

BOARD OF HEALTH ORDINANCE

DATED 14 November 2017

Certified Food Protection Manager Training Verification

Pursuant to 10 NYCRR 14-1.73.

I. WHEREAS, pursuant to 10 NYCRR Part 14, the Cattaraugus County Board of Health may establish and conduct training programs and require that owners and/or operators of food service establishments attend them, and

II. WHEREAS, the aforementioned food safety protection standards will be required for a food service manager or personnel with supervisory experience who is responsible for the storage, preparation, display, or serving of foods to the public of all medium* and/or high* risk food establishments regulated by Cattaraugus County Health Department, and

III. WHEREAS, the food safety protection standards shall be consistent with the Standards for Accreditation of Food Protection Manager Certification Programs adopted by the Conference for Food Protection and shall ensure that, upon successfully completing the training course, a manager or personnel with supervisory responsibility of a food service establishment shall have demonstrated a knowledge of basic food protection practices, including, but not limited to the following:

- identifying hazards in the day-to-day operation of a food establishment;
- developing or implementing specific policies, procedures or standards aimed at preventing foodborne illness;
- coordinating training, supervising or directing food preparation activities and taking corrective action as needed to protect the health of the consumer;
- and
- conducting in-house self-inspection of daily operations on a periodic basis to see that policies and procedures concerning food safety are being followed,

and

IV. WHEREAS, the required training and verification of training for a food service managers or personnel with supervisory experience of all current medium* and/or high* risk food service establishment must be completed by December 1, 2018, and

V. WHEREAS, any current medium* and/or high* risk food service establishment not in compliance with this ordinance by December 1, 2018, will be in violation of this ordinance and a permit to operate in the Cattaraugus County Health District will not be issued until verification of such training has been obtained by the establishment, and

VI. WHEREAS, all temporary food facilities that serve medium* and/or high* risk foods must complete the required training before a permit is issued, and

VII. WHEREAS, medium* and/or high* risk establishments are defined as follows:

- ***High-Risk Establishments** - Establishments which serve potentially hazardous foods that require a great deal of processing on the premises, including: manual handling, cooling, re-heating, holding for service – hot or cold, transportation of hot or cold ready-to-eat meals and preparation of foods several hours or days before service. Epidemiologic experience has demonstrated that menu items served by these facilities are common vehicles of foodborne illnesses. This category includes establishments that often serve large numbers of meals to the aged, children, or the infirm.
 - Examples of establishments in the high-risk category include: those which prepare roasted meats, sauces, gravies, casseroles, potentially hazardous baked goods and foods which contain meat, fish, poultry, dairy products, eggs or shellfish.
- ***Medium-Risk Establishments**- These establishments often serve potentially hazardous foods; however, there is a rapid turnover between preparation and service. This group also includes low-risk foods that may or may not be potentially hazardous, but require extensive handling, such as baked goods and pizzas. Many of these establishments serve a large volume of food and, therefore, require close attention, although their foodborne illness risk is low.
 - Examples of establishments in the medium-risk category include: fast food restaurants, submarine shops, pizza parlors, some retail bakeries, some mobile food establishments, and short order breakfast and lunch establishments.
- **Low-Risk Establishments** - Most of these establishments serve no potentially hazardous foods with the possible exception of prepackaged sandwiches and specialty items, such as pickled meats or eggs, cream-filled donuts and other snack foods. The regulatory concern in these establishments relates more to sanitation and maintenance.
 - Examples of establishments in the low-risk category include: bars, taverns, retail doughnut shops, some temporary food operations, and coffee shops.

and

VIII. WHEREAS, all current food establishments that serve medium* and/or high* risk foods, will be given until December 1, 2018 to complete a Certified Food Protection Manager Training Course, and

IX. WHEREAS, the penalties for non-compliance with this Ordinance are as follows:

- 1) If the required training verification is not available on site at the time of inspection, the food facility will be cited for the violation, and will have operational permit temporarily suspended until such time a food protection manager training course has been completed, or
- 2) The food establishment can apply for a one time temporary one month permit for a \$125.00 fee.
- 3) The manager/employee (with supervisory responsibility) must complete a training course issued by an accredited certified food protection manager program within 30 days.
- 4) If a certified food protection manager training course has not been obtained by a manager/employee (with supervisory responsibility) within this time frame, the food establishment permit will remain suspended until such time a certified food protection manager training course has been completed.
- 5) The owner can appeal suspension of operational permit to the Board of Health.
- 6) After the 5-year certified food protection manager training course verification has expired, or if the person who has the training is no longer employed at the establishment, then the new manager/employee (with supervisory responsibility) will have thirty (30) days to complete the certified food protection manager training course.

and

X. WHEREAS, any new food establishment that serves medium* and/or high* risk foods, after the day of the enactment of this ordinance:

- 1) Will have thirty (30) days to have a manager/employee (with supervisory responsibility) complete the certified food protection manager training course. If a food protection manager training course verification is not obtained by a manager/employee (with supervisory responsibility) within this time frame, the food facility will have its operational permit temporarily suspended until such time a food protection manager training course has been completed, or

- 2) The food establishment can apply for a one time temporary one month permit for a \$125.00 fee.
- 3) The manager/employee (with supervisory responsibility) must complete a training course issued by an accredited certified food protection manager program within thirty (30) days.
- 4) If a certified food protection manager training course has not been obtained by a manager/employee (with supervisory responsibility) within this time frame, the food establishment permit will remain suspended until such time a certified food protection manager training course has been completed.
- 5) The owner can appeal suspension of operational permit to the Board of Health
- 6) After the 5-year certified food protection manager training course verification has expired, or if the person who has the training is no longer employed at the establishment, then the new manager/employee (with supervisory responsibility) will have thirty (30) days to complete the certified food protection manager training course.