

**Conference for Food Protection
2014 Issue Form**

**Internal Number: 073
Issue: 2014 II-016**

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:

Amend 2013 Food Code Section 2-102.11 and delete 2-102-20

Issue you would like the Conference to consider:

1. Amending 2-102.11
2. Deleting 2-102-20

Public Health Significance:

Certified Food (Protection) Manager training and examination establishes a basic understanding of food safety principles as found in the FDA Food Code current at the time of examination. A person can pass an approved test, but fail to retain or apply the knowledge learned. As stated in *Annex 5 Conducting Risk-based Inspections* on page 615 of the 2013 FDA Food Code, "While training may help, there is no guarantee that knowledge acquired will equate to knowledge applied in the workplace."

Public health reasons for requiring Person In Charge (PIC) demonstration of knowledge may include:

1. Exclusion and Restriction of Ill Employees

Ill employees are one of the most frequent causes of foodborne outbreaks, but only INFREQUENTLY does the inspector have the opportunity to observe the PIC interacting with an ill employee. Questioning the PIC is the inspector's best means to educate the PIC about a required employee illness policy and implementation of that policy.

2. Safe Food Temperatures

Improper cooking, cooling and holding temperatures can lead to increased risk of foodborne outbreaks. Unless all menu items and Potentially Hazardous Food (PHF) ingredients are being received, prepared or held during the inspection, compliance with safe food temperatures cannot be documented. Questioning the PIC can help both the regulated party and the regulatory agency better understand how the establishment's practices protect the public health.

3. Specialized Processing

Complicated processes, including processes requiring Hazard Analysis Critical Control Point (HACCP), may be done outside of normal business hours, but the PIC may still have responsibility for part or all of the process. The PIC may conduct activities such as monitoring pH and temperature (as with Reduced Oxygen Packaging), verifying that food is received from an approved source, or cleaning and sanitization of specialized equipment.

Questioning the PIC enables the inspector better to determine compliance with food safety principles and regulations.

Questioning regarding pertinent food safety concerns is needed to ensure the PIC has the required knowledge to make sure the food is and will be prepared safely. When food safety knowledge and practices fall short, there is a very high risk of foodborne outbreaks. The regulated party must be able to prove to the inspector that there is a PIC present who can both apply and explain applicable food safety principles.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (new language is underlined; language to be deleted is in strikethrough format)

I. Amend 2-102.11 Demonstration.

Based on the RISKS inherent to the FOOD operation, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of foodborne disease prevention, application of the HAZARD Analysis and CRITICAL CONTROL POINT principles, and the requirements of this Code. 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; or ^{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~~ and 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 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 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 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; or^{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 or RESTRICTION of FOOD EMPLOYEES. ^{Pf}

~~(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 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 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 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; or~~^{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 or RESTRICTION of FOOD EMPLOYEES.~~^{Pf}

II. Amend 2-102.20 Food Protection Manager Certification

~~A) 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).
(B) A FOOD ESTABLISHMENT that has an EMPLOYEE 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 §2-102.12.~~

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