Conference for Food Protection
2018 Issue Form

Issue: 2018 II-023

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 issue was submitted for consideration at a previous biennial meeting, see issue: 2016 Council 1 047; the recommended solution has been revised.

Title:

Amend Food Code - Establishing Inspection Intervals, Section 8-401.10

Issue you would like the Conference to consider:

2013 FDA Food Code Section 8-401.10(C) states that:

8-401.10(C) The regulatory authority shall periodically inspect throughout its permit period a temporary food establishment that prepares, sells, or serves unpackaged potentially hazardous food (time/temperature control for safety food) and that:

(1) Has improvised rather than permanent facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, providing drinking water, waste retention and disposal, and insect and rodent control; or

(2) Has inexperienced food employees.

While this is a non-debitable code provision the use of the word "shall" means that the act is "imperative" and constitutes a command to the regulatory authority. However, based on risk, it may not be necessary for the regulatory authority to inspect the temporary food establishment (TFE) <u>more than once</u>, especially in the case of a 1 or 2-day event, even if the conditions stated in 8-401.10(C)(1) or (2) exist.

Public Health Significance:

The regulatory authority should be required to conduct one inspection of all TFE's and have the authority to inspect TFE's periodically throughout their operation based on risk. I do not believe there is a public health rationale for the current language <u>requiring periodic inspections</u> even for one-day events and regardless of risk.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Section 8-401.10 (C) of the most current edition of the Food Code be amended as follows (new language underlined):

Section 8-401.10 (C)

(C) The regulatory authority "shall" conduct one inspection and may periodically inspect throughout its permit period a temporary food establishment that prepares, sells or serves unPACKAGED TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and that: ....

(no additional language changes)

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