**Conference for Food Protection**

**2010 Issue Form**

**Internal Number: 028**

**Issue: 2010 I-024**

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| **Council Recommendation:** | Accepted as  Submitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

*All information above the line is for conference use only.*

**Title:**

Management Responsibility Code Section 2-101.11

**Issue you would like the Conference to consider:**

Food Code Chapter 2, Management and Personnel, Part 2-1 Supervision, Section 2-101.11 Responsibility: The current language fails to clearly define permit holder responsibility for implementation and maintenance of operating procedures to control and prevent the occurrence of risk factors known to cause foodborne illness after a food establishment is permitted.

Clearly the intent of the Food Code is that applicants for a permit to operate a food establishment develop operating procedures as required by Section 8-201.12 to ensure compliance with requirements of the Code. The duties of the Person-In-Charge and other management requirements specified in Chapter 2 would presumably be addressed in these operating procedures; however, this is not stated.

**Public Health Significance:**

Current Food Code language fails to assign specific management responsibility for the implementation and continued maintenance of operational procedures after a food establishment is permitted. Operating procedures are an important management tool for the control of risk factors inherent in a food establishment. The absence of procedures for performing specific task, training employees and management verification may compromise consumer safety. Operating procedures should be implemented and sustained to control risk factors and prevent "behavior creep." For example, a cooling procedure is designed to use a specific-size shallow pan for cooling. However, one day, the designated pan is not readily available, so an employee uses a deeper pan. New employees are hired and they adopt the new practice and it becomes routine for employees to use a deeper pan out of convenience, although it results in much longer cooling times. Because of behavioral creep, the procedure is no longer safe and the risk factor is no longer under control. Operating procedures provide a constant against which day to day operations may be evaluated by management to prevent behavior creep and ensure day to day control of risk factors.

Also, because there is no specific requirement in Chapter 2 that operating procedures be maintained and updated after a permit is issued, regulatory inspectors do not consistently verify that operating procedures are current or even exist. This often results in a discussion of operating procedures after code violations are noted during a regulatory inspection and corrective action is necessary. A more desirable approach would be for regulator inspections to review and reinforce the food establishment's operating procedures during routine inspections to prevent future code violations.

The development and implementation of operating procedures which address polices and procedures, employee training, and management oversight are proven management principles. Operating procedures designed to control the risk inherent to a specific food operation provide the management structure for a safe and successful food operation.

**Recommended Solution: The Conference recommends...:**

that a letter be sent to FDA requesting that the language in Food Code Section 2-101.11 (Responsibility and Assignment) be replaced with the following language and that additional changes to Chapter 2 be made as necessary to be consistent with this change.

Responsibility 2-101.11 Assignment\*

The PERMIT HOLDER through the certified food manager or person in charge (PIC) is responsible for ensuring:

· That standard procedures that ensure compliance with the requirements of this Code are developed & implemented as specified under 8-201.12 (E) & (F);

· Procedures for the operation of the FOOD ESTABLISHMENT are kept current and address all risk factors which are inherent to the food operation.

· Employees are trained to ensure tasks are performed in accordance with the operating procedures and that there is at least one trained individual present at all times;

· Food preparation activities are directed & action taken, as needed, to protect the health of the consumer; and

· In-house self-inspections of operations are conducted on at least a daily basis to ensure that food safety policies & procedures for the control of risk factors inherent to the operation are followed.

**Submitter Information:**

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