**Conference for Food Protection**

**2018 Issue Form**

**Issue: 2018 II-022**

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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.*

**Issue History:**

This is a brand new Issue.

**Title:**

Amend Food Code - Submission of Application 30 Days Before Opening

**Issue you would like the Conference to consider:**

Section 8-302.11 of the 2013 FDA Food Code currently requires that an applicant submit an application for a PERMIT at least 30 days before the date planned. That is not practical for many temporary food events.

**Public Health Significance:**

The 30 day requirement in this section is important when a fixed food establishment is involved. It allows the regulatory authority time to insure that plans have been submitted and approved; allows time to communicate with other code and zoning officials; and time to schedule and conduct a pre-opening inspection. These same issues do not affect most temporary events. The 30-day requirement has little or no public health significance for temporary food establishments.

**Recommended Solution: The Conference recommends...:**

that a letter be sent to the FDA requesting that section 8-302.11 of the most current edition of the Food Code be amended as follows (new language is underlined; language to be deleted is in strikethrough format):

Except for a TEMPORARY FOOD ESTABLISHMENT, ~~A~~an applicant shall submit an application for a PERMIT at least 30 calendar days before the date planned for opening a FOOD ESTABLISHMENT or the expiration date of the current PERMIT for an existing facility.

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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.