

9/22/22

Recommended base actions and civil penalties for common violations:

- **FAC 27633** - Unregistered egg handler:
 - Immediately registered and is compliant with no past occurrences – Warning letter
 - Did not register - \$225 (V minor w/ 1-1-2)
- **FAC 27644** – Sell by, Julian date, missing plant #, ‘keep refrigerated’
 - Missing ‘keep refrigerated’ - 1st offense - \$225; 2nd offense - to panel
 - Sell by date (or Julian date) is misprinted or partial obscured – Warning Letter
 - Sell by is listed as “best by” or anything other than “sell by” - \$50 (v minor 1-1-1)
 - Sell by date or Julian date are missing completely – 1st offense \$225 (v to minor 2-1-2)
 - Sell by date exceeds 30 days not including pack date:
 - Exceeds by 1 day – 1st offense Warning Letter, second offense \$50 (v to minor 1-1-1), 3rd offense refer to penalty panel
 - Sell by date is 32-45 days – (if date of violation is not after 30 days from pack date) \$225 after 30 days(v minor – 1-1-2) - \$700 (This shows clear benefit from wrong sell by date, expired product)(moderate 1-1-3+)
 - Missing plant of origin # - 1st offense Warning letter, Second Offense \$50 (v minor 1-1-1), 3rd Offense refer to penalty panel
- **3 CCR 1358.4 (e)(3)(I)** Missing SEFS Statement or Not for California Consumption Statement
 - Load was correctly identified and correctly routed, cooperative – Warning letter 1st Offense
 - 2nd offense annually - \$50 (V to minor 1-1-1)
 - If load was deceitful in nature – present to Penalty Panel for assessment
- **3 CCR 1353.2** Exceeds grade or quality tolerance – **see chart below and associated note**
 - Checks over .5% or less – no NOV/ rescind NOV
 - Checks .6% to 5% over tolerance – 1st Offense warning letter
 - Checks 5.1% over - \$50 or second offense
 - 3 or more violations same plant per year - \$225
- **3 CCR 1353.4** - Exceeds underweights tolerance
 - 4.1 to 5% - Warning letter
 - 5.1% -9% - or 2nd offense at 4.1-5% - \$50
 - 9.1%-20% or more - \$225 **(send to Panel if retail and small amounts, ie <100 egg sample)**
 - 20.1% or higher or 3rd offense per year, refer to penalty panel
- **3 CCR 1354 (a) or (f)**– incorrect/missing labels/markings/ less than ¼”/**missing statement**
 - 1st offense – warning letter
 - 2nd offense - \$50 (v to minor 1-1-1)
 - 3rd or more \$225 (v to minor 1-2-1)
 - If label missing all markings (all markings ref. above and sell by, Julian, plant id) - \$700
- **3 CCR 1350 (c)(2)** – environmental samples done late/early (Does not include missing samples)
 - 1 to 6 days early/late = \$225 (V to minor 2-1-1)
 - 7 + days early/late = \$700 (v to moderate 2-1-1)
 - **All other SEFS violations go to Penalty Panel**

All other violations not noted above refer to Penalty Panel.

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For all past violations that this baseline would have decreased the level of enforcement, and appealed, we will rescind/correct.

1353.2	grade and quality issues	tolerance	NNC only	NOV + Warning Letter	NOPA w/\$50	NOPA w/ \$225	to Penalty Panel
Origin							
Grade AA & Grade A	Lower Grade (1)	15%					all
	Grade C	1%					all
	Checks (through XL)	5%	up to 5.5%	5.6% - 10%	10.1% and up or 2nd time	3 or more	over 25%
	Checks (Jumbo)	7%	up to 7.5%	7.6% - 12%	12.1% and up or 2nd time	3 or more	over 27%
	Leakers, Dirties, Loss	0.50%					all
Grade B	Lower Grade (1)	15%					all
	Checks	10%	up to 10.5%	10.6% - 15%	15.1 and up or second time	3 or more	over 30%
	Leakers, Dirties, Loss	0.50%					all
Destination							
Grade AA & Grade A	Lower Grade (1)	20%					all
	Grade C	1%					all
	Checks (through XL)	7%	up to 7.5%	7.6% - 12%	12.1% and up or 2nd time	3 or more	over 27%
	Checks (Jumbo)	7% (AA) 9%(A)	up to 9.5%	9.6% - 14%	14.1% and up or 2nd time	3 or more	over 29%
	Leakers, Dirties, Loss	1%					all
Grade B	Lower Grade (1)	20%					all
	Checks	10%	up to 10.5%	10.6% - 15%	15.1 and up or second time	3 or more	over 30%
	Leakers, Dirties, Loss	1%					all
			0.5	0.6-5	5.1 +		20+

NOTE: Issue Warning letter for all checks and leakers sampled at retail, unless specifically noted as sampled in the cooler.