

# COMPLIANCE ASSESSMENT MATRIX


The Compliance Assessment Matrix is a tool that can be used to understand how the Compliance Unit (CU) determines the severity of a food safety violation and subsequent actions that the CU may take to ensure corrective actions are completed. Note that this matrix is designed to be used as a tool, not a strict protocol.


## TYPES OF RECOMMENDED ACTIONS

**Low Level** Recommended Actions (LOW) may include: No Action, Letter of Information, (LOI) Notice of Repeat Violation (NRV), **Warning Letter**, **Corrective Action Order (CAO)**

**Medium Level** Recommended Actions (MED) may include: **Warning Letter**, **CAO**, **Civil Penalty**, **Administrative Meeting**, **License Limitation/Revocation**, **Injunction/TRO** - May Require Director Approval

**High Level** Recommended Actions (HIGH) may include: **CAO**, **Civil Penalty**, **Administrative Meeting**, **License Limitation/Revocation**, **Injunction/TRO**, **Administrative Penalty**, **Criminal Prosecution** - Requires Director Approval

 <b>Food Safety Risk Factors</b>	<b>Prohibited Acts</b>	HIGH: Intentional <b>Adulteration</b> (allergen/unapproved sources)	HIGH: <b>Gross Insanitary</b> Conditions	HIGH: <b>Refusal of Entry</b>
	<b>Prohibited Acts (continued)</b>	HIGH: <b>Adulteration/Misbranding</b>	HIGH: Violating an Embargo	HIGH: Violating a <b>Cease &amp; Desist order</b>
	<b>Statutory Violations</b>	MED: Sanitary Notice, Embargo, Condemnation, and/ or Cease & Desist	MED: <b>Operating without a license</b> for > 6 months and/ or operating with critical violations.	HIGH: <b>Operating without a license</b> with critical violations, and/or <b>False Statement or False Record</b>
	<b>Public Health Concern</b>	LOW: Low human health safety concern	MED: Moderate or Significant human health safety concern	HIGH: Human health safety concern primarily to a high-risk population
	<b>Nature of Violation</b>	LOW: Isolated non-critical violations	MED: Systemic non-critical violations and Isolated critical violations	HIGH: Systemic critical violations
	<b>Facility/ Entity History</b>	LOW: No history and/or Long term compliance	MED: Only instances of critical violations and/or repetitive non-critical violations	MED: Instances of repeat critical violations or identified as a chronic violator.
	<b>Scope of Distribution</b>	LOW: Limited Distribution	LOW: Moderate Distribution	MED: High Distribution

**Violation Severity: Increasing deviation from the regulation, rule or statute** 

## RESOURCES

Applicable Minnesota Statutes can be found at [www.revisor.mn.gov/statutes/?view=part&header=AGRICULTURE](http://www.revisor.mn.gov/statutes/?view=part&header=AGRICULTURE)

- Operating without a license Minn. Stat. § 28A.04
- Prohibited Acts Minn. Stat. § 31.02
- Sanitary Notice/Insanitary Conditions Minn. Stat. §§ 31.161 & 31.165
- Adulteration Minn. Stat. § 34A.02
- Misbranding Minn. Stat. § 34A.03
- False Statement or Record Minn. Stat. § 34A.05
- Injunctions/TRO, Criminal Prosecution Minn. Stat. § 34A.04
- Warning Letters, Corrective Action Orders, Administrative Meetings, License Limitation/Revocation, Cease and Desist Minn. Stat. § 34A.06
- Administrative Penalties Minn. Stat. § 34A.07
- Civil Penalties, Orders to Compel Minn. Stat. § 34A.09
- Embargo, Seizure, and Condemnation Minn. Stat. § 34A.11

## DEFINITIONS:

*Critical violation:* A violation of code, rule, or statute that is more likely than other violations to contribute to food contamination, illness, or environmental degradation.

*Non-critical violation:* Violations of code, rule, or statute which are less likely than other violations to contribute to food contamination, illness, or environmental degradation.

*Chronic violator:* A chronic violator is a legal entity that has an approved enforcement action equal to or greater than a Warning Letter and that has had a prior enforcement action equal to or greater than a Warning Letter issued in the last three (3) years.

*Systemic:* Two or more violations of code, rule, or statute concerning a related process, overall lack of managerial oversight, and/or overall system/facility breakdown.