

## TEXAS OFFICE OF PRODUCE SAFETY VIOLATION AND PENALTY MATRIX

| <b>Violation</b>  | <b>First Occurrence</b>   | <b>Second Occurrence</b>  | <b>Subsequent Occurrence(s)</b>   |
|---|---|---|---|
| Non-Compliant, Does not pose a risk to public health                                  | Written warning; must submit corrective action plan; and follow up within 2 weeks.      | \$500 penalty; must submit corrective action plan; and follow up within 1 week.                                 | \$1,000 penalty; must submit corrective action; and follow up within 1 day.                                     |
| Non-Compliant, Potential public health risk, corrected immediately during inspection. | Written warning; must submit corrective action plan; follow up within 2 weeks.          | \$750 penalty; must submit corrective action plan; and follow up within 1 week.                                 | \$1,500 penalty; must submit corrective action plan; and follow up within 1 day.                                |
| Non-Compliant, Poses risk to public health. Not corrected on site                     | Written warning; must submit corrective action plan; and follow up visit within 2 days. | \$1,000 penalty; must submit corrective action plan; and follow up visit within 1 day.                          | \$2,000 penalty; must submit corrective action plan; Stop Sale Order; and follow up visit within 1 day.         |
| Non-Compliant, Egregious condition  | Stop Sale Order; must submit corrective action plan; and follow up visit within 1 day.  | Stop Sale Order; \$2,500 penalty per day; must submit corrective action plan; and follow up visit within 1 day. | Stop Sale Order; \$5,000 penalty per day; must submit corrective action plan; and follow up visit within 1 day. |
| Violation of Stop Sale Order  | \$1,500 penalty per day and follow up visit within 1 day.                               | \$2,500 penalty per day and follow up visit within 1 day.   | \$5,000 penalty per day and follow up visit within 1 day.   |
| Failure to allow inspection as authorized by Texas Agriculture Code §91.009.          | \$500 penalty per day and follow up visit within 1 day.                                 | \$1,000 penalty per day and follow up visit within 1 day.   | \$1,500 penalty per day; Stop Sale Order; and follow up visit within 1 day.                                     |

1. "Respondent" means a person who is alleged to have or has committed one or more violations.
2. "Inspection" means an initial or follow up visit for the purpose of inspecting covered produce, processing of RAC, a covered farm, or records related to the Produce Safety Rule.
3. "Non-compliant" means a finding of a single violation during an inspection. Multiple findings of the same violation during one inspection are considered instances and are not multiple occurrences and may be subject to multiple penalties.
4. "Occurrence" means a violation which occurs during an inspection.
5. "Violation" means a finding made during an initial or follow-up inspection. There may be multiple violations found during one inspection. A violation occurs on the date the respondent failed to comply with the law, including a department order, or if that date is uncertain the first date on which the violation was discovered by the department.