



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

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Daniel Staley
Acting Division Director

December 31, 2013

POSITION STATEMENT: Certified Food Protection Manager Implementation

PURSUANT TO: Rules Governing the Food Protection and Sanitation of Food Establishments, 15A NCAC 18A .2600; 2009 FDA Food Code

SOURCE: Larry D. Michael, Food Protection and Facilities Branch Head
Environmental Health Section
Division of Public Health

ISSUE: Compliance with the Certified Food Protection Manager requirements effective January 1, 2014

DISCUSSION AND RATIONALE:

On September 1, 2012, the Commission for Public Health adopted the 2009 FDA Food Code by reference with amendments, additions, and deletions. Rule .2652(4)(C) delayed the effective date of the Certified Food Protection Manager (CFPM) requirements to January 1, 2014.

When Section 2-102.11 of the 2009 FDA Food Code was adopted, paragraphs (A), (B), and (C) were deleted. The amended Section 2-102.11 states, "The PERSON IN CHARGE shall demonstrate this knowledge by being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM. The PERSON IN CHARGE is not required to be a certified FOOD protection manager when the FOOD ESTABLISHMENT is not operating and FOOD is not being prepared, PACKAGED, or served for immediate consumption. Since paragraphs (A), (B), and (C) were deleted, the PRIORITY FOUNDATION ITEM designation was also eliminated; therefore, Section 2-102.11 is a CORE item. Please make a note to remove the "Pfö designation at the end of the paragraph in the NC Food Code Manual.

Effective January 1, 2014, existing FOOD ESTABLISHMENTS without a PERSON IN CHARGE (PIC) who is a CFPM may be assessed two points on their inspection for failure to meet the requirements in Sections 2-102.11 and 2-102.12.

When a PERMIT is issued, as specified in Rule .2659(a), the REGULATORY AUTHORITY shall allow a FOOD ESTABLISHMENT a period of 210 days to comply with the CFPM requirements in Sections 2-102.11 and 2-102.12. When a TRANSITIONAL PERMIT is issued, Rule .2659(b) allows a time period of 180 days to comply with the above referenced CFPM requirements.

www.ncdhhs.gov www.publichealth.nc.gov
Tel 919-707-5000 Fax 919-870-4829

Location: 5605 Six Forks Road Raleigh, NC 27609
Mailing Address: 1931 Mail Service Center Raleigh, NC 27699-1931
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To verify that the PIC has an approved CFPM certification as specified in Paragraphs 2-102.12(A) and Section 2-102.20 of the NC Food Code Manual, refer to ANSI-CFP ACCREDITATION PROGRAM information at:
<https://www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuID=8&prgID=8&status=4>.

Be advised that some organizations listed on this webpage also offer food handler programs for employees whose certificates may include the ANSI logo. Please verify that the program is the *Food Protection Managers' Certification* and ANSI-CFP ACCREDITED PROGRAM as required.

RESPONSE / INTERPRETATION:

1. Effective January 1, 2014, Section 2-102.11 will be handled as a CORE violation. The marking instructions will be amended to reflect this change.
2. New FOOD ESTABLISHMENTS are allowed a period of 210 days after the date of issuance of a FOOD ESTABLISHMENT PERMIT to comply with the CFPM requirements in Sections 2-102.11 and 2-102.12. After this time period, failure to comply with the requirement for a CFPM is a violation of Section 2-102.11. This item shall be marked OUT and points assessed.
3. FOOD ESTABLISHMENTS operating under a TRANSITIONAL PERMIT will not be in violation of the CFPM requirement until after the 180-day transitional period has expired. For noncompliance, this item shall be marked OUT and 0 points assessed during the transitional period if the CFPM requirement is not met. When the permanent PERMIT is issued, this item shall be marked OUT and points assessed if the CFPM requirement is not met.

Please note that according to Rule .2652(4)(C), the CFPM requirements do not apply to CONGREGATE NUTRITION SITES and Risk Category I FOOD ESTABLISHMENTS.

REFERENCES:

15A NCAC 18A .2600
2009 FDA Food Code
NC Food Code Manual

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.