



Retail Food Safety Enforcement — FAQ



Q: Why are Retail Food Establishments subjected to “enforcement”?

A: Enforcement is a tool. Retail food establishments may be subjected to enforcement when consecutive violations are cited during an inspection and efforts to gain compliance in correcting a violation that could cause a foodborne illness have not been successful.

Civil penalties (i.e. fines) and permit suspensions are like being ticketed for speeding. Once you get a ticket and pay a fine, you are more likely to not speed when driving and may become a more careful driver. The same principle works for getting a fine, or worse, a permit suspension.

The purpose of enforcement is to gain long-term correction to a potential food safety hazard. These penalties are not punitive but often occur after a violation has been corrected to ensure that it remains corrected.

More information →



Q: What does it mean on my inspection report where it says, “The violation identified as consecutive may be referred to the Enforcement Section?”

A: When the same or similar violation occurs at least two or more back-to-back inspections, then it is a “consecutive” or reoccurring uncorrected violation. These chronic food safety violations are then referred to the Enforcement Section, which determines if an order should be issued, and a civil penalty assessed. See the [Enforcement Referral Process Informational sheet](#) on the SCDA website for the enforcement criteria.

Q: I’ve had a Consent Order and paid my fine. What happens if the same violation(s) continue to be marked out?

A: The facility may receive a second consent order for new/continued consecutive violations. Also, a “risk control plan” may be requested if our assessment determines that it would help you to control food safety hazards that keep reoccurring. Should you continue to have reoccurring violation(s) and are referred to enforcement a third time, then your establishment may be suspended. See the [Enforcement Referral Process Informational sheet](#) for the complete policy on suspensions.

Q: What do I need to do to avoid being referred to Enforcement?

A: The best way to avoid having consecutive violations and being referred to enforcement is to address all the violations noted on your inspection report immediately, and to create a plan to prevent them from occurring again in the future. Be sure to pay special attention to those items that are “Priority” (P) or “Priority Foundation” (Pf), as they may be referred after they occur twice.



For more information, see the SCDA Retail Food Safety page at agriculture.sc.gov



South Carolina
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