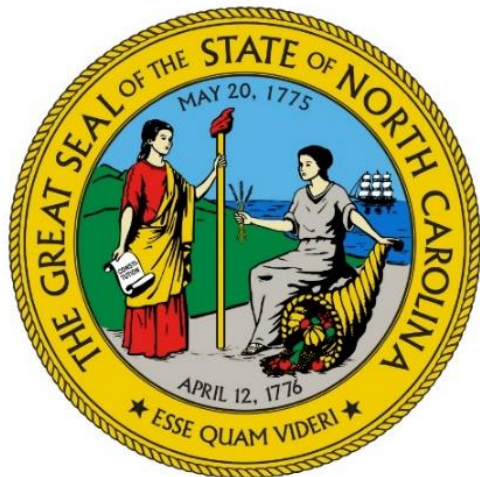




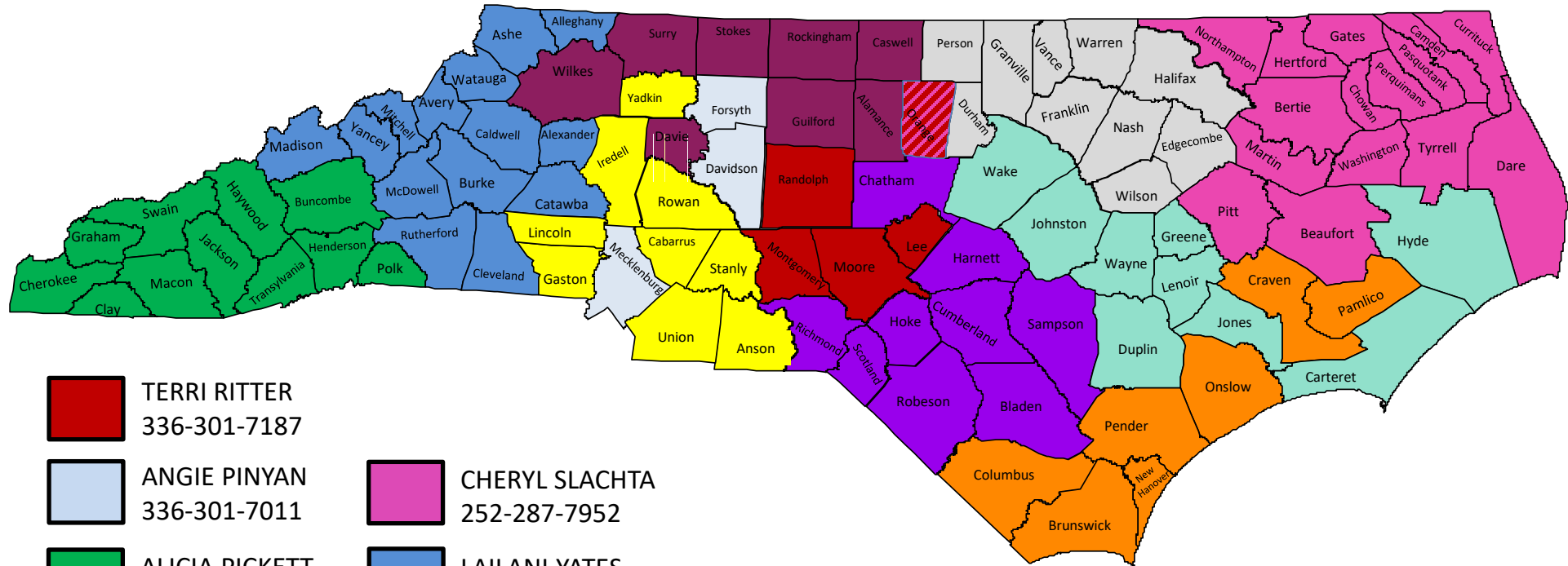
NC Department of Health and Human Services

Regional Meeting #1

Food Protection and Facilities Branch

May 13, 2025

North Carolina Department of Health and Human Services
Division of Public Health
Environmental Health Regional Specialists
Food Protection Program
April 2025



- | | | | |
|---|---------------------------------|---|----------------------------------|
|  | TERRI RITTER
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|  | GLEN PUGH
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910-660-6840 |
| | |  | ROBERTO DIAZ
984-303-9579 |

Dented Cans

- **#13 marked when cans are:**
 - Dented on or around a hermetic seal
 - Bulging
 - Leaking
 - Lid is dome-shaped or bulging
- **#39 marked when cans are:**
 - Damaged
 - spoiled or
 - recalled products are not segregated and separated from FUELSS



Marking Instructions Clarification

- **7-204.12 Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria**
 - **Violations of solutions exceeding recommended concentration in chemical washes marked under #42**
 - 7-204.12 A, B, C
 - **Labeling and storage violations marked under #28**
 - 7-204.12 D

Compliance and Enforcement Strategies Manual



Provides guidance with compliance and enforcement of statutes and rules pertaining to Risk Factors and Interventions



Encompasses all voluntary and regulatory actions taken to achieve compliance with regulations



Activities result in the timely correction of code violations



Supplements the current laws, rules, and marking instructions



FBP Leadership worked with Retail Food Program Standards Network to review and update manual



NCDHHS Attorney General's Office will review final document



Completion Goal: Fall 2025

COMPLIANCE AND ENFORCEMENT STRATEGIES

RISK FACTOR AND PUBLIC HEALTH INTERVENTIONS

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
	Intervention: <u>Demonstration of Knowledge by PIC</u>			
2-101.11, <u>Pf</u>	1	* Assignment	2-101.11- PIC is designated. CDI or VR required.	2-101.11 - An additional PIC is designated and trained to fill the role when one is absent.
2-102.11 (A), (B), (C) (1,4-16), <u>Pf</u>		* Demonstration of Knowledge	2-102.11 (A), (B), (C) (1,4-16)- PIC is provided education during inspection to be able to answer the questions correctly. CDI or VR required.	2-102.11 (A), (B), (C) (1,4-16)- PIC is re-enrolled in an ANSI-accredited course as needed to maintain the credential.
2-103.11 (A)-(P), <u>Pf</u>		* Duties of PIC	2-103.11(A)-(P)-Violations that were allowed to occur are corrected. CDI or VR required.	2-103.11(A)-(P) - PIC receives additional training. A replacement PIC is chosen.
	Intervention: <u>Demonstration of Knowledge by PIC</u>			
2-102.12 (A), <u>C</u>	2	* Certification by an accredited program	2-102.12(A)- Give information on where the course/exam is given. <u>ANSI Approved Courses</u>	2-102.12(A)-PIC passed an ANSI Accredited course. <u>ANSI Approved Courses</u>
	Intervention: <u>Employee Health Control System or Policy Implemented</u>			
2-102.11 (C) (2), (3) & (17), <u>Pf</u>		* PIC demonstration of knowledge about employee health.	2-102.11 (C) (2), (3) & (17)- EHS provides additional training so PIC can answer questions correctly. CDI or VR required.	2-102.11 (C) (2), (3) & (17)- PIC retrained on areas of knowledge.

FDA Update

- **National Risk Factor Survey**
 - Full-service restaurant portion complete
 - Starting Fast-Food Segment
 - Mike Touhey and Erin Miller may contact counties for RFS
- **FDA Southeast Seminar – Canceled**
- **SAVA – two virtual courses in 2025**
- **Meet and Greet with Mike Touhey**
 - Michael.touhey@fda.hhs.gov

Training 2025

• Spring Regional Meeting	May 13	Virtual
• CIT Food Module	June 2-6	Virtual
• EH Symposium	July 24-25	Charlotte
• Interstate EH Seminar	Sept. 9-11	Hebron, KY
• CIT Food Module	Oct. 6-10	Virtual
• SOP Plan Review	Nov. 4-6	Kannapolis

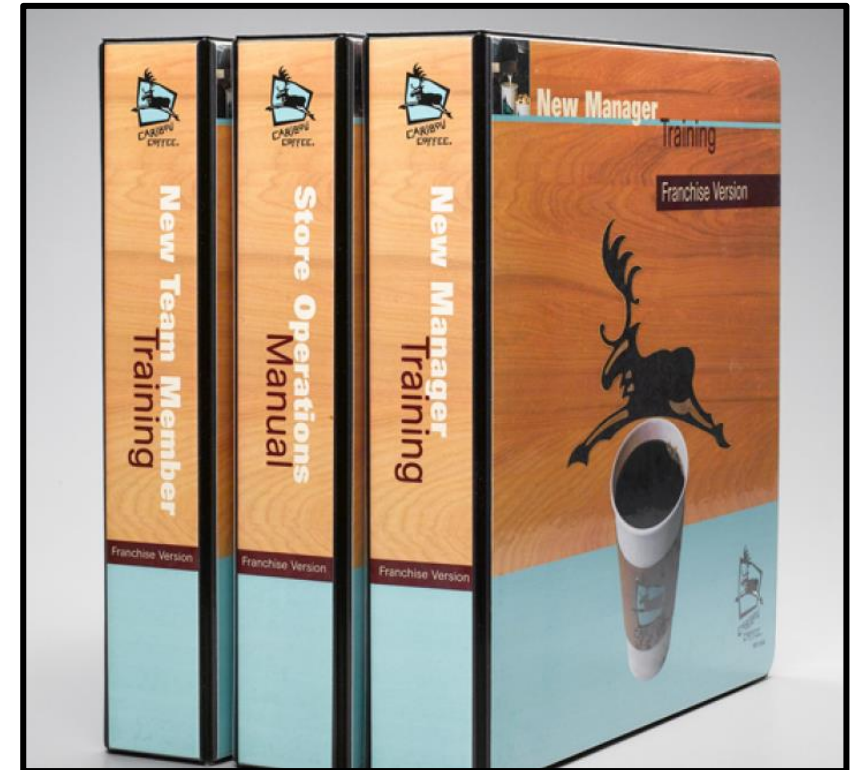
****FDA Seminar will not be held in the SE this year**

Active Managerial Control & Food Safety Management Systems



Active Managerial Control

The purposeful incorporation of specific actions or procedures by industry management into the operation of their business to attain control over foodborne illness risk factors.



Active Managerial Control

Assessing AMC

- Involves more than just assessing code compliance
- Helps you know what happens at times when you are not in the facility
- Requires asking a lot of open-ended questions to supplement measurements or observations



Active Managerial Control

- **Assessing AMC**
 - Strengthens the food safety management system in place
 - May lead to better long-term compliance
 - Consistent, comprehensive control over the risk factors equals reduction in the chance of foodborne illness outbreaks
- **An establishment may be IN COMPLIANCE at the time of inspection but lack AMC**

Part 2-1: Supervision

- **PIC Present**
 - PIC present at all hours of operation
 - One PIC for co-located areas
- **Demonstration of Knowledge**
 - Certified Food Protection Manager **OR**
 - No Priority violations during inspection **OR**
 - Provides answers to inspector's questions
- **Duties of the PIC**
 - Includes employee training/monitoring, allergen awareness, food protection, approved sources/deliveries



Item #1

2-101.11 PIC Present

- **This item is marked OUT of compliance if there is no PIC per 2-101.11 (A) and (B)**
- **Marking Instructions (A)**

Item #1

2-102.11 Demonstration

Three options for demonstration of knowledge:

- Being a Certified Food Protection Manager (B) (1)

OR

- No violations of *Priority* items during the current inspection (B) (2)

OR...



Item #1

2-102.11(C) Demonstration

- **PIC can demonstrate knowledge by responding to food safety concepts using the 17 questions in this section, including: (B) (3)**
 - Importance of good personal hygiene
 - Exclusion and restriction of sick employees
 - Time/temperature control
 - Raw/undercooked food
 - Food protection practices/cross-contamination
 - Allergens
 - Cleaning/sanitizing of food contact surfaces
 - HACCP principles
 - Storage of toxic materials



Item #1

- 10) Explaining the relationship between food safety and providing the equipment that is:
- (a) Sufficient in number and capacity, and
 - (b) Properly designed, constructed, located, installed, operated, maintained, and cleaned;
- 11) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
- 12) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- 13) Identifying poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;
- 14) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining the steps taken to ensure that the points are controlled in accordance with the requirements of this Code;
- 15) Explaining the details of how the Person-in-Charge and food employees comply with the HACCP plan if a plan is required by the law, this Code, or an agreement between the regulatory authority and the food establishment;
- 16) Explaining the responsibilities, rights, and authorities assigned by this Code to the:
- (a) Food employee;
 - (b) Conditional employee;
 - (c) Person-in-Charge
 - (d) Regulatory authority; and
- 17*) Explaining how the Person-in-Charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of food employees.

 **Per the marking instructions, failure of the PIC to demonstrate knowledge of these items would be addressed under #3 on the inspection sheet.*

allergic reaction.

2-103.11(A-P) Duties of the PIC

- **This item is marked IN or OUT of compliance based on the interaction and observation with the PIC and food employee**
- **Determine Active Managerial Control**
- **Pattern of non-compliance**
- **Marking Instructions (C)**

Item #1

2-102.12 Certified Food Protection Manager

(A) The **PERSON IN CHARGE** shall be a certified **FOOD** protection manager who has shown proficiency of required information through passing a test that is part of an **ACCREDITED PROGRAM.**



Item #2

Scenario #1

You are conducting an inspection at a local fast-food restaurant. The manager on duty is the PIC and accompanies you during the inspection. When questioned, the PIC states that they are not a Certified Food Protection Manager. As the inspection progresses, you find cold holding violations and issues with employee handwashing. In addition, the manager gives incorrect answers pertaining to final cook temperatures, cooling parameters, and reheating requirements. How would you mark this on the inspection sheet?

#1 OUT 2-102.11

#2 OUT 2-102.12

Scenario #2

You are conducting an inspection at a seafood restaurant. The manager on duty is the PIC and accompanies you during the inspection. When questioned, the PIC states that they are not a Certified Food Protection Manager. As the inspection progresses, you find hot holding violations, soiled containers and utensils, and issues with cooling baked potatoes. When asked, the manager correctly answers all questions, including cooling parameters, hot holding requirements, and cleaning/sanitizing of food contact surfaces. How would you mark this on the inspection sheet?

#1 IN

#2 OUT 2-102.12

Congregate Nutrition Sites

- **10A NCAC 05D .0501 PURPOSE**
- **10A NCAC 06K .0202 FOOD PREPARATION AND SAFETY REQUIREMENTS**
- **Meal service has evolved**
- **Continue regulation of Congregate Nutrition Sites**



Donated Food Position Statement

- **January 31, 2025**
- **Collect safe and wholesome food to meet the nutritional needs of the hungry**
- **Food Distribution Organizations (FDO)**
 - Exempt from regulation
- **Department of Public Instruction**
 - Sharing tables



NC Department of Health and Human Services

Conference for Food Protection: A First-Time Attendee's Perspective

Roberto Diaz and Christy Whitley
Environmental Health Regional Specialists

May 13, 2025



CFP Council Structure

- **Council I – Laws and Regulations**
 - Total issues: 35
- **Council II – Administration, Education, and Certification**
 - Total issues: 44
- **Council III – Science and Technology**
 - Total issues: 35

<https://www.foodprotect.org/biennial-meetings/2025-biennial-meeting/>

CFP Council Process

- **CFP Council Process**

A Council may take the following actions on an Issue:

- **Accept as Written**
 - **Accept as Amended**
 - **Take No Action**
-
- **All Issues, regardless of the action taken by a Council, move to Assembly of State Delegates for consideration.**

Issue

I-01	Plan Review Committee (PRC) Report	Accepted as Submitted
I-02	PRC Amend Food Code to add the definitions for commissary and mobile food establishment	Accepted as Submitted
I-03	PRC Development of a new NSF/ANSI standard for Mobile Food Units/Trucks	Accepted as Submitted
I-04	Convene a Plan Review Food Establishment Committee to update the 2016 Food Plan Review Guide that implements food allergen safeguards	Accepted as Amended
I-05	E-Commerce Committee Guidance Document: Best Practices for E-Commerce Shopping	Accepted as Submitted
I-06	Acknowledge the Report: E-Commerce Committee	Accepted as Submitted
I-07	Report – Complex Vending Unit (CVU) Committee	Accepted as Submitted
I-08	Complex Vending Unit (CVU) Committee Guidance and Best Practices Document	Accepted as Submitted
I-09	Create a Committee – Ice Machine in Clinical Settings Sanitation Committee	Accepted as Submitted
I-10	Amend Food Code - Add definition of "Product Assessment" to the Food Code.	Accepted as Submitted
I-11	Amend the Food Code to add specific guidance on how to evaluate a Product Assessment to determine TCS status	Accepted as Submitted
I-12	Amend the Food Code to clarify requirements for HACCP Plans and Variances for Non-TCS foods	Accepted as Amended
I-13	Amend Food Code - Add "Cross Contamination" Definition	Accepted as Amended
I-14	Amend Food Code - Separate the definition of Non-TCS Food from the definition of TCS Food	Accepted as Amended
I-15	Update the Institute of Food Technologists (IFT) "Evaluation and Definition of Potentially Hazardous Foods" report	Accepted as Amended
I-16	Update Vending Machine Cold Holding Temperature Control Lockout Parameter	Accepted as Amended
I-17	Add Risk Factor Indicator to Food Code Citations	Accepted as Amended
I-18	Amend Date Marking Exemption List to Remove Foods Not Subject to Date Marking	Accepted as Amended
I-19	Revision to ANSI/NSF 12 protocol to address biofilm formation	Accepted as Submitted
I-20	3-401.15 Manufacturer Cooking Instructions	Accepted as Amended
I-21	Amend FDA Food Code and Update Resources to Reduce Barriers to Donating Food	Accepted as Amended
I-22	Establish Standardized Procedures for Monitoring Sanitizer Agents on Food Contact Surfaces	Transferred to Council III
I-23	Provide clarity to cleaning of produce fogging devices.	Accepted as Submitted
I-24	Amend Food Code – Inclusion of Utensils and Tableware in 4-205 Acceptability Section 4-205.10	Accepted as Submitted
I-25	Clarify ¶3-401.11(D) whether Consumer Advisory for Raw Animal Foods is only for Immediate Service	Accepted as Amended
I-26	Amend §7-204.11 to Require EPA Registration for Sanitizers	Tabled Until: 1/20/2020

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A.A

Transferred to Council III

Issues of interest

Council I

- 2-301.14 – Allowance for loose-fitting gloves as a utensil
- Covered Waste Receptacles in all Toilet Rooms

Council II

- FPMCC Adequate and Accessible Language Translation

Council III

- Amend Food Code to clearly define shallow pan cooling within 3-501.15A
- Amend Food Code to include an alternative to the time and temperature provisions of 3-501.14A

CFP Biennial Meeting 2027

- April 19-23, 2027
- Grand Rapids, Michigan
- Conference Chair
 - Amber Daniels, Mecklenburg Co



Questions?



Variance Committee Update

- Remember to check Food Shield when searching for old variance approvals, pizza sauce information, etc.
- Need access to the Food Shield group? Send request to ncvariancecommittee@dhhs.nc.gov
- If you are already a member of the group but cannot remember password or have been “locked out”, you must get help from Food Shield helpdesk. We do not have the ability to troubleshoot on Food Shield.

Variance Committee Update

- **2-compartment sink approvals and dumpster pad exemptions must be granted by the NC Variance Committee**
- **Request form, pictures (for dumpster pad exemption), and letter/email of support or non-support must be submitted to ncvariancecommittee@dhhs.nc.gov for review**
- **Jeff Jackson is reviewing and issuing letters for these**

Variance Committee Update

- **Only .2600 permitted “food establishments” are eligible for variances.**
- **Licensed facilities are NOT eligible**
- **Please be certain the establishment is eligible for a variance approval before suggesting a request be submitted or submitting on behalf of a licensed facility**

Variance Committee Update

- **Remember the NC Food Code allows for local approval of some specialized processes without a variance.**
- **ROP raw meats/poultry, ROP for cook-chill or sous vide, ROP certain cheeses as long as the process is in complete compliance with 3-502.12.**
- **Offer 3-502.12 (F) where ROP of any food (except fish) can be done without special approval as long as all of part (F) is followed. (ROP less than 48 hours, etc.)**

Emergency Operations Plan (8-404.11)

- **Cease operation for imminent health hazard**
- **Allowed with approved Emergency Operations Plan (EOP)**
 - Interruption of electrical or water service
 - Corrective actions to control hazards
 - Inform LHD when EOP is implemented
- **EOP prior approval**
 - Local approval for independently owned FSE
 - State approval for chain FSE



Emergency Operations Plan

- **State approvals in Food Shield**
 - Request access
NCVarianceCommittee@dhhs.nc.gov
 - Confidential and proprietary information
- **Hurricane Helene**
 - Alternate water supply
 - Temporary
 - Not applicable to future water emergencies



<https://ehs.dph.ncdhhs.gov/emprepresp.htm>