



## **Iroquois County Public Health Department**

### **Embargo Disposition and Voluntary Destruction**

#### **I. Purpose:**

To protect the health of the public by ensuring food deemed unfit for human consumption is embargoed or destroyed properly and safely.

#### **II. Policy:**

The Iroquois County Public Health Department will embargo or ensure the destruction and denaturing of any products that are misbranded, adulterated, or otherwise determined to be potentially injurious to health.

#### **III. Procedure:**

Definitions applicable to this procedure:

Adulterated - has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402

Condemn – the judgment or declaration by the health authority to denature or destroy a food or good found to be or believed to be unfit for human consumption

Embargo - an action taken by the local health department to prohibit the sale or distribution of foods or goods determined by the health authority to be adulterated or misbranded

Imminent Hazard - a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries, and the nature, severity, and duration of the anticipated injury (2017 FDA Food Code).

Misbranded - has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 343

Release – an action taken to allow food or goods previously embargoed to be sold and/or distributed

#### **Voluntary Destruction**

1. The health authority will ask the PIC if they are willing to voluntarily destroy the adulterated goods, being careful not to threaten or coerce.
2. All actions taken will be recorded on a food establishment inspection report, and a voluntary destruction agreement will be completed and attached to the inspection file.
3. The health authority will observe the food being moved to the garbage or dumpster and ensure that the packaging is opened and that the food is denatured by having chlorine bleach poured on it.

<b>Adoption</b>	<b>Revisions</b>	<b>Review</b>	<b>Rescind</b>
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4. The health authority will not participate in the destruction and denaturing of the food or goods in any way.
5. A signature will be obtained from the PIC on both the inspection report and the voluntary destruction agreement.

#### **Embargo**

1. If the PIC refuses voluntary destruction, the health authority will issue an embargo (see Embargo (Hold Order) attached).
2. The health authority will explain the embargo process to the PIC and offer a final opportunity for voluntary destruction.
3. The food or good being embargoed will be described in detail including the identity of the food product, package size, quantity, brand/lot #, and source/marks of inspection on the embargo form.
4. An embargo tag will be issued and attached to the adulterated food (see Detained Tag). The information on the tag must match what is written on the hold order.
5. The health authority will photograph proof of the product temperature, identifying information, the location of the product, and the completed detained tag.
6. The health authority will also document the reason for embargo, the food establishment address, the environmental health staff involved, and the date on the embargo form.
7. If the PIC refuses to sign, document their refusal on the embargo form.
8. Embargoed foods must be kept separate from other foods. This can be done by storing the embargoed food or good in a separate container or moving it to a designated location, but the food must remain stored under appropriate conditions (keep frozen if stored frozen, etc.).
9. The health authority will inform the PIC that the embargoed food is not to be used, served, or moved from the establishment, and must be preserved, protected, and maintained. The health authority will also explain that the hold order tag is not to be moved or altered.
10. If the PIC is opting to test food at their expense, then a release will be issued to the laboratory (see Embargo Release Form).
11. A violation of the hold order will result in immediate health permit suspension.
12. The health authority will explain the following appeals process to the PIC:
  - a. The license holder may make a written request to the health authority for a hearing within ten (10) business days of receiving the embargo. Such requests shall be made directly to the health authority.

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- b. If no such request is made within this time period, the food subject to the embargo shall be destroyed.
- c. A hearing shall be held, if requested. Based on the evidence presented in the hearing, the embargo may be vacated, the PIC may be directed to denature or destroy the embargoed food, or bring it into compliance with the local ordinances. If the PIC decides to appeal, they must do so within three (3) business days.

#### **Destroying and Denaturing**

- 1. The health authority will issue order of destruction (see Order of Destruction attached).
- 2. Failure of the PIC to destroy the food on the order of destruction will result in the immediate suspension of the establishment's health permit.
- 3. Unsalvageable food must not be removed from the jurisdiction of the Iroquois County Public Health Department.
- 4. The health authority will supervise the destruction of the food commodity and ensure that it is sufficiently denatured to prevent consumption by humans.
- 5. Sufficient denaturing includes:
  - a. Crushing the product with a compactor truck or at a transfer station
  - b. Disposing of the product at an approved incinerator or landfill
  - c. Removing any wrapper/container from the product, disposing of the product in a dumpster, and pouring chlorine bleach over the product
- 6. The health authority must not physically take part in the destruction of the food commodity.

Reference: Guidelines for the Disposal of Intentionally Adulterated Food Products and the Decontamination of Food Processing Facilities.

[http://www.fsis.usda.gov/shared/PDF/Disposal\\_Decontamination\\_Guidelines.pdf](http://www.fsis.usda.gov/shared/PDF/Disposal_Decontamination_Guidelines.pdf).

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#### **Releasing Embargo**

1. Food items may only be released from embargo after the health authority has determined the food is safe via lab results indicating no adulteration or misbranding.
2. After food is determined to be safe the health authority must complete the embargo release form and provide that documentation to the food establishment.
3. Food unsafe for human consumption may be diverted to an acceptable use such as animal rendering to make feed or pasteurized egg products, or to salvage operation. Food may also be released to IDPH Lab, USDA, or FDA inspectors. This method of release requires the completion of a Chain of Custody form (see attached).
4. Provide copies of any forms completed to the PIC and scan a copy of the completed forms for the online food inspection reporting system.

<b>Adoption</b> 07-01-2014	<b>Revisions</b> 10-24-2019	<b>Review</b> 11-14-2019 8-3-2020 6-28-2021	<b>Rescind</b>
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