

RETAIL FOOD ESTABLISHMENTS ENFORCEMENT REFERRAL PROCESS

REGULATION 61-25: RETAIL FOOD ESTABLISHMENTS



South Carolina
**DEPARTMENT OF
AGRICULTURE**

REGULATION 61-25

Law Citations – 44-1-140 and 44-1-150

Regulation 61-25 Citations:

Documenting Information and
Observations – 8-403.10 (F, G, H)

Suspension of Permits –
8-904.110 (A, B)

PRIORITY / PRIORITY FOUNDATION VIOLATIONS

*These are associated with major
foodborne illness risks.*

INSPECTIONS

1st Routine Inspection Priority/Priority

Foundation Violations: Violations are noted on the inspection report. A follow-up inspection will be conducted within ten (10) calendar 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) Violations are noted on the inspection report. A follow-up inspection will be conducted within ten calendar (10) days. If not corrected, the facility will be downgraded to the next lowest grade, regardless of score, and additional inspections will be conducted to ensure compliance. The facility will be referred to enforcement because the violation was noted twice.

PRIORITY/PRIORITY FOUNDATION ENFORCEMENT REFERRALS (CONSECUTIVE VIOLATIONS)

1st Referral: When a facility is referred to Enforcement for a consecutive (recurring) violation, an enforcement order will be issued.

2nd Referral: When a facility is referred to Enforcement a second time, an enforcement order will be issued that would include a written warning of possible permit suspension. If this referral is for a similar violation (as the first referral), a risk control

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 a retail food establishment fails to take effective efforts to correct recurring food safety hazards in a timely manner. When the efforts to gain compliance are unsuccessful, SCDA follows an established enforcement process and carries out the actions described by Regulation 61-25 and state laws.

plan may also be required to be developed and implemented. Failure to do so may result in additional enforcement action.

3rd Referral: When a facility is referred to Enforcement for a third time, permit suspension for 5 business days* may be implemented for retail food establishments that have previous executed or pending enforcement orders, regardless of whether the current referral is for a similar violation.

Any Additional Referrals after the 3rd Referral: May result in permit suspensions for ten (10) business days* or permit revocation**.

CONSECUTIVE CORE VIOLATIONS, NO PRIORITY / PRIORITY FOUNDATION VIOLATIONS

*These violations 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 are noted on the inspection report and a follow up inspection will be scheduled. If the violations are not corrected, the facility will be downgraded one letter grade, regardless of score and the grade will remain posted until the facility requests a re-inspection in writing.

3rd Routine Inspection: Consecutive core violations are noted on the inspection report and a follow up inspection will be

scheduled. If the violations are not corrected, the facility will be downgraded one letter grade, regardless of score and the grade will remain posted until the facility requests a re-inspection in writing. The facility will be referred for enforcement.

CORE ENFORCEMENT REFERRALS (CONSECUTIVE VIOLATIONS)

1st Referral: When a facility is referred to Enforcement for a consecutive (recurring) violation, an enforcement order will be issued.

2nd Referral: When a facility is referred to Enforcement a second time, an enforcement order will be issued that would include a written warning of possible permit suspension. If this referral is for a similar violation (as the first referral), the facility may be required to develop and implement a risk control plan. Failure to do so may result in additional enforcement action.

3rd Referral: When a facility is referred to enforcement for a third time, permit suspension for three (3) business days* may be implemented for retail food establishments that have previous executed or pending enforcement orders, regardless of whether the current referral a similar violation.

Any Additional Referrals after the 3rd Referral: May result in permit suspensions for five (5) to ten (10) business days* or permit revocation**.

**Business days means days during which the retail food establishment is advertised to open to the public.*

***Revocation of permit (depending on the severity or number of violations). Facilities that have their permit revoked can reapply for a new retail food establishment permit, however, they must be 100% in compliance with SC Ann. Regs. 61-25.*