

**Conference for Food Protection
2010 Issue Form**

**Internal Number: 077
Issue: 2010 I-026**

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:

Mandatory Food Protection Manager Certification for Persons in Charge

Issue you would like the Conference to consider:

The FDA is considering modifying the FDA Food Code so as to require that the designated "Person in Charge" of a Food Establishment be a Food Protection Manager that is certified by a recognized Food Protection Manager Certification program.

Recent studies seem to confirm that the presence of a Certified Food Protection Manager can help to improve food safety practices in a food establishment. FDA supports the efforts made by State, local and tribal agencies toward requiring such certification of the Person In Charge (as defined in the Food Code). FDA also believes it is important that the Food Code continue to identify the types of knowledge that the Person in Charge must possess as they relate to the specific food establishment. Further, FDA believes code compliance during a specific inspection should be considered one of the desired outcomes of, rather than an alternative to, the possession of food safety knowledge and a Food Protection Manager Certification for the Person in Charge.

Since the 1995 edition of the Food Code, certification as a food protection manager has simply been an option for the Person in Charge as a means of demonstrating the basic food safety knowledge that is required of that position. FDA is seeking the Conference's recommendations on how mandatory Food Protection Manager Certification can best be incorporated into the Food Code so as to achieve its effective adoption and implementation at the State, local and tribal level.

Public Health Significance:

The increasing complexity of the food industry, the improved ability to identify/trace foodborne outbreaks and other economic, staffing, cultural and behavioral challenges make it imperative that food protection managers know and control the factors that impact the safety of the food they sell or serve.

Food handling procedures and behaviors that may contribute to foodborne illness are well documented in FDA's retail risk factor studies (9, 10) See Attachment B, and in the CDC Environmental Health Specialists Network (EHS-Net) survey of food service workers' self-reported food preparation practices (4). Frank Bryan identified significant activities that make food safer including knowledge of the *Food Code* and training of industry food workers and managers (1). Certified food protection managers can have an important role

in formulating policies and communicating information to food employees about recommended practices to reduce the risk of foodborne illness and verifying they do so (2).

The results of a number of studies that have shown the prospective benefits associated with the certification of food protection managers. Published studies (See Attachment B, References) that show some of the benefits include:

- A CDC EHS-Net study suggests that the presence of a certified food protection manager reduces the risk for a foodborne outbreak for an establishment and was a distinguishing factor between restaurants that experienced a foodborne illness outbreak and those that had not. (5).
- Kneller found a statistically significant decrease in critical violations and increase in restaurant inspection scores after managers completed a 15-hour food safety training and certification program (6).
- Cotterchio showed a significant increase in inspection scores and decrease in critical violations which was maintained after two years in facilities with a certified food protection manager (3).
- FDA's 2004 retail risk factor study suggests that the presence of a certified manager has a positive correlation with more effective control of certain risk factors, such as poor personal hygiene, especially in different facility types (9). FDA's 2009 risk factor study also indicates that the presence of certified food managers is positively correlated to improved compliance in certain facility types (10)
- Cates found the presence of certified food managers is protective for most types of critical violations including a lower likelihood of violations for personnel, food source and handling, facilities and equipment and warewashing. They were also more likely to be more knowledgeable about relationships between foodborne illness risk factors and safe food handling practices (2).

FDA is aware that there are a number state and local agencies that currently mandate food protection manager certification for certain food establishment personnel. For example, in 2002, Schilling found there were 16 states that mandated food protection manager certification and 34 states with some form of voluntary program (8). By 2009, National Restaurant Association's ServSafe website showed 23 states with a mandatory statewide food protection manager certification (7).

Attachment A contains an example of revisions to the Food Code that would recognize the importance of having a person in charge during all hours of operation that is knowledgeable in food safety and certified as a food protection manager. The suggested edits also recognize that the enhanced level of food protection afforded by having a knowledgeable and certified food protection manager present is not made unnecessary simply because no violations of the Code were observed during a single inspection.

FDA is interested in learning if the Conference believes there are certain types of food establishments or other conditions for which exceptions to the recommended solution are appropriate.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA recommending modification to the next edition of the FDA Food Code, so as to

- 1) Require that the Person in Charge, as currently defined in the 2009 Food Code, possess certification by a food protection manager certification program that is recognized under 2009 Food Code section 2-102.20.
- 2) Require that the Person in Charge also possess and be capable of demonstrating knowledge of the key food safety principles that are identified in 2009 Food Code Paragraph 2-102.11(C))
- 3) Eliminate the recognition of the achievement of full compliance with the Food Code during a single inspection as a suitable alternative to the requirements recommended in items 1) and 2), above.

Submitter Information:

Name: Glenda R. Lewis
Organization: FDA/CFSAN
Address: 5100 Paint Branch Parkway
City/State/Zip: College Park, MD 20740
Telephone: 301-436-2150 Fax: 301-436-2672
E-mail: glenda.Lewis@fda.hhs.gov

Attachments:

- "Attachment A-Manager Certification-Suggested Changes for the PIC"
- "Attachment B - Manager Certification - References"

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.