Issue: 2020 II-028

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:

PSC Issue #10 Amend CFP Training Manual to add Quality Program Elements

Issue you would like the Conference to consider:

Voluntary National Retail Food Regulatory Program Standards (VNRFRPS or Standards), Standard 4: Uniform Inspection Staff requires that Program Management implements an on-going quality assurance program that evaluates inspection uniformity to ensure inspection quality, inspection frequency and uniformity among the regulatory staff, in accordance with twenty quality assurance program elements:

Program Element III requires that inspection staff "Verifies that the establishment is in the proper risk category and that the required inspection frequency is being met. Informs the supervisor when the establishment is not in the proper risk category or when the required frequency is not met";

Program Element IX requires that inspection staff "Discuss options for the long-term control of risk factors with establishment managers, when the same out-of-control risk factor occurs on consecutive inspections, in accordance with the jurisdiction's policies. Options may include, but are not limited to; risk control plans, standard operating procedures, equipment and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP plans"; and

Program Element XVIII requires that inspection staff "Documents that options for the long-term control of risk factors were discussed with establishment managers when the same out-of-control risk factor occurs on consecutive inspections. Options may include, but are not limited to, risk control plans, standard operating procedures, equipment and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP Plans."

Ideally, all program elements of the quality assurance plan should be addressed during training of inspection staff. Program Elements III, IX, and XVIII are not currently addressed in Standard 2: Trained Regulatory Staff and should be added.

The Program Standards Subcommittee #3 was charged to assess if any changes will be needed in Standard 2 to provide better alignment with Standard 4. After detailed review and deliberation, it was determined that amending the CFP Training Manual and

Attachment A - CFP Training Plan and Log performance elements will result in better alignment of the Standard 2 with Standard 4. See *Draft CFP Training Plan Revision and Draft Attachment A - CFP Training Plan and Log Revision*.

Public Health Significance:

Program Element III - Standard 3 requires that regulatory jurisdictions assign inspection frequency based on the risk categories to focus program resources on food operations with the greatest food safety risk. With limited resources, creating a variable inspection frequency for each category will allow inspection staff to effectively spend more time in high risk establishments that pose the greatest potential risk of causing foodborne illness. To make the best use of inspection staff's time, it is important that food establishments are assigned the correct risk category. In addition, many jurisdictions use risk categories as a basis for permit fees, so it is important to both the food industry and the regulatory agency that the risk category is correct.

Standard 2 requires that regulatory retail food program inspection staff shall have the knowledge, skills, and ability to adequately perform their required duties. This includes successful completion of the jurisdiction's Field Training Plan similar to the process outlined in the Conference for Food Protection (CFP) Field Training Manual. As noted in the Program Standards Committee Subcommittee #3 Final Report, the CFP Field Training Manual does not address Standard 4 Program Element III: "Verifies that the establishment is in the proper risk category and that the required inspection frequency is being met. Informs the supervisor when the establishment is not in the proper risk category or when the required frequency is not met." To properly address Standard 4 Program Element III, two changes to the CFP Training Manual and Attachment A - CFP Training Plan and Log are needed.

Program Element IX - Foodborne illness risk factors are food handling practices and behaviors commonly identified by the CDC as contributing factors in foodborne illness in retail food establishments. Observation of the same out-of-control risk factor on consecutive inspections indicates a lack of active managerial control by the facility management. At this point the violation has been identified and control measures discussed the first time the violation was observed. At the time of the second consecutive violation of the same risk factor, additional remedies must be discussed with facility management to gain long-term control (options may include, but are not limited to; risk control plans, standard operating procedures, equipment and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP plans).

As noted in the Program Standards Committee Subcommittee #3 Final Report, the CFP Field Training Manual does not address Standard 4 Program Element IX: "Discuss options for the long-term control of risk factors with establishment managers, when the same out-of-control risk factor occurs on consecutive inspections, in accordance with the jurisdiction's policies..."

Program Element XVIII - Observation of the same out-of-control risk factor on consecutive inspections indicates the need for long-term behavior change that will result in a reduction in the occurrence of risk factor violations. Inspection staff should discuss with management the importance of correcting the risk factor and offer suggestions for long-term control measures such as the development of food safety management systems, equipment

and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP Plans.

Future violations of the same out-of-control risk factor may require compliance activities and it is important that options for the long-term control of risk factors discussed with establishment managers previously were documented in the establishment file. This documentation also demonstrates due diligence of the regulatory authority to work with establishment management to gain compliance and reduce the occurrence of out-of-control risk factors.

As noted in the Program Standards Committee Subcommittee #3 Final Report, the CFP Field Training Manual does not address Standard 4 Program Element XVIII: "Documents that options for the long-term control of risk factors were discussed with establishment managers when the same out-of-control risk factor occurs on consecutive inspections. Options may include, but are not limited to, risk control plans, standard operating procedures, equipment and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP Plans."

Recommended Solution: The Conference recommends...:

for better alignment of Standard 2 with Standard 2 that the CFP Training Manual and Attachment A - CFP Training Plan and Log (see *Draft CFP Training Plan Revision* and *Draft Attachment A - CFP Training Plan and Log Revision*) be amended to address:

(1) Quality Assurance Program Element III in Section I Pre-inspection, #2. Reviews establishment file for previous inspection report, complaints on file, and if applicable, required HACCP Plans or documents supporting the issuance of a variance by the agency by including "current risk category assigned." This will result in additional language for Section I performance element #2 on pg. 7 of the CFP Training Manual;

(2) Quality Assurance Program Element III in Section I Pre-inspection, #2. Reviews establishment file for previous inspection report, complaints on file, and if applicable, required HACCP Plans or documents supporting the issuance of a variance by the agency by including the statement "Reviewed establishment file for documentation indicating the assigned risk category." This will result in a total of five items under Section I performance element #2 in Attachment A - CFP Training Plan and Log;

(3) Quality Assurance Program Element III in Section II Inspection Observations and Performance, #3 Uses a risk-based inspection methodology to correctly assess regulations related to employee practices and management procedures essential to the safe storage, preparation, and service of food by including the statement "and verify the establishment is assigned the correct risk category." This will result in additional language for Section II performance element #3 on pg. 8 of the CFP Training Manual;

(4) Quality Assurance Program Element III in Section II Inspection Observations and Performance, #3 Uses a risk-based inspection methodology to correctly assess regulations related to employee practices and management procedures essential to the safe storage, preparation, and service of food by including the statement "Verified the establishment is assigned the correct risk category, and when necessary, informs the supervisor when the establishment is not in the proper risk category." This will result in a total of sixteen items under Section II performance element #3 in Attachment A - CFP Training Plan and Log;

(5) Quality Assurance Program Element IX in Section II, Inspection Observations and Performance, #6 Verifies correction of out of compliance observations identified during previous inspection by including the statement "Discussed options for the long-term control of risk factors." This will result in additional language for Section II performance element #6 on pg. 8 of the CFP Training Manual;

(6) Quality Assurance Program Element IX in Section II, Inspection Observations and Performance, #6 Verifies correction of out of compliance observations identified during previous inspection by including the statement "Discussed options for the long-term control of risk factors with establishment managers when the same out-of-control risk factor occurs on consecutive inspections (e.g., risk control plans, standard operating procedures, equipment and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP plans)." This will result in a total of two items under Section II performance element #6 in Attachment A - CFP Training Plan and Log;

(7) Quality Assurance Program Element XVIII in Section IV Written Communication, #1 Completes inspection form per jurisdiction's administrative procedures (e.g., observations; corrective actions; public health reason; applicable code reference; compliance dates) by including the statement "options for the long-term control of risk factors." This will result in additional language for Section IV performance element #1 on pg. 8 of the CFP Training Manual; and

(8) Quality Assurance Program Element XVIII in Section IV Written Communication, #1 Completes inspection form per jurisdiction's administrative procedures (e.g., observations; corrective actions; public health reason; applicable code reference; compliance dates) by including the statement "Documented that options for the long-term control of risk factors were discussed with establishment managers when the same out-of-control risk factor occurs on consecutive inspections." This will result in a total of eight items under Section IV performance element #1 in Attachment A - CFP Training Plan and Log.

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Supporting Attachments:
- "PSC Issue #10 list of supporting attachments"

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.

PSC Issue #10 list of supporting documents

(1) See Issue titled: Report – 2018-2020 Program Standards Committee; Attachment title: Program Standards Committee subcommittee #3 final report

(2) See Issue titled: Report – 2018-2020 Program Standards Committee; Attachment title: PSC Subcommittee #3 Charge 3 Quality Elements Cross-referenced

(3) See Issue titled: Report – 2018-2020 Program Standards Committee; Attachment title: Draft Attachment A – CFP Training Plan and Log Revision

(4) See Issue titled: Report – 2018-2020 Program Standards Committee; Attachment title: VNRFRPS, Standard 2 (see https://www.fda.gov/food/voluntary-national-retail-food-regulatory-program-standards/voluntary-national-retail-food-regulatory-program-standards-november-2019)

(5) See Issue titled: Report – 2018-2020 Program Standards Committee; Attachment title: VNRFRPS, Standard 4 (see https://www.fda.gov/food/voluntary-national-retail-food-regulatory-program-standards/voluntary-national-retail-food-regulatory-program-standards-november-2019)

(6) See Issue titled: Report – 2018-2020 Program Standards Committee; Attachment title: CFP Training Manual (see http://www.foodprotect.org/guides-documents/conference-for-food-protection-cfp-field-training-manual-for-regulatory-retail-food-safety-inspection-officers-5-31-13-cfp-update/)

(7) See Issue titled: Report – 2018-2020 Program Standards Committee; Attachment title: Draft CFP Training Manual Revision