

**Conference for Food Protection
2010 Issue Form**

**Internal Number: 062
Issue: 2010 II-021**

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:

Food Protection Manager Certification

Issue you would like the Conference to consider:

Modify the Food Code to require that at least one Person in Charge in each food establishment be certified according to a CFP recognized program. Low risk establishments (e.g. all prepackaged foods, just coffee, etc) would be exempt from the new certified food protection manager requirement.

In addition, if Food Code Priority Item violations are found during inspections and the Person in Charge is not able to answer questions concerning Food Code requirements to prevent foodborne illness specific to the establishment's operations, the Regulatory Authority could require that any non certified Person in Charge become a certified food protection manager through a CFP recognized program.

Public Health Significance:

In a 2006 letter from Dr. Howard Frumkin from the Centers for Disease Control and Prevention (CDC) to the CFP Chair, Dr. Frumkin stated "Results of a recent EHS-Net cross-sectional study strongly suggest that the presence of a certified food safety manager significantly reduces the risk for outbreaks of foodborne illness in restaurants. In fact, the presence of a certified food safety manager was the major distinguishing factor between restaurants in which foodborne illness outbreaks occurred and restaurants in which foodborne illness outbreaks did not occur... Certified food safety kitchen managers were also associated with the absence of bare-hand contact with food as a contributing factor for foodborne illness outbreaks and with fewer Norovirus and Clostridium perfringens outbreaks" (see attached Managercertificationreferences).

Cates et al. (2009) found in an analysis of 8,338 inspections in Iowa that restaurants with a Certified Kitchen Manager present during inspection were less likely to have a critical violation for personnel ($P < 0.01$), food source or handling ($P < 0.01$), facility or equipment requirements ($P < 0.05$), and hot holding ($P < 0.05$).

A 2004 FDA baseline survey evaluated the correlation between certified food protection managers and compliance with the Food Code. FDA reported "It appears that the presence of a Certified Food Protection Manager has a positive effect on the overall percent IN Compliance within some facility types." "Fast Food and Full Service Restaurant facility types with a Certified Food Protection Manager had overall IN Compliance percentages

that were significantly higher than establishments without a Certified Food Protection Manager." Significantly better overall IN Compliance rates were also found in meat and poultry departments and in produce departments with certified managers.

In 2009, a CDC EHS-Net funded food protection manager certification survey was distributed by the Rhode Island Department of Health and the University of Rhode Island to 2008 CFP delegates and/or state health department representatives from all 50 states, Washington D.C., Guam and Puerto Rico. There were 52 respondents representing 44 states, Washington DC, Guam and Puerto Rico. The results indicated that 22 states, Washington DC, Guam, and Puerto Rico all had state/jurisdiction wide mandatory certification programs. Twenty-five percent of respondents indicated their agency rules require a certified food protection manager be present at all hours of operation. Respondents from 4 states without requirements expressed explicitly that attempts are currently being made to implement mandatory statewide certification.

In summary, the science indicates that the lack of a certified food protection manager is associated with outbreaks and the presence of risk factors associated with outbreaks. The lack of uniformity and reciprocity in food manager certification requirements also creates needless costs for the food industry in retraining and/or retesting personnel who move from one regulatory jurisdiction to another. A national uniform standard for food protection manager certification is needed in the Food Code for at least one certified food protection manager per food establishment (exempting low risk establishments) to reduce foodborne illness, obtain active managerial control of foodborne illness risk factors, obtain uniformity, and reduce costs for the food industry.

In 2009, the National Association of County and City Health Officials (NACCHO) found that 51% of local health departments were impacted by layoffs, attrition, reduced hours and/or furloughs. With the reduction of regulatory personnel, it is all the more critical for the food industry to assure Active Managerial Control through certified food protection managers in order to prevent foodborne illness.

This issue is supported by CDC and the nine Environmental Health Specialist Network (EHS-Net) states.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting a change to the Food Code to require that at least one Person in Charge in each food establishment (exempting certain low risk establishments) be certified in food protection through a manager certification program that conforms to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs.

In addition to the above basic requirement, if Priority Item violations are found during inspections and the Person in Charge is not able to answer questions concerning food protection requirements specific to the food operation, the Regulatory Authority should be able to require that a non certified Person in Charge become a certified food protection manager through a CFP recognized program.

The suggested new wording and placement in the Food Code is as follows:

Existing 2009 Food Code Language

"2-102.20 Food Protection Manager Certification.

A PERSON IN CHARGE who demonstrates knowledge by being a FOOD protection manager that is certified by a FOOD protection manager certification program that is

evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with ¶ 2-102.11(B)."

Proposed Addition to Food Code

2-102.21 Certified Food Protection Manager.

(A) Except as specified in (B) of this section, each FOOD ESTABLISHMENT must have at least one PERSON IN CHARGE who is a FOOD protection manager certified in accordance with the provisions detailed in 2-102.20; has supervisory, training, and management responsibilities; and is responsible for food preparation and service with the authority to direct and control such activities.

(B) Establishments that serve or sell only pre-packaged foods; establishments that prepare only nonpotentially hazardous foods (nonTCS foods); and establishments that heat only commercially processed, potentially hazardous foods (TCS foods) for hot holding for less than four hours are exempt from the requirements of paragraph (A).

(C) Should there be failure to demonstrate knowledge of foodborne disease prevention during inspections in any food establishment through violations of PRIORITY ITEMS and should there be a failure to correctly respond to the inspector's food protection questions as they relate to the specific FOOD operation, the REGULATORY AUTHORITY may require that the PERSON IN CHARGE who is not certified become a certified FOOD protection manager in accordance with the provisions detailed in 2-102.20.

Submitter Information:

Name: Ernest Julian, PhD., Chief, Office of Food Protection
Organization: Rhode Island Department of Health
Address: 3 Capitol Hill
City/State/Zip: Providence, RI 02908
Telephone: 401-222-2749 Fax: 401-222-4775
E-mail: Ernest.julian@health.ri.gov

Attachments:

- "Managercertificationreferences"

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.