

COUNCIL II – ADMINISTRATION, EDUCATION & CERTIFICATION

Issues and Actions

In this section are the Issues deliberated by Council II. In addition to those Issues originally assigned to this Council, Issue 02-01-18 (referred from Council I) was reported out as part of this report.

Issue Number:	02-02-01
Issue Title:	The CFP Food Protection Manager Training, Testing and Certification Committee's – 2002 Conference Report and Action Plan
Recommended Solution:	The Conference recommends: <ol style="list-style-type: none">(1) Acceptance of the Food Protection Manager Training, Testing and Certification Committee's 2002 Report.(2) The Committee's 2002 Conference Report be used as the backgrounder for deliberation on all other Committee Issues submitted to the 2002 Conference meeting that impact the development of an accreditation body for Food Protection Manager Certification Programs. These Issues include:<ul style="list-style-type: none">• The proposed ANSI/CFP Contract and accreditation model;• The granting of authority to the CFP Executive Board to act on the Conference's behalf, in between conference meetings, on administrative, contractual and marketing issues impacting the implementation of the ANSI-CFP accreditation program;• The CFP Food Protection Manager Training, Testing and Certification Standing Committee Bylaws;• The addition of computer-based test standards to the <i>CFP Standards for Accreditation of Food Protection Manager Certification Programs</i>; and• The revision of the <i>CFP Standards for Accreditation of Food Protection Manager Certification Programs</i> to include an

examination component for all recertification programs.

- (3) Continued endorsement and support of the Food Protection Manager Training, Testing and Certification Committee's efforts to establish an accreditation body for Food Protection Manager Certification Programs in accordance with the intent and scope of the process presented in the Committee's 2002 Conference Report.

Council Recommendation: **Accept as submitted**

Assembly Action: **Affirm**

Issue Number: **02-02-02**

Issue Title: **Proposed Contract for Establishing an ANSI-CFP Accreditation Program for Food Protection Manager Certifiers**

Recommended Solution: The Conference recommends that the Chair of the CFP Executive Board sign the ANSI-CFP contract establishing an accreditation program for Food Protection Manager Certifiers (Attachment A – Committee's 2002 Conference Report).

The Conference recommends that the CFP Executive Board appoint two representatives to serve on the ANSI Accreditation Committee responsible for the development and implementation of an accreditation program for Food Protection Manager Certifiers. To minimize any potential conflict of interest and ensure an independent accreditation process, the two CFP Executive Board appointees to the ANSI Accreditation Committee shall not be current members of the CFP Food Protection Manager Training, Testing and Certification Committee. The appointees should have a solid understanding of Conference Issues pertaining to the establishment of an accreditation body for Food Protection Manager Certifiers.

The Conference recommends that the CFP Food Protection Manager Training, Testing and Certification Committee continue its work with ANSI on the implementation of an accreditation program for Food Protection Manager Certifiers as presented in Attachments A through D of the Committee's 2002 Conference Report.

Council Recommendation: **Accept as submitted**

Assembly Action: **Affirm**

Issue Number: 02-02-03

Issue Title: **CFP Executive Board Authority to act on the Conference's Behalf, In Between Conference Meetings, in Addressing Administrative, Contractual and Marketing Issues Pertaining to the ANSI-CFP Accreditation Program for Food Protection Manager Certifiers**

a. Recommended Solution: The Conference recommends that the CFP Executive Board be granted temporary authority to act on the Conference's behalf, in between meetings, in addressing administrative, contractual and marketing issues impacting the ANSI-CFP Accreditation Program for Food Protection Manager Certifiers. The time frame for this temporary authority will be initiated with the conclusion of the 2002 Conference meeting and extend through the conclusion of the 2004 Conference meeting.

The Conference recommends that the CFP Bylaws Committee submit an Issue for deliberation at the 2004 Conference meeting, amending the CFP Bylaws to reflect this Conference-delegated authority to the CFP Executive Board.

Council Recommendation: **Accept as submitted**

Assembly Action: **Affirm**

Issue Number: 02-02-04

Issue Title: **CFP Food Protection Manager Training, Testing and Certification Committee Bylaws**

Recommended Solution: The Conference recommends approval of the CFP Food Protection Manager Training, Testing and Certification Committee Bylaws contained in Attachment F of the Committee's 2002 Conference Report

Council Recommendation: **Accept as submitted**

Assembly Action: **Affirm**

Issue Number: 02-02-05

Issue Title: **Computer-Based Testing Standards for Food Protection Manager Certification Programs**

Recommended Solution: The Conference recommends that the computer-based standards contained in Attachment E of the Committee's report be incorporated as a new Section 6.0 in the CFP *Standards for*

Accreditation of Food Protection Manager Certification Programs (4/12/00).

b. With the addition of the new Section 6.0 Computer-Based Testing, the Conference recommends that the existing Sections 6.0 and 7.0 be renumbered as Sections 7.0 and 8.0, respectively.

The Conference recommends that the following terms as they relate to computer-based testing and as defined in Attachment E of the Committee 2002 Conference Report be incorporated into Section 1.0 in the *CFP Standards for Accreditation of Food Protection Manager Certification*.

- Algorithm;
- Computer-Adaptive Testing;
- Computer-Based Testing;
- Item Sequence;
- Test Decoding; and
- Test Encryption.

Council Recommendation: **Accept as submitted**

Assembly Action: **Affirm**

Issue Number: **02-02-06**

Issue Title: **Food Protection Manager Recertification**

Recommended Solution: The Conference recommends to change (current) Section 6.6 of the *CFP Standards for Accreditation of Food Protection Manager Certification Programs (4/12/00)* to read: *Continued Proficiency*. An accredited *certification organization* shall implement a process or program for assessing continued *competence* that includes an examination component at an interval of no more than five years.

(i) In addition, the following Annex section should be deleted:

C.5 Every 5 years a Certified Food Protection Manager should demonstrate competence or enhance competencies through an accredited certification organization's continued proficiency process or program.

c.

d. The CFP Food Protection Manager Training, Testing and Certification Committee Meeting approved the above recommendation on January 7, 2002.

Council Recommendation: **Accept as amended**

Assembly Action: Affirm

Issue Number: 02-02-07

Issue Title: CFP Endorsement of the FDA Draft “Recommended National Regulatory Retail Food Program Standards”.

Recommended Solution: The Conference recommends the Conference for Food Protection endorse the June 2001 draft “Recommended National Regulatory Retail Food Program Standards” as referenced in the FDA 2001 Food Code.

Council Recommendation: Accept as amended

e. **Assembly Action:** Affirm

f.

Issue Number: 02-02-08

Issue Title: The Conference for Food Protection as a Mechanism for Reviewing and Commenting on Changes for Standards and Criteria Contained in the FDA Draft “Recommended National Regulatory Retail Food Program Standards”

Recommended Solution: The Conference recommends the FDA include the Conference for Food Protection as one of the primary mechanisms for reviewing and commenting on future changes within the Program Standards and seeking on-going input from CFP registrants.

Council Recommendation: Accept as amended

Assembly Action: Affirm

Issue Number: 02-02-09

Issue Title: Distribution of Printed Copies of the FDA Draft “Recommended National Regulatory Retail Food Program Standards”.

Recommended Solution: The Conference recommends the FDA make printed copies of the draft Program Standards available for distribution. (The document is currently available in an electronic format on the FDA web site <http://www.cfsan.fda.gov/~dms/ret-toc.html>).

Council Recommendation: Accept as amended

Assembly Action: Affirm

Issue Number: 02-02-10

Issue Title: Edit Change in Standard #3 – National Program Standards

Recommended Solution: The Conference recommends Change wording for Item #1 as following: “Documentation of the compliance status of risk factors and interventions during special investigations (in, out, NO, NA)...”

Council Recommendation: No action

Assembly Action: Affirm

Issue Number: 02-02-11

Issue Title: CFP Inspection Form Committee, Recommendation to Accept Committee Report

Recommended Solution: The Conference recommends that the report of the Inspection Form Committee be accepted.

Council Recommendation: Accept as submitted

Assembly Action: Affirm

Issue Number: 02-02-12

Issue Title: CFP Inspection Form Committee, Recommended Elements that should be on an Inspection Form and their Justification.

Recommended Solution: The Conference recommends the chair send a letter to FDA urging them to add the attached elements and justifications to Annex 4, Section 6, Inspection Report of the FDA Food Code.

Council Recommendation: Accept as amended

Assembly Action: Affirm

Issue Number: 02-02-13

Issue Title: CFP Inspection Form Committee, Recommended Inspection Form

Recommended Solution: The Conference recommends that FDA incorporate the attached model inspection forms into the FDA Food Code, Annex 7, Form 3B; and that the Inspection Form Committee be continued and charged with designing an instructional document to assist inspectors and other individuals in properly completing the

inspection forms; and developing a field test of the forms to be conducted in coordination with volunteers from industry and federal, state and local regulatory agencies.

Council Recommendation: **Accept as amended**

Assembly Action: **Affirm**

Issue Number: **02-02-14**

Issue Title: **Certification of Health Officials**

Recommended Solution: The Conference recommends adoption of the Certification of Health Officials Committee Report. The Committee has surveyed the options available for the credentialing of regulatory food inspectors and reports that the NEHA Certified Food Safety Professional (CFSP) examination is a program that is available at this time and that FDA is currently developing training programs.

Council Recommendation: **Accept as amended**

Assembly Action: **Extract and accept**

Issue Number: **02-02-15**

Issue Title: **Amendments to the Constitution and Bylaws**

Recommended Solution: The following areas of the Constitution and Bylaws should be amended:

- Article II (see attachment 1)
- Article III (see attachment 2)
- Article IV (see attachment 3)
- Article V (see attachment 4)
- Article VI (see attachment 5)
- Article VIII (see attachment 6)
- Article IX (see attachment 7)
- Article X (see attachment 8)
- Article XI (see attachment 9)
- Article XII (see attachment 10)
- Article XIII (see attachment 11)
- Article XIV (see attachment 14)
- Article XV (see attachment 12)
- Article XVI (see attachment 12)
- Article XVI (see attachment 13)
- Article XVIII (see attachment 13)

Changes to the Constitution and Bylaws shall also be made to

the corresponding sections of the appendix.

Council Recommendation: **Accept as amended**

Assembly Action: **Extract and accept**

Issue Number: **02-02-16**

g. **Issue Title: Amendments to the Conference Procedures Manual**

h.

Recommended Solution: The following areas of the Conference Procedures Manual should be amended

- i. Part III (see attachment 1)
- Part IV (see attachment 2)
- Part V (see attachment 3)
- Part VI (see attachment 4)
- Part VII (see attachment 5)
- Part VIII (see attachment 6)
- Part IX (see attachment 7)

Council Recommendation: **Accept as amended**

Assembly Action: **Extract and accept**

Issue Number: **02-02-17**

Issue Title: **Amending CFP Constitution to Establish Conference Policy on Accepting or Rejecting Issues Submitted to the Conference.**

Recommended Solution: Amend Article V, Section 1 of the Constitution and Bylaws to read: " If a recommended action is rejected, the Assembly shall establish the Conference policy or position by directly considering the original issue as submitted to the Conference. The Assembly shall vote to accept such an issue as submitted, reject such an issue, amend the language of the original issue as provided for under Roberts Rules of Order before voting, or direct the Board to assign the issue to a committee for further study and recommendation to be voted on at the next regular meeting of the Conference."

Council Recommendation: **No action**

Assembly Action: **Affirm**

Issue Number: 02-02-18

Issue Title: FDA and USDA Written Responses to the Conference

Recommended Solution: The Conference recommends that, on behalf of the Conference, the Chair sends letters to both the FDA and USDA requesting a written response to each issue, or issues as grouped as a single issue by the Conference. That these responses be requested only on all issues that are accepted by Council, or accepted as amended by Council, and then only on those that are also accepted by the delegate body. Additionally, the Conference recommends that the letter request a response by both FDA and USDA within 6 months of conclusion of the conference, and a follow-up written response no later than 6 months prior to the next conference.

Finally, the Conference recommends that the FDA and USDA responses be posted upon receipt on the Conference’s website for all Conference members to review.

Council Recommendation: Accept as amended

Assembly Action: Affirm

Issue Number: 02-02-19

Issue Title: Consumer Advisory Modification, Section 3-603.11

(ii) Recommended Solution: The Conference should direct the Chair to send a letter to the FDA Commissioner to:

(iii) (1) Delete the reminder requirement found in the insert page of the of the 2001 Model Food Code. Replace 3-603.11 with the following language:

To provide clearer direction and guidance to industry and regulators a modification of section 3.603.11 can be made and read as follows: “...if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish that is raw, undercooked, or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended, or other item; or as a raw ingredient in another ready-to-eat food, the permit holder shall inform consumers by any means such as brochures, deli-case placards, signage or verbal warnings of the increased health risks that may read:

Consuming raw or undercooked foods may increase your risk of foodborne illness, especially if you have certain medical conditions.”

(2) Urge FDA to work through a partnership, which include all entities responsible to educate consumers, to include vulnerable consumers, on the risks associated with consumption of raw or partially cooked animal foods. The partnership would include industry, doctors, nutritionists and dieticians, academia, public interest groups and government. This will allow the development of responsible messages, whether in brochures or media campaigns, and provide flexible use to effectively reach the right people in the appropriate manner. Lessons can be taken from the FightBAC® campaign to achieve such goals.

Council Recommendation: **Accept as amended**

Assembly Action: **Affirm**

Issue Number: **02-02-20**

Issue Title: **Consumer Advisory Disclosure and Reminder Requirements.**

Recommended Solution: The Conference recommends adding to the end of Section 3-603.11 of the 1999 FDA Food Code (or succeeding code equivalent language) the FDA description of the **disclosure** and **reminder** components; as described on the preceding page in the Food Code titled “Current Status of Consumer Advisory language regarding Section 3-603.11.”

Council Recommendation **Accept as submitted**

Assembly Action: **Affirm**

Issue Number: **02-02-21**

Issue Title: **Restrictions on Serving Raw/Partially Cooked Foods.**

Recommended Solution: The Conference recommends that Section 3-401.11(D) of the 1999 FDA Food Code (or succeeding code equivalent language) be changed to: “A raw animal food...may be served in a ready-to-eat form (New Language) **TO THE IMMEDIATE CONSUMER UPON REQUEST IF:...**”

Council Recommendation: **Accept as amended**

Assembly Action: **Affirm**

Issue Number: 02-02-22

Issue Title: Periodicity of the Food Code

Recommended Solution: That new editions of the Food Code be published every four (4) years instead of two (2) years except that issues of public health significance should be acted upon immediately.

Council Recommendation: Accept as amended

Assembly Action: Affirm

Issue Number: 02-02-23

Issue Title: Periodicity and Publication of FDA Food Code

Recommended Solution: A letter be sent by the Chair of the Conference to the Commissioner of the FDA requesting:

(iv)

j. (1)The FDA revise the Food Code every four years (odd numbered years) and that the revised version of the code be published and available for distribution at least one year prior to the biennial Conference meeting preceding the next Food Code publication year.

k.

(v) (1)The FDA release “Letters of Opinion or Interpretation” pertaining to the application of the Food Code on items where clarification is necessary between Code revisions.

(vi)

(vii)

(viii)

(ix)

Council Recommendation: No action

Assembly Action: Affirm

Issue Number: 02-02-24

Issue Title: Modification of Food Code Revision and Edition Cycle

Recommended Solution: The Conference for Food Protection should recommend to the FDA that the current two year revision cycle of the Food Code be changed to a six year cycle.

Council Recommendation: No action

Assembly Action: Affirm

Issue Number: 02-02-25

Issue Title: Publication of the FDA Food Code

Recommended Solution: The Conference recommends that FDA publish amendments of the FDA Food Code, as those changes are determined. In addition, FDA should consider publishing amendments as an alternative to publishing the entire Food Code every two years.

Council Recommendation: No action

Assembly Action: Affirm

Issue Number: 02-02-26

Issue Title: Training and Certification of Health Inspectors

l.

(x) **Recommended Solution:** Health Officials who inspect food establishments should have been “Certified” as attaining a level of food safety knowledge equal to or higher than the food managers they are entrusted to regulate. This can be easily accomplished by requiring all food inspectors to successfully pass a national food safety or food professional’s exam and demonstrate code proficiency by passing an exam on the FDA Food Code to include all the elements of the “Demonstration of Knowledge” section. Minimum passing scores should be high due to the important role inspectors play in the overall food safety system. Additionally, the environmental specialist must have completed state training that “standardizes” the inspector on methods of inspections prior to conducting foodservice audits. Standardization programs support uniformity of applying the Food Code within and among local health departments.

(xi)

(xii)

(xiii)

(xiv)

As such, Section 8-402.11 should be amended to read:

A. After the REGULATORY AUTHORITY presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the PERSON IN CHARGE shall allow the REGULATORY AUTHORITY to determine if the FOOD ESTABLISHMENT is in compliance with this Code by allowing access to the establishment, allowing inspection, and providing information and records specified in this Code and to which the REGULATORY AUTHORITY is entitled according to LAW, during the FOOD ESTABLISHMENT’S hours of operation and other reasonable times, AND

- (xv) B. Any individual intending to inspect the facilities, equipment, processes, premises, records or other information of a food establishment for compliance with food safety standards on behalf of the jurisdiction, must have shown proficiency of required information through passing a test that is part of a nationally accredited program, equivalent or superior to that required of a certified food protection and must have been standardized by the state in conducting food safety inspections.

Council Recommendation: No action

Assembly Action: Affirm

Issue Number: 02-02-27

Issue Title: Certification of Health Officials – Section 8-402.11

Recommended Solution: Regulatory Personnel who inspect food establishments should be required to take and satisfactorily pass - at minimum - a Food Protection Manager Certification examination that meets the CFP Standards for Accreditation of Food Protection Manager Certification Programs (Revised 2000) at a level that will allow the Regulatory Personnel to become eligible for trainer status with the organization providing the exam.

Additionally, the Regulatory Personnel must have completed state training that "standardizes" the inspector on methods of inspections prior to conducting foodservice audits on their own. Standardization programs support uniformity of applying the Food Code within and among local health departments.

As such, a letter should be sent to the FDA recommending that Section 8-402.11 be amended to read:

A. After the REGULATORY AUTHORITY presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the PERSON IN CHARGE shall allow the REGULATORY AUTHORITY to determine if the FOOD ESTABLISHMENT is in compliance with this Code by allowing access to the establishment, allowing inspection, and providing information and records specified in this Code and to which the REGULATORY AUTHORITY is entitled according to LAW, during the FOOD ESTABLISHMENT's hours of operation and other reasonable times, AND

B. Any individual intending to inspect the facilities, equipment, processes, premises, records or other information of a food establishment for compliance with food safety standards on behalf of the jurisdiction, must have shown proficiency in food

safety and sanitation practices through- at minimum - passing a test that is recognized by a CFP recognized accrediting agency as meeting the CFP Standards for Accreditation of Food Protection Manager Certification Programs (Revised 2000) for validity, reliability and legal defensibility at a level that will allow the Regulatory Personnel to become eligible for trainer status with the organization providing the exam and must have been standardized by the state prior to conducting inspections.

Council Recommendation: No action

Assembly Action: Affirm

Issue Number: 02-02-28

Issue Title: Minimum Credential Requirements for Food Safety Regulators

Recommended Solution: ...that the FDA establish the R.S./R.E.H.S. as the minimum credential for food safety regulators nationally.

Council Recommendation: No action

Assembly Action: Affirm

Issue Number: 02-02-29

Issue Title: Establishing Minimum Education Requirements for Food Safety Regulators

m. Recommended Solution: ...to the FDA that a Bachelor of Science degree* be established as the minimum level of education required nationally for newly hired food regulators in Standard #2 of the Retail Food Regulatory Program Standards.

n.

o. *A Bachelor, Masters or Doctorate degree in Environmental Health OR a Bachelors degree which includes an algebra course or higher level math, AND 30 semester/45 quarter hours in the basic sciences, i.e. courses in biology, chemistry, physics or other physical sciences.

Council Recommendation: No action

Assembly Action: Affirm

Issue Number: 02-02-30

Issue Title: A Summary/Checklist for an Integrated Hand Hygiene Process.

Recommended Solution: That the CFP form a committee to develop a sample ACTIVE HAND HYGIENE process outline for placement in the Food Code Annex. This will help operators consider each intervention and assemble the most appropriate combination for their situation. It then serves as the basis to train food workers, remind them regularly and validate their level of success, shift by shift. For new construction and remodels, this process outline becomes part of the Plan Review.

This Active Management Control practice also strives to encourage the individual operator to deploy the most fitting set of practices into a tailored process, deploying any and all available hand hygiene food safety interventions. These might include the single wash, double wash, soap type, nailbrush, hand drying choice, water temperature and flow, alcohol sanitizer, monitoring system, single-use gloves, handsink design, touch-free faucets, training/frequency, Hepatitis A vaccine and explain the handwashing station location. Each solution is the unequivocal responsibility of the owner or designates.

The handwashing/sanitizing/gloving process, matched to the food flow/task changes, together with the ill employee exclusion process, becomes a seamless process. The critical control points are easier to understand by everyone and thus the integrated intervention is more readily trained, accepted and successfully implemented by the prep staff, servers and warewashers. This outline/summary version of the operator's ACTIVE HAND HYGIENE process can be used to train food workers, to serve as the guide for daily validation by the PERSON IN CHARGE, and provide the structure for periodic assessments by local inspectors. The CFP committee may consider reinforcing this integrated process in the FOOD CODE by considering these 4 points in their report:

1. Sub-section (D) of 2-103.11, the PERSON IN CHARGE, could be modified to read:

(D) Employees understand and operate in compliance with the establishment's ACTIVE HAND HYGIENE process, and that the summary of that process is posted in the kitchen for easy reference.

2. Sub-section (A) of 5-205.11 could be modified to read:

A handwashing facility shall be maintained and supplied to facilitate compliance with the operation's ACTIVE HAND HYGIENE process.

3. Section 6-501.18 could be re-stated to read:

Handwashing facilities shall be kept clean, supplied, maintained and used as specified in section 5-205.11.

4. A new sub-section could be inserted between the current (D) & (E) of 8-201.13 to read: (E) Proposed Active Hand Hygiene process:

Council Recommendation: No action

Assembly Action: Affirm

Issue Number: 02-02-31

Issue Title: Introduce the Term Active Hand Hygiene to Describe the Tailored Process of Multiple Interventions.

Recommended Solution: The focus of hand hygiene should be shifted from no bare-hand contact to a seamless process consisting of multiple interventions. To facilitate communication and training of this holistic hand hygiene process, I recommend that the CFP write a letter to encourage the FDA to designate this process as the ACTIVE HAND HYGIENE process. Initially, the

ACTIVE HAND HYGIENE process is nothing more than an outline of the hand hygiene interventions currently in use by every operator. Today becomes the baseline on which to pursue a path of continuous improvement. The process can be enhanced with new learning and directly contribute to the goals of "Healthy People 2010." The word Active is borrowed from Active Management Control (AMC) to reinforce the importance of the person-in-charge in controlling hand hygiene. This ACTIVE HAND HYGIENE name also strives to encourage the individual operator to deploy the most fitting set of practices into a tailored process, deploying any and all available hand hygiene food safety interventions. These might include the single wash, double wash, soap type, nailbrush, water temperature and flow, hand drying choice, alcohol sanitizer, monitoring system, single-use gloves, handsink design, touch-free faucets, training/frequency, hep A vaccine and explain the handwashing station location.

ACTIVE HAND HYGIENE also encourages operators to put other risk management considerations into this integrated action such as added interventions for at-risk populations, ill worker exclusion and managing local endemic disease situations. Each solution is the unequivocal responsibility of the owners and their designates. The handwashing/sanitizing/gloving process matched to the food flow/task changes, together with the ill employee exclusion process, becomes a seamless process. This ACTIVE HAND HYGIENE process can then be used to train food workers, to serve as the guide for daily validation by the PERSON IN CHARGE, and be the guide for periodic assessments by local inspectors. In the letter to the FDA, it may be helpful to direct their attention to sub-section (C) (8) of 2-102.11. I believe this section will be more effective if dedicated to the singular point of hand hygiene and changed to read: Describing the relationship between the prevention of foodborne illness and the ACTIVE HAND HYGIENE process:

1. Ill employee exclusion policy & practice
2. Cross-contamination
3. Hand, bare & gloved, contact with READY-TO-EAT FOODS
4. Handwashing
5. Hand sanitizing
6. Single-use gloving

Council Recommendation: No Action

Assembly Action: Affirm

Issue Number: 02-02-32

Issue Title: Person in Charge, Section 2-101.11

p. Recommended Solution: The Conference Chair send a letter to the FDA Commissioner to urge the following change to Section 2-101.11, page 20 of the FDA 2001 Food Code:

Modify the requirement that a PERSON IN CHARGE TO BE PRESENT “during all hours of food preparation and service” rather than “during all hours of operations.”

q. This change will continue to provide the effective management utilization of the PERSON IN CHARGE.

r.
s.
t.
u.

Council Recommendation: No action

Assembly Action: Affirm

Issue Number: 02-01-18

Issue Title: Critical Item Update Committee Report

(xvi) Recommended Solution: That the Report of the Critical Item Update Committee be accepted, and direct the Chair to send a letter to the FDA requesting that the proposed modifications to the Food Code Definitions, 1-201.10 (B) (17) (a and b), be included in the next revision of the FDA Food Code.

Council Recommendation: Accept as submitted

v. **Assembly Action:** Extract and reject

ATTACHMENTS TO COUNCIL II REPORT

CONFERENCE FOR FOOD PROTECTION

FOOD PROTECTION MANAGER TRAINING, TESTING AND CERTIFICATION COMMITTEE

Committee Report to the Conference

February 1, 2002

BACKGROUND

During the 2000 Conference for Food Protection (CFP) Meeting, the Assembly of State Delegates unanimously approved Council II's recommended charges to the Food Protection Manager Training, Testing and Certification Committee (the Committee). These charges include the:

- Continued development and maintenance of the *CFP Standards for Accreditation of Food Protection Manager Certification Programs* (the CFP Standards);
- Establishment and implementation of an accreditation process for Food Protection Manager Certification Programs; and
- Identification of an appropriate third party accreditor for these certification programs.

The Committee has identified three overarching objectives for developing CFP accreditation standards and implementing an accreditation process for Food Protection Manager Certification Programs:

- Develop a valid and credible process that is practical and legally defensible;
- Maintain an accessible, flexible and cost effective delivery system for the industry; and
- Encourage universal acceptance of credentials issued through certification programs that are accredited as meeting CFP standards by a CFP-sanctioned accrediting organization.

To facilitate the Committee's charge, the Committee developed an internal structure consisting of four work groups. Each work group consisted of appropriate representation from the various stakeholder groups. Each work group was assigned specific tasks directed toward the completion of the Committee's charge. The work groups developed action plans and timelines for completing their assigned tasks.

COMMITTEE WORK GROUPS

- | | |
|-------------------------------|---|
| I. Accreditation. | Establish an accreditation process and identifying the appropriate third party accreditor. |
| II. Standards. | Maintain and revise, where appropriate, the <i>CFP Standards for Accreditation of Food Protection Manager Certification Programs</i> to reflect current national criteria for accreditation of certification organizations. |
| III. Test Recognition. | Serve as the liaison to the Buros Institute to ensure the CFP Test Recognition Process addressed all issues related to certification examination development and administration. |
| IV. Bylaws. | Develop a protocol and operating procedure for the Committee to ensure consensus representation and participation among CFP stakeholders. |

Committee Outcomes

I. Accreditation

The Committee focused much of its energy over the past 2 years on the selection of an independent third party to serve as the accreditor of Food Protection Manager Certification Programs. This process involved:

- A. Developing a Request for Proposal (RFP);
- B. Evaluating proposals to establish an accreditation body for Food Protection Manager Certification Programs (Selection Process);
- C. Drafting an ANSI-CFP contract proposal for implementation of the accreditation program; and
- D. Outlining an action plan and timeline for putting the accreditation process in place.

A. Developing a Request for Proposal and Selection Process

The Committee secured the services of consultants with expertise in the fields of accreditation and law. Dr. Michael Hamm, an expert in the design, structure and functions of accreditation bodies, contributed to the development of the RFP.

Mr. Brian Allen, CFP's legal consultant, provided a comprehensive review of the RFP and the proposed ANSI-CFP contract. The performance objectives for accreditation organizations responding to the RFP included the:

1. Development of a structure and process for a new national accreditation body for Food Protection Manager Certification Programs;
2. Submission of a management plan and budget to operate the accreditation program; and
3. Inclusion of CFP in the governance of the accreditation body and maintenance of the accreditation standards.

The RFP focused on four major areas:

1. Understanding the Project;
2. Experience as an Accreditation Body;
3. Structure and Tasks for Establishing an Accreditation Body; and
4. Cost Proposal/Accreditation Fee Structure

The Committee developed an advertisement for the RFP that was distributed through the CFP mailing list, media outlets and organizations that had previously expressed an interest in serving as the accreditor. This included identifying appropriate avenues for advertising the RFP (journals, etc.) and creating a mail-list of possible respondents to the RFP.

Three organizations submitted proposals in response to CFP's request:

1. American National Standards Institute (ANSI);
2. Buros Institute on Assessment Consultation and Outreach (BIACO); and
3. Creative Marketing Alliance (CMA) Services

Additionally, the Committee developed a model whereby CFP would serve as the accrediting body as a contingency in the event none of the proposals received by external organizations met the needs of the Conference.

B. Selection Process for Determining the Accreditation Body

One representative from each of the stakeholder groups (who also served on the Committee) served on the RFP review panel. The review panel was charged with

performing a comprehensive review and evaluation of all the proposals for presentation to the whole Committee.

The Committee developed a structured review process and assessment tools to be used in evaluating all proposals. All proposals, including the CFP as an accreditor model, were assessed. The review process resulted in the Committee's recommendation to the CFP Executive Board to select the American National Standards Institute's (ANSI) proposal for developing and maintaining an accreditation body for Food Protection Manager Certification Programs.

The RFP process, rationale for assessment, and ultimate selection of ANSI as the accreditation body of choice were submitted to the CFP Executive Board for review. The CFP Executive Board unanimously endorsed the Committee's recommendation and directed it to move forward on the completion of its charge. This included:

1. Developing a proposed ANSI-CFP contract establishing a jointly sponsored accreditation process, and
2. Outlining an action plan and timeline for developing the procedures specific to the Food Protection Manager Certification Program accreditation process.

C. Drafting an ANSI-CFP Contract for Establishing the Accreditation Body

A draft ANSI-CFP contract for establishing an accreditation body for Food Protection Manager Certification Programs has been developed (Attachment A). This draft contract has been agreed upon, in principle, by ANSI and the CFP Executive Board. The draft contract has been submitted as an Issue for deliberation at the 2002 Conference meeting.

The contents of the draft contract include:

- ANSI's-CFP's respective roles and responsibilities;
- Avoidance of Conflicts of Interest;
- Creation of an ANSI Accreditation Committee to oversee the Program;
- ANSI's fiscal responsibilities for maintenance of the Program;
- Limited license for use of ANSI-CFP names with respect to the Program;
- Liability and Indemnification;
- Maintenance of liability insurance;
- Termination language;
- Non-disclosure of confidential information; and
- Dispute resolution.

No formal contractual agreement will be pursued by the CFP Executive Board without the Assembly of State Delegates endorsement of the proposed contract and accreditation process.

D. Proposed Accreditation Process

A graphic presentation of the ANSI-CFP Accreditation Model is presented in Attachment B. CFP will maintain ownership of the *Standards for Accreditation of Food Protection Manager Certification Programs*. ANSI is responsible for the implementation of a structure and process to accredit Food Protection Manager Certification Programs against the CFP Standards.

The ANSI-CFP Accreditation Process is comprised of four components:

1. The CFP Executive Board and the CFP Food Protection Manager Training, Testing and Certification Committee;
2. The CFP Executive Board and the American National Standards Institute;
3. CFP Food Protection Manager, Training, Testing and Certification Committee and the ANSI Accreditation Committee.
4. ANSI Accreditation Committee and the Certification Organizations

1. CFP Executive Board/CFP Committee

The primary responsibility within the CFP Executive Board/CFP Committee dynamic is to ensure that the charge(s) emanating from the Conference's Assembly of State Delegates are appropriately addressed. All Committee recommendations relating to these charge(s) must be submitted to the subsequent Conference meetings for deliberation.

The Committee developed the CFP *Standards for Accreditation of Food Protection Manager Certification Programs* to address a 1998 charge from the Conference's Assembly of State Delegates. The Assembly unanimously endorsed these CFP Standards during the 2000 Conference meeting.

Subsequently, the Committee has identified ANSI as the appropriate third party accreditor of Food Protection Manager Certification Programs and established an accreditation process to address the 2000 charge from the Conference Assembly of State Delegates. The ANSI-CFP contract (Attachment A), the accreditation model (Attachment B), and the action plan/timeline for implementing the accreditation process (Attachment C) have been submitted as part of an Issue for deliberation at the 2002 Conference meeting.

The Conference is responsible for the development and maintenance of the CFP Standards. These Standards can only be revised or altered through Issues deliberated within the Conference and endorsed through the Council and Assembly Process.

Below is a summary of the CFP Executive Board/CFP Committee dynamic.

CFP Executive Board	CFP Committee
<ul style="list-style-type: none"> • Established a Standing Committee per a charge from the Conference’s Assembly of State Delegates. • Issue charges to the Committee from Conference’s General Assembly. • Render final decisions on contract issues per authorization from the Assembly of State Delegates. • Assist with the marketing of the accreditation program. • Appoint 2 representatives to the ANSI Accreditation Committee 	<ul style="list-style-type: none"> • Address charges from the CFP’s Assembly of State Delegates • Provide recommendations to the Conference for deliberation on Issues relating to the CFP Standards. • Ensure a fair CFP Standards Development process via Committee Bylaws/procedures. • Act as the Conference’s primary liaison to ANSI and the day-to-day development and implementation of the accreditation process.

2. CFP Executive Board/American National Standards Institute

The significant outcomes from the CFP Executive Board/ANSI relationship pertain to the development of a contractual commitment that ensures a credible and reliable accreditation process. The contractual agreement is designed to fully delineate the roles and responsibilities of each of the respective parties. The CFP Executive Board's actions are extensions of the Committee's initiatives to address the specific charges from the Conference's Assembly of State Delegates.

Below is a summary of the CFP Executive Board/ANSI relationship.

CFP Executive Board	American National Standards Institute
<ul style="list-style-type: none"> • Identify desired accreditation services (Committee RFP Process). • Approve Contract with ANSI. • Provide on going feedback on ANSI's management and implementation of the Accreditation Program. • Maintain ownership and responsibility for the development and maintenance of the CFP <i>Standards for Accreditation of Food Protection Manager Certification Programs.</i> 	<ul style="list-style-type: none"> • Develop an accreditation body and process specific to the needs of the Food Protection Manager Certification Programs. • Execute contract responsibilities to ensure a valid & credible accreditation process. • Market the accreditation program. • Provide the legal defensibility for the accreditation process.

3. The CFP Committee/ANSI Accreditation Committee

The third piece of the model is the relation of the CFP Food Protection Manager Training, Testing and Certification Committee to the ANSI Accreditation Committee. As mentioned earlier, the CFP Committee is responsible for the development and maintenance of the CFP Standards based on charge(s) received from the Conference's Assembly of State Delegates. ANSI accredits certification organizations against these specific Standards and no others.

ANSI will coordinate the formation of an Accreditation Committee. The Accreditation Committee is maintained under the administration of the American National Standards Institute. The Accreditation Committee will:

- Create and maintain policies and procedures pertaining to the accreditation process for Food Protection Manager Certification Programs;
- Review accreditation materials submitted by certification organizations to support their applications for accreditation; and
- Review and assess audits performed by auditors/evaluators.

The Accreditation Committee will be comprised of 6 members. Four of these positions will be appointed by ANSI, including the Public Members, and 2 of those positions will be appointed by the CFP Executive Board.

The two CFP appointees to the ANSI Accreditation Committee may not be current members of the CFP Food Protection Manager Training, Testing and Certification Committee.

The CFP appointees may be ex-officio members of the Committee, CFP Executive Board members or other individuals with a solid understanding of Food Protection Manager Certification Programs and accreditation processes. The two CFP appointees will also serve as Ex-officio members of the CFP Food Protection Manager Certification Committee with a primary function being to provide a communication link with the Accreditation Committee.

A brief summary of the CFP Committee/ANSI Accreditation Committee dynamic follows:

CFP Committee	ANSI Accreditation Committee
<ul style="list-style-type: none"> • Develop and maintain CFP Standards based on Conference charges. • Provide input into the development of accreditation policies and procedures specific to the CFP Program. • Provide input into the development of audit criteria. • CFP's primary liaison to ANSI. 	<ul style="list-style-type: none"> • Establish accreditation policies and procedures. • Establish audit criteria and checklists. • Assess accreditation information from the audit process and certification organizations. • Accredite certification organizations against CFP <i>Standards for Accreditation of Food Protection Manager Certification Program.</i>

4. ANSI Accreditation Committee/Certification Organizations

The Accreditation Committee accredits Food Protection Manager Certification Programs using the CFP Standards as the basis for this assessment. This assessment will include an:

- Application review of an organization's administrative and financial resources to implement a credible program that is free from any conflicts of interest and ensures fairness to all candidates.
- Evaluation of the examination development and administrative process. All examinations recognized by the CFP under the Test Recognition Program will be accepted by ANSI without a separate

exam assessment by ANSI until such time as their current recognition expires. Examinations newly developed by certification agencies will be reviewed through the ANSI-CFP accreditation process.

ANSI will conduct onsite audits as a component of evaluation for accreditation. Onsite audits will be conducted by individuals trained to assess Food Protection Manager Certification Programs against the CFP Standards and may include:

- The certification organization’s main offices of operation;
- One of the examination sites; or
- An organization affiliated with the test development and administration of the certification program.

Auditors are to be “Certified Auditors” and trained in the intent and scope of the CFP Standards. The Committee will assist in auditor training.

The ANSI Accreditation Committee/Certification Organization dynamic is presented below.

ANSI Accreditation Committee	Certification Organization
<ul style="list-style-type: none"> • Determine the accreditation status of certification organizations based on CFP Standards: <ul style="list-style-type: none"> - Review accreditation materials. - Assess examination development and administrative procedures. - Assess reports received from the audit process. - Provide a forum for dispute resolution between certification organizations and the audit report. 	<ul style="list-style-type: none"> • Complete applications for accreditation/provide appropriate documentation/submit fees. <ul style="list-style-type: none"> - Submit examination development and administrative procedures. - Submit annual reports (e.g., exam performance; program administration). - Participate in the audit process/obtain feedback from audits (continuous improvement). - Obtain listing as an ANSI accredited certification organization.

E. Accreditation Fee Structure for Certification Organizations

The accreditation fee structure is based on a sliding scale with certification organizations that issue a greater number of certificates paying a slightly higher

annual fee. This sliding scale has been developed to ensure that small certification providers will not be disenfranchised from participating in this accreditation process.

The accreditation fee structure supports the services necessary to implement a credible and reliable accreditation process. Some of these services include:

- Application review;
- On-site audit;
- Travel and per diem expenses for auditors;
- Travel and per diem expenses for members of the Accreditation Committee (meetings to determine accreditation policies and review applications for accreditation);
- Assessment of the examination development and administration process;
- Review of corrective actions; and
- Annual surveillance.

A summary of the accreditation fee structure for certification organizations is presented in Attachment D.

II. Standards

During the 2000 Conference meeting, the *CFP Standards for Accreditation of Food Protection Manager Certification Programs* were unanimously approved by Council II and the Assembly of State Delegates. As part of the Council II deliberations, a concern was raised that the Standards did not explicitly address the issue of computer-based testing or methods of knowledge assessments other than the traditional pencil and paper test.

The Committee secured the services of Dr. Betty Bergstrom, a Measurement and Psychometric expert with experience in computer testing. Dr. Bergstrom shared with the Committee her thoughts on the critical aspects of Computer-Based Testing as well as the *Guidelines for Computer-Based Testing* drafted by the Association of Test Publishers (ATP).

The following resulted:

A. CBT Standards

1. The Committee reviewed the *ATP Guidelines for Computer-Based Testing* (CBT) and selected those critical aspects that should be added to the CFP Standards. Attachment E contains a copy of the draft Standards for Computer-Based Testing that have been submitted as an issue for deliberation at the 2002 Conference meeting. The Committee is recommending that these CBT Standards be incorporated as a new Section 6.0 in the *CFP Standards for Accreditation of Food Protection Manager Certification Programs*.
2. The Committee also agreed to incorporate the full *ATP Guidelines for Computer-Based Testing* as a reference in the CFP Standards.

B. Recertification Issue

The Committee also considered the Standards in reference to recertification. The CFP Standards as they currently exist do not clearly address the criteria for recertification. The Committee is submitting a 2002 Issue to the Conference recommending that the current Section 6.6 of the CFP Standards be amended to read:

An accredited certification organization shall implement a process or program for assessing continued competence that includes an examination component at an interval of no more than five years.

III. Test Recognition

All information on the Buros Web site was updated to reflect the current practices and protocol approved at the 2000 Conference for Food Protection meeting. The CFP Memorandum of Understanding (MOU) with the Buros Institute establishing a CFP Test Recognition process officially ended February 1, 2002.

The CFP Executive Board did not renew the MOU with the Buros Institute in light of the progress made in establishing a comprehensive accreditation body with the American National Standards Institute. A letter was sent to the Buros Institute notifying them of the decision to work with ANSI on an accreditation process.

The letter recognized the extensive contributions the Buros Institute made in the development of the *CFP Standards for Accreditation of Food Protection Manager Certification Programs* and review process for certification examinations.

As part of the newly proposed accreditation process, the American National Standards Institute will continue to accept examinations from certification organizations previously reviewed and recognized by the Buros Institute. These Buros-recognized examinations

will be valid until their expiration dates as established through the CFP Test Recognition process.

The evolution of the assessment of Food Protection Manager Certification Programs from a test recognition process to an accreditation process will NOT have any impact on the certificates received by candidates. The establishment of an accreditation body is a simple extension of the assessment process initiated by the CFP Test Recognition Program. Once the ANSI accreditation body is established, jurisdictions and other entities with mandatory food protection manager certification programs will be strongly encouraged to maintain recognition of certificates obtain via the CFP Test Recognition process as meeting the intent and scope of their program.

IV. Committee Bylaws

At the 2000 Conference meeting, the Assembly of State Delegates unanimously approved establishing the CFP Food Protection Manager Training, Testing and certification Committee as a Conference Standing Committee. By according the status of a Standing Committee, the Assembly of State Delegates recognized that the Conference would have to execute administrative activities with an external entity, the Buros Institute, in between Conference meetings to ensure effective Implementation of the CFP Test Recognition Process.

With the proposed establishment of an ANSI accreditation body for Food Protection Manager Certification Programs, maintaining a representative body of food safety public health professionals and a consensus decision-making process that is reflective of the Conference within this Standing Committee's structure is essential. CFP is responsible for the development and maintenance of the *Standards for Accreditation of Food Protection Manager Certification Programs*. The Committee is the Conference's forum for deliberating charges from the Conference's Assembly of State Delegates to review or revise the CFP Standards. The American National Standards Institute (ANSI) will accredit certification organization against these CFP Standards.

To ensure a fair and representative process, the Committee developed draft Bylaws governing composition, roles and responsibilities and procedural issues (Attachment F). The Committee based these draft Bylaws on the Conference's Bylaws. In addition, the Committee researched Bylaws established for other accreditation and certification bodies. The draft Bylaws have been submitted to ANSI for review and have been determined to meet the guidelines required for consensus decision-making entities.

The Committee draft Bylaws have been reviewed by the CFP Executive Board's Bylaws Committee and have been submitted as an Issue to be deliberated at the 2002 Conference meeting.

ISSUES FOR THE 2002 CONFERENCE

The Committee has submitted six (6) Issues to the 2002 Conference for deliberation. The Conference's action on these items will determine the Committee's future direction and priorities. The Committee is recommending that the Conference:

1. Accept the Committee's Report contained herein and endorse the proposed direction for establishing an accreditation body (Attachment A through D) based on the *CFP Standards for Accreditation of Food Protection Manager Certification Programs*.
2. Approve the establishment of an accreditation body with the American National Standards Institute. This issue contains a draft contract that has been agreed upon in principle by ANSI and the CFP Executive Board (Attachment A); a graphic model depicting the accreditation body (Attachment B), and an action plan/timeline for implementing the accreditation process (Attachment C).
3. Convey authorization to the CFP Executive Board to act on the Conference's behalf, in between Conference meetings, in addressing administrative, contractual and marketing issues that may arise impacting ANSI's management of the accreditation process. In addition, the Committee recommends that such authorization be formalized within the Conference Bylaws.
4. Approve the addition of a new Section 6.0 (Attachment E), addressing standards for Computer-Based Testing and alternative assessment methods other than a paper and pencil test, to the *CFP Standards for Accreditation of Food Protection Manager Certification Programs*. This change will result in the renumbering of the current Sections 6.0 and 7.0 to Sections 7.0 and 8.0, respectively.
5. Approve the draft CFP Food Protection Manager Training, Testing and Certification Committee Bylaws governing its composition, responsibility and procedures – Attachment F).
6. Approve the amendment of current Section 6.6 of the CFP Standards to reflect the following language:

An accredited certification organization shall implement a process or program for assessing continued competence that includes an examination component at an interval of no more than five years.

PROMOTING THE CFP ACCREDITATION PROCESS

- The Committee has established a marketing work group that has, and will continue to promote the CFP accreditation process.
- The initial phase of the work group's efforts focused on distributing the CFP State Letter to all attendees of the last CFP Conference encouraging recognition and use of the CFP *Standards for Accreditation of Food Protection Manager Certification Programs* within jurisdictions that have, or are considering adopting, mandatory requirements.
- The Committee has developed a presentation that can be used to promote the CFP accreditation process (including PowerPoint slides).

FUTURE DIRECTIONS AND AGENDA ITEMS

Accreditation

- The CFP Executive Board will need to select 2 individuals to serve on the six member ANSI Accreditation Committee.
- Provide Committee representation on the ANSI Accreditation Committee task forces responsible for developing accreditation procedures and protocol and auditing criteria and checklists.
- The ANSI-CFP Accreditation Model will be incorporated into marketing promotional materials (PowerPoint slides, etc.) that have been developed to promote the CFP Standards and accreditation.

Standards

- Assess test security procedures for translators and readers.
- Assess procedures for denial or revocation of a test for certification of food protection managers.
- Assess for accuracy and relevance to the program, the elements of knowledge contained in Annex B.5 of the CFP Standards approved at the 1994 Conference meeting.
- Continue researching criteria for disciplinary action related to knowledge, ethics, and performance.

- Assess the CFP Standards to ensure that recertification program standards are appropriately addressed.
- Research other updates/changes to the CFP Standards.

FUTURE ROLE OF THE COMMITTEE

The Committee will:

- Continue to address "charges" from the Conference's Assembly of State Delegates pertaining to the development and maintenance of the *CFP Standards for Accreditation of Food Protection Manager Certification Programs*.
- Work with ANSI, on behalf of the Conference, to refine policies and procedures associated with the accreditation process.
- Ensure Conference input into the ANSI accreditation process through the inclusion of the two CFP Executive Board appointees to the ANSI Accreditation Committee as Ex-Officio members of the CFP Food Protection Manager Training, Testing and Certification Committee.
- Promote the CFP Accreditation Process to facilitate universal acceptance of certificates issued by accredited certifiers.

ATTACHMENTS

ATTACHMENT A - ANSI-CFP Contract for establishing an accreditation body and process

ATTACHMENT B - Graphic model of the ANSI-CFP Accreditation Body and Process

ATTACHMENT C - Action Plan/Timeline for implementing the accreditation process

ATTACHMENT D - Accreditation fee structure for certification organizations

ATTACHMENT E - Draft Standard Relative to Computer-Based Testing

ATTACHMENT F - CFP Food Protection Manager, Training, Testing and Certification Committee Draft Bylaws

Agreement for the Establishment of the ANSI-CFP Accreditation Program for Food Protection Manager Certifiers

w. This Agreement, dated as of _____, by and between the Conference for Food Protection ("CFP"), a Virginia corporation, and the American National Standards Institute, Inc. ("ANSI"), a New York corporation.

WITNESSETH:

WHEREAS, on 28 August 2001, CFP selected ANSI's proposal to develop an Accreditation Program for bodies that certify Food Protection Managers in accordance with the CFP Standards for Accreditation of Food Protection Manager Certification Programs (title henceforth referred to as "CFP Standards").

WHEREAS, ANSI and CFP would like to establish an Accreditation Program, define ANSI's and CFP's respective roles and responsibilities, and enter into an agreement relating to such Program.

WHEREAS it is ANSI's and CFP's joint desire and intent to operate the herein described Program in a fully cooperative manner, sharing all relevant information and with due respect for and consideration of each others' needs;

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, ANSI and CFP hereby agree as follows:

1. **Establishment of a Program.**

Subject to the terms and conditions set forth in this Agreement, and benefiting from ANSI's role as the United States representative in non-treaty international standardization fora and demonstrated capability to administer the operational aspects of accreditation activities, the parties agree to establish as of the date hereof a program to be called the "ANSI-CFP Accreditation Program for Certifiers of Food Protection Managers" (the ANSI-CFP Program).

1.1 **Scope.** The ANSI-CFP Program shall accredit certification programs that meet the CFP Standards for the accreditation of a Food Protection Manager Certification Program.

1.2 **Other Programs.** The ANSI-CFP Program may include other programs to the extent that ANSI and CFP so agree in a written amendment to this Agreement.

1.3 **Conflicts of Interest.** ANSI and CFP agree that each of them shall avoid any conflicts of interest that may result from their independent or joint operations of various aspects of the ANSI-CFP Program and any related programs and/or activities.

1.4 **Establishment of the ANSI-CFP Program Accreditation Committee.**

1.4.1 **ANSI-CFP Program Accreditation Committee.** ANSI and CFP hereby agree to establish an Accreditation Committee (the "Committee"). The Committee shall be responsible for: (a) overseeing the ANSI-CFP Program and providing final decisions on any substantive matter including accreditation decisions (unless provided otherwise herein); (b) facilitating communication about the ANSI-CFP Program; (c) attempting to resolve any questions or disputes in the first instance between

the parties hereto concerning operation of the ANSI-CFP Program; (d) seeking and facilitating input from the various stakeholders; (e) developing short and long term goals and objectives; (f) acquiring legal services as appropriate; and (g) addressing any other issues concerning the ANSI-CFP Program that CFP or ANSI may so direct. The Committee shall consist of no less than six and no more than ten members depending on the need to support the workload. Two members will be appointed by CFP and the rest of the members will be appointed by ANSI. Each party will have the right to remove the members they have appointed. ANSI and CFP shall each strive to appoint members so that the Committee is representative of broad stakeholder interests. Committee members shall be appointed for two-year terms, and each Committee member shall not serve more than three full consecutive terms. The Committee shall determine the frequency of its meetings necessary to accomplish its oversight roles and responsibilities. The Committee shall strive for consensus decision-making, but decisions taken by voting shall require a simple majority of all appointed Committee members who are eligible to vote.

1.5 ANSI's Role and Responsibilities.

1.5.1 ANSI shall be responsible for the creation and maintenance of the operational policies and procedures of the ANSI-CFP Program. This responsibility shall include, but not be limited to: the refinement of operational policies and procedures for the ANSI-CFP Program; assurance that the necessary public notice and due process requirements have been met; and periodic review of all operational policies and procedures in part to assure that any required changes be made thereto (such changes to be consistent with requirements for accreditation).

1.5.2 ANSI shall support efforts to promote understanding, recognition, and ever-increasing acceptance of the ANSI-CFP Program by government both nationally and internationally, including U.S. federal, state, and local government and by the private sector. Plans and strategies will be jointly developed by ANSI and CFP; promotional materials will be developed by CFP and/or ANSI in conformance with a jointly developed promotional usage guide. All promotional materials will be jointly approved by CFP and ANSI before they are distributed or used.

1.5.3 ANSI shall fulfill all of its other duties, responsibilities, and obligations set forth in this Agreement.

1.5.4 ANSI shall be responsible for paying all costs and expenses incurred in connection with or arising out of its obligations under Section 1.4 subject to the provisions of Section 2.0 below which includes expenses associated with the Accreditation Committee.

1.5.5 The first level of Appeal associated with the ANSI-CFP Program will follow the complaints and appeals procedures of the Accreditation Committee and involve a formal hearing with the Committee. ANSI shall conduct all final appeals relating to procedural or process issues as provided for under the ANSI-CFP Program through the ANSI Appeals Board (or any successor body thereto) and subject to the procedural rules thereof.

1.5.6 Should this agreement require the Accreditation Committee to obtain approval of ANSI and CFP of its proposed actions in regard to accreditation policies, procedures, or standards, ANSI agrees to respond within 90 calendar days.

1.6 **CFP's Roles and Responsibilities.** ANSI and CFP agree that CFP shall assume the roles and responsibilities including, but not limited to, the following:

1.6.1 CFP retains ownership and maintenance of the Standards for Accreditation of Food Protection Manager Certification Programs document and shall be responsible for direct input into the creation and maintenance of the operational policies and procedures of the Program. This responsibility shall include, but not be limited to: the refinement with ANSI of operational policies and procedures for the ANSI-CFP Program; assurance that the necessary public notice and due process requirements have been met; and periodic review with ANSI of all policies and procedures in part to assure that any required changes be made thereto (such changes to be consistent with requirements for accreditation).

1.6.2 CFP shall fulfill all of its other duties, responsibilities, and obligations set forth in this Agreement.

1.6.3 Should this Agreement require the Accreditation Committee to obtain approval of ANSI and CFP of its proposed actions in regard to accreditation policy and procedures, CFP agrees to respond within 90 calendar days.

2. **Financial Issues.**

2.1 **Program Fees.** All fees payable under the ANSI-CFP Program shall be established and collected by ANSI.

2.1.1 **Fee Schedule.** All fees payable under the ANSI-CFP Program shall be developed by ANSI and approved by the CFP. ANSI may adjust such fees subject to approval by the CFP.

2.1.2 **Collection of Fees.** ANSI shall be responsible for: (a) accounting for the ANSI-CFP Program that includes specific activity accounting codes; (b) collecting all fees associated with the ANSI-CFP Program; and, (c) paying ANSI's costs and expenses in connection with the ANSI-CFP Program. ANSI shall have the right to retain all fees collected in connection with the ANSI-CFP Program.

3. **License to use the ANSI and CFP Names.**

3.1 **Limited License.** CFP hereby grants to ANSI the right to use the Conference for Food Protection and/or "CFP" name, marks, and identifiers (the "CFP Name") solely and exclusively in connection with the marketing and accreditation materials of the ANSI-CFP Program and only as permitted by the terms and conditions set forth in this Agreement. ANSI hereby grants to CFP the right to use the "American National Standards Institute" and/or "ANSI" Name, marks, and identifiers (the "ANSI Name") solely and exclusively in connection with the marketing and accreditation materials of the ANSI-CFP Program and only as permitted by the terms and conditions set forth in this Agreement. Each of CFP and ANSI agrees upon request of the other party, to execute any documents or authorizations that may be required in order to permit such requesting party to use the CFP Name or the ANSI Name, as the case may be. Notwithstanding the provisions of this section, CFP hereby reserves all of its right, title, and interest in and to the CFP Name and ANSI hereby reserves all of its right, title, and interest in and to the ANSI Name.

3.2 **Prior Approval.** Neither party shall distribute descriptive literature or promotional information relating to the ANSI-CFP Program containing the CFP Name and/or the ANSI Name in any manner other than as mutually agreed upon.

3.3 **Promotion of the CFP Name and the ANSI Name.** Each party agrees to notify promptly the other party of any infringements, limitations, illegal uses, misuses or applications for registration of the CFP Name or the ANSI Name, as the case may be, which come to the attention of such party.

4. **Liability and Indemnification.**

4.1 **Indemnification by CFP.** CFP agrees to indemnify and hold harmless ANSI and any of its officers, directors, representatives, or employees against any and all liabilities, damages, losses, costs, or expenses whatsoever, including reasonable fees of outside counsel (hereafter, "Losses" or, individually, a "Loss") suffered by ANSI and any of its officers, directors, representatives, or employees, arising out of or resulting from the breach or non-performance by CFP of any of its agreements, obligations, covenants, representations, or warranties under this Agreement, or arising out of or resulting from any claims asserted against ANSI based in whole or in part relating to the content of the CFP Standards.

4.2 **Indemnification by ANSI.** ANSI agrees to indemnify and hold harmless CFP and any of its officers, directors, representatives, or employees, against any and all liabilities, damages, losses, costs, or expenses whatsoever, including reasonable fees of outside counsel (hereafter, "Losses" or, individually a "Loss") suffered by CFP and any of its officers, directors, representatives, or employees, arising out of or resulting from the breach or non-performance by ANSI of any of its agreements, obligations, covenants, representations, or warranties under this Agreement.

4.3 **Notification of Claim.** In the event that either ANSI or CFP has a claim for indemnification under this section, the party seeking indemnification (the "Claiming

Party") shall deliver to the party from whom indemnification is being requested, a written notice which shall: (a) state that a Loss has occurred or is threatened or that the Claiming Party has properly accrued Losses or anticipates Losses for which the Claiming Party is entitled to indemnification pursuant to this Agreement and (b) specify in reasonable detail each individual Loss including the amount thereof, if reasonably ascertainable, and the nature of the agreement, obligation, covenant, representation, or warranty to which the Loss is related. The Claiming Party shall provide such notice expeditiously upon realizing that a Loss has occurred or might occur.

4.4 **Maintenance of Liability Insurance.** ANSI and CFP each agree that it will carry and maintain liability insurance in such amounts and at such premiums and against such liabilities as is commercially available and reasonable and satisfactory to the other party, which amount shall be no less than \$1,000,000.

5. **Relationship of the Parties.**

Neither ANSI nor CFP shall be deemed to be, nor hold itself out as, the agent, partner, or representative of the other party except where permitted under this Agreement.

6. **Term of the Program.**

The Program shall commence as of the date hereof and shall continue unless and until terminated by mutual written agreement by both CFP and ANSI or unless and until it is terminated pursuant to Section 7 of this Agreement.

7. **Termination of the Program.**

7.1 **Voluntary Termination.** If either ANSI or CFP wishes to terminate the ANSI-CFP Program for any reason whatsoever, it shall so notify the other party in

writing at least six months prior to the end of any calendar year and specify the termination date (as of the end of such calendar year or thereafter). If this Agreement is terminated pursuant to this section, the parties shall both retain rights, title, and interest in and to any information and materials developed as part of the ANSI-CFP Program unless one party wishes to transfer such rights, title, and interest to the other under such terms and conditions as the parties may agree. Specifically, CFP shall retain its ownership of the Standards for Accreditation of Food Protection Manager Certification Programs.

7.1.1 Trademarks or elements of trademarks used as part of the ANSI-CFP Program but owned by either party remain the property of the owner in the event of termination under this Section 7.0. Trademarks created specifically for use by the ANSI-CFP Program would cease to exist.

7.1.2 If either ANSI or CFP wishes to terminate the ANSI-CFP Program pursuant to this Section 7.0, each shall pursue normal operations during the period from notification until resolution and during such period shall not publicly discuss or attempt to discredit the other party and shall preserve confidentiality of all information related to any perceived problems in connection with the ANSI-CFP Program.

7.1.3 Capital assets acquired by each party using ANSI-CFP Program funds shall be retained by that party.

7.1 **Material Breach or Default of Agreement.** In the event of any material breach or default of this Agreement by ANSI or CFP, the other party may, in its sole discretion, cancel this Agreement by giving (10) ten days written notice to the defaulting party. Written notice shall be sent by certified mail, return receipt requested.

7.3 **Treatment of Program Accreditations.** In the event that the ANSI-CFP Program is terminated under any conditions, the parties shall use their best efforts to notify those entities accredited under the ANSI-CFP Program of one or more alternative programs that may be available to them. However, the parties shall include a disclaimer about the quality or any representation of the quality of these alternative programs.

8. **Non-Disclosure of Confidential Information.**

8.1 **Non-Disclosure.** Each of the parties hereto covenants and agrees on behalf of itself, its officers, directors, representatives, and employees to maintain in strict confidence any technical, financial, or other confidential information received throughout the operation of the ANSI-CFP Program, other than materials and/or information that is part of the ANSI-CFP Program and is required to be exchanged upon termination of this Agreement. Any confidential information shall be maintained in strict confidence among CFP's and ANSI's officers, directors, representatives, and employees both during the term of the ANSI-CFP Program and for so long thereafter as such information remains unpublished or inaccessible to the public.

8.2 **Exceptions.** The only agreed exceptions to this provision are: (a) in the event that both parties agree that such information may be disclosed; (b) as required pursuant to legal process, and; (c) in the event of a dispute or lawsuit between ANSI and CFP, in which case ANSI and CFP may disclose confidential information to the Panel provided for in Section 9 herein, to a court of law, or as otherwise necessary to establish or defend a claim.

9. **Dispute Resolution.**

9.1 **CFP and ANSI Executive Officers.** If a dispute occurs between the parties, a written notice is sent to the other party and the CFP Executive Secretary and Conference Chair, the ANSI Vice President for Conformity Assessment and the ANSI President. The CFP Executive Secretary and Conference Chair, the ANSI Vice President for Conformity Assessment and ANSI President shall meet in person or by telephone within the following four weeks, and shall attempt to resolve the matter.

9.2 **Arbitration Panel.**

9.2.1 In the event that a party wishes to have the dispute heard after complying with section 9.1, such party shall promptly send a written notice to the other party that the dispute will be heard by an arbitration panel (the "Panel"). ANSI and CFP agree that the Panel shall consist of three members. Within two weeks of the date the notice was received, ANSI and CFP shall each appoint one member to the Panel, and within two weeks thereafter those two arbitrators shall together designate a third member. The third member shall be a member of the American Arbitration Association and shall act as Chairman of the Panel. None of the arbitrators shall be an employee, officer, or director of either ANSI or CFP. ANSI and CFP agree to be bound by the decision of a majority of the Panel. ANSI and CFP shall each bear its own costs and expenses in connection with any such arbitration proceeding and the losing party shall bear the expenses related to the third member arbitrator. Neither of the other two arbitrators selected separately by the parties shall be compensated or reimbursed for related expenses. In the event that a notice is sent pursuant to this section, the parties agree and

hereby confer exclusive jurisdiction upon the Panel described therein to hear and resolve the dispute.

9.2.2 The Panel shall set a date and place for a hearing on the dispute, which shall take place within two months following the date the Panel is formed. At least 21 days prior to the hearing, ANSI and CFP shall each submit to the Chairman of the Panel three copies of a written statement of its position and shall include all evidence in support thereof. At the hearing, each party may have up to three persons speak on its behalf for a total of up to 60 minutes for each party. The Panel may then question the participants as it determines is appropriate. Within 30 days of the hearing, the Panel shall issue the decision of a majority of its members in writing to ANSI and CFP. Neither ANSI nor CFP shall communicate *ex parte* with any member of the Panel once the Panel has been formed regarding any of the issues to be decided by the Panel.

9.2.3 If ANSI or CFP fails to comply with any of the time deadlines governing its individual conduct provided for in this Section 9.2, then the other party shall be deemed to have any disputed issue(s) resolved in its favor.

10. **Representations and Warranties.**

10.1 **By CFP.** CFP hereby represents and warrants to ANSI as follows:

10.1.1 CFP has been duly incorporated and is validly existing and in good standing under the laws of the State of Virginia.

10.1.2 CFP has full power and authority to make, enter into, execute, deliver, and perform its obligations under this Agreement and all necessary corporate

action on the part of CFP has been taken to authorize and approve the execution, delivery, and performance of this Agreement.

10.1.3 This Agreement has been duly executed by CFP and constitutes the legal, valid, and binding obligation of CFP, enforceable against CFP in accordance with its terms.

10.2 **By ANSI.** ANSI hereby represents and warrants to CFP as follows:

10.2.1 ANSI has been duly incorporated and is validly existing and in good standing under the laws of the State of New York.

10.2.2 ANSI has full power and authority to make, enter into, execute, deliver, and perform its obligations under this Agreement and all necessary corporate action on the part of ANSI has been taken to authorize and approve the execution, delivery, and performance of this agreement.

10.2.3 This Agreement has been duly executed by ANSI and constitutes the legal, valid, and binding obligation of ANSI, enforceable against ANSI in accordance with its terms.

11. **Notices.**

Any notices or other communications hereunder shall be in writing and shall be deemed given when addressed as set forth below and received by the addressee: (a) if sent by certified mail, return receipt requested, (b) if faxed to the addressee and the sender retains written confirmation of the transmittal, or (c) delivered to the addressee at its principal office.

If to CFP:

Conference for Food Protection
c/o Trevor Hayes
Executive Secretary
1085 Denio Avenue Gilroy, CA 95020-9206
Telephone and Facsimile: (408) 848-2255

If to ANSI:

American National Standards Institute
1819 L Street, NW, Suite 600
Washington, DC 20005
Telephone: (202) 293-8020
Facsimile: (202) 293-9287
Attention: Vice President, Conformity Assessment

Each party shall notify the other if any of the contact information should be changed.

12. **Miscellaneous.**

12.1 **Severability.** The terms and conditions of this Agreement are severable.

If any condition of this Agreement is deemed to be illegal or unenforceable under any rule of law, all other terms shall remain in force. Further, the term and condition which is held to be illegal or unenforceable shall remain in effect as far as possible and in accordance with the intention of the parties.

12.2 **Entire Agreement and Amendment.** ANSI and CFP covenant and agree that this written Agreement constitutes the complete agreement between the parties, supersedes all prior agreements with respect to the subjects hereof except as noted otherwise herein, and may not be amended or modified, except by a writing signed by both parties hereto or by their duly authorized representatives.

12.3 **Governing Law.** All matters of construction, validity, effect, and performance of this Agreement shall be governed by and construed in accordance with

the laws of the State of New York, without regard to the principles and conflicts of laws thereof.

12.4 **Survival.** Notwithstanding termination of this Agreement, the rights and obligations contained in Sections 5, 7, 8, 9, 10 and 11 shall survive any such termination of this Agreement.

12.5 **Costs and Expenses.** Except as otherwise provided in this Agreement, each party shall bear its own costs and expenses relating to this Agreement and performance hereof.

12.6 **Counterparts.** This Agreement may be executed in counterparts, each of which may be signed by any of the parties hereto and each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

12.7 **Assignment.** Except as provided herein, the rights and obligations of ANSI and CFP herein shall not be assigned or assignable, in whole or in part, without the express written permission of the other party, which shall not unreasonably withhold such consent.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CONFERENCE FOR FOOD PROTECTION

By _____

AMERICAN NATIONAL STANDARDS INSTITUTE

By _____

**ANSI-CFP
ACCREDITATION BODY
FOR
FOOD PROTECTION MANAGER
CERTIFICATION PROGRAMS**



CONFERENCE CHARGES

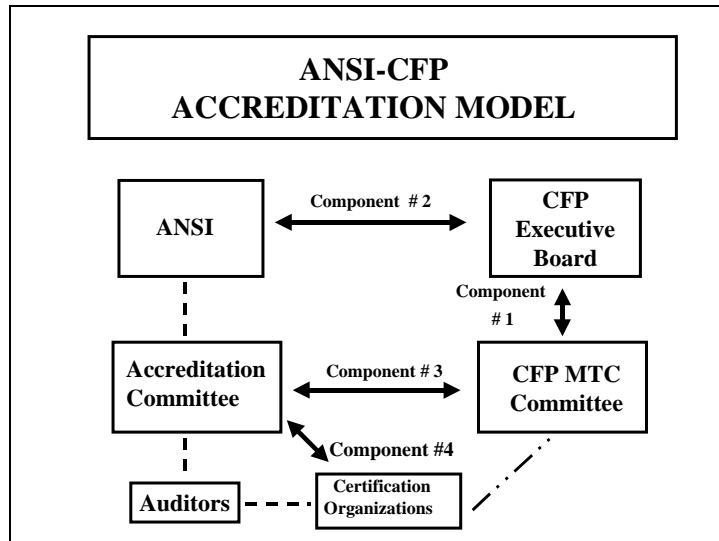
**FOOD PROTECTION MANAGER
TRAINING, TESTING AND CERTIFICATION
COMMITTEE**

- **Develop and Maintain Standards for the Accreditation of Certifying Agencies**
- **Resolve Issues Pertaining to Administrative and Financial Independence of Certification Programs**

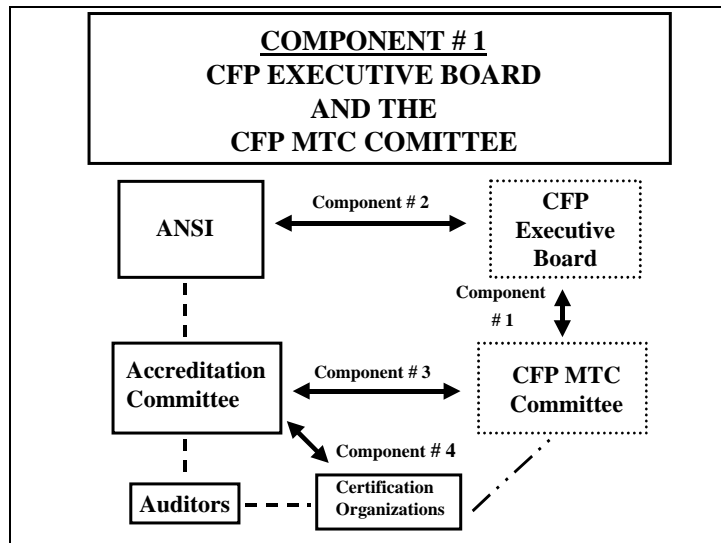
CONFERENCE CHARGES

**FOOD PROTECTION MANAGER
TRAINING, TESTING AND CERTIFICATION
COMMITTEE**

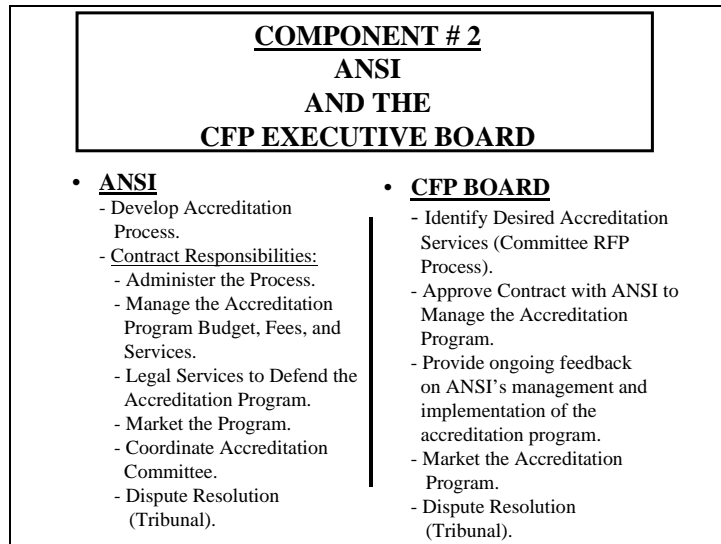
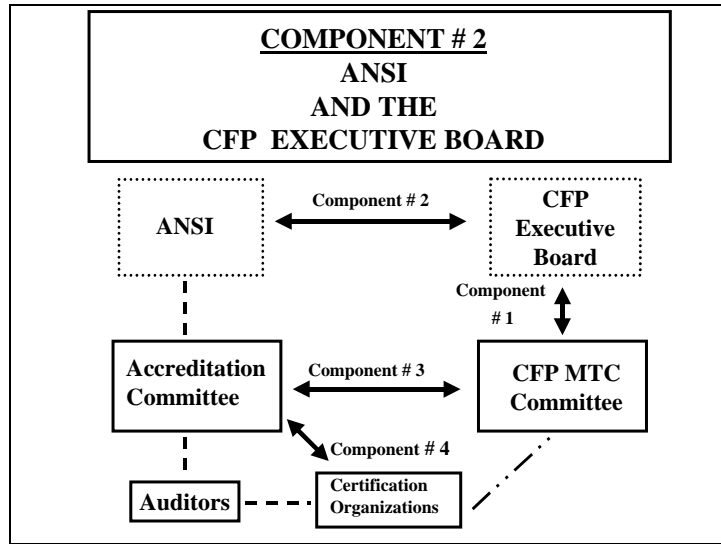
- **Identify the appropriate third party accreditor for Food Protection Manager Certification Programs**
- **Establish an accreditation process that promotes the universal acceptance of credentials based on a nationally recognized Standard**

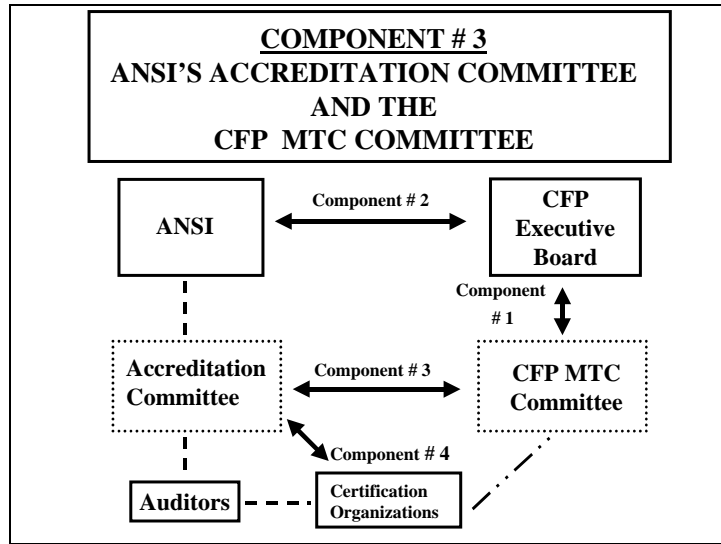


- OVERVIEW OF ANSI-CFP
ACCREDITATION BODY**
- Four Components in the Development Process**
- **Component # 1 - CFP Executive Board - CFP MTC Committee**
 - **Component # 2 - CFP/ANSI Contractual Commitments**
 - **Component # 3 - CFP MTC Committee - ANSI Accreditation Committee**
 - **Component # 4 - ANSI Accreditation Committee - Certification Organizations**

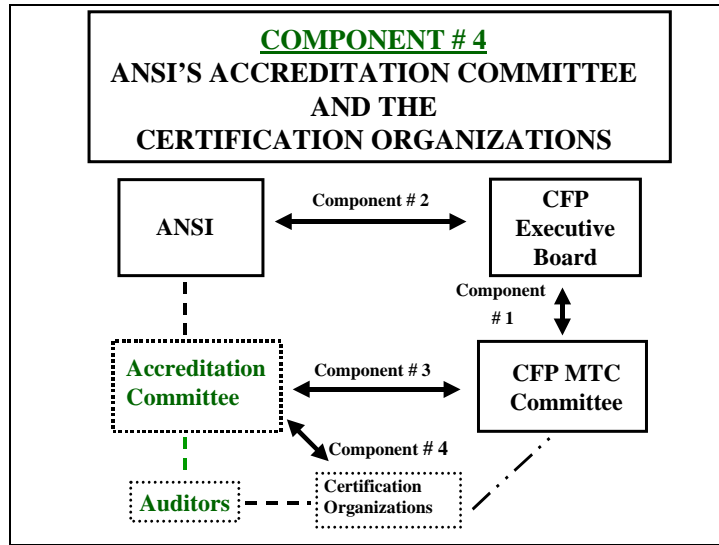


- COMPONENT # 1
CFP EXECUTIVE BOARD
AND THE
CFP MTC COMMITTEE**
- **Board**
 - Establish Standing Committee.
 - Approve Committee Members.
 - Oversee Committee charges from the Conference's Assembly of State Delegates.
 - Final Approval of Contract.
 - Funding Support to the Committee.
 - Legal Support for the Committee.
 - Assist with Marketing the Accreditation Program
 - Appoint 2 Representatives. to the ANSI Accreditation Committee.
 - **Committee**
 - Address Charges from the Conference's Assembly of State Delegates.
 - Recommendations to the Conference on the *CFP Standards Standards for Accreditation of Food Protection Manager Certification Programs.*
 - Ensure a fair Standards Development/Consensus Process via Committee Bylaws & Procedures
 - Conference's primary liaison with ANSI/Accreditation Process

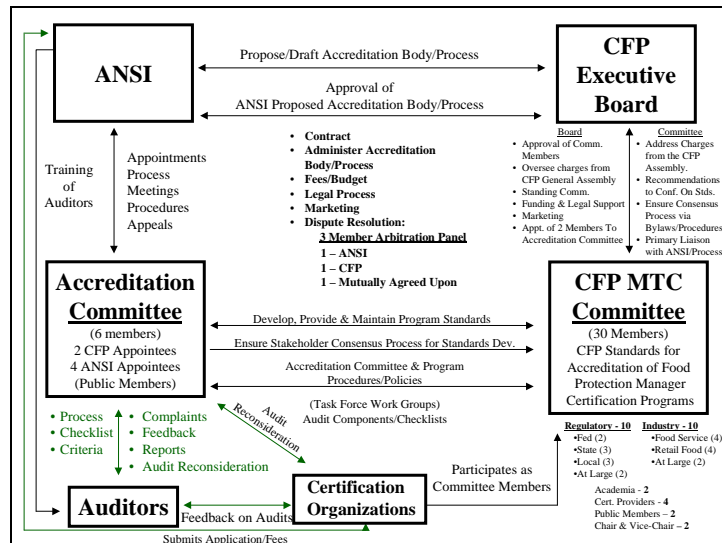




- COMPONENT # 3**
ANSI ACCREDITATION COMMITTEE
AND THE
CFP MTC COMMITTEE
- **ACCREDITATION COMMITTEE**
 - Ensure CFP consensus process for Standards development.
 - Establish accreditation procedures and criteria.
 - Establish audit criteria for on-site assessments of certification organizations.
 - Accredite certification organizations against CFP's Standards.
 - Assess accreditation info. from auditors/certification organizations.
 - **CFP MTC COMMITTEE**
 - Develop and maintain the CFP Standards based on charges from the Conference's Assembly of State Delegates.
 - Provide input into the development of accreditation procedures/criteria.
 - Provide input into the development of audit criteria.
 - CFP's liaison to ANSI.



- COMPONENT # 4**
ANSI ACCREDITATION COMMITTEE
AND THE
CERTIFICATION ORGANIZATIONS
- **ACCREDITATION COMMITTEE**
 - Determine accreditation status of certification organizations based on CFP Standards:
 - Application Information.
 - Audit Process.
 - Forum for dispute resolution between auditors and certification organizations.
 - CFP representation - two of the six member Accreditation Committee.
 - **CERTIFICATION ORGANIZATIONS**
 - Complete applications/ submit fees.
 - Submit documentation regarding the examination development and administration process.
 - Submit Annual Reports.
 - Participate in Audit Process.
 - Obtain Audit Feedback (continuous improvement).
 - Obtain accreditation listing.
 - Certification organizations have representation on the CFP MTC Committee.



**BENEFITS FOR
REGULATORY JURISDICTIONS**

- **Eliminates the need to allocate resources to assess certification programs.**
- **Ensure certification programs conform to a process that is valid, credible and legally defensible.**
- **Assurance that the accredited programs meet a nationally recognized standard (*CFP Standard for Accreditation of Food Protection Manager Certification Programs*).**

**BENEFITS FOR
REGULATORY JURISDICTIONS**

- **Provides a uniform national standard and accreditation process for “universal acceptance” of credentials.**

BENEFITS FOR CERTIFICATION ORGANIZATIONS

- **Provides a fair and equitable assessment for all certification programs.**
- **Establishes a minimum national recognized standard upon which to structure development of the certification program.**
- **Nationally recognized process will enable additional resources to be directed to program development and enhancement (continuous improvement).**

BENEFITS FOR CANDIDATES

- **Enhances the quality of certification programs.**
- **Provides a readily accessible mechanism for candidates to identify valid, credible programs.**
- **Eliminates duplicate certification costs (human and financial) associated with the traditional “fragmented” system.**
- **Ensures that their credential has been obtained through a legally defensible process.**

**Timeline For Establishing ANSI-CFP Accreditation Program
For Food Protection Manager Certification Programs**

ACTION ITEM	COMPLETION DATE
Selection of Accreditation Committee Members	May 31, 2002
Meeting of Accreditation Committee (AC) <i>Tasks to be completed:</i> x. Draft Policies and Procedures regarding Accreditation Process; Review <i>CFP Standards for Accreditation of Food Protection Manager Certification Programs</i> ; Draft criteria for selection of auditors; and Identify appropriate marketing materials for the program and develop an action plan/timeline for the development of these materials.	June 17, 2002
Send draft policies and procedures and criteria for selection of auditors for input by CFP Food Protection Manager Training, Testing & Certification Committee Members	June 21, 2002
Feedback to AC Committee regarding draft policies and procedures and criteria for selection of auditors from CFP Food Protection Manager Training, Testing & Certification Committee	July 12, 2002
Meeting of AC: <i>Tasks to be completed:</i> Approve Policies and Procedures of Accreditation Process and criteria for selection of auditors; Create work group to identify focus of audits; Final draft of the policies and procedures and criteria for selecting auditors sent to CFP Food Protection Manager Training, Testing & Certification Committee for final review and comment.	July 26, 2002
Work group to develop draft regarding focus of audits	July 26, 2002
Send draft regarding focus of audits to AC Members and CFP Food Protection Manager Training, Testing & Certification Committee	August 23, 2002

ACTION ITEM	COMPLETION DATE
Meeting of AC: <i>Tasks to be completed:</i> Finalize Policies and Procedures Approve focus of audits Review first draft of marketing materials Forward marketing materials to CFP Committee for review and comment	September 20, 2002
Create AC and Auditor Forms/Checklists/Application Forms for Certification Agencies. Send to CFP Committee for review and comment	October 18, 2002
Comments from CFP Committee on Marketing Materials. Brochure/Web site portal are due	October 18, 2002
Finalize Auditor Forms/Checklist and Applications	November 15, 2002
Train Auditors (includes observers from CFP)	December 8, 2002
Begin Accreditation Program: Receive requests to initiate accreditation process	January 6, 2003
Release listing of Accredited Certification Bodies (ANSI web site and Press Release)	June 3, 2003

**ANSI COST PROPOSAL
ACCREDITATION FEES FOR
FOOD PROTECTION MANAGER
CERTIFICATION ORGANIZATIONS**

LEGEND

A = Certification organizations that issue 0 – 10,000 certificates/year
B = Certification organizations that issue 10,001 – 100,000 certificates/year
C = Certification organizations that issue 100,001 – 150,000 certificates/year
D = Certification organizations that issue 150,001+ certificates/year

	A	B	C	D
Year 1				
Application Review	1,500	1,500	1,500	1,500
Office Audit	1,500	1,500	1,500	1,500
Travel	1,500	1,500	1,500	1,500
First Year Fee if Buros Approved Exam and No Corrective Action Needed	4,500	4,500	4,500	4,500
(IF NEEDED) Exam Assessment	1,500	1,500	1,500	1,500
Corrective Action	1,000	1,000	1,000	1,000
First Year Fee if NO Buros Approved Examination and Corrective Action IS NEEDED	7,000	7,000	7,000	7,000

**ANSI COST PROPOSAL
ACCREDITATION FEES FOR
FOOD PROTECTION MANAGER
CERTIFICATION ORGANIZATIONS**

LEGEND

A = Certification organizations that issue 0 – 10,000 certificates/year
B = Certification organizations that issue 10,001 – 100,000 certificates/year
C = Certification organizations that issue 100,001 – 150,000 certificates/year
D = Certification organizations that issue 150,001+ certificates/year

	A	B	C	D
Year 2				
Surveillance				
Field Audit	1,500.00	1,500.00	1,500.00	1,500.00
Travel	1,000.00	1,000.00	1,000.00	1,000.00
Annual Fee	2,500.00	7,500.00	10,000.00	15,000.00
_____	_____	_____	_____	_____
TOTAL	5,000.00	10,000.00	12,500.00	17,500.00
(xvii) (IF CORRECTIVE ACTION IS NEEDED)				
	1,000.00	1,000.00	1,000.00	1,000.00
_____	_____	_____	_____	_____
TOTAL	6,000.00	11,000.00	13,500.00	18,500.00

**ANSI COST PROPOSAL
ACCREDITATION FEES FOR
FOOD PROTECTION MANAGER
CERTIFICATION ORGANIZATIONS**

LEGEND

A = Certification organizations that issue 0 – 10,000 certificates/year
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C = Certification organizations that issue 100,001 – 150,000 certificates/year
D = Certification organizations that issue 150,001+ certificates/year

	A	B	C	D
Year 3				
Surveillance				
Field Audit	1,500.00	1,500.00	1,500.00	1,500.00
Travel	1,000.00	1,000.00	1,000.00	1,000.00
Annual Fee	2,500.00	7,500.00	10,000.00	15,000.00
_____	_____	_____	_____	_____
TOTAL	5,000.00	10,000.00	12,500.00	17,500.00
(xviii) (IF CORRECTIVE ACTION IS NEEDED)				
	1,000.00	1,000.00	1,000.00	1,000.00
_____	_____	_____	_____	_____
TOTAL	6,000.00	11,000.00	13,500.00	18,500.00

**ANSI COST PROPOSAL
ACCREDITATION FEES FOR
FOOD PROTECTION MANAGER
CERTIFICATION ORGANIZATIONS**

LEGEND

A = Certification organizations that issue 0 – 10,000 certificates/year
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C = Certification organizations that issue 100,001 – 150,000 certificates/year
D = Certification organizations that issue 150,001+ certificates/year

	A	B	C	D
SUMMARY				
(xix) ACCREDITATION FEES IF EXAM BUROS APPROVED CORRECTIVE ACTIONS				
(xx)				
(xxi) Year 1	4,500.00	4,500.00	4,500.00	4,500.00
(xxii) Year 2	5,000.00	10,000.00	12,500.00	17,500.00
(xxiii) Year 3	5,000.00	10,000.00	12,500.00	17,500.00
(xxiv) _____	_____	_____	_____	_____
–	–	–	–	–
(xxv)				
(xxvi) 3 YEAR TOTAL	14,500.00	24,500.00	29,500.00	39,500.00
(xxvii) ACCREDITATION FEES IF EXAM BUROS APPROVED CORRECTIVE ACTIONS				
(xxviii)				
(xxix) Year 1				
(xxx) Year 2				
(xxxi) Year 3	7,000.00	7,000.00	7,000.00	7,000.00
(xxxii) _____	6,000.00	11,000.00	13,500.00	18,500.00
–	6,000.00	11,000.00	13,500.00	18,500.00
	_____	_____	_____	_____
3 YEAR TOTAL	–	–	–	–
	19,000.00	29,000.00	34,000.00	44,000.00

COMPUTER-BASED TESTING STANDARDS
CFP STANDARDS FOR ACCREDITATION OF
FOOD PROTECTION MANAGER CERTIFICATION PROGRAMS

PROPOSED ADDITIONS TO SECTION 1.0 – DEFINITIONS

Terms contained within the proposed new Section 6.0 Computer-Based Testing require definitions be added to Section 1.0 of the *CFP Standards for Accreditation of Food Protection Manager Certification Programs*:

- **Algorithm;**
- **Computer-Adaptive Testing;**
- **Computer-Based Testing;**
- **Item Sequence; and**
- **Test Encryption and Decoding.**

y. The following definitions have been submitted by the Food Protection Manager Certification Committee for the above terms as a companion piece to the proposed new Section 6.0 Computer-Based Testing. The Committee is submitting these definitions for Conference deliberation as part of this Issue. These definitions, if approved, will be incorporated in Section 1.0 of the *CFP Standards for Accreditation of Food Protection Manager Certification Programs*. The Section number on the left indicates the sequence these terms would appear in the revised CFP Standards.

- 1.4** **Algorithm** means a set of procedures or rules pertaining to the selection of test questions on an examination.
- 1.11** **Computer-Adaptive Testing** means a method of computer-based testing that uses algorithms based on the statistics of the test questions to determine the examinee's proficiency by selecting items at various difficulty levels.
- 1.12** **Computer-Based Testing** means an examination administered on a computer.
- 1.26** **Item sequence** means the presentation order of test items in an examination.
- 1.40** **Test encryption and decoding** means the security aspects of a computer examination to prevent the test from being read by unauthorized persons if downloaded or otherwise accessed without authorization. Encryption refers to how a computer examination is coded. Decoding refers to how the computer examination is translated back from the code.

SECTION 6.0 – COMPUTER-BASED TESTING (CBT)

6.0 Computer-Based Test Development and Administration

- 6.1** Computer-Based Test Development. Examination specifications for computer-based testing must describe the method for development including the algorithms used for test item selection, the item response theory model employed (if any), and examination equating issues.
- 6.2** Items must be evaluated for suitability for computer delivery, be reviewed in the delivery medium, and be reviewed in the presentation delivery medium. Assumptions must not be made that items written for delivery via a paper/pencil medium are suitable for computer delivery nor should it be assumed that computer test items are suitable for paper/pencil delivery.
- 6.3** When examination forms are computer-generated, whether in Computer-Adaptive Testing (CAT) or in a simple linear algorithm, the algorithm for item selection and the number of items in the item bank from which the examination is generated shall assure that the items are protected from overexposure. Item usage statistics must be provided for all available items in the pool.
- 6.4** Computer-Based Testing Administration. Where examination environments differ (for example, touch screen versus mouse) evidence must be provided to demonstrate equivalence of the examinees score
- 6.5** Tutorials and/or practice tests must be created to provide the test takers adequate opportunity to demonstrate familiarity and comfort with the computer test environment.
- 6.6** If the time available for computer delivery of an examination is limited, comparability of scoring outcomes with untimed delivery of the exam must be demonstrated. Data must be gathered and continually analyzed to determine if scoring methods are comparable.
- 6.7** Evidence of security in the computer-based testing environment must be provided. Factors affecting test security include, but are not limited to, test taker workspace, access to personal materials, level of test taker monitoring, and test encryption and decoding.
- 6.8** Documentation of precautions to protect examination forms and the item bank from unauthorized access must be provided.
- 6.9** Policies and procedures regarding the recording and retention of the item sequence and test taker item responses for each candidate must be developed and followed. Computer examinations using a unique sequence of items for each test

taker must record the information necessary to recreate the sequence of items and test taker responses on the computer examination.

- 6.10** Systems and procedures must be in place to address technical or operational problems in examination administration. For example, the examination delivery system must have the capability to recover test taker data at the appropriate point in the testing session prior to test disruption. Policies regarding recovery for emergency situations (such as retesting) must be developed.
- 6.11** Due Process. Candidates must be informed of any information relevant to *computer-based testing* that may affect their performance or score.

SUMMARY

CFP FOOD PROTECTION MANAGER TRAINING, TESTING AND CERTIFICATION COMMITTEE'S

RECOMMENDED CHANGES TO THE EXISTING CFP STANDARDS FOR ACCREDITATION OF FOOD PROTECTION MANAGER CERTIFICATION PROGRAMS

z. If the Conference approves the Committee's recommendations related to Computer-Based Testing Standards and the associated addition of terms to Section 1.0

–

aa. Definitions, the *CFP Standards for Accreditation of Food Protection Manager Certification Programs* will need to be revised accordingly. The Sections of the CFP

bb. Standards that will be impacted by the incorporation of these revisions include:

- Section 1.0 – Definitions: Addition of the 5 terms pertaining to CBT Standards presented earlier in Attachment E.
- Addition of a New Section 6.0 – Computer-Based Testing Standards, presented earlier in Attachment E.
- The Existing Section 6.0,

Certification Organization Responsibilities to Candidates and the Public

will need to be changed to Section 7.0 and the individual provision renumbered accordingly.

- The Existing Section 7.0,

Certification Organization Responsibilities to the Accreditation Organization

will need to be changed to Section 8.0 and the individual provisions renumbered accordingly.

The revisions to Sections 1.0, 7.0, and 8.0 are included here to for Conference review.

SECTION 1.0 - DEFINITIONS

Section 1.0 Definitions

- 1.1 Accreditation** means that an *accrediting organization* has reviewed a Food Protection Manager *certification* program and has verified that it meets standards set by the Conference for Food Protection (a review of a *certifying organization* by an independent organization using specific criteria, to verify compliance with Food Protection Management *Certification* Program standards).
- 1.2 Accrediting organization** means an independent organization that determines whether a Food Protection Manager *Certification* Program meets the standards set by the Conference for Food Protection.
- 1.3 Accredited certification program** means a Food Protection Manager *Certification* Program that has been evaluated and listed by an *accrediting organization* accepted by the Conference for Food Protection and has met the Conference Standards for such programs.
- (a) refers to the *certification* process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, *continued proficiency*, discipline and grievance procedures; and test development and administration.
- (b) does not refer to training functions or educational programs.
- 1.4 Algorithm** means a set of procedures or rules pertaining to the selection of test questions on an exam.
- 1.5 Certificate** means documentation issued by a *certification organization*, verifying that an individual has complied with the requirements of an *accredited certification program*.
- 1.6 Certification** means the process wherein a *certificate* is issued.
- 1.7 Certification organization** means an organization that provides an *accredited certification program* and issues the *certificate*.
- 1.8 Certified Food Protection Manager** means a person who has demonstrated by means of a *food safety certification examination* to a *certifying organization* that he/she has the knowledge, skills and abilities required to protect the public from food borne illness. Duties of such persons include but are not necessarily limited to:

- a. responsibility for identifying hazards in the day-to-day operation of a *food establishment* that provides food for human consumption;
 - b. development or implementation of specific policies, procedures or standards aimed at preventing food borne illness;
 - c. coordination of training, supervision or direction of food preparation activities, and responsibility for taking corrective action as needed to protect the health of the consumer;
 - d. responsibility for completion of in-house self-inspection of daily operations on a periodic basis to see that policies and procedures concerning food safety are being followed.
- 1.9 Competency** means a defined combination of knowledge, skills and abilities required in the satisfactory performance of a job.
- 1.10 Competency examination** means an instrument that assesses whether an individual has attained at least a minimum level of *competency* that has been determined to be necessary to perform effectively and safely in a particular occupation or job. It must be based on a thorough analysis of requirements for safe and effective performance.
- 1.11 Computer-Adaptive Testing** means a method of computer-based testing that uses algorithms based on the statistics of the test questions to determine the examinee's proficiency by selecting items at various difficulty levels.
- 1.12 Computer-Based Testing** means an examination administered on a computer.
- 1.13 Continued proficiency** means a *certification organization's* process or program designed to assess continued *competence* and/or enhance the *competencies* of *Certified Food Protection Managers*.
- 1.14 Demographic data** means the statistical data of a population, especially the data concerning age, gender, ethnic distribution, geographic distribution, education, or other information that will describe the characteristics of the referenced group.
- 1.15 Educator**, in this instance, means a teacher in a secondary or post-secondary program leading to a degree or certificate in a course of study that includes *competencies* in prevention of food borne illness.
- 1.16 Elements of Knowledge** mean those specific skills and knowledge necessary for a Food Protection Manager to perform in a minimally competent manner.

1.17 Entry level performance means carrying out job duties and tasks effectively at a level that does not pose a threat to public safety but not necessarily beyond that level. It requires safe performance of tasks expected of a worker who has had at least the minimal training (either in a formal school setting or on-the-job), but not long experience.

1.18 Equivalency (in “equivalent examinations”) means that there is specific *psychometric* evidence that various forms of an examination cover the same content and their respective passing scores represent the same degree of competence.

1.19 Examination forms means alternate sets of test questions to assess the same *competencies*, conforming to the same *examination specifications*.

1.20 Examination specifications means the description of the specific content areas of an examination, stipulating the number or proportion of items for each area of *competency* and the level of complexity of those items. The specifications are based on the *job analysis* and its verification.

1.21 Examination version means a test in which the exact set of items in an *examination form* is presented in another order, language, manner or medium.

1.22 Food establishment

cc.

(a) Food establishment means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

dd.

(i) Such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution or food bank; and

ee. (ii) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

ff.

(b) Food establishment includes:

gg.

(i) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the *regulatory authority*; and

hh.

(ii) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the

premises; and regardless of whether there is a charge for the food.

(c) Food establishment does not include:

ii.

jj. (i) An establishment that offers only prepackaged foods that are not potentially hazardous;

(ii) A produce stand that only offers whole, uncut fresh fruits and vegetables;

(iii) A food processing plant;

kk. (iv) A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and if the consumer is informed by a clearly visible placard at sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the *regulatory authority*;

(v) An area where food that is prepared as specified in Subparagraph (c)(iv) of this definition is sold or offered for human consumption;

ll.

(vi) A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration areas that the food is prepared in a kitchen that is not regulated and inspected by the *regulatory authority*; or

(vii) A private home that receives catered or home-delivered food.

mm.

1.23 Food Safety Certification Examination means an examination in food safety approved in accordance with the provisions of this program.

nn.

1.24 **Instructor** means an individual whose educational background and work experience meet the guidelines for an *instructor* as outlined in Annex B.

1.25 **Item bank** means all of the items that have been developed for the several forms of an examination. It includes all of the items available to create *examination forms*.

1.26 **Item sequence** means the presentation order of test items in an examination.

- 1.27 Job Analysis** means the description of functions or tasks required for an individual to perform to entry level standards in a specific job or occupation, including information about the attributes required for that performance. It defines the performance dimension of a job and includes knowledge, skills and abilities necessary to carry out the tasks. tasks are the individual functions, whether mental or physical, necessary to carry out an aspect of a specific job
- a. knowledge, skills and abilities (KSA's) include the information and other attributes that the worker must possess in order to perform effectively and safely. They include information and understanding as well as learned behaviors and natural attributes.
- 1.28 Legal entity** means an organization structured in a manner that allows it to function legally and be recognized as a responsible party within the legal system
- 1.29 Legally defensible** means the ability to withstand a legal challenge to the appropriateness of the examination for the purpose for which it is used. The challenge may be made on by actual or potential examinees or on behalf of the public. Candidate's challenges may pertain to perceived bias of the examination or inappropriately chosen content. Challenges on behalf of the public may claim that the examination does not provide adequate measures of a candidate's knowledge, skills and abilities required to protect the consumer from food borne illness.
- 1.30 Monitor** (See *Proctor*) means an authorized agent of the *program sponsor* who ensures the security of the *food safety certification examination* and verifies the identity of candidates for *certification*.
- 1.31 Proctor** means persons under the supervision of a *test administrator*, assisting by assuring that all aspects of an examination administration are being carried out with precision, with full attention to security and to the fair treatment of examinees. *Proctors* have the responsibility and must have the ability to observe examinee behaviors, accurately distribute and collect test materials, and assist the *test administrator* as assigned. They must have training or documented successful experience in monitoring procedures and must affirm in writing an agreement to maintain test security and to assure that they have no conflict of interest.
- 1.32 Program sponsor** means the entity conducting a training course (Annex).
- 1.33 Psychometric** means scientific measurement or quantification of human qualities, traits or behaviors.
- 1.34 Psychometrician** means a professional with specific education and training in development and analysis of tests and other assessment techniques and in statistical methods. Qualifications may vary but usually include at least a

bachelor's degree and a minimum of two formal courses in test development and a minimum of two in statistical methods.

- 1.35 Recognized examination** means Conference for Food Protection acknowledgement that a *food safety certification examination* has been reviewed and determined to have met the test development and administration portions of the Conference *Standards for Accreditation of Food Protection Manager Certification Programs*.
- 1.36 Regulatory Authority** means a government agency that has been duly formed under the laws of that jurisdiction to administer and enforce the law.
- 1.37 Reliability** means the degree of consistency with which a test measures the attributes, characteristics or behaviors that it was designed to measure.
- 1.38 Retail food industry** means those sectors of commerce that operate *food establishments*.
- 1.39 Test Administrator** means the individual at the test site who has the ultimate responsibility for conducting a *food safety certification examination*. *Test Administrators* must have training, documented successful experience, or a combination of experience and training in test administration and security procedures. They must provide written assurance of maintaining confidentiality of test contents and of adherence to standards and ethics of secure examination administration. Their responsibilities include but are not limited to:
- a. verifying that the contents of the examination materials shipment matches the packing list;
 - b. assuring that the site conforms to requirements;
 - c. training and supervising *monitors/proctors*;
 - d. assuring accurate identification of examinees;
 - e. adherence to all procedures and instructions in the examination administration manual;
 - f. maintaining security of test materials;
 - g. assuring compliance with procedures for handling any breaches of security that may occur;
 - h. proper handling of completed examinations;
 - i. confidentiality of candidate scores;

- j. such unspecified duties as may be required for safe and secure administration of the examination
- 1.40 Test encryption and decoding** means the security aspects of a computer examination to prevent the test from being read by unauthorized persons if downloaded or otherwise accessed without authorization. Encryption refers to how a computer examination is coded. Decoding refers to how the computer examination is translated back from the code.
- 1.41 Trainer**, in this instance, means a professional with appropriate expertise who conducts a course in food safety for applicants for *certification* as Food Protection Managers.
- 1.42 Validity** means the extent to which a test score or other type of assessment measures the attributes it was designed to measure. In this instance, does the test produce scores that can help determine if examinees are competent to protect the public from food borne illness in a *food establishment*.

**SECTION 7.0 – CERTIFICATION ORGANIZATION RESPONSIBILITIES
TO CANDIDATES AND THE PUBLIC**

Section 7.0 *Certification Organizations Responsibilities to Candidates and the Public.*

- 7.1 Responsibilities to Applicants for Certification.** *A certifying organization shall:*
- a. Not discriminate among applicants as to age, sex, race, religion, ethnic origin, disabilities or marital status and shall include a statement of non-discrimination in announcement of the *certification program*.
 - b. Provide all applicants with copies of formalized procedures for application for, and attainment of, *certification* and shall provide evidence to the *accrediting organization* of the implementation of the policy.
 - c. Have a formal policy for the periodic review of application and examination procedures to ensure that they are fair and equitable and shall give evidence to the *accreditation organization* of the implementation of the policy (Section 4.17).
 - d. Provide evidence that competently *proctored* testing sites are readily accessible (Section 5.10).
 - e. Provide evidence of uniformly prompt reporting of *food safety certification examination* results to applicants (Section 5.18).
 - f. Provide evidence that applicants failing the *food safety certification examination* are given information on general areas of deficiency (Section 5.18).
 - g. Provide evidence that each applicant's *food safety certification examination* results are held confidential (Sections 5.16 and 5.17).
 - h. Have a formal policy on appeals procedures for applicants questioning eligibility or any part of the *accredited certification program* (Section 4.4 (f)).
- 7.2 Qualifications for Initial Certification.** *To become a certified food protection manager an individual must pass a food safety certification examination from an accredited certification program recognized by the Conference for Food Protection. The certificate shall be valid for no more than 5 years.*
- 7.3 Effective Date of Certificate.** *Certificates issued, and electronic listing of certificate holders maintained, by accredited certification programs shall identify the food safety certification examination form recognized by the accrediting*

organization and specify the date the examination was taken.

- 7.4** Replacement or Duplicate Certificate. Replacement or duplicate *certificates* issue through an *accredited certification program* shall carry the same effective date as the original.
- 7.5** Discipline of Certificate Holders and Applicants. A *certification organization* shall have a formal *certification* policies and operating procedures including the sanction or revocation of the *certificate*. These procedures shall incorporate due process.
- 7.6** Continued Proficiency. A *certification organization* shall implement a process or program for assessing continued *competence* and/or enhancing the *competence* of *Certified Food Protection Managers*.
- 7.7** Responsibilities to the Public and to Employers of Certified Personnel. A *certification organization* shall maintain a registry of individuals certified. Any title or credential awarded by the *certification organization* shall appropriately reflect Food Protection Manager's daily food safety responsibilities and shall not be confusing to employers, consumers, related professions and/or other interested parties.
- 7.8** Each *accredited certification program* must have a published protocol for systematically investigating problems presented by users of the Program, including specific concerns about examination items, administration procedures, treatment of candidates, or other matters involving potential *legal defensibility* of the examination or program. The protocol will include a published time frame for reporting findings to the User.
- 7.9** Misrepresentation. Only organizations whose *food safety certification examinations* are CFP "*recognized*" as to conformance with all test development and administration criteria contained within Sections 4.0 and 5.0 of this Standard may make reference to be "*recognized*". Organizations whose *food safety certification examinations* are so "*recognized*" will make no reference to the Conference for Food Protection except to state that their examination has been so "*recognized*".

**SECTION 8.0 – CERTIFICATION ORGANIZATION RESPONSIBILITIES TO
THE ACCREDITING ORGANIZATION**

Section 8.0 *Certification Organization Responsibilities to the Accrediting Organization.*

8.1 *Certifying organizations seeking accreditation for development and/or administration of a certification program shall provide at least the following information, as well as other information that might be requested by the accrediting organization.*

- a. The name and complete ownership of the *legal entity*.
- b. The address, telephone/fax number(s) and other contact information of the *certification organization's* headquarters.
- c. The name, position, address and telephone/fax/e-mail information of the contact person for projects related to the Conference for Food Protection *Standards for Accreditation of Food Protection Manager Certification Programs*.
- d. Such fiscal information as may be needed to establish evidence of ability to carry out obligations under these Standards.

8.2 Summary Information. *A certifying organization shall:*

- a. Provide evidence that the mechanism used to evaluate individual *competence* is objective, fair and based on the knowledge skills needed to function as a *Certified Food Protection Manager* (Sections 4.3 and 4.4)
- b. Provide evidence that the evaluation mechanism is based on standards which establish *reliability* and *validity* for each form of the *Food Safety Certification Examination* (Sections 4.3 and 4.4).
- c. Provide evidence that the pass/fail levels are established in a manner that is generally accepted in the *psychometric* community as being fair and reasonable (Section 4.10).
- d. Have a formal policy of periodic review of evaluation mechanisms and shall provide evidence that the policy is implemented to ensure relevance of the mechanism to knowledge and skills needed by a *Certified Food Protection Manager* (Sections 4.8 and 4.17).
- e. Provide evidence that appropriate measures are taken to protect the security of all *food safety certification examinations* (Sections 5.2 through and including 5.12).

- f. Publish a comprehensive summary or outline of the information, knowledge, or functions covered by the *food safety certification examination* (Section 4.4).
- g. Make available general descriptive materials on the procedures used in examination construction and validation and the procedures of administration and reporting of results (Section 4.4).
- h. Compile at least semi-annually, a summary of *certification* activities, including number of applicants, number tested, number passing, number failing, and number certified (Sections 4.17 and 4.19).

8.3 Responsibilities to the Accrediting Organization. The *certification organization* shall:

- a. Make available upon request to the *accrediting organization* copies of all publications related to the *certification* program.
- b. Advise the *accrediting organization* of any changes in proposed structure or activities of the *certifying organization*.
- c. Advise the *accrediting organization* of substantive change in *food safety certification examination* administration.
- d. Advise the *accrediting organization* of any major changes in testing techniques or in the scope or objectives of the *food safety certification examination*.
- e. Submit to the *accrediting organization* the report requirements information specified for the Food Protection Manager *Certification* Program.
- f. Annually complete and submit to the *accrediting organization* information requested on the current status of the Food Protection Manager *Certification* Program and the *certification organization*.
- g. Be re-accredited by the *accrediting organization* at least every 5 years.

8.4 *Certification organizations* shall review the Equal Employment Opportunity Commission (EEOC, et al) guidelines; the Uniform Guidelines on Employee Selection Procedures, and Standards for Educational and Psychological Testing produced by the American Educational Research Association, the American Psychological Association and the National Council on Measurement in Education, to verify that the *food safety certification examination(s)* comply with these provisions which are frequently referred to in legal challenges of examinations.

**Conference for Food Protection
Food Protection Manager Training, Testing and
Certification Committee Bylaws**

Preamble

The Food Protection Manager Training, Testing and Certification Committee, hereinafter referred to as the Committee, of the Conference for Food Protection, hereinafter referred to as the Conference, exists to carry out charges from the Conference Executive Board, hereinafter referred to as the Board relating to food protection manager training and certification issues and operates within the objectives stated in the Constitution and Bylaws of the Conference.

Article I. Objectives.

- Section 1. Systematically identify and address issues concerning Food Protection Manager Certification Programs.
- Section 2. Adopt sound, uniform accreditation standards and procedures that are accepted by the Conference.
- Section 3. Promote uniformity among all jurisdictions that subscribe to the principles of the Conference by obtaining their recognition and adoption of the Conference Standards for Accreditation of Food Protection Manager Certification Programs.

Article II. Organization and Operation.

- Section 1. The Committee is a standing committee within the Conference and as such shall receive its charges from the Board.
- Section 2. The Committee shall consider all issues charged to the Committee by the Board. The Committee shall work to develop consensus. The Board may submit charges to the Committee at any time. The Committee is to deliberate the charges expeditiously, or within the time frame determined by the Board or the Committee Chair.
- Section 3. The Committee shall use the protocol established in these Bylaws to address its charges from the Board.
- Section 4. All Committee recommendations shall be submitted as Issues to the Conference for deliberation. The Committee shall follow the protocol for Issue submission as established in the Conference Bylaws.

Section 5. All issues, intellectual properties, and/or inventions created by the Committee and approved by the voting assembly of the Conference become the property of the Conference.

Article III. Composition of Organizational Components and Eligibility Requirements for Serving in Official Capacities.

Section 1. The Committee shall be chaired by a Chair and Vice-Chair. The Chair and Vice-Chair shall be appointed by the Chair of Council II and shall be approved by the Board.

Section 2. The Council II Chair shall select the Committee Chair and Vice-Chair from the following groups that comprise the broad based representation of the Conference: regulatory agencies, industry, academia, and consumer groups. The Chair and Vice-Chair shall not be selected from the same group affiliation.

Section 3. The Chair and Vice-Chair shall serve until the conclusion of the next conference meeting. At the conclusion of the conference meeting the incoming Council II Chair will initiate the selection process for the Chair and Vice-Chair of the Committee.

Section 4. The Committee Chair and Vice-Chair may serve consecutive terms at the discretion of the Council II Chair. The Council II Chair shall obtain recommendations from members of the Committee on qualified candidates.

Article IV. Committee Structure and Representation.

Section 1. To be eligible to serve on the Committee, individuals must commit in writing to active participation and be approved by the Conference Chair and the Board.

Section 2. The Committee Chair, Vice-Chair, and/or Council II Chair will select committee members from the list of volunteers or recruit volunteers as appropriate to balance the committee as delineated under Article IV. Committee Structure and Representation.

Section 3. The composition of the Committee is a balanced representation of industry, regulatory, academia, certification providers and consumers. The Committee shall consist of twenty-eight (28) members in addition to the Chair and Vice-Chair.

Subsection 1. Ten (10) representatives from regulatory agencies:

- a. Three (3) from State regulatory agencies;
- b. Three (3) from local regulatory agencies;

- c. Two (2) from federal government agencies with retail food program responsibilities.
- d. Two (2) “At Large” appointments. (*At Large representation – agencies with primary regulatory food safety responsibilities or professional organizations whose mission incorporates a significant public health protection focus.)

Subsection 2. Ten (10) industry representatives;

- a. Four (4) from the foodservice (restaurant) industry;
- b. Four (4) from the retail food store industry, and
- c. Two (2) “At Large” appointments. (*At large selections may include professional or trade organizations that directly represent the restaurant, retail food, institutional foodservice and food vending segments of the industry and whose mission incorporates a public health protection component.)

Subsection 3. Four (4) certification providers that are accredited by the Conference’s accreditation process;

Subsection 4. Two (2) representatives from academia, and

Subsection 5. Two (2) consumer/independent representatives/public members

Section 4. Committee members will serve a two (2) year term, concurrent with the cycle of the Conference meeting. Committee members are eligible to serve for consecutive terms contingent upon:

Subsection 1. Indication of written interest to serve on the Committee.

Subsection 2. The availability of membership based on the representation requirements set forth in Article IV, Section 1.

Subsection 3. An assessment by the Council II Chair, Vice-Chair, and the incoming Chair of the Committee to ensure a balance between members who have previously served on the Committee and new members.

Section 5. In the event of a surplus or insufficient number of volunteers in a category, the Council II Chair may consult with the outgoing Committee Chair to identify potential candidates for appointment to the Committee.

Section 6. The incoming Chair of the Committee shall make every effort to retain at least 50% of the Committee membership for a continuing term. This retention is recommended due to the complexity of issues, the need to retain continuity of Committee functions and the short time frame between Conference meetings.

Article V. Committee Organization and Operation

- Section 1. The Committee shall receive its direction from the Board. The Board shall assign the Committee its charges as ratified during the biennial Conference meeting. The Board may assign additional charges to the Committee to ensure that the Conference Standards for Accreditation of Food Protection Manager Certification Programs and accreditation process are administered in a fair and responsible manner.
- Section 2. The Committee shall meet at least annually and at the biennial Conference meeting. All Committee meetings are open to anyone to attend. In addition to meetings, the Committee shall schedule conference calls, as deemed appropriate, for addressing issues under deliberation. In the event that sensitive, financial or proprietary information is under consideration by the Committee, the Chair shall have the option to conduct a closed session until the confidential portion of the proceedings have been concluded.
- Section 3. Committee meetings shall be conducted under the direction of the Chair. The Committee Chair shall call and preside at all meetings of the Committee.
- Section 4. When the Committee Chair is absent, is unable to act, or refuses to act, the Vice-Chair shall perform the duties of the Committee Chair. When the Vice-Chair acts in place of the Chair, the Vice-Chair shall have all the powers and be subject to all restrictions upon the Committee Chair.
- Section 5. A modified Robert's Rules of Order shall provide the framework for conducting Committee meetings and deliberations. The modification will allow some discussion between Committee members without having Chair recognition before entering into the dialogue. The Chair may at any time, request that Committee members be recognized before speaking to maintain an orderly process.
- Section 6. Guests and/or observers shall be recognized by a Committee member and the Chair before addressing the Committee.
- Section 7. In addition to the charges and issues received from the Board, Committee members may submit issues and alternative recommendations to the Committee. Issues and recommendations introduced by Committee members shall be submitted using the Conference format.
- State the problem or issue.
 - Discuss the key impacts of the issue on the accreditation process or Food Protection Manager Certification Programs.
 - Provide a recommended solution to the issue. All alternative positions to Committee issues must be presented with a clear recommended solution.

- Section 8. The Committee Chair may designate ad hoc workgroups to conduct research, study proposals, develop procedures or recommendations related to complex issues and/or charges. Workgroups shall provide written reports and recommendations to the Committee for deliberation.
- Section 9 A quorum to conduct Committee meetings and conference calls shall be the presence of fifteen (15) Committee members. A Committee quorum shall be considered a sufficient number for voting on issues under deliberations. The decisions resulting from a quorum vote shall be deemed representative of the Committee. In the event of a lack of a quorum, the Chair may vote to make up the quorum.
- Section 10 When a quorum of the Committee participates in a meeting or a conference call the Chair may call for a vote by the Committee on the motions before it.
- Section 11. Voting. A consensus building decision process will be used. When Committee members are asked to vote, each member will be able to express one of three positions.
- A thumb up indicates agreement with the issue on the floor
 - A thumb sideways means the position on the floor is not the member's optimal solution, but they can accept the position
 - A thumb down indicates that a member does not agree with the issue on the floor and would like an alternative recommendation considered.
- The Committee Chair shall provide an opportunity for the dissenting member(s) to express the alternative position(s). After discussion of these alternative positions, the Chair will call for a final vote from the Committee.
- Section 12. The Vice-Chair may voice positions on issues. When the Committee Chair conducts a meeting, the Vice-Chair may vote on all matters before the Committee.
- Section 13. The Chair is a non-voting member of the Committee, with the following exceptions. In the event of a tie when the Committee Vice-Chair is not present and the process must go forward, the Chair may cast the deciding vote. The Chair may vote in the event a quorum is needed. In the event of a tie, the Chair may vote as the tie-breaker.
- Section 14. The Chair may obtain affirmation from the Committee on some administrative items without proceeding through the formal motion, discussion and voting process defined in Robert's Rules of Order.
- Section 15. Committee funding. The Board may allocate funds to the Committee for its charges. These funds may be used to contract the services of outside experts to assist the Committee; attend meetings with potential accreditation entities and other miscellaneous expenses that the Committee must incur, e.g., use of meeting rooms. Funding shall not be allocated to cover an individual Committee member's travel or per diem expenses to attend meetings unless

such expenditures are deemed essential to the completion of the Committee's charge. Expenditures to fund a Committee member's travel expenses must receive the concurrence of two-thirds (2/3) of the voting members of the Committee.

Article VI. Duties of the Committee Chair

- Section 1. The Chair, with the approval of the Board and the Council II Chair, shall select Committee members in accordance with Article IV.
- Section 2. The Chair, with concurrence of two-thirds (2/3) of the voting members of the Committee, may appoint non-voting Ex-Officio consultants to the Committee in accordance with Article VIII.
- Section 3. The Chair shall preside at all meetings of the Committee, except as provided in Article VII, Section 1.
- Section 4. The Chair shall coordinate the arrangement of meetings and conference calls.
- Section 5. The Chair shall be responsible for distributing to Committee members and other meeting participants an agenda for the meeting or conference call. This agenda may be distributed by email, fax, mail, or other suitable means.
- Section 6. The Chair may assign a Committee member, using a rotation basis or other appropriate means among all Committee members, to take minutes during designated meetings and conference calls.
- Section 7. The Chair shall be responsible for distributing minutes of all Committee meetings or conference calls in a timely manner, usually within three weeks of the event.
- Section 8. The Chair shall be responsible for distributing written or oral reports to the Board detailing the activities of the Committee. The Chair shall be called upon to report at the biennial Conference meeting on the activities of the Committee.
- Section 9. The Chair shall provide an annual written Committee budget report to Committee members and the Board.

Article VII. Duties of the Committee Vice-Chair

- Section 1. In the event the Chair is unable to perform the duties of the Chair, the Vice-Chair shall act as Chair.
- Section 2. When acting as Chair, the Vice-Chair shall perform all the necessary duties for the Committee as outlined in Article VI.
- Section 3. The Vice-Chair shall perform all duties assigned by the Chair.

Article VIII. Duties of Committee Members

- Section 1. A Committee member's tenure shall be carried out in accordance with Article IV, Section 2.
- Section 2. Committee members shall have the responsibility to notify the Committee Chair of their inability to attend a meeting or participate on a conference call at least fifteen (15) days prior to the scheduled meeting or conference call. The member may submit in writing a designated representative in his/her place to the Chair. This designated representative may vote on issues before the committee.
- Section 3. Committee members or designated representative shall have the responsibility to review for comment standards, reports, recommendations, issues or other Committee documents distributed within the time frames designated by the Committee.
- Section 4. Committee members or designated representative shall have the responsibility to complete work assignments within time frames designated by the Committee.
- Section 5. Committee members or designated representative shall have the responsibility to notify the Committee Chair or the Chair's designee of their inability to complete a work assignment.
- Section 6. Committee members that do not participate or provide a designated representative for three (3) consecutive meetings and/or conference calls shall have their continued participation as Committee member assessed by the Committee Chair and evaluated by the Committee. The Committee member may be subject to being removed from their membership position. Removal of a Committee member for failure to perform duties as specified in Article VIII, shall require the concurrence of two-thirds (2/3) of the voting members of the Committee.

Article IX. Committee Consultants

- Section 1. The Committee may contract the services of a consultant for issues beyond the scope of the Committee's expertise, if deemed necessary or if charged by the Board. The Committee Chair may identify a consultant or assign a consultant to an ad hoc workgroup with the approval of the full Committee.
- Section 2. Contractual obligations for consultant services shall have the concurrence of two-thirds (2/3) of the voting members of the Committee.
- Section 3. Committee consultants and Conference appointments to the Accreditation Committee shall serve as non-voting Ex-Officio members of the Committee.
- Section 4. Funds for outside consultants shall come from the Committee budget, as determined by the Board.

Article X Workgroups

- Section 1. The Committee Chair may designate ad hoc workgroups to address the charges of the Board and complete the duties of the Committee.
- Section 2. Each workgroup shall select a group leader who is responsible to report group activities to the Committee Chair and Vice-Chair.
- Section 3. Workgroups shall report to the Committee Chair and Vice-Chair as determined by the Committee Chair. These reports shall also be disseminated to the full Committee.

Article XI. Committee Reports

- Section 1 The Committee Chair shall submit a status report of the Committee's activities to the Council II Chair no later than thirty (30) days prior to the Board meetings.
- Section 2 The Committee Chair shall coordinate the development of a final report of the Committee activities to the Council with recommended actions. The final report shall be done in advance of the Conference meeting as part of an Issue submission. The submitted Issue containing the report shall comply with all the Conference procedures and time lines pertaining to the submission of Issues for deliberation.
- Section 3. The Committee Chair, Vice-Chair, or the Committee Chair's designee as specified in writing to the Chair of Council II shall be in attendance when Council II meets during the Conference meeting to present and discuss the Committee's report and any issues submitted by the Committee.

Article XII. Amendments

The Food Protection Manager Training, Testing and Certification Committee Bylaws may be altered, amended, or repealed by two-thirds (2/3) vote of the Committee and final concurrence from the Board. An ad hoc task group chaired by the Vice Chair may be appointed by the Chair of the Committee to make recommendations to the Bylaws for consideration by the Board.

