

# Imminent Threat Policy

**To:** Child and Adult Care Food Program (CACFP) Sponsors

**From:** Brigette Hires, Administrator, Office of Nutrition

**Date:** December 2025

**Re:** Imminent Threat Policy

## Purpose

This policy provides procedures for identifying, evaluating, and responding to incidents that constitute an imminent threat to the health or safety of participants in the CACFP, in accordance with 7 CFR 226.6(c)(3)(iii) and USDA guidance.

## Regulatory Authority

Under [7 CFR 226.6](#), if a serious deficiency constitutes an imminent threat to the health or safety of participants, or if the institution has engaged in activities that threaten public health or safety, the Ohio Department of Education and Workforce (as the State agency, and hereby known as the Department) must follow the immediate suspension procedures outlined in 7 CFR 226.6(c)(5)(i).

## Department Discretion and Determination

The Department retains discretion to determine whether an incident rises to the level of an imminent threat or if the institution has engaged in activities that threaten public health or safety. The following criteria guide this determination:

- **Firsthand Observation:** If Department staff directly witness the incident, or
- **Substantiated Findings:** If the institution has a substantiated finding of abuse, neglect, or endangerment of a participant by any employee, childcare staff member, owner, or administrator, or
- **Criminal Activity:** If the institution's employee, childcare staff member, owner, or administrator is involved in criminal activity or has new or pending charges against them because of a threat to the health and safety of a participant, or
- **Licensing Compliance Report:** If Department staff view a licensing inspection report that indicates there was a serious risk during inspections from the licensing agency.

Any of the above incidents may be deemed an imminent threat or that the institution has engaged in activities that threaten public health or safety, and immediate suspension procedures may be initiated.

If corrective action has already been implemented and accepted by the issuing agency, the Department will review the corrective action accepted by the issuing agency and potentially rescind the Notice of Serious Deficiency, Suspension, and Proposed Termination and Disqualification.

## Documentation and Resolution

When an incident is reviewed by the Department but does not appear to meet the aforementioned criteria:

- The Department will document the report, follow-up with the CACFP Sponsor, and review corrective measures.
- If corrective action is found to be adequate, the issue will be considered resolved.
- No suspension will be issued, but the incident will be retained in the sponsor's compliance history.

## Guidance and Monitoring Standards

Per [USDA Memo CACFP 13-2013](#), CACFP regulations require sponsoring organizations to notify appropriate licensing or health authorities of conduct or conditions that pose an imminent threat to the health or safety of participants or to the public. The Department encourages sponsors to:

- Develop written standards to help monitors assess the severity of health or safety threats.
- Establish procedures for monitors to follow when an imminent threat is suspected.
- Train staff to recognize and report conditions that may pose immediate danger to participants.

## Related Policies and References

- [Serious Deficiency, Termination, National Disqualification List \(NDL\) and Removal from the NDL](#)