

**Conference for Food Protection
2016 Issue Form**

Issue: 2016 II-025

Council Recommendation: Accepted as Submitted _____ Accepted as Amended _____ No Action _____

Delegate Action: Accepted _____ Rejected _____

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Issue History:

This is a brand new Issue.

Title:

Mandatory Food Protection Manager Certification for Persons in Charge

Issue you would like the Conference to consider:

This issue is seeking a modification of the 2013 FDA Food Code to require that the designated "Person in Charge" (PIC) of a Food Establishment be a certified food protection manager who has passed a test that is part of an accredited program, as defined by the FDA Food Code. This modification would allow the regulatory authority the flexibility to exempt food establishments from this requirement if the regulatory authority deems the operation poses minimal risk of causing or contributing to foodborne illness.

Public Health Significance:

(Note: numbers in square brackets [x] refer to references found in Attachment A.)

Foodborne pathogens impose over \$15.5 billion (2013 dollars) in economic burden on the U.S. public each year [1]. CDC estimates that each year 48 million people in the U.S. get sick, 128,000 are hospitalized, and 3,000 die of foodborne diseases [2, 3]. Norovirus is the leading cause of foodborne illnesses for which a specific pathogen can be identified (58%), and accounts for 26% of foodborne illness hospitalizations and 11% of foodborne illness deaths. Nontyphoidal *Salmonella* causes 11% of foodborne illnesses, and accounts for the most foodborne illness hospitalizations (35%) and deaths (28%) [3].

On average, Americans eat out at retail food service establishments 4.5 times a week [4]. CDC has consistently identified retail food service establishments as the location of about 60% of foodborne illness outbreaks since 1993 [5, 6]. Many of these outbreaks are associated with unsafe practices within the establishments. Surveillance data show that factors associated with poor food preparation practices within establishments contributed to 35% of restaurant outbreaks with a single etiology, and factors associated with food worker health and hygiene contributed to 64% of those restaurant outbreaks [7]. Twenty percent of food workers have reported working while sick with vomiting and diarrhea, and infected food workers cause about 70% of reported norovirus outbreaks from contaminated food [8, 9].

Public health agencies have recognized that restaurants and other retail food facilities are avenues of exposure of the public to foodborne illness pathogens. Based on the assumption that certification leads to greater food safety knowledge and managers with this knowledge will successfully implement active managerial control of risk factors associated with foodborne illness and outbreaks, many public health agencies have required retail food service establishment manager food safety certification and even food worker food safety training. For example, the Illinois Food Service Sanitation Code requires manager certification, and as of July 1, 2014, the Illinois Code requires food handler training [10]. According to the National Restaurant Association's ServSafe website, 25 states require manager food safety certification and individual counties in 11 additional states also require certification of managers [11].

Based at least in part on the same assumptions made by public health agencies regarding certification, and recognizing their vulnerability to foodborne illness and disease outbreaks, the food industry has taken a leadership role in supporting food safety training and certification for their employees. For example, several chains require manager certification, regardless of their jurisdiction's regulations.

The assumption that manager food safety knowledge and certification will support active managerial control of risk factors has a scientific basis. Published studies that show the benefits include the following.

- Brown et al. (2014) found that certified managers and workers had greater food safety knowledge than noncertified managers and workers. Other studies on this topic conducted in local settings have reached similar conclusions [12-15].
- Bogard et al. (2013) found that managers in restaurants with a certified manager reported better food safety practices than managers in restaurants without a certified manager [16]. Specifically, managers in restaurants with a certified food manager, compared to managers in restaurants without a certified food manager, more often said that:
 - Workers in their restaurant were required to tell a manager when they were sick with gastrointestinal illness symptoms.
 - They took the final cook temperature of hamburgers.
 - They did not serve undercooked (rare or medium-rare) hamburgers.
- Kassa et al. (2010) found that restaurants with certified managers had significantly fewer critical food safety violations than restaurants without certified managers. [17]
- Cates et al. (2009) found that restaurants with certified managers present during inspection were less likely than restaurants without certified managers present to have critical violations in five of seven inspection categories.[18]
- Hedberg et al. (2006) found that restaurants in which an outbreak had occurred were less likely to have a certified manager than restaurants in which an outbreak had not occurred [19].
- In 2009, FDA found that full service restaurants with a certified manager present during the inspection, compared to those without a certified manager present, had fewer occurrences of risk factors in three of five categories. In 2004, FDA found that

full service restaurants had fewer occurrences of risk factors in two of five categories [20, 21].

Data from these studies indicate that manager certification is related to increased manager food safety knowledge, better food safety practices and inspection scores, and fewer foodborne illness outbreaks.

The Conference for Food Protection currently recognizes four providers of food protection manager certification. They provide accessible training in different languages. For example, the web site of one of the four certification providers reports that more than 5 million foodservice professionals have been certified through its food protection manager certification program.[22] showing that high quality resources for training and certifying food managers are readily available. There may be other accredited certification programs (e.g., state certified programs) that meet the Conference standards and provide the same conveniences.

A food safety certification requirement for food service establishment Persons-in-Charge is supported by the facts that:

- a large proportion of foodborne illness outbreaks are associated with retail food service establishments, indicating a lack of active managerial control of risk factors,
- the existing body of evidence supporting a link between manager certification and retail food safety,
- many state and local public health agencies already require certification,
- quality training and certification resources are readily available,
- the food industry may benefit from manager certification through reduced health and economic risks of foodborne outbreaks.

Exemption

Some establishments pose lower foodborne illness risk than others. It is appropriate for state and local agencies, by way of codes and ordinances or by policy, to establish criteria for what types of permitted establishments could be exempt from the mandatory manager certification requirement and for determining the conditions under which the minimum number of certified food protection managers must be some number greater than one.

Factors to consider when establishing such criteria include the size and scope of the operation, the hours of operation, and the types of foods sold or served.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the 2013 FDA Food Code be modified as follows:

1. Requiring that the Person in Charge be a certified food protection manager who has passed a test that is part of an accredited program, as defined by the FDA Food Code.
2. Provide an exception to requiring the Person in Charge to be a certified food protection manager if the regulatory authority deems the establishment to pose minimal risk of causing or contributing to foodborne illness either at certain times of operation or based on the nature of food preparation.

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Supporting Attachments:

- "Attachment A - References"

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