd Referral: Permit suspension for 5 business days* will be implemented for retail food establishments that previously had executed or have pending enforcement orders, regardless of if it's a similar violation or not.

4th Referral: Permit suspension for 10 business days*.

5th Referral: Revocation of Permit. Facilities that have their permit revoked can reapply for a new retail food establishment permit, however they must be 100% in compliance with S. C. Code Ann. Regs. 61-25.

Regulation 61-25 and SC Laws

Regulation Citations 8-403.10 and 8-904.110

Law Citations 44-1-140 and 44-1-150

Documenting Information and Observations
8-403.10 (F, G, H)
Suspension of Permits 8-904.110 (A, B)

Consecutive Core Violations, no Priority/ Priority Foundation Violations

(these are contributing factors to foodborne illness or good sanitation practice violations, which pose a minor risk of causing foodborne illness.)

Inspections:

1st Routine Inspection: Core violations are noted on the inspection report.

2nd Routine Inspection: Consecutive core violations will result in downgrading to the next lowest letter grade, regardless of score.

- » Structural Consecutive Core Violations: The downgrade will remain until the next routine inspection unless the facility requests a reinspection in writing and/or provides visual proof of corrective action for a structural violation.
- » Operational Consecutive Core Violations: The downgrade will remain, and a follow-up will be conducted within ten (10) days. If the violation is not corrected the facility will be downgraded one letter grade, regardless of score and the grade will remain posted until the facility requests a reinspection in writing.

3rd Routine Inspection: If the facility remains out of compliance it is referred to enforcement.

Enforcement Referrals

1st Referral: An enforcement order will be issued.

2nd Referral: An enforcement order will be issued that would include a written warning of permit suspension. If this referral is for a similar violation (as the first referral), a risk control plan may also be required to be developed and implemented. Failure to do so may result in additional enforcement action.

3rd Referral: Permit suspension for 3 business days* will be implemented for retail food establishments that previously had executed or have pending enforcement orders.

4th Referral: Permit suspension for 5 business days*.

5th Referral: Permit suspension for 10 business days*.

6th Referral: Revocation of permit or permit suspension for 30 business days (depending on the severity or number of the violations). Facilities that have their permit revoked can reapply for a new retail food establishment permit, however they must be 100% in compliance with S. C. Ann. Regs. 61-25.

*Business days means days during which the Department's office is open to the public.