

APPENDIX - A

PENALTY MATRIX

ADA Produce Safety Compliance and Enforcement Penalty Matrix

Compliance History

SEVERITY	Initial Inspection	Routine Inspection	Non-Compliance
Level 1 <i>Conditions that will not cause contamination of produce</i>	<ul style="list-style-type: none"> - The observation is discussed with the farm during the inspection and reviewed at the next routine inspection. 	<ul style="list-style-type: none"> - The observation is discussed with the farm during the inspection and potentially documented on an inspection form. - A timeline for corrective actions and preventive measures is established. The observation may be reviewed during a follow-up inspection. 	<ul style="list-style-type: none"> - The uncorrected observation is discussed with the farm during the inspection and documented on an inspection form. - A timeline for corrective actions and preventive measures is established. A follow-up inspection may be scheduled within 30, 60, or 90 days. - Additional enforcement actions may be taken to ensure compliance, which may include issuing a Notice of Warning (NOW) letter or Notice of Violation (NOV) with administrative penalties of up to \$500 per violation.
Level 2 <i>Conditions that may cause contamination of produce if conditions or practices continue</i>	<ul style="list-style-type: none"> - The observation is discussed with the farm during the inspection and reviewed at the next routine inspection. 	<ul style="list-style-type: none"> - The observation is discussed with the farm during the inspection and documented on an inspection form. - A timeline for corrective actions and preventive measures is established. A follow-up inspection may be scheduled within 30, 60, or 90 days. - A Notice of Warning (NOW) letter may be issued detailing possible enforcement actions that may be taken if the observation is not corrected. 	<ul style="list-style-type: none"> - The uncorrected observation is discussed with the farm during the inspection and documented on an inspection form. - A timeline for corrective actions and preventive measures is established. A follow-up inspection may be scheduled within 30, 60, or 90 days. - Additional enforcement actions may be taken to ensure compliance, which may include issuing a Notice of Violation (NOV) with administrative penalties of up to \$1,000 per violation.
Level 3 <i>Produce is contaminated, or conditions will likely cause an imminent public health hazard if not corrected</i>	<ul style="list-style-type: none"> - The observation is discussed with the farm during the inspection and documented on an inspection form. - An evaluation is made to determine whether contaminated produce has entered commerce and whether an embargo, stop sale, or recall is required. Immediate actions must be initiated to ensure adequate mitigation and correction of the egregious conditions. A timeline for further corrective actions and preventive measures is established and a follow-up inspection is scheduled within 10, 30, 60, or 90 days. - Additional enforcement actions may be taken to ensure compliance, which may include issuing a Notice of Violation (NOV) with administrative penalties of up to \$1,000 per violation. 		

