

Pro/Con Listing for 2-102.11(A)

2-102.11 Demonstration

Based on the RISKS inherent to the FOOD operation, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of foodborne disease prevention, application of the HAZARD Analysis and CRITICAL CONTROL POINT principles, and the requirements of this Code. The PERSON IN CHARGE shall demonstrate this knowledge by:

A) Complying with this Code by having no violations of PRIORITY ITEMS during the current inspection; Pf

Pro 1: This is a good way to show knowledge because it allows the PIC to demonstrate operational controls as they relate to Food Code requirements.

Pro 2: Having no PRIORITY ITEMS allows both regulators and industry to easily know when a food establishment is in compliance with the demonstration of knowledge requirements. It also allows both the inspector and industry to know which sections of the Food Code to focus training on.

Pro 3: Easy for the inspector to evaluate.

Pro 4: If you accept the assumption that performance is a direct reflection of the PIC's level of knowledge, then the absence of Priority Item violations is indicative of the individual's knowledge. Additionally, full compliance may be indicative that the principles and the elements of a food safety management system are in place to control risk.

Con 1: Inspections capture conditions at a facility at a given point in time, and as such, may miss some systemic failures that are present and ongoing but not detectable at the moment. Although the desired end is the elimination of risk factors and full compliance with this Code works to that end, it might be argued that this subsection is Demonstration of Compliance rather than Demonstration of Knowledge.

Con 2: Could be subjective in the day to day reality of conducting inspections. Relies on regulator's judgment resulting in lack of consistency.

Con 3: The undue focus on Priority Items to the exclusion of Priority Foundation and Core violations could overlook potential threats to Food Safety.

Con 4: Studies have shown that knowledge and behavior do not always go hand-in-hand.

Con 5: Language barriers may cause a loss of effective communication between inspectors and operators.