**Sanitation Performance Standards (SPS) Enforcement**

**Sanitation Performance Standards Non-Compliances Involving Direct Product Contamination**

If an establishment has not complied with a sanitation performance standard and product is directly contaminated, you will follow the instructions found in FSIS Directive 5000.1 to document non-compliance as a Sanitation SOP non-compliance or HACCP non-compliance. The non-compliance will be documented under Sanitation SOP if there is no food safety hazard involved and under HACCP if a food safety hazard was involved.

**Sanitation Performance Standards Non-Compliances Not Involving Direct Product Contamination**

1. If an establishment has not complied with a sanitation performance standard and product is not directly contaminated, you need to determine the extent of the noncompliance before taking any action.

a. If there is an imminent probability that the non-compliance will result in product adulteration if not addressed immediately, take a regulatory control action such as tagging product or rejecting equipment and complete a NR. Fully describe and detail the nature of the noncompliance and the performance standard not met.

b. If the noncompliance does not need immediate attention, first, notify establishment management and then document the finding on a NR. Fully describe and detail the nature of the noncompliance and the performance standard not met.

c. In situations where a condition exists that is less than perfect but not a noncompliance notify the establishment but do not document the finding on an NR.

2. In all cases when there is noncompliance with the SPS requirements, IPP are to cite the applicable specific performance standard(s) from 9 CFR 416.2 to 416.5 under the SPS Verification task in PHIS. IPP are also to cite 9 CFR 416.1 in situations where findings indicate that an establishment systematically fails to maintain sanitary conditions, and that product adulteration may occur as a result. When considering whether to cite 9 CFR 416.1, IPP are to consider whether their findings support that the establishment has systemically failed to maintain the facility in a sanitary manner. Multiple isolated SPS noncompliances do not necessarily demonstrate noncompliance with 9 CR 416.1.

3. Review the establishment’s response on the NR and verify by observation and/or reviewing documentation that the establishment implemented the appropriate corrective action.