



## Ohio Administrative Code

### Rule 901:2-2-04 Withholding action or suspension.

Effective: March 19, 2016

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Pursuant to rule 901:2-2-01 of the Administrative Code, 9 C.F.R. 500.3 and 9 C.F.R. 500.4 shall be read as follows:

(A) The department may take a withholding action or impose a suspension without providing the establishment prior written notification when any of the following occur:

- (1) The establishment produced or shipped adulterated or misbranded product as defined in section 918.01 of the Revised Code;
- (2) The establishment does not have a HACCP plan that complies with the requirements of 9 C.F.R. 417.2;
- (3) The establishment does not have an SSOP as required in 9 C.F.R. 416.11 to 9 C.F.R. 416.12;
- (4) Sanitary conditions are such that products in the establishment are or may be rendered adulterated;
- (5) The establishment violated the terms of a regulatory control action;
- (6) An establishment operator, officer, employee, or agent assaulted, threatened to assault, intimidated, or interfered with a department employee;
- (7) The establishment did not destroy a condemned meat or poultry carcass, or part or product thereof, in accordance with either 9 C.F.R. 314 or 9 C.F.R. 381, subpart L, within three days of notification; or
- (8) The establishment handled or slaughtered animals in an inhumane manner as defined in 9 C.F.R. 301.2.



(B) The department may take a withholding action or impose a suspension after an establishment is provided prior written notification and the opportunity to demonstrate or achieve compliance when any of the following occur:

- (1) The HACCP system is inadequate, as specified in 9 C.F.R. 417.6, due to multiple or recurring noncompliances;
- (2) The SSOP has not been properly implemented or maintained as specified in 9 C.F.R. 416.13 to 9 C.F.R. 416.16;
- (3) The establishment has not maintained sanitary conditions as prescribed in 9 C.F.R. 416.2 to 9 C.F.R. 416.6 due to multiple or recurring noncompliances;
- (4) The establishment failed to pay for service or its license renewal;
- (5) The establishment did not collect and analyze samples for escherichia coli biotype 1 and record results in accordance with 9 C.F.R. 310.25(a) or 9 C.F.R. 381.94(a); or,
- (6) The establishment did not meet the salmonella performance standard requirements prescribed in 9 C.F.R. 310.25(b).

(C) An establishment may request a voluntary suspension of their inspection license. This request must be made to the department during any time the facility is not in operation. The department shall provide the establishment with a copy of a completed voluntary suspension form.

The establishment shall not resume operation until the department has inspected the facility and the establishment's license has been reinstated. The establishment shall make a request for inspection to the department not less than fourteen days from the date the establishment is to resume operation.