

# 2021 Regional Meeting #1

Food Protection Team

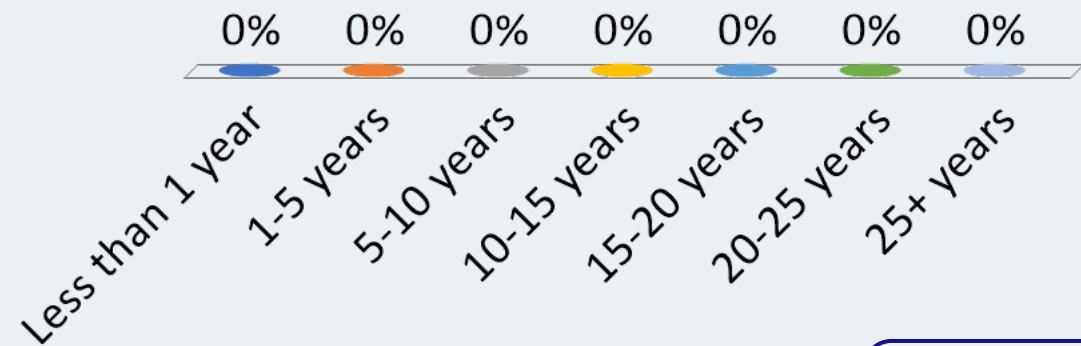


North Carolina  
Public Health

<https://ehs.ncpublichealth.com>

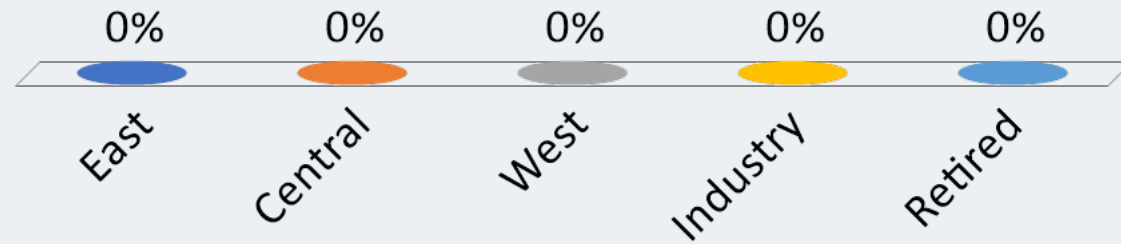
# How long have you been working in the food protection program?

- A. Less than 1 year
- B. 1-5 years
- C. 5-10 years
- D. 10-15 years
- E. 15-20 years
- F. 20-25 years
- G. 25+ years



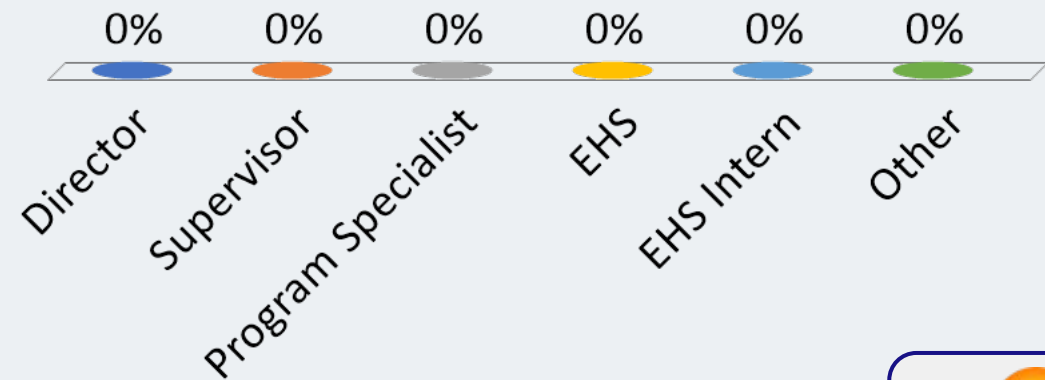
# In what part of NC do you currently work?

- A. East
- B. Central
- C. West
- D. Industry
- E. Retired

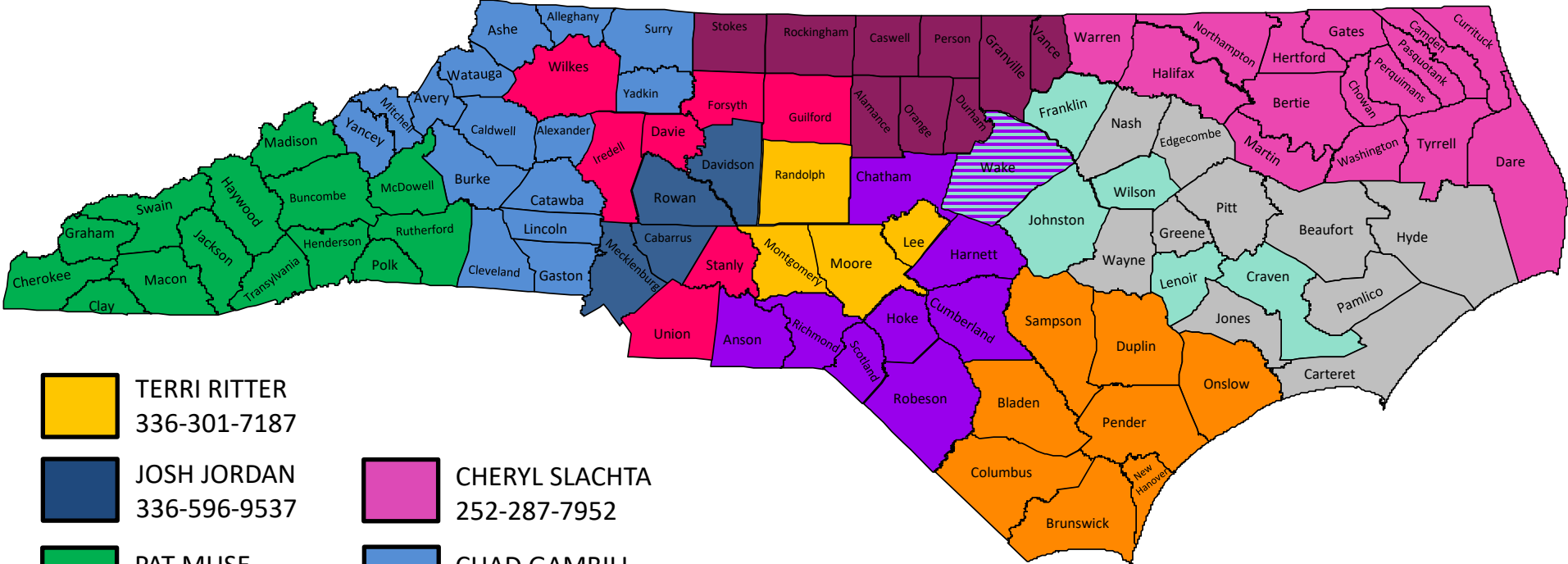


# What is your current job title?

- A. Director
- B. Supervisor
- C. Program Specialist
- D. EHS
- E. EHS Intern
- F. Other



North Carolina Department of Health and Human Services  
 Division of Public Health  
 Environmental Health Regional Specialists  
 Food Protection Program  
 January 11, 2021



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**PAT MUSE**  
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910-660-6840

**JENNIFER MOORE**  
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**TERESA CLARK**  
252-675-1763

# DPI Frozen Meals

- Some school systems with alternate meal service
- Reduced Oxygen Packaging – should not be occurring, let regional know
- Summer feeding meals?

# Food Defense Update

- LTCF and childcare norovirus cases 2021
  - 4 reported in April 2021
- Recalls:
  - El Albuelito (listeria)
  - Real Water (non-viral hepatitis)
- Looking forward to Hurricane Season 2021

# COVID Updates

- June 1 relaxing of EO restrictions –
- Disinfecting surfaces changes from CDC
- Summer camps – new guidance as recommendations
  - Antigen testing provided by DHHS



# COVID Updates

- Inspection frequency EO – valid for FY 21
- Status codes – if there are outbreaks, use B status
- CFPM extension – in place until rescinded by program



- Environmental Health
- Emergency Preparedness and Response
- Food Protection and Facilities Branch
- Children's Environmental Health
- Centralized Intern Training & Authorization
- On-Site Water Protection Branch
- Topics A-Z
- Contacts

- Quick Links
- [Application Requirements and Tools](#)
  - [Plan Review Database](#)

DHHS > Public Health > Env. Health Section > FPAF Branch > Food Protection > Plan Review Unit

## Plan Review Unit

The Plan Review Unit of the Environmental Health Services Section protects public health by ensuring that plans for food establishments meet the requirements of the [North Carolina Food Code](#) (PDF, 1.6 MB) and the [Rules Governing the Food Protection and Sanitation of Food Establishments \(15A NCAC 18A .2600\)](#) (PDF, 206 KB).

Plans for franchised or chain food establishments are reviewed based on the menu submitted. The emphasis of the review is on food preparation and food handling procedures, and the equipment used to support these operations.

Plans for lodging establishments are reviewed by the local health department. Food service in franchised or chain lodging establishments are reviewed by this department (NCDHHS).

Plans for franchised or chains that are being remodeled (or where there is a change of type of food establishment or food operation) as specified in [paragraph 8-302.14\(c\) of the NC Food Code](#) will be required to be submitted to the Plan Review Unit.

The Plan Review Unit also provides training and technical support for local Environmental Health Specialists and industry representatives, with a goal of maintaining uniform plan review standards throughout North Carolina.

## Plan Review Information

- [Plan Review Unit Home](#)
- [Application Requirements and Tools](#)
- [Contacts](#)
- [Plan Review Database](#)

### News and Highlights

#### Plan Review Fees

There are [two payment options for paying the plan review fee](#):

1. Call **919-707-5864** to pay by credit card, or
2. [Pay by check](#).
3. Please allow up to 4 weeks to complete your plan review from the date of processing (see the [Plan Review Database](#) for "Date Received").

# Circle K remodels

- ~130 projects submitted – Sept and Oct 2020
- Two Divisions
  - Coastal - 70 plans – reviews completed Dec 2020
  - Southeast - 60 plans – 4 pending
- Scope of Renovations
  - Updating existing equipment
  - Constructing new food preparation areas

# Remodel Submittals

- Existing Floor Plan
- Proposed Floor Plan
- Scope of Work
- Menu
- Plan Review Application
- Equipment Specifications

# Challenges

- Plans submitted after remodel
- Inaccurate Plans
- Application errors
- Delayed responses

# Warmer Displays (Pre-Packaged Pizza & Sandwiches)



# NPC Bankruptcy

- Wendy's 53 NC Stores – counties notified prior to State
- Pizza Hut 39 NC stores – Found during Wendy's visits; Counties affected were notified on or about 11 March 2021 by email
- 24 March 2021 Wendy's permit deadline
- Flynn bid for both brands – Wendy's International denied Wendy's
- 3 Companies selected by Wendy's International
  - Schmidt Holdings NC LLC – West of Durham/Wake
  - Superior Restaurant Brands INC – West of Durham/Wake
  - Delight Foods – Wake and parts east

# NPC Bankruptcy (cont.)

- Pizza Hut – 39 NC Stores
- Flynn Restaurant Group acquired all 39
- 24 March T-permit deadline
- Court Order submitted to AG office for interpretation
- POA in place – no permit action/closure
- Hut Carolinas LLC – New Permittee
  - Licensing Solutions Inc. – Florida
  - Permittee entity questioned during a county “permitting” visit
  - Confirmed – Regina Barbour, Director of Licensing and Customer Relations



# NPC Bankruptcy (cont.)

- Established different entities based on region
- North & South Carolina stores included in one business entity
- Hut Carolinas LLC
- Phone: (407) 506-0514
- Billing information:
  - c/o Licensing Solutions Inc.
  - 118 W. McKey Street
  - Ocoee FL. 34761

# Transitional Permitting

- Noncompliant items – generally addressed during inspections prior to permitting
  - .2659 (b)
  - 180 days
  - i.e. lighting, physical facilities, damaged/unapproved equipment
- Conditions – limitations on permit

# Other Permitting

- Remodeling of dining room vs. kitchen

# Burger King Hand Breaded Chicken Sandwich “Big Crispy”

- State Plan Review will receive plans for Burger King to approved equipment additions or modifications for the new procedure.
- Approval letters and plans sent out to the counties. Counties must approve where equipment will be placed in the establishment.
- County needs to amend the permits and change the risk category to Type III (first quarter of the new fiscal year). Email Alisha Garrett.
- Burger King cannot begin the new procedure until a visit by the county to approve the placement of the equipment.



# McDonald's Approval

## Shake and Sundae Dairy Mix

- Variance approval exempting McDonalds shake and sundae mix from date marking.
- McDonald's stores must have access to copy of the approval letter.



# McDonald's New Crispy Chicken Sandwich

- Available on McDonald's Menu in March 2021
- Replaces the Buttermilk Crispy Chicken Sandwich
- Four Different sandwich build
- Crispy Chicken
- Spicy Crispy Chicken
- Deluxe Chicken
- Deluxe Spicy Crispy Chicken



# Monogram Clean Force Sanitizer

- Monogram's Clean Force Sink & Surface Cleaner Sanitizer = Ecolab's SmartPower Sink & Surface Cleaner Sanitizer (DDBSA/lactic acid-based sanitizer)
- Both products have same EPA Registration #1677-260
- The designation of #1677-**260** is the number designated to product "S&S Cleaner Sanitizer"
- **#1677**-260 is the number assigned to the original registrant, which is the same in both products (Ecolab)





CFR

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OFFICE OF THE FEDERAL REGISTER

# Code of Federal Regulations (CFR vs. eCFR)

## *What's the difference?*

-CFR is the legal, codified version of Federal Rules by different Federal agencies and departments published in the Federal Register (OFR). It is divided into 50 parts and updated annually, depending on Title number.

-eCFR is updated regularly by OFR and can be accessed at any point of time without awaiting differing published agency timeframes.

## *Why does this even matter?*

When accessing CFR for *informational purposes*, [eCFR](#) is best option. When accessing CFR to assist with *regulatory actions*, the [published CFR](#) is recommended.

# Chemical Label Guide

## Sanitizer Evaluation 4-Step Field Guide

1

Does it bear legible label and is it registered with [EPA](#) and [NCDA](#) (7-101.11)?

2

Is it used per manufacturer's label instructions and approved for FSE (7-202.11 & 7-202.12)?



3

Are active ingredients listed and do they meet the tolerance exemptions for sanitizers in [40 CFR 180.940](#) (7-204.11)?

4

Assess efficacy concentration, contact time (4-501.114), and proper testing method (4-302.14).



# Sanitizer Evaluation 4-Step Field Guide

## Sanitizer Evaluation 4-Step Field Guide Example

**1** Does it bear legible label and is it registered with [EPA](#) and [NCDA](#) (7-101.11)?

**2** Is it used per manufacturer's label instructions and approved for FSE (7-202.11 & 7-202.12)?



**3** Does active ingredient "Sodium Hypochlorite" meet the tolerance exemptions for sanitizers in [40 CFR 180.940](#)?

**4** Assess efficacy concentration, contact time (4-501.114), and proper testing method (4-302.14).



TABLE 180.940(A)

Pesticide Chemical	CAS Reg. No.	Limits
Hypochlorous acid, sodium salt	7681-52-9	When ready for use, the end-use concentration of all hypochlorous acid chemicals in the solution is not to exceed 200 ppm determined as total available chlorine

# 4-Step Field Guide Example

## Purell Surface Sanitizer

### Sanitizer Evaluation 4-Step Field Guide Example



**2** Is it used per manufacturer's label instructions and approved for FSE (7-202.11 & 7-202.12)?

**1** Does it bear legible label and is it registered with [EPA](#) and [NCDA](#) (7-101.11)?

**3** Is active ingredient "ethanol" listed and does it meet the tolerance exemptions for sanitizers in [40 CFR 180.940](#) (7-204.11)?

**4** Assess efficacy concentration, contact time (4-501.114), and proper testing method (4-302.14).



# 4-Step Field Guide Example

## SmartPower

### Sanitizer Evaluation 4-Step Field Guide Example

2

Is it used per manufacturer's label instructions and approved for FSE (7-202.11 & 7-202.12)?

1

Does it bear legible label and is it registered with [EPA](#) and [NCDA](#) (7-101.11)?

3

Are active ingredients lactic acid & dodecylbenzenesulfonic acid listed and do they meet the tolerance exemptions for sanitizers in [40 CFR 180.940](#) (7-204.11)?

4

Assess efficacy concentration, contact time (4-501.114), and proper testing method (4-302.14).



PELIGRO: Si no puede leer en inglés, pregunte a su supervisor sobre las instrucciones de uso apropiadas antes de trabajar con este producto.  
DANGER: If you cannot read English, ask your supervisor for the appropriate instructions before handling this product.

**PRECAUTIONARY STATEMENTS**  
HAZARDS TO HUMANS AND DOMESTIC ANIMALS  
DANGER: Corrosive. Causes irreversible eye damage and skin burns. Do not get in eyes, on skin, or on clothing. Wear rubber or chemical resistant gloves, long sleeved shirt, long pants, socks, and shoes, and protective eyewear such as safety glasses or goggles. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove and wash contaminated clothing before reuse.

**FIRST AID**  
IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.  
IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

FOR EMERGENCY MEDICAL INFORMATION CALL TOLL-FREE: 1-800-328-9026  
OUTSIDE NORTH AMERICA, CALL 1-651-222-5352  
Have the product container or label with you when calling a Poison Control Center or doctor or going for treatment.  
Note to physician: Probable mucosal damage may contraindicate the use of gastric lavage.

EPA Reg. No. 1077-200  
EPA Est.: 1077-MM-1 (P), 1077-CA-2 (S), 1077-TX-1 (D), 1077-IL-2 (L), 1077-GA-1 (M), 1077-WV-1 (V), 3108-IN-1 (L), 58046-TX-2 (X), 5389-NC-1 (G)  
See [www.ecolab.com/patents](#) for full list of all patents.

This product may be patented: [www.ecolab.com/patents](#)

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# Story Time!

During an inspection, Larry the Health Inspector evaluates the bar area and inquires about sanitizing chemicals used there before and starts

to worry! He can't even pronounce the majority of the chemicals listed on this! Luckily, he remembered about the sanitizing chemical field guide he learned about.

That's when he went to work!...



# Sanitizer Evaluation 4-Step Field Guide

Envi

\$180.940 Tolerance  
(Food-contact su

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used in accordance  
formulation  
(other than

(a) The  
may be app  
processing e

Pesticide C



- 4. Assess if all ingredients listed and do they meet concentration and tolerance exemptions for sanitizers in 40 CFR 180.114 (7-2014-11)
- 1. Does it bear legible label and registered with EPA and



EPA Registration, Distributor

65169-1-1677

The EPA Regis  
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[+] More

1,3,5-Triazine, N,N',N"-trichloromelamine

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trichloroisocyanuric acid chemicals in

Search for a  
(456-12345),

56)...

Highlight All

Match Case

Match Diacritics

Whole Words

Phrase not found



Contact Us

Larry Did It!!!



# Variance Committee

- **Requests to use 2-compartment sinks:**
- Operator/EHS complete request for variance form
- Operator chooses a sanitization method from 3 available options
- EHS adds message of support or non-support based on documented experience with establishment (if available)
- Email all info to [heather.watson@dhhs.nc.gov](mailto:heather.watson@dhhs.nc.gov)

# Variance Committee

- **Requests to be exempt from a dumpster pad:**
- Operator/EHS complete request for variance form
- Operator/EHS takes pictures of dumpster area
- EHS adds message of support or non-support based on knowledge of the situation/ documented experience with the establishment (if available)
- Email all info to [heather.watson@dhhs.nc.gov](mailto:heather.watson@dhhs.nc.gov)

# Variance Committee

- **Requests to hold TCS foods at ambient temperatures OR requests to declare a food non-TCS (foods from a commercial processor):**
- Product meets definition of a TCS food?
- Establishment opens product and uses it “as is”—no more prep needed
- Go to Interaction Tables A and B in Food Code
- Most items we see are evaluated in Table B—they are NOT PACKAGED because the establishment is opening the product to use (ex: pizza sauce)
- Do you have pH and  $A_w$ ? Should be info/data from a lab—not just a letter from the permittee or corporate office for establishment
- Compare pH and  $A_w$  with Table B and declare non-TCS or PA



# Variance Committee

- **Establishment adds anything to the product—even water**
  - PA/some evaluation is necessary
  - Direct operator/corporate entity to Variance Committee
  - No storage at ambient temps or declaration of non-TCS until product assessment has been evaluated and approved

# Variance Committee

- **Product falls in PA category on Table B:**
  - Ask if challenge study or product assessment is available for review
  - Direct operator/corporate entity to Variance Committee
  - No storage at ambient temps or declaration of non-TCS until PA has been evaluated and accepted

# Variance Committee

- Requests should include acknowledgement from local EH department
- Checklist provided to show county staff have looked at information for *completeness*
- Summary/statement to show that county is aware of request
- Documentation to support county opinion (if there is one) about the request

File Home Insert Design Layout References Mailings Review View Help ACROBAT Table Design Layout

Clipboard: Paste, Cut, Copy, Format Painter

Font: Calibri (Body), 12, Bold, Italic, Underline, Text Color, Background Color

Paragraph: Bullets, Numbering, Indentation, Paragraph Spacing, Text Alignment, Text Orientation

Styles: Normal, No Spacing, Heading 1, Heading 2, Title, Subtitle, Subtle Emphasis

Editing: Find, Replace, Select

Sensitivity: Sensitivity, Editor, Reuse Files

UPDATES AVAILABLE Updates for Office are ready to be installed, but first we need to close some apps. Update now

North Carolina Department of Health and Human Services  
Division of Public Health  
Environmental Health Section

### Request for Variance and HACCP Plan Checklist for Local EHS

Please complete this checklist and submit to Variance Committee with completed Request for Variance/HACCP Plan from establishment to [NCVarianceCommittee@dhhs.nc.gov](mailto:NCVarianceCommittee@dhhs.nc.gov)

<input type="checkbox"/>	Completed application with code section cited
<input type="checkbox"/>	All locations listed or attached that will be using specialized process
<input type="checkbox"/>	Food involved in HACCP plan, with all ingredients identified
<input type="checkbox"/>	Type of specialized process being used (ROP, curing, smoking, acidification, etc.)
<input type="checkbox"/>	Equipment and materials involved
<input type="checkbox"/>	Flow diagram of food from receiving through service
<input type="checkbox"/>	Critical control points (CCP) identified on the flow diagram
<input type="checkbox"/>	Hazard analysis with hazards identified at each step
<input type="checkbox"/>	HACCP worksheet with CCP's identified
<input type="checkbox"/>	Critical limits, monitoring, and corrective action listed for each CCP
<input type="checkbox"/>	Blank copies of any log sheets
<input type="checkbox"/>	All applicable SOP's included (handwashing, calibration of thermometers, employee health policy, sanitization of equipment/utensils, etc.)
<input type="checkbox"/>	Copy of training program
<input type="checkbox"/>	<b>Comments/Field Observations for Committee Consideration:</b>


# Variance Committee

- Bylaws approved and are available upon request
- Variance requests (with complete information) received at least 10 days prior to scheduled meeting will be placed on that month's agenda
- Variance requests received during the 10 days prior to scheduled meeting will be placed on the next month's agenda
- If quorum (simple majority) not present at meeting, no approvals are determined

# NCDA

- Memorandum of Agreement (MOA) for Continental Breakfasts located in permitted lodging establishments
- Inspect breakfast areas, including packaged foods during routine lodging inspection.
- Notify NCDA within 1 business day of any imminent hazards related to the food

DocuSign Envelope ID: 2D2BF4EB-BDC5-423D-AA45-B29BB44D8465



Steven W. Troxer  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Food and Drug Protection Division*

Joseph W. Reardon  
Assistant Commissioner  
for Consumer Protection

Anita MacMullan  
Director

**MEMORANDUM OF AGREEMENT**

Between  
The Food and Drug Protection Division  
North Carolina Department of Agriculture and Consumer Services

And  
The Division of Public Health  
North Carolina Department of Health and Human Services

**I. PURPOSE**

The purpose of this Memorandum of Agreement (MOA) is to clarify inspections for "Continental Breakfasts" located in lodging establishments regulated by the North Carolina Department of Health and Human Services (NCDHHS).

**II. AUTHORITY**

A. NCGS Chapter 106, Article 12  
B. NCGS Chapter 130A, Article 8  
C. 02 NCAC 09D .0116  
D. 15A NCAC 18A Section .1800

**III. BACKGROUND**

The authority to inspect and regulate packaged food and bakery food items served at continental breakfasts in lodging establishments is under the North Carolina Department of Agriculture and Consumer Services (NCDA&CS). Since most lodging establishments are subject to an annual inspection by NCDHHS, NCDHHS or its authorized agents in local health departments will evaluate the continental breakfast food service area and contents as part of the routine lodging establishment inspection; thereby, decreasing duplication and improving the efficiency of North Carolina's retail food protection program.

**IV. APPLICABILITY**

This MOA applies to establishments subject to NCGS Chapter 130A, Article 8 and 15A NCAC 18A Section .1800. NCDA&CS will regulate and inspect continental breakfast food service areas in lodging establishments that are not subject to lodging inspections and do not have a food establishment permit from NCDHHS.

When NCDHHS or its authorized agent observes a risk factor that increases the chance of developing foodborne illness or injury, including temperature abused and/or improperly protected packaged foods, NCDHHS or its authorized agent will contact NCDA&CS within one business day.

4000 Reedy Creek Road  
1070 Mail Service Center, Raleigh, North Carolina 27696-1070 • (919) 733-7368 • Fax (919) 733-8801  
TTY: 1-800-735-2962 Voice: 1-877-735-8200  
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Food Item		Agency		Justification
		EHS	NCDA&CS	
<b>Beverages</b>				
14	Coconut water/Lemonade/Limeade/Orangeade		X	G.S. 130A-250(8) Beverage Exemption
15	Non-TCS* beverage in single service container		X	
16	Snow cones/Shaved ice		X	G.S. 130A-250(11)
17	Pressed apple juice	X		G.S. 130A-247(4) Required by G.S. Single Service Containers (Unpackaged)
18	*TCS beverages made from raw fruits and vegetables	X		
19	Wheatgrass or sugar cane juice	X		

# NCDA

- Charcuterie Boards
- Other Issues?
  - Send questions to your Regional for guidance.



# Accreditation/Quality Assurance

- Due to COVID-19, the accreditation cycle has been postponed until 2022.
- Food, Lodging, & Institution Program Reviews
  - Compilation of annual QA requirements
  - Beginning Spring 2022 for counties expecting site visits in the Fall 2022
  - Accreditation schedule can be found <https://nclhdaccreditation.unc.edu/wp-content/uploads/sites/733/2021/03/AccreditationAssessmentCycle-3.1.21.pdf>



# North Carolina

## LOCAL HEALTH DEPARTMENT ACCREDITATION

### N.C. Local Health Department Accreditation Assessment Cycle

	2022	2023		2024		2025		2026		2027
Site Visit	Fall	Winter	Fall	Winter	Fall	Winter	Fall	Winter	Fall	Winter
90-Day Notification	3.1.22	8.1.22	3.1.23	8.1.23	3.1.24	8.1.24	3.1.25	8.1.25	3.1.26	8.1.27
Program Letter Due	4.15.22	9.15.22	4.15.23	9.15.23	4.15.24	9.15.24	4.15.25	9.15.25	4.15.26	9.15.27
HDSAI Due	6.1.22	11.1.22	6.1.23	11.1.23	6.1.24	11.1.24	6.1.25	11.1.25	6.1.26	11.1.27
	Alexander Buncombe Carteret Chatham Davidson Henderson MTW District New Hanover Pender Toe River District Yadkin	Appalachian District Beaufort Brunswick Burke Cabarrus Caldwell Cleveland Cumberland Dare Davie Durham Hoke Hyde Jones Orange	Anson Catawba Craven Granville Vance District Harnett Lenoir Macon Nash Stanly	Caswell Forsyth Madison Moore Northampton Onslow Randolph Transylvania Wayne	Cherokee Greene Foothills Health District Iredell Johnston Pamlico Polk Union	Albemarle District Bladen Columbus Gaston Graham Guilford Jackson Montgomery Mecklenburg Pitt Robeson Rockingham Sampson Wilkes	Alamance Edgecombe Halifax Richmond Surry Swain Wake Warren	Clay Duplin Franklin Haywood Lee Lincoln Person Rowan Scotland Stokes Wilson	Alexander Buncombe Carteret Chatham Davidson Henderson MTW District New Hanover Pender Toe River District Yadkin	Appalachian District Beaufort Brunswick Burke Cabarrus Caldwell Cleveland Cumberland Dare Davie Durham Hoke Hyde Jones Orange

On February 19, 2021, the NCLHD Accreditation Board voted to extend all accreditation cycles twelve months in accordance with Executive Order 193, Section 3(C) via authority granted by the NCDHHS Secretary in response to the COVID-19 pandemic. The cycles above reflect this extension.

If you have any questions about the assessment cycle, please email [NCLHDaccreditation@unc.edu](mailto:NCLHDaccreditation@unc.edu).

# Quality Assurance

- Agreement Addendum timeline vs. QA activity timeline
  - May 1<sup>st</sup> – April 30<sup>th</sup> each year
- QA Activity Submissions
- State Regional Staff plan to begin field assessments beginning May 1<sup>st</sup>
  - Standardizations

# Conditional Authorization

## 15A NCAC 010 .0107 DENIAL, SUSPENSION AND REVOCATION

(b) The State Environmental Health Director, Division of Public Health may place an individual on conditional status for a period not to exceed six months if the individual's failure to properly enforce laws, rules and policies may be corrected with additional education and oversight.

The Director may suspend or revoke the authorization anytime during the conditional period if satisfactory progress is not made and the Director shall suspend or revoke the authorization after the conditional period if the individual does not demonstrate the necessary knowledge, skills and ability to warrant an unconditional authorization.

# Conditional Authorization

- What prompts an investigation of an REHS?
- What tools can we use to determine if conditional authorization is appropriate?
- How can we assess performance issues fairly?
- What tools can we use to improve performance?
- How/when is conditional authorization determined to be lifted?
- How/when is conditional authorization elevated to ITS or ITR?
- Can an REHS appeal?

# What Prompts an Investigation?

A performance problem is identified by:

- Direct observation by the Regional Specialist of substandard performance
- Request for assistance from an LHD
  - after they suspect a performance problem exists or
  - a complaint from outside the Section (a citizen complaint, etc.)

# So, What Do We Do?

- The Regional Specialist contacts their branch head, the Section's OET, the local supervisor, and the authorized agent in question about the problem.
- The Regional Specialist investigates the performance problem.

# What Next?

- The Regional Specialist contacts the State EH Director, their branch head and the OET to advise them of the results of the investigation and consults as to how to proceed.
- The Regional Specialist contacts the local health director, local supervisor, and the authorized agent in question about the problem to discuss what further action is needed





# What If?

- If no further action is needed, the findings of the investigation are discussed with the local supervisor and the authorized agent in question. A letter is sent to the local health department and other involved parties of the findings.
- If further action is needed, the Regional Specialist determines if performance can be improved through further **training, education, practice, and evaluation.**



# Can the Issue be “Fixed”?

- If the performance **cannot** be improved by training or practice, the Regional Specialist and their branch head consults with the Attorney General’s office before issuing an Intent to Suspend or Intent to Revoke authorization of the agent.
- If the performance can be improved by training or practice, an **action plan** is created **with input from the local health director, local supervisor, the branch head and the OET**

# We Need an Action Plan!

- The State EH Director issues a letter that has been approved by the AG's office to the local supervisor and the authorized agent in question during a conference; including the action plan and an explanation of why the agent's authorization status is changing.
- The action plan is initiated.
- In accordance with the action plan, the Regional Specialist writes a summary of the agent's progress and any further recommendations to the local supervisor, the branch head, and the OET.

# What Happens When Conditional Status is Over?

- If at the end of the conditional status, or at any point during the conditional period, the Regional Specialist has evidence that the performance cannot be improved by the action plan, the Section contacts the AG's office to receive input before issuing an Intent to Suspend or Intent to Revoke the authorization of the agent.
- If the performance has been corrected at the end of the conditional status, the findings are discussed with the local health director, local supervisor, the branch head and the OET. A letter is sent to the local agent and other involved parties (person who lodged complaint, etc.) detailing the findings, and the conditional status is removed.

# Appeals

- An agent may appeal a denial, suspension, and/or revocation in accordance with G.S. 150B.
- If an appeal is properly submitted in a timely matter they **may** continue to work as an authorized agent in the area in question until a final agency decision is made pursuant to G.S. 150B-36.
- However, all inspection forms and permits completed by the agent during that period **must be countersigned by another authorized agent** who concurs with the findings and conclusions reflected on the inspection forms and permits.

# Discussion?

Me normally



Me doing literally anything while someone is watching



# Upcoming Training

- Food Safety and Defense Conference May 11 – 12<sup>th</sup>
- SOP Onsite/Well Virtual Course May 18<sup>th</sup>
- CIT Food Module July 26 – 30<sup>th</sup>
- Conference for Food Protection August 16 – 20<sup>th</sup>
- 2017 Food Code Training September 21<sup>st</sup>, 23<sup>rd</sup>, 29<sup>th</sup>
- SOP Communications Course TBD

# Food Code Timeline

- Internal Planning/Review: December 2019 – mid-January 2020 ✓
- Stakeholder Engagement: February-April 2020 ✓
- Final rule language by April 30, 2020 ✓
- Fiscal Note Development/RRC Counsel Pre-Review: May-August 2020 ✓
- Incorporate Pre-Review Feedback/Adjust Fiscal Note: ~~September 2020~~ Nov./Dec 2020 ✓
- OSBM approval of fiscal note + final rule text by ~~9/30/2020~~ January 2021 ✓
- Send for Department Review: ~~10/1/2020~~ April 2021 ✓
- CPH approval to start formal rulemaking: ~~11/4/2020; 2/3/2021;~~ **5/5/2021**
- File at OAH: ~~11/5/2020;~~ 5/6/2021
- Public Comment Period: ~~12/1/2020 – 2/1/2021;~~ 6/1/2021 – 8/1/2021
- CPH adoption: ~~February 2021 or May 2021;~~ Aug 2021 (depending on public comments received)
- RRC meeting: ~~March 2021 or June 2021;~~ September 2021
- Earliest possible effective date: ~~4/1/2021 or 7/1/2021~~ 10/1/2021



# Food Code Timeline

- Inspection Form & Marking Instructions – Ongoing
- Industry Handout Development – To counties by July 2021
- Food Code Manual – Summer 2021
- REHS Training – September 2021

# Institutional Rule Rewrite

- Committee Chair Thomas Jumalon
- Co Chair – Cheryl Slachta
- Assistant to the Chairs: Greg Gartner & Jennifer Moore
- First meeting - Planning meeting
- Strategy based on timeline
  - Smallest to largest
  - Clarify/Condense
  - Replace/Remove
- Five committee meetings to date: First meeting 10 Feb 2021
- Committee Make-Up:
  - Richmond, Iredell, Mecklenburg, Wake, Forsythe, Pitt, Cumberland, DHHS, UNC,
  - Albemarle District, Carteret, Hillco Support Services;

# Institutional Rule Rewrite (cont.)

- Total Rules: 1301 - 1327
- Rules Completed: 1302, 1309, 1310, 1315
- Rule(s) Removed: 1322 Milk
- Rules Pending/Touched:
  - 1301 – adding definitions where applicable based on language used in other rules or from Food Code
  - 1311 – lacking completion based on last rule letter (f);
  - 1317 – lacking completion based on last rule (f),
  - 1318 – based on med carts and feeding tubes group input on language

# CIT Distance Learning Changes

- Food Protection & Facilities Track Updates
  - New requirements for FDA/OTED courses
  - Presentations created for:
    - Foodborne illnesses
    - General Statutes
    - Migrant housing
    - Mass gatherings
    - Status Codes
    - All other FPF Rules
- YouTube Channel Created



# CIT YouTube Channel

- NC Centralized Intern Training
  - Recorded Powerpoint presentations for Rules
  - Visual inspection of an on-site wastewater system
  - Goal is to provide distance learning and training for interns and authorized staff
- Future plans for this channel include:
  - More videos and tutorials
  - More hot topics and presentations
  - Recorded training materials



Browser window showing a YouTube channel page for "NC Centralized Intern Training". The search bar contains "nc centralized intern training" and a red arrow points to it. The channel name is "NC Centralized Intern Training" with 5 subscribers. A red arrow points to the "SUBSCRIBE" button. The channel's uploads are displayed, including videos such as "Visual Inspection of an On-site Wastewater System", "Rules Governing the Sanitation of Resident Camps", "Rules Governing the Sanitation of Summer Camps", "NC General Statutes", and "Rules Governing the Sanitation of Adult Day Service". The Windows taskbar is visible at the bottom.



# 15 Minute Break



# 2021 Regional Meeting #1

## **Food Code Refresher**





# Overview

- **Where to Mark**
- **Edible Flowers & Garnishes**
- **Roasts & Prime Ribs**
- **TCS vs Non-TCS Foods**
- **Top 10 Missed Questions from 2020 RBI Course**



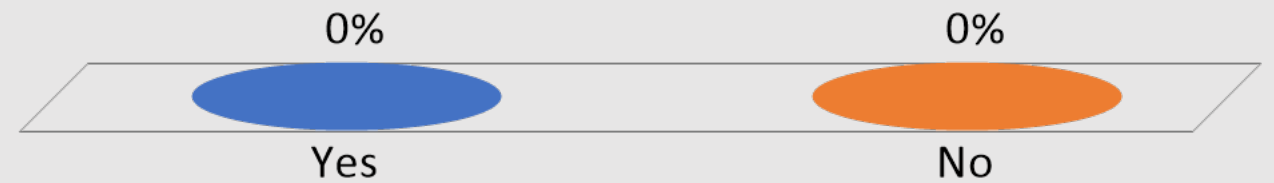
# Deteriorating Labels on Utensils



# Is this a violation?

A. Yes

B. No

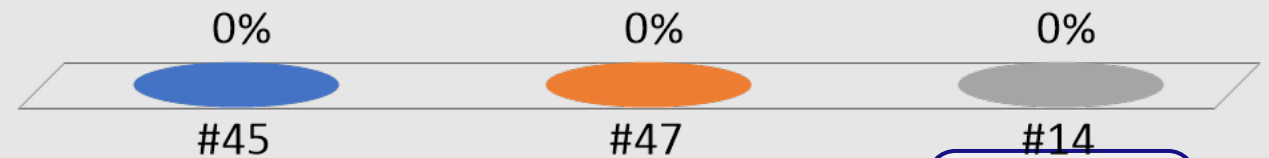


# Where is the violation BEST marked?

A. #45

B. #47

C. #14





# Garnishes

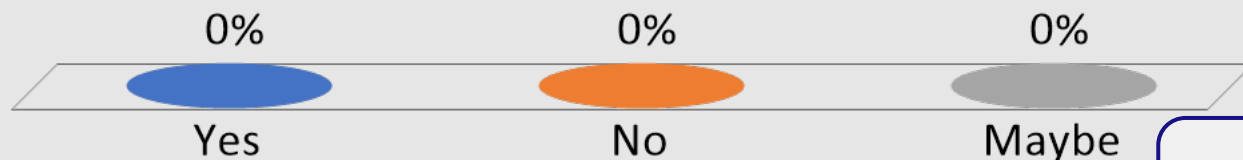


# Are flowers allowed as garnishes?

A. Yes

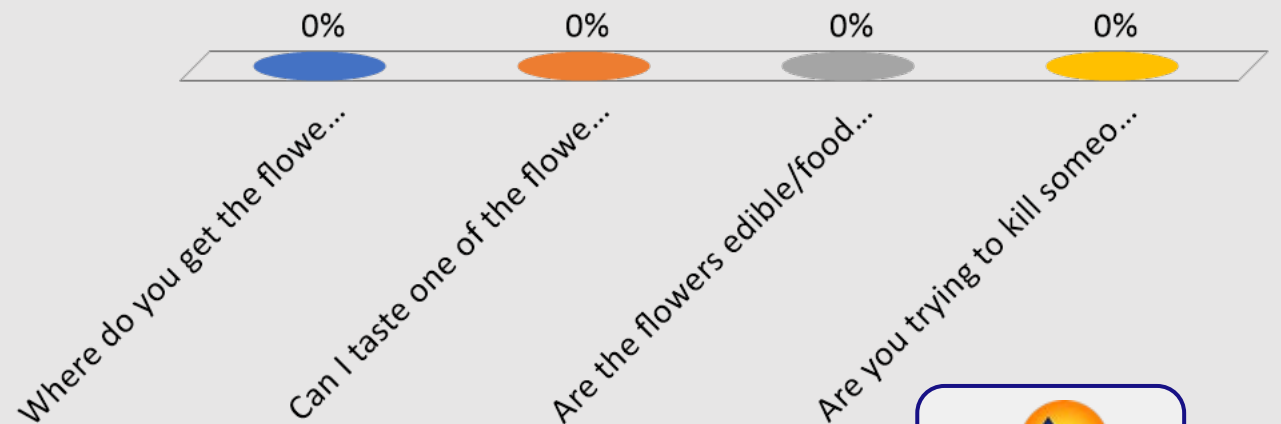
B. No

C. Maybe



# Which question would be BEST to ask first?

- A. Where do you get the flowers from?
- B. Can I taste one of the flowers?
- C. Are the flowers edible/food safe?
- D. Are you trying to kill someone!?



# Participant Leaders

Points	Participant
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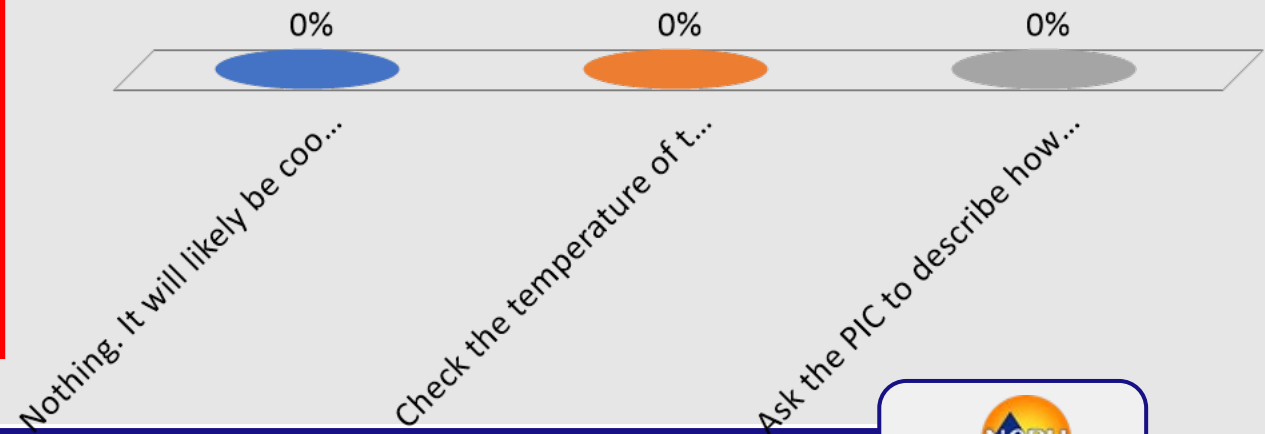


# Prime Rib Roast



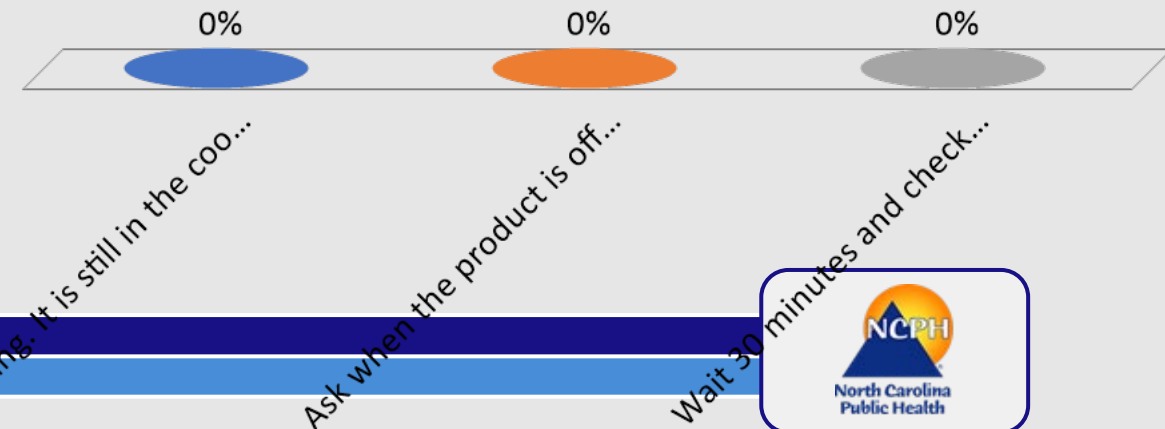
# What is BEST to do first?

- A. Nothing. It will likely be cooking for a while since it is a roast.
- B. Check the temperature of the roast.
- C. Ask the PIC to describe how the roast is prepared from start to finish, including the time/temperature the PIC considers the roast to be cooked.



**You find out the roast was put in the oven at 6:30 am on a temperature setting of 250°F. The temperature of the prime rib roast is currently 118°F. What do you do next?**

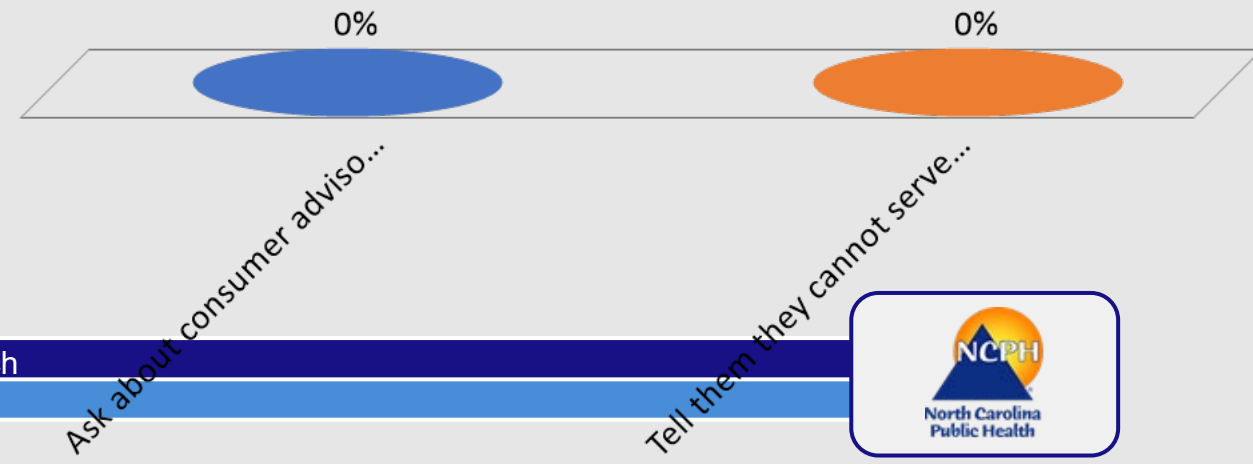
- A. Nothing. It is still in the cooking process and the PIC said the roast is not done cooking.
- B. Ask when the product is offered for service.**
- C. Wait 30 minutes and check the temperature again.



After asking the PIC, you find out the prime rib is on the lunch menu and they plan to offer the product today. What do you do?

A. Ask about consumer advisories and/or alternate cooking procedures for prime rib offered during lunch.

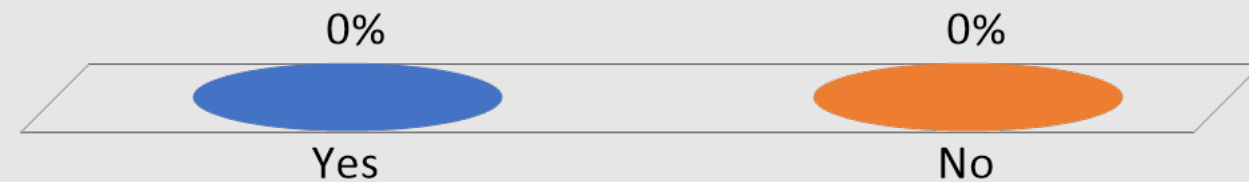
B. Tell them they cannot serve the roast until it reaches at least 130°F for 112 minutes or meets another temperature on the roast cooking chart in the Food Code [3-401.11(B)].



**After further discussion, you find out they occasionally have leftover prime rib roast. The PIC states they reheat the unsliced product in the same manner they cooked it. Is this allowed?**

A. Yes

B. No



TCS/PH Food or Not?

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# Is it a TCS/PH Food?

## Sliced or cubed Avocado

- A. Yes
- B. No**
- C. Maybe



0%

Yes

0%

No

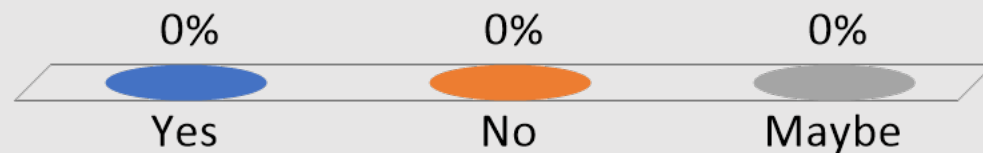
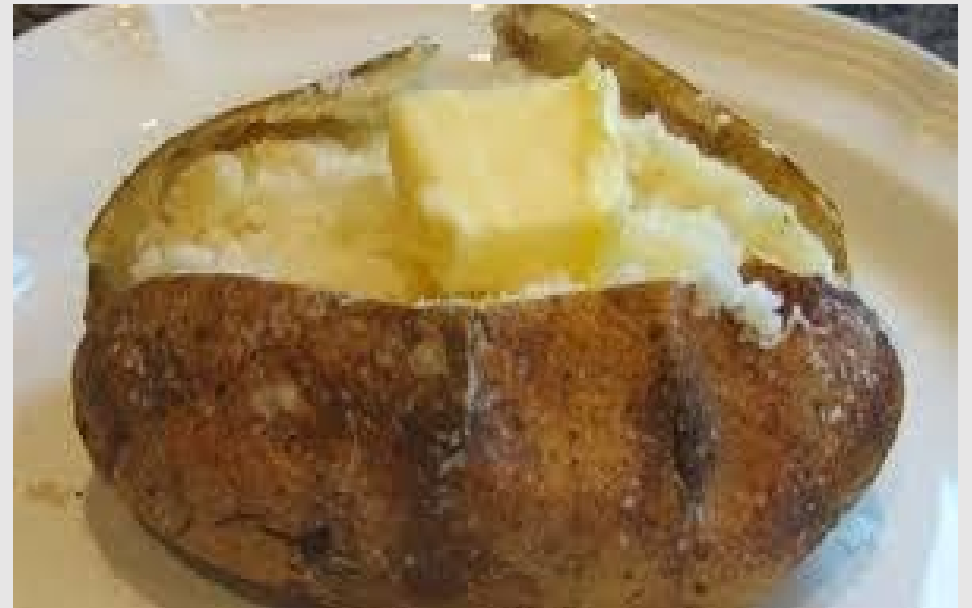
0%

Maybe

# Is it a PHF/TCS Food?

## Baked Potato

- A. Yes
- B. No
- C. Maybe





# Is it a TCS/PH Food?

## Sliced Raw Onion

A. Yes

**B. No**

C. Maybe



0%

0%

0%

Yes

No

Maybe

# Is it a TCS/PH Food?

## Raw Seed Sprouts

A. Yes

B. No

C. Maybe



0%

Yes

0%

No

0%

Maybe

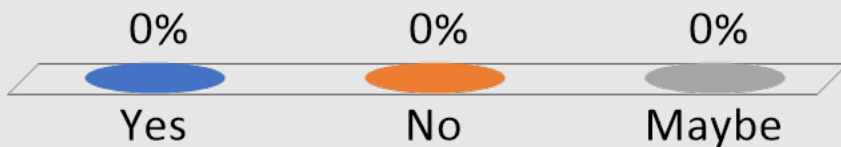
# Is it a TCS/PH Food?

## Capped and Sliced Strawberries

A. Yes

**B. No**

C. Maybe



# Participant Leaders

<b>Points</b>	<b>Participant</b>
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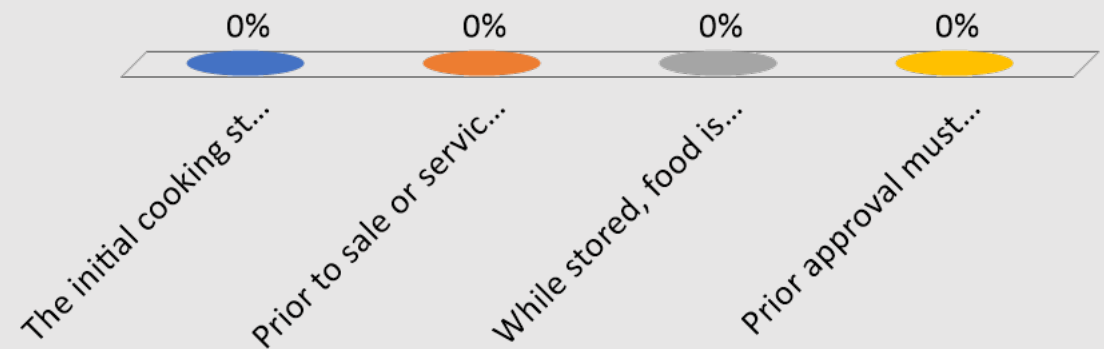




# Top 10 Missed Questions – 2020 RBI Course

# Which procedure is NOT listed in the requirements for non-continuous cooking?

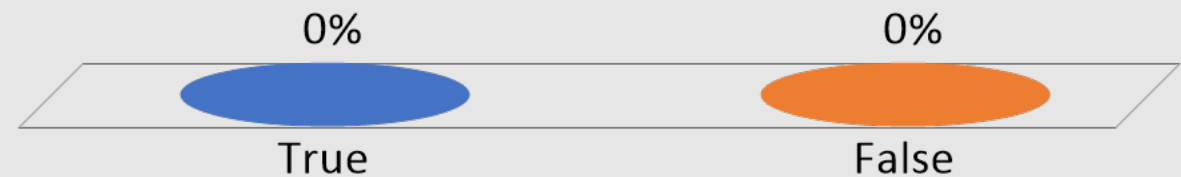
- A. The initial cooking step cannot exceed 90 minutes in duration
- B. Prior to sale or service, food is cooked using a process that heats all parts of the food to at least 165°F for 15 seconds
- C. While stored, food is labeled to indicate that it must be properly cooked before being offered for sale or service
- D. Prior approval must be granted by the regulatory authority



A variance is required for TCS foods to be held for 4 days at 42-45°F.

A. True

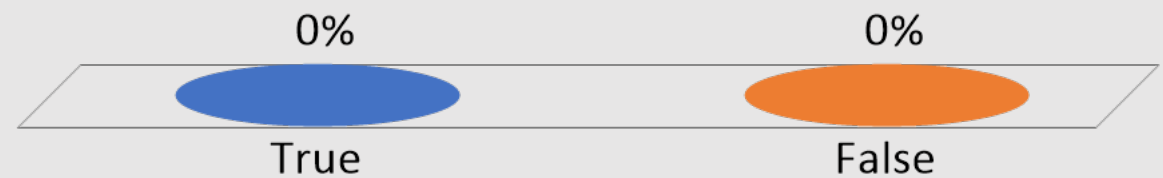
B. False



Proper thawing of TCS food is considered a preventative measure and one of the Food Code Interventions.

A. True

B. False

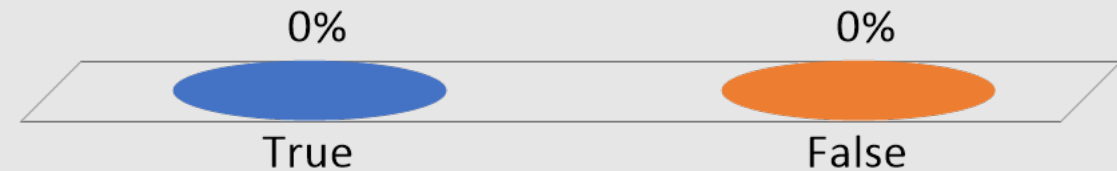




A cross-connection noted at the dishwashing sink is considered a dynamic issue.

A. True

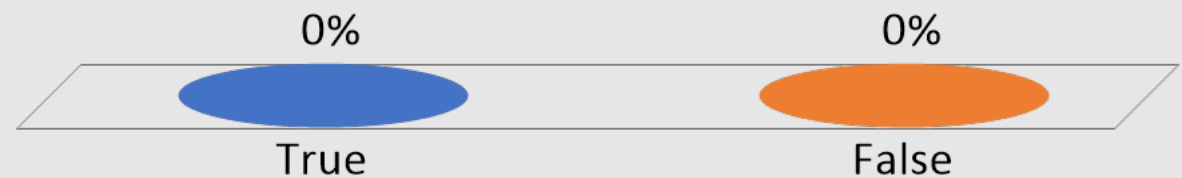
B. False



An HSP is allowed to pool unpasteurized eggs as long as they are cooked to at least 155°F for 15 seconds.

A. True

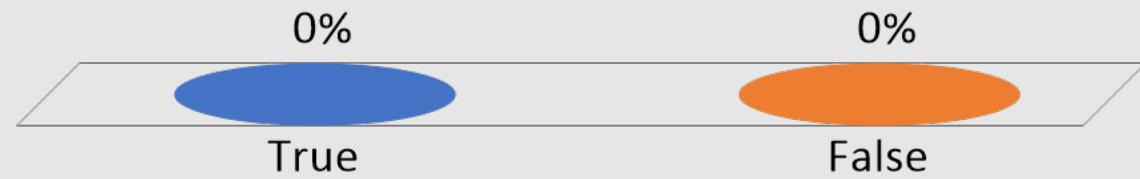
B. False



Management's demonstration of knowledge is considered a preventative measure and one of the Food Code Interventions.

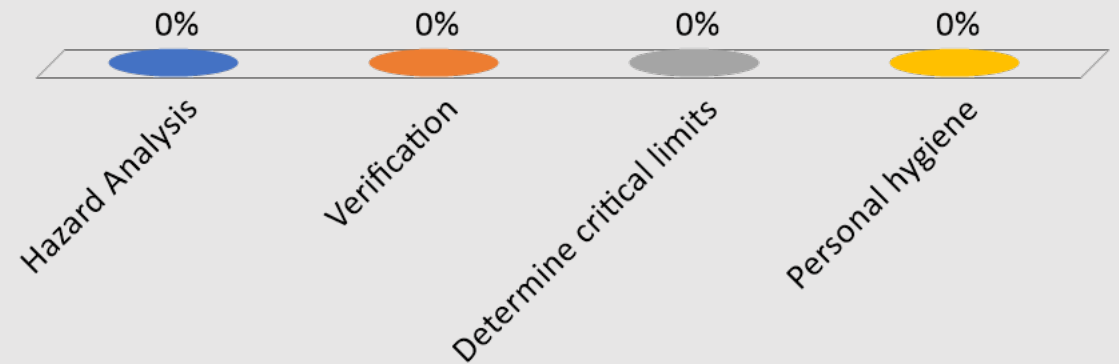
A. True

B. False



# Which step below is NOT a component of a HACCP plan?

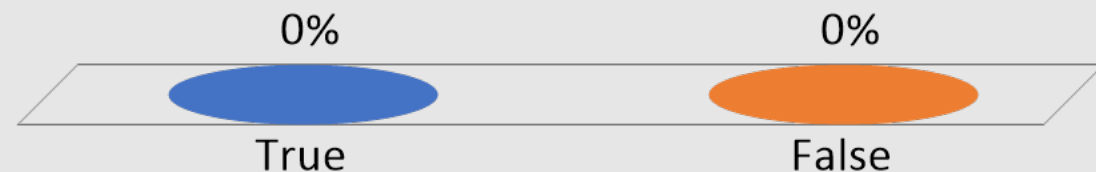
- A. Hazard Analysis
- B. Verification
- C. Determine critical limits
- D. Personal hygiene**



A parasite destruction letter, evidence of exemption, or evidence of proper freezing to destroy parasites is required if an establishment wishes to serve salmon raw or undercooked.

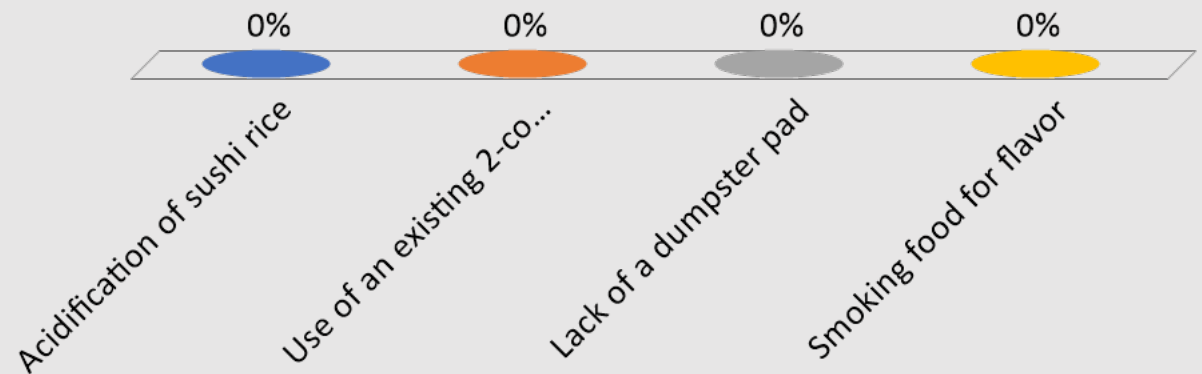
A. True

B. False



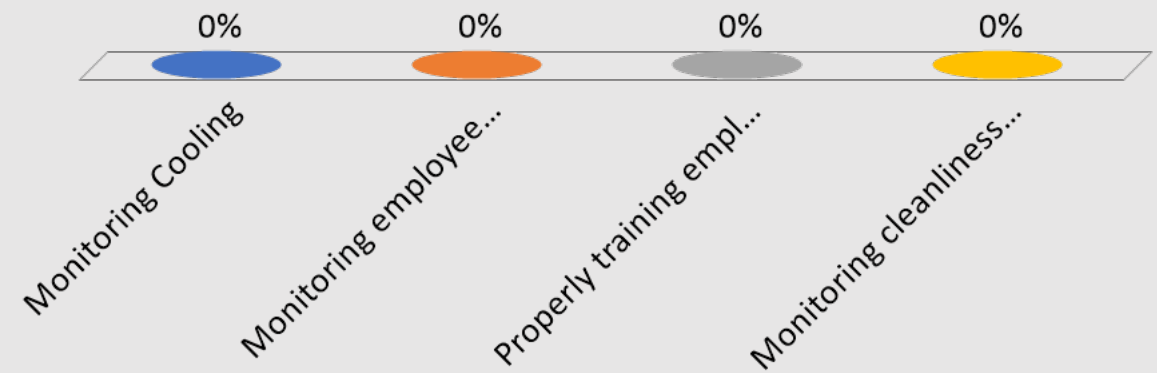
# A variance is required for all items below, EXCEPT:

- A. Acidification of sushi rice
- B. Use of an existing 2-compartment sink
- C. Lack of a dumpster pad
- D. Smoking food for flavor**



# Person in Charge duties include all of the following, EXCEPT:

- A. Monitoring cooling
- B. Monitoring employee hygiene
- C. Properly training employees on food allergen awareness
- D. Monitoring cleanliness of facility**



# Final Scores

**Points**

**Participant**





I COULD AGREE WITH YOU



BUT THEN WE'D BOTH BE  
WRONG

QUESTIONS?