

(d) If any person, firm, or corporation so notified fails to accept the determination of the Administrator and files an answer and requests a hearing, and the Administrator, after review of the answer, determines the initial determination to be correct, he shall file with the Hearing Clerk the notification, answer and request for hearing, which shall constitute the complaint and answer in the proceeding, which shall thereafter be governed by the Uniform Rules of Practice.

**§ 335.13 Refusal or withdrawal of inspection service under the Federal Meat Inspection Act for failure to maintain sanitary conditions.**

(a) In any situation in which the Administrator determines that the sanitary conditions of an establishment which is applying for inspection or receiving inspection under Title I of the Federal Meat Inspection Act are such that any meat or meat food product prepared therein are or would be rendered adulterated, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed," pursuant to section 8 of the Act (21 U.S.C. 608). The Administrator shall notify the applicant or operator of the establishment, orally or in writing, as promptly as circumstances permit, of such refusal to inspect and pass the meat or meat food products and the reasons therefor, and the action which the Administrator deems necessary to eliminate the insanitary conditions. In the event of oral notification, written confirmation shall be given, as promptly as circumstances permit, to the applicant or operator of the establishment in the manner prescribed in § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)).

(b) If any applicant or operator of an establishment so notified fails to take the necessary action to eliminate the insanitary conditions within the period specified in the notice, the Administrator may issue a complaint in accordance with the Uniform Rules of Practice. Effective upon service of the complaint, inspection service shall be refused or withdrawn from such establishment as provided in sections 8 and

401 of the Act pending final determination in the proceeding.

**Subpart C—Rules Applicable to Suspension of Assignment of Inspectors for Threats to Forcibly Assault or Forcible Assault, Intimidation or Interference With Any Inspection Service Employee**

**§ 335.20 Notification to operator of establishment of incident.**

In any situation in which a supervisor of an inspection service employee determines that the operator of any official establishment or any subsidiary therein, or any officer, employee, or agent of any such operator or any subsidiary therein, acting within the scope of his office, employment, or agency, has threatened to forcibly assault or has forcibly assaulted, intimidated or interfered with any inspection service employee, under his supervision, in or on account of the performance of the employee's official duties under the Act, he shall notify the operator of the establishment, orally or in writing, of the incident in accordance with § 305.5(b) of the regulations in this subchapter (9 CFR 305.5(b)).

**§ 335.21 Procedure upon failure of operator of establishment to take action required by § 305.5(b) of the regulations.**

(a) If any operator of an establishment notified pursuant to § 335.20 fails to promptly take any of the actions specified in § 305.5(b) of the regulations (9 CFR 305.5(b)), the Administrator may suspend the assignment of inspectors at that establishment, in whole or in part, as the Administrator determines necessary to avoid impairment of the effective conduct of inspection service, by notifying the operator of the establishment, orally or in writing, of such suspension. In the event of oral notification, a written confirmation shall be given, as promptly as circumstances permit, to the operator of the establishment. The written notification or confirmation shall be served upon the operator of the establishment in the manner prescribed in § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)).