

**Conference for Food Protection
2010 Issue Form**

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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:

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.

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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.

Attachment A –Suggested Changes to 2009 Food Code - Mandatory Food Protection Manager Certification for Person in Charge

Responsibility

2-101.11 Assignment. (unchanged)

1. (A) Except as specified in ¶ (B) of this section, the PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present at the FOOD ESTABLISHMENT during all hours of operation.^{Pf}
2. (B) *In a FOOD ESTABLISHMENT with two or more separately PERMITTED departments that are the legal responsibility of the same PERMIT HOLDER and that are located on the same PREMISES, the PERMIT HOLDER may, during specific time periods when food is not being prepared, packaged, or served, designate a single PERSON IN CHARGE who is present on the PREMISES during all hours of operation, and who is responsible for each separately PERMITTED FOOD ESTABLISHMENT on the PREMISES.*^{Pf}

Knowledge

2-102.11 Demonstration. (proposed changes in underline and strikeout)

Based on the RISKS inherent to the FOOD operation, ~~during inspections and upon request~~ the PERSON IN CHARGE shall ~~demonstrate to the REGULATORY AUTHORITY~~ possess knowledge of foodborne disease prevention, the application of the HAZARD Analysis and CRITICAL CONTROL POINT principles, and the requirements of this Code. As it relates to the operation of the specific FOOD ESTABLISHMENT and in response to questions that may be posed by the REGULATORY AUTHORITY, ~~the~~ PERSON IN CHARGE shall demonstrate this knowledge by:

~~(A) Complying with this Code by having no violations of PRIORITY ITEMS during the current inspection;~~^{Pf}

~~(B) Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM;~~^{Pf} ~~or~~

~~(C) Responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include:~~

- (1) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a FOOD EMPLOYEE;^{Pf}
- (2) Explaining the responsibility of the PERSON IN CHARGE for preventing the transmission of foodborne disease by a FOOD EMPLOYEE who has a disease or medical condition that may cause foodborne disease;^{Pf}

- (3) Describing the symptoms associated with the diseases that are transmissible through FOOD; ^{Pf}
- (4) Explaining the significance of the relationship between maintaining the time and temperature of POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) and the prevention of foodborne illness; ^{Pf}
- (5) Explaining the HAZARDS involved in the consumption of raw or undercooked MEAT, POULTRY, EGGS, and FISH; ^{Pf}
- (6) Stating the required FOOD temperatures and times for safe cooking of POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) including MEAT, POULTRY, EGGS, and FISH; ^{Pf}
- (7) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD); ^{Pf}
- (8) Describing the relationship between the prevention of foodborne illness and the management and control of the following:
- (a) Cross contamination, ^{Pf}
 - (b) Hand contact with READY-TO-EAT FOODS, ^{Pf}
 - (c) Handwashing, ^{Pf} and
 - (d) Maintaining the FOOD ESTABLISHMENT in a clean condition and in good repair; ^{Pf}
- (9) Describing FOODS identified as MAJOR FOOD ALLERGENS and the symptoms that a MAJOR FOOD ALLERGEN could cause in a sensitive individual who has an allergic reaction. ^{Pf}
- (10) Explaining the relationship between FOOD safety and providing EQUIPMENT that is:
- (a) Sufficient in number and capacity, ^{Pf} and
 - (b) Properly designed, constructed, located, installed, operated, maintained, and cleaned; ^{Pf}
- (11) Explaining correct procedures for cleaning and SANITIZING UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT; ^{Pf}

(12) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections; ^{Pf}

(13) Identifying POISONOUS OR TOXIC MATERIALS in the FOOD ESTABLISHMENT and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to LAW; ^{Pf}

(14) Identifying CRITICAL CONTROL POINTS in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Code; ^{Pf}

(15) Explaining the details of how the PERSON IN CHARGE and FOOD EMPLOYEES comply with the HACCP PLAN if a plan is required by the LAW, this Code, or an agreement between the REGULATORY AUTHORITY and the FOOD ESTABLISHMENT; ^{Pf}

(16) Explaining the responsibilities, rights, and authorities assigned by this Code to the:

(a) FOOD EMPLOYEE, ^{Pf}

(b) CONDITIONAL EMPLOYEE, ^{Pf}

(c) PERSON IN CHARGE, ^{Pf}

(d) REGULATORY AUTHORITY; ^{Pf} and

(17) Explaining how the PERSON IN CHARGE, FOOD EMPLOYEES, and CONDITIONAL EMPLOYEES comply with reporting responsibilities and EXCLUSION OF RESTRICTION of FOOD EMPLOYEES. ^{Pf}

2-102.20 12 Food Protection Manager Certification.

~~A~~ The PERSON IN CHARGE ~~who demonstrates knowledge by being~~ shall be 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).~~

Attachment B - References related to Certified Food Protection Managers

Page 1 of 2

1. Bryan, F.L. 2002. Where We Are in Retail Food Safety, How We Got to Where We Are, and How Do We Get *There*. J. Environ. Health, September 2002, pp. 29-36.
2. Cates, S.C., M.K. Muth, S.A. Karns, M.A. Penne, C.N. Stone, J.E. Harrison and V.J. Radke. 2009. Certified Kitchen Managers: Do They Improve Restaurant Inspection Outcomes? J. Food Protect. 72(2):384-391.
3. Cotterchio, M., J. Gunn, T. Coffill, P. Tormey and M.A. Barry. 1998. Effect of a Manager Training Program on Sanitary Conditions in Restaurants. Public Health Reports, Boston University School of Public Health, Vol. 113, pp. 353-358.
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6. Kneller, P. and T. Bierma. 1990. Foodservice certification: Measuring the effectiveness of a state program. J. Environ. Health, Vol. 52m pp. 292-294.
7. National Restaurant Association ServSafe Food Safety Regulatory Requirements, Available at <http://www.servsafe.com/RegRequiements/>. Accessed Nov. 16, 2009.
8. Schilling, B.J., J. O'Conner, and V. Hendrickson. 2002. State-mandated food safety certification requirements for restaurants: a 2002 review of states. The food Policy Institute, Rutgers, the State University of New Jersey, New Brunswick. Available at <http://ageconsearch.umn.edu/bitstream/18177/1/st02.sc01.pdf>. Accessed Nov. 16, 2009.
9. U.S. Food and Drug Administration. 2004. FDA Report on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Food Service, Restaurant, and Retail Food Store Facility Types (2004). Available at <http://www.fda.gov/Food/FoodProtection/RetailFoodProtection/FoodborneIllnessandRiskFactorReduction/RetailFoodRiskFactorStudies/ucm089696.htm> . Accessed Dec. 12, 2009.
10. U.S. Food and Drug Administration. 2009. FDA Report on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice, Restaurant, and Retail Food Store Facility Types (2009). To be made Available at <http://www.fda.gov/Food.FoodSafety/RetailFoodProtection/FoodborneIllnessandRiskFactorReduction/RetailFoodRiskFactorStudies/default.htm>

Attachment B - References related to Certified Food Protection Managers

Page 2 of 2

11. U.S. Food and Drug Administration. 2009. FDA *Food Code*. Available at <http://www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/FoodCode2009/default.htm>
12. York, V.K., L.A.Brannon, C.W. Shanklin, K.R. Roberts, A.D. Howells, E.B. Barrett. 2009. Foodservice Employees Benefit from Interventions Targeting Barriers to Food Safety. *J. Am. Dietetic Assoc.* 109(9): 1576-1581.