

# COMPLIANCE AND ENFORCEMENT STRATEGIES

Version 1.0



North Carolina

Food Protection Program



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## SECTION 1: PURPOSE AND DEFINITIONS

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This manual is intended to provide guidance and assistance with the compliance and enforcement of North Carolina statutes and rules pertaining to Risk Factors and Interventions at regulated retail food and drink establishments. Compliance and enforcement encompasses all voluntary and regulatory actions taken to achieve compliance with regulations. Compliance and enforcement activities result in timely correction of code violations. This manual is not intended to replace the current laws and rules. For further clarification on any issue addressed within this manual, refer to the applicable statutes and rules. **This manual is not intended to encompass all corrective actions possible for any given scenario OR to replace the marking instructions and/or best professional judgement. If you are unsure about a corrective action you would like to enforce, reach out to your [Regional Specialist](#).** The regulatory authority for inspections is from the [NC General Statute](#), [NC Rules Governing Food Establishments](#), and [NC Food Code Manual](#). [HYPERLINKED PAGES](#) take you to websites.

The following acronyms will be used throughout this document:

AMC – Active Managerial Control  
CDI – Corrected During Inspection  
CIP – Cleaned in Place  
EHS – Environmental Health Specialist  
HACCP – Hazard Analysis Critical Control Point  
HSP – Highly Susceptible Population  
P – Priority Violation  
PF – Priority Foundation Violation  
PHF – Potentially Hazardous Foods\*  
PIC – Person in Charge  
RCP – Risk Control Plan  
RTE – Ready to Eat  
SOP – Standard Operating Procedure  
TCS – Time/Temperature Control for Safety  
TPHC – Time as a Public Health Control

\*TCS is the most up to date term for foods that require time or temperature control for safety, however, PHF is still in the current Food Code used in NC and the General Statutes. For this reason, it is used throughout this document.

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## *SECTION 2: FDA RISK FACTORS AND INTERVENTIONS*

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Epidemiological outbreak data repeatedly identifies five major risk factors related to employee behaviors and preparation practices in retail and food service establishments as contributing to foodborne illness.

### **Risk Factors**

- Food from Unsafe Source
- Poor Personal Hygiene
- Inadequate Cooking
- Improper Holding/Time and Temperature
- Contaminated Equipment/Protection from Contamination

The Food Code addresses controls for risk factors and further establishes five key public health interventions to protect consumer health. Specifically, these interventions are:

### **Interventions**

- Demonstration of Knowledge by Person in Charge (PIC)
- Implementation of Employee Health Policies
- Bare Hand Contact
- Time/Temperature Relationships
- Consumer Advisory

## SECTION 3: KEY OF NC VIOLATION CODES FOR FDA RISK FACTORS AND INTERVENTIONS

The following [key](#) shows each Risk Factor and Intervention with the item number on the inspection sheet and each relevant violation code. Colors are coordinated with the number of the grade sheet.

| 2009         |                                        |             |                       |           |                    |                          |                                                         |            |                                                |
|--------------|----------------------------------------|-------------|-----------------------|-----------|--------------------|--------------------------|---------------------------------------------------------|------------|------------------------------------------------|
| RISK FACTORS |                                        |             |                       |           |                    |                          |                                                         |            |                                                |
| Item #       | Unsafe Source                          | Item #      | Poor Personal Hygiene | Item #    | Inadequate Cooking | Item #                   | Improper Holding Temperatures Hot & Cold, Rapid cooling | Item #     | Contaminated Food Contact Surfaces & Equipment |
| <b>9</b>     | 3-201.11 P,Pf                          | <b>4</b>    | 2-401.11 C            | <b>16</b> | 3-401.11 P,Pf      | <b>18</b>                | 3-501.14 P                                              | <b>13</b>  | 3-302.11 P                                     |
|              | 3-201.12 P                             |             | 3-301.12 P            |           | 3-401.12 C         |                          | 3-501.16(A)(1) P                                        |            | 3-304.11 P                                     |
|              | 3-201.13 P                             | <b>5</b>    | 2-401.12 C            | <b>17</b> | 3-403.11 P         | 3-501.16(A)(2) and (B) P | 3-304.15(A) P                                           |            |                                                |
|              | 3-201.14 P                             |             | 2-301.11 P            |           |                    |                          | 3-306.13(A) P                                           |            |                                                |
|              | 3-201.15 P                             | <b>6</b>    | 2-301.12 P            |           |                    |                          |                                                         | <b>14</b>  | 4-501.111 P                                    |
|              | 3-201.16 P                             |             | 2-301.14 P            |           |                    |                          |                                                         |            | 4-501.112 Pf                                   |
|              | 3-201.17 P                             |             | 2-301.15 Pf           |           |                    |                          |                                                         |            | 4-501.113 C                                    |
|              | 3-202.13 P                             | 2-301.16 Pf |                       |           |                    |                          | 4-501.114 P                                             |            |                                                |
|              | 3-202.14 P                             | <b>8</b>    | 5-202.12 Pf           |           |                    |                          |                                                         |            | 4-501.115 C                                    |
|              | 3-202.110 P,Pf                         |             | 5-203.11 Pf           |           |                    |                          |                                                         |            | 4-601.11(A) P                                  |
| 5-101.13 P   | 5-204.11 Pf                            |             |                       |           |                    |                          | 4-602.11 P                                              |            |                                                |
| <b>10</b>    | 3-202.11 P,Pf                          |             | 5-205.11 Pf           |           |                    |                          |                                                         | 4-602.12 C |                                                |
| <b>11</b>    | 3-101.11 P                             |             | 6-301.11 Pf           |           |                    |                          |                                                         | 4-702.11 P |                                                |
|              | 3-202.15 Pf                            |             | 6-301.12 Pf           |           |                    |                          |                                                         | 4-703.11 P |                                                |
| <b>12</b>    | 3-202.18 Pf                            |             | 6-301.13 C            |           |                    |                          |                                                         | <b>15</b>  | 3-306.14 P                                     |
|              | 3-203.12 Pf                            |             | 6-301.14 C            |           |                    |                          |                                                         |            | 3-701.11 C                                     |
|              | 3-402.11 P                             |             |                       |           |                    |                          |                                                         | <b>25</b>  | 3-202.12 P                                     |
|              | 3-402.12 Pf                            |             |                       |           |                    |                          |                                                         |            | 3-302.14 P                                     |
| <b>24</b>    | 3-801.11 (A)(2), (A)(3)(B),(C ), (E) P |             |                       |           |                    |                          |                                                         | <b>26</b>  | 7-101.11 Pf                                    |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-102.11 Pf                                    |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-201.11 P                                     |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-202.11 Pf                                    |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-202.12 P,Pf                                  |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-203.11 P                                     |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-204.11 P                                     |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-204.12 (A) P                                 |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-204.13 P                                     |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-204.14 P                                     |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-205.11 P                                     |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-206.11 P                                     |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-206.12 P                                     |
|              |                                        |             |                       |           |                    |                          |                                                         |            | 7-206.13 (A) P                                 |
|              |                                        |             |                       |           |                    |                          |                                                         | 7-207.12 P |                                                |
|              |                                        |             |                       |           |                    |                          |                                                         | 7-208.11   |                                                |
|              |                                        |             |                       |           |                    |                          |                                                         | 7-209.11 C |                                                |
|              |                                        |             |                       |           |                    |                          |                                                         | 7-301.11 P |                                                |

Violation Codes (C) are "Core" Violations. Only P and Pf items are considered for enforcement.

# 2009

## INTERVENTIONS

| Item #                                                                                                   | Time/<br>Temperature<br>Parameters<br>not Met<br>(Time as a<br>Control, date<br>marking) | Item #   | Bare Hand<br>Contact<br>with<br>Ready-to-<br>Eat Food | Item #    | Consumer<br>Advisory<br>(when<br>required) | Item #      | Demonstration<br>of Knowledge<br>by PIC | Item #   | Employee Health<br>Control system or<br>policy implemented |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|----------|-------------------------------------------------------|-----------|--------------------------------------------|-------------|-----------------------------------------|----------|------------------------------------------------------------|
| <b>21</b>                                                                                                | 3-501.17 Pf                                                                              | <b>7</b> | 3-301.11 P,Pf                                         | <b>23</b> | 3-603.11 Pf                                | <b>1</b>    | 2-101.11 Pf                             | <b>2</b> | 2-103.11(M) Pf                                             |
|                                                                                                          | 3-501.18 P                                                                               |          | 3-801.11(D) P                                         |           |                                            |             |                                         |          |                                                            |
| <b>22</b>                                                                                                | 3-501.19 P,Pf                                                                            |          |                                                       |           |                                            |             | 2-102.12 C                              | <b>3</b> | 2-201.11 (D) and (F) P                                     |
|                                                                                                          |                                                                                          |          |                                                       |           |                                            |             | 2-103.11 (A) -(L) Pf                    |          | 2-201.12 P                                                 |
|                                                                                                          |                                                                                          |          |                                                       |           |                                            | <b>27</b>   | 3-404.11 P,Pf                           |          | 2-201.13 P                                                 |
|                                                                                                          |                                                                                          |          |                                                       |           |                                            |             | 3-502.11 Pf                             |          |                                                            |
|                                                                                                          |                                                                                          |          |                                                       |           |                                            |             | 3-502.12 P,Pf                           |          |                                                            |
|                                                                                                          |                                                                                          |          |                                                       |           |                                            |             | 4-204.110(B) P,Pf                       |          |                                                            |
|                                                                                                          |                                                                                          |          |                                                       |           |                                            |             | 8-103.12 P,Pf                           |          |                                                            |
|                                                                                                          |                                                                                          |          |                                                       |           |                                            | 8-201.13 C  |                                         |          |                                                            |
|                                                                                                          |                                                                                          |          |                                                       |           |                                            | 8-201.14 Pf |                                         |          |                                                            |
|                                                                                                          |                                                                                          |          |                                                       |           |                                            |             |                                         |          |                                                            |
|                                                                                                          |                                                                                          |          |                                                       |           |                                            |             |                                         |          |                                                            |
| <p><b>Violation Codes (C) "Core" Violations. Only P and Pf items are considered for enforcement.</b></p> |                                                                                          |          |                                                       |           |                                            |             |                                         |          |                                                            |

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## SECTION 4: CORRECTIVE ACTION/CORRECTED DURING INSPECTION, VERIFICATION, ENFORCEMENT ACTION P AND Pf CITATIONS

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The chart below is a guidance document that provides acceptable options of short and long-term Corrective Action-Corrected During Inspection, Verification, Enforcement Actions for non-compliant FDA Risk Factors and Interventions. This chart links the NC Food Code reference to the inspection form item number, then to the Corrective Action-Corrected During Inspection, Verification, Enforcement Action. The Corrective Action-Corrected During Inspection, Verification, Enforcement Action is chosen based on the severity and recurring nature of the violation. Long term compliance options address the continuing control of Risk Factors and Interventions.

### **RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

| Food Code Reference                           | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                                                  | Corrective Action-Corrected During Inspection, Verification, Enforcement Action-                                                                                                                   | Intervention for Intervention for Long-term Compliance                                                                                                                                                                                                                                      |
|-----------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2-101.11(A)(B)<br>2-102.11<br>2-103.11(A)-(L) | 1        | <p><b>Intervention:</b><br/><b><u>Demonstration of Knowledge by Person in Charge (PIC)</u></b></p> <p>Supervision:<br/>PIC present, Demonstration-Certification by accredited program, and performs duties.</p> | <p>2-101.11(A)(B) - PIC is designated.</p> <p>2-102.11 - PIC is enrolled in an ANSI-accredited course.</p> <p>2-103.11(A)-(L) - PIC worked with REHS to regain active managerial control (AMC)</p> | <p>2-101.11 - Additional PIC is designated and trained to fill the role when one is absent.</p> <p>2-102.11 - PIC is re-enrolled in an ANSI-accredited course as needed to maintain credential.</p> <p>2-103.11(A)-(L) - PIC receives additional training. A replacement PIC is chosen.</p> |

| Food Code Reference                 | <u>Item No.</u> | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                                                   | Corrective Action-Corrected During Inspection, Verification, Enforcement Action-                                                                                                                                                                                                                                                                                                                                                                                            | Intervention for Intervention for Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2-103.11(M)<br>2-201.11(A)(B)(C)(E) | 2               | <p><b>Intervention:</b><br/><b><u>Implementation of Employee Health Policies</u></b></p> <p>Employee Health:<br/>Management and food employee/conditional employee knowledge responsibilities and reporting.</p> | <p>2-103.11(M) - Health policy information is provided to food employees.<br/>Methods include: Posting policy in employee areas, mailing/emailing policy to employees, scheduling educational meetings with employees, etc. EHS provides an approved health policy to PIC if facility does not have one.</p> <p>2-201.11(A)(B)(C)(E) - Employees are instructed on when and how to report. EHS provides an approved health policy to serve until PIC creates their own.</p> | <p>2-103.11(M) - PIC receives additional training and instruction. Approved health policy is made available to PIC.</p> <p>2-201.11(A)(B)(C)(E) - Train new and existing employees to report. Provide health policy to employees through effective methods. EHS provides PIC with educational material on requirements to aid in development/update of health policy.</p> <p><a href="#">Employee Health Policy</a></p> |

| Food Code Reference                                                 | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                 | Corrective Action-Corrected During Inspection, Verification, Enforcement Action-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>2-201.11(D)(F)</p> <p>2-201.12(A)-(I)</p> <p>2-201.13(A)-(I)</p> | <p>3</p> | <p><b>Intervention:</b></p> <p><b><u>Implementation of Employee Health Policies</u></b></p> <p>Employee Health:</p> <p>Proper use of reporting, restriction and exclusion.</p> | <p>2-201.11(D) - Exclude or restrict employee. (F) - Comply with exclusion and restriction specifications.</p> <p>2-201.12(A)-(I) - Exclude or restrict employee based on specific symptoms, diagnosis, and exposures. Exclude or restrict employee if reinstatement requirements are not met.</p> <p>2-201.13(A)-(I) - Comply with conditions of removing, adjusting, and continuing exclusion.</p> <p>Job Aids to provide to PIC</p> <p>2009 Food Code Employee Health policy with flow charts: <a href="#">Employee Health Decision Flow Charts</a></p> <p>2013 Food Code Employee Health policy with flow charts: <a href="#">Employee Health Decision Flow Charts</a></p> | <p>2-201.11(D)(F) - PIC trained on exclusion and restriction policy.</p> <p>2-201.12(A)-(I) - PIC trained to recognize specific symptoms, diagnosis, and exposures that require exclusion and restriction of employees. PIC trained on reinstatement requirements.</p> <p>2-201.13(A)-(I) - PIC trained to adhere to conditions.</p> |
| <p>3-301.12</p>                                                     | <p>4</p> | <p><b>Risk Factor:</b></p> <p><b><u>Poor Personal Hygiene</u></b></p> <p>Good Hygienic Practices:</p> <p>Proper eating, tasting, drinking, or tobacco use.</p>                 | <p>3-301.12 - Discard utensil if single-use. Clean and sanitize utensil if multi-use. Discard portion of food contaminated by food employee.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>3-301.12 - Train employees on risk involved in contaminating food that is to be sold or served. Train employees on proper method of taste testing food.</p>                                                                                                                                                                       |

| Food Code Reference                                                                                   | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>2-301.11</p> <p>2-301.12(A)(B)</p> <p>2-301.14(A)-(I)</p> <p>2-301.15</p> <p>2-301.16(A)(B)(C)</p> | <p>6</p> | <p><b>Risk Factor:</b><br/><b>Poor Personal Hygiene</b></p> <p>Preventing Contamination by Hands:</p> <p>Hands clean and properly washed.</p> | <p>2-301.11 - Employee washes hands and exposed portions of arms.</p> <p>2-301.12(A)(B) - Employee cleans hands, exposed portions of arms, including surrogate prosthetic devices for hands or arms with cleaning compound, for at least 20 seconds at properly installed and equipped handwashing sink.</p> <p>2-301.14 (A)-(I) - Employee washes hands and exposed portions of arms.</p> <p>2-301.15 - Employee washes hands and exposed portions of arms in a handwashing sink. If hands were washed in food preparation or warewashing sink, that sink is cleaned and sanitized prior to use.</p> <p>2-301.16(A)(B)(C) - If hand antiseptic used was not compliant for use in the facility, employee rinses hands to remove the unapproved hand antiseptic and removes non-compliant hand antiseptic from facility. If hand antiseptic used was not compliant for hands that directly contact food, employee rinses hands in clean water or limits activity to no direct bare hand contact with food. If hand dip solution is not clean or too weak, it is discarded.</p> | <p>2-301.11 - Train employees on how often to wash hands and exposed portions of arms.</p> <p>2-301.12(A)(B) - Train employees on how to clean hands. Post instructional handwashing material at handwashing sinks.</p> <p>2-301.14(A)-(I) - Train employees on when to wash hands and exposed portions of arms. Post instructional hand contamination material in employee areas.</p> <p>2-301.15 - Train employees on where to wash hands. Post signs that designate handwashing sinks.</p> <p>2-301.16(A)(B)(C) - Review specifications on hand antiseptics used in the facility. Remove unapproved hand antiseptics from facility. Change to different type of hand antiseptic. Train employees on how to use hand antiseptics. Post instructional hand antiseptic use material at handwashing sinks.</p> <p><a href="#">Handwashing Procedures</a></p> <p><a href="#">Handwash Sign</a></p> <hr/> |

| Food Code Reference                                                                          | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                                      | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3-301.11(B)(C)<br>3-801.11(D)                                                                | 7        | <p><b>Intervention:</b><br/><b><u>Bare Hand Contact</u></b></p> <p>Preventing Contamination by Hands:</p> <p>No bare hand contact with RTE foods or a pre-approved alternate properly followed.</p> | <p>3-301.11(B) - Remove risk of food contamination by discarding food, cooking food to at least 165°F, etc. (C) - Change food contact method.</p> <p>3-801.11(D) - If facility serves an HSP, and food is contacted with bare hands the food must be discarded. This includes fruits and vegetables that were bare hand contacted during washing procedure.</p>                                                                                                                                                                                                                                                                                                                       | <p>3-301.11(B) - Train employees on how to prevent bare hand contact with exposed RTE food. Provide suitable utensils. (C) - Train employees on methods to minimize bare hand and arm contact with non-RTE foods. Provide suitable utensils.</p> <p>3-801.11 - Train employees on preventing all bare hand contact with foods in a facility that serves an HSP. Provide suitable utensils.</p>                      |
| 5-202.12(A)<br>5-203.11(A)<br>5-204.11(A)(B)<br>5-205.11<br>6-301.11<br>6-301.12(A)(B)(C)(D) | 8        | <p><b>Risk Factor:</b><br/><b><u>Poor Personal Hygiene</u></b></p> <p>Preventing Contamination by Hands:</p> <p>Handwashing sinks, supplied and accessible.</p>                                     | <p>5-202.12(A) - Adjust water heater. Verify temperature rise to at least 100°F.</p> <p>5-203.11(A) - Require installation of additional handwash sinks. Cease operation or install temporary handwash stations if there are no useable handwash sinks. Consider writing SOPs.</p> <p>5-204.11(A)(B) - Require relocation or installation of handwash sinks. Install temporary handwash stations if there are no handwash sinks in required locations. Consider writing SOPs.</p> <p>5-205.11(A) - Make accessible. (B) - Discontinue unapproved use.</p> <p>6-301.11 - Supply the sink with hand cleanser.</p> <p>6-301.12(A)(B)(C)(D) - Supply sink with hand drying provision.</p> | <p>5-202.12(A) - Repair/Replace plumbing system components. Consult licensed plumber.</p> <p>5-203.11(A) - Install handwash sinks. Consult licensed plumber.</p> <p>5-204.11(A)(B) - Relocate or install handwash sinks. Consult licensed plumber.</p> <p>5-205.11(A)(B) - Train employees.</p> <p>6-301.11 - Train employees. Use a checklist.</p> <p>6-301.12(A)(B)(C)(D) - Train employees. Use a checklist.</p> |

| Food Code Reference                                                                                                               | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                                                                                        | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                 | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3-201.11<br>3-201.12<br>3-201.13<br>3-201.14<br>3-201.15<br>3-201.16<br>3-201.17<br>3-202.13<br>3-202.14<br>3-202.110<br>5-101.13 | 9        | <p><b><u>Risk Factor:</u></b><br/> <b><u>Food from Unsafe Source</u></b></p> <p>Approved Source:<br/>           Food obtained from approved source.</p> <p>Reciprocity of Food Sources from out-of-state TFEs-<br/> <a href="#">Questionnaire</a></p> | 3-201.11 - Discard/reject/return. Voluntary Disposal/ <a href="#">Embargo</a> .<br>3-201.11(E)(3)(c) - Assess risk and consider allowing PIC to add label. Discard. Voluntary Disposal/ <a href="#">Embargo</a> .<br>3-201.12, 3-201.13, 3-201.14, 3-201.15, 3-201.16, 3-201.17, 3-202.13, 3-202.14, 3-202.110, 5-101.13 - Discard/reject/return. Voluntary Disposal/ <a href="#">Embargo</a> . | 3-201.11 - Train employees. Change supplier to an approved vendor that provides supporting documents.<br>3-201.11(E)(3)(c) - Train employees.<br>3-201.12, 3-201.13, 3-201.14, 3-201.15, 3-201.16, 3-201.17, 3-202.13, 3-202.14, 3-202.110, 5-101.13 - Train employees. Change supplier to an approved vendor that provides supporting documents. |
| 3-202.11                                                                                                                          | 10       | <p><b><u>Risk Factor:</u></b><br/> <b><u>Food from Unsafe Source</u></b></p> <p>Approved Source:<br/>           Food received at proper temperature.</p>                                                                                              | 3-202.11 - Discard/reject/return. Voluntary Disposal/ <a href="#">Embargo</a> .                                                                                                                                                                                                                                                                                                                 | 3-202.11 - Train employees. Change supplier. Verify supplier is an approved vendor and has proper equipment.                                                                                                                                                                                                                                      |
| 3-101.11<br>3-202.15                                                                                                              | 11       | <p><b><u>Risk Factor:</u></b><br/> <b><u>Food from Unsafe Source</u></b></p> <p>Approved Source:<br/>           Food in good condition, safe and unadulterated.</p>                                                                                   | 3-101.11, 3-202.15 - Discard/reject/return. Voluntary Disposal/ <a href="#">Embargo</a> .                                                                                                                                                                                                                                                                                                       | 3-101.11, 3-202.15 - Train employees. Change supplier.                                                                                                                                                                                                                                                                                            |

| Food Code Reference                                | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                                                                                                                 | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3-202.18<br>3-203.12<br>3-402.11<br>3-402.12       | 12       | <p><b><u>Risk Factor:</u></b><br/> <b><u>Food from Unsafe Source</u></b></p> <p>Approved Source:</p> <p>Required records available: shellstock tags, parasite destruction.</p> <p><a href="#">USDA Inspected Facilities</a><br/> <a href="#">Approved USDA Packer List</a></p> | <p>3-202.18, 3-203.12 - Discard/reject/return. Voluntary Disposal/<a href="#">Embargo</a>.</p> <p>3-402.11 - Discard/reject/return. Voluntary Disposal/<a href="#">Embargo</a>. Cook food to proper temperature.</p> <p>3-402.12 - Discard/reject/return. Voluntary Disposal/<a href="#">Embargo</a>.</p>                                                                                                                                                                                                                                                                                   | <p>3-202.18, 3-203.12 - Train employees. Change suppliers. Create a checklist to verify certifications and shellstock tags upon receiving. Develop RCP with log for receiving stock.</p> <p>3-402.11 - Train employees. Change suppliers. Modify menu to exclude these items.</p> <p>3-402.12 - Change record keeping procedures.</p> |
| 3-302.11<br>3-304.11<br>3-304.15(A)<br>3-306.13(A) | 13       | <p><b><u>Risk Factor:</u></b><br/> <b><u>Contaminated Equipment/Protection from Contamination</u></b></p> <p>Protection from Contamination:</p> <p>Food separated and protected.</p>                                                                                           | <p>3-302.11, 3-304.11 - PIC must relocate food items to minimize contamination. Rearrange storage of foods.</p> <p>Discard RTE foods contaminated from raw species foods. Discard the food if determined to be adulterated from the contamination. Assess risk and consider option of cooking the food to 165°F.</p> <p>3-304.15(A) - Discard gloves and wash hands. Discard contaminated food. Assess risk and consider cooking contaminated food to 165°F. Clean and sanitize equipment/utensils determined to be contaminated.</p> <p>3-306.13(A) Remove from consumer self-service.</p> | <p>3-302.11, 3-304.11 - Train employees. Acquire additional storage equipment. Label shelving and storage areas. Alter storage procedures.</p> <p>3-304.15(A) - Train employees.</p> <p>3-306.13(A) - Alter menu and/or presentation methods.</p> <p><a href="#">Food Storage Order in Refrigerators and Freezers</a></p>             |

| Food Code Reference                                                                                                                                     | Item No.  | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                                                                              | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>4-501.111</p> <p>4-501.112</p> <p>4-501.113</p> <p>4-501.114</p> <p>4-501.115</p> <p>4-601.11(A)</p> <p>4-602.11</p> <p>4-702.11</p> <p>4-703.11</p> | <p>14</p> | <p><b><u>Risk Factor:</u></b></p> <p><b><u>Contaminated Equipment/Protection from Contamination</u></b></p> <p>Protection from Contamination:</p> <p>Food-contact surfaces: cleaned and sanitized.</p>                                      | <p>4-501.111, 4-501.112, 4-501.113, 4-501.114, 4-501.115 - Repair of equipment and repeat of sanitization step during inspection. Switch to manual washing if capacity allows; rewash/sanitize utensils. Switch to single use utensils.</p> <p>Begin using approved emergency SOPs. Contact vendor contractor for emergency repair of equipment. Assess risk and consider closure if violation cannot be corrected during inspection (Correction includes effective sanitization method and sanitization of all utensils/equipment that were not subjected to effective/approved sanitization method.)</p> <p>4-601.11(A) - Repeat cleaning procedure.</p> <p>4-602.11 - Clean the utensil or equipment.</p> <p>4-702.11 - Sanitize the utensil or equipment.</p> <p>4-703.11 - Sanitize the utensil or equipment by approved method.</p> | <p>4-501.111, 4-501.112, 4-501.113, 4-501.114, 4-501.115 - Repair/Replace equipment. Re-supply chemical stock.</p> <p>Develop log to verify cleaning/sanitizing equipment is working properly (test strips or thermo-labels). Develop an RCP with logs to ensure CIP equipment is cleaned and sanitized per required frequency. Create approved SOPs for emergencies. sanitizing chemical.</p> <p>4-601.11(A) - Train employees.</p> <p>4-602.11 - Train employees.</p> <p>4-702.11 - Train employees.</p> <p>4-703.11 - Train employees. Repair/replace equipment. Change sanitization methods used in facility.</p> <p><a href="#"><u>Prevent Cross-Contamination</u></a></p> |
| <p>3-306.14(A)</p> <p>3-701.11(A)(B)(C)(D)</p>                                                                                                          | <p>15</p> | <p><b><u>Risk Factor:</u></b></p> <p><b><u>Contaminated Equipment/Protection from Contamination</u></b></p> <p>Protection from Contamination:</p> <p>Proper disposition of returned, previously served, reconditioned, and unsafe food.</p> | <p>3-306.14(A) - Discard the food.</p> <p>3-701.11(A)(B)(C)(D) - Discard the food.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>3-306.14(A) - Train employees.</p> <p>3-701.11 (A)(C)(D) - Train employees.</p> <p>3-701.11(B) - Train employees. Change source.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Food Code Reference                    | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                          | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                          | Intervention for Long-term Compliance                                                                                                                                    |
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| 3-401.11<br>3-401.12(C)<br>3-401.14(D) | 16       | <p><b><u>Risk Factor:</u></b><br/><b><u>Inadequate Cooking</u></b></p> <p>Potentially Hazardous Food (PHF/TCS)<br/>Time/Temperature:<br/><br/>Proper cooking time and temperatures.</p> | 3-401.11, 3-401.12(C), 3-401.13(D) - Continue cooking to proper temperature. If the food is intended to be undercooked, provide a Consumer Advisory. Discard the food.                   | 3-401.11, 3-401.12(C), 3-401.13(D) - Train employees. Repair/Replace/Acquire food temperature measurement device. Create and adhere to RCP. Provide a Consumer Advisory. |
| 3-403.11(A)(B)(C)(D)                   | 17       | <p><b><u>Risk Factor:</u></b><br/><b><u>Inadequate Cooking</u></b></p> <p>Time/Temperature Control for Safety (PHF/TCS):<br/><br/>Proper reheating procedure for hot holding.</p>       | 3-403.11(A)(B)(C)(D) - If the reheating procedure did not exceed 2 hours, continue the reheating procedure within the remaining time period without exceeding 2 hours. Discard the food. | 3-403.11(A)(B)(C)(D) - Train employees. Repair/Replace/Acquire reheating equipment. Create and adhere to RCP.<br><br><a href="#"><u>Reheating Label</u></a>              |

| Food Code Reference | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                                                                                                                                               | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Intervention for Long-term Compliance                                                                                                                                                                 |
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| 3-501.14            | 18       | <p><b>Risk Factor:</b><br/> <b><u>Improper Holding/Time and Temperature</u></b></p> <p>Time/Temperature Control for Safety (PHF/TCS):</p> <p>Proper cooling time and temperature.</p> <p><a href="#">Cooling Parameter Calculator</a></p> <p><a href="#">Cold Holding Equipment Assessment Checklist</a></p> | <p>3-501.14 -</p> <p>Entire cooling process:</p> <p>If more than 6 hours from 135°F to 41°F or less, discard if above 45°F. If more than 6 hours at 42-45°F food can be kept and used for up to 4 days (including prep date). When possible, relocate food to cold holding equipment holding at 41°F or below and cool food the remaining 1-4 degrees.</p> <p>First cooling parameter:</p> <p>If more than 2 hours from 135°F to 70°F, discard or assess the risk of option to reheat to 165°F and use more effective cooling method.</p> <p>Second cooling parameter:</p> <p>Typically, you have 4 hours to cool from 70°F to 41°F. However, if food is cooled from 135°F to 70°F in less than 2 hours, that remaining time is added to the second phase of cooling, not to exceed 6 hours total. Use cooling calculator to establish cooling rate for second parameter prior to discard. If cooling rate is too slow, first parameter cooling temps are unknown, and/or over 4 hours have passed, discard or assess the risk of option to reheat to 165°F and use a more effective cooling method.</p> | <p>3-501.14 - Train employees. Repair/Replace/Acquire rapid cooling equipment. Begin or change a cooling monitoring procedure. Create and adhere to RCP.</p> <p><a href="#">Cooling Procedure</a></p> |

| Food Code Reference | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                        | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                       | Intervention for Long-term Compliance                                                                                                                                                                                                                          |
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| 3-501.16(A)(1)      | 19       | <p><b>Risk Factor:</b><br/> <u>Improper Holding/Time and Temperature</u></p> <p>PHF/TCS-Time/Temperature:</p> <p>Proper hot holding temperatures.</p> | <p>3-501.16(A)(1) - Discard the food if temperature abused more than 4 hours. Discard the food if it is unknown how long the food was temperature abused.</p> <p>If EHS can verify the food was temperature abused less than 4 hours and consider the following options:<br/> Serve immediately.</p> <p>Rapidly reheat to 165°F and hot hold or immediately serve.</p> <p>Cool and cold hold.</p> <p>Verification if violation was due to equipment failure – Education is not sufficient for CDI</p> | <p>3-501.16(A)(1) - Train employees.<br/> Repair/Replace/Acquire hot hold equipment.</p> <p>Begin or change existing temperature monitoring procedure.<br/> Change hot holding to TPHC. Create and adhere to RCP.</p> <p><a href="#">Hot Holding Label</a></p> |

| Food Code Reference    | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                                                                                                   | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Intervention for Long-term Compliance                                                                                                                                                                                                                                      |
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| 3-501.16(A)(2) and (B) | 20       | <p><b>Risk Factor:</b><br/> <b><u>Improper Holding/Time and Temperature</u></b></p> <p>Potentially Hazardous Food (PHF/TCS)<br/> Time/Temperature:<br/> Proper cold holding temperatures.</p> <p><a href="#">Cold Holding Equipment Assessment Checklist</a></p> | <p>3-501.16(A)(2) and(B) –</p> <p>Discard food if temp. abused more than 4 hours. Discard food if it is unknown how long the food was temperature abused.</p> <p>If EHS can verify food was temp. abused less than 4 hours consider the following options: Serve immediately.</p> <p>Rapidly reheat to 165°F and hot hold or immediately serve.</p> <p>Cool and cold hold.</p> <p>If EHS can verify product did not exceed 70°F within 6 hours, consider the following options: Serve or cook immediately.</p> <p>Verification if violation was due to equipment failure – Education is not sufficient for CDI.</p> <p>Ensure that cooling methods are not the contributing factor to the cold hold violations. Provide clear details of observations when the citation is noted.</p> | <p>3-501.16(A)(2) and(B) -</p> <p>Train employees.<br/> Repair/Replace/Acquire cold hold equipment.</p> <p>Begin or change existing temperature monitoring procedure. Change cold holding to TPHC. Create and adhere to RCP.</p> <p><a href="#">Cold Holding Label</a></p> |

| Food Code Reference  | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                                                                                                                                             | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                   | Intervention for Long-term Compliance                                                                                                                                                                                                                               |
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| 3-501.17<br>3-501.18 | 21       | <p><b>Intervention:</b><br/><b><u>Time/Temperature Relationships</u></b></p> <p>Potentially Hazardous Food (PHF/TCS)<br/>Time/Temperature:<br/>Proper date marking and disposition.</p> <p><a href="#">Cold Holding Equipment Assessment Checklist</a><br/><a href="#">Date Marking Exempt Cheeses</a></p> | <p>3-501.17 - Discard the food if it exceeds 4 or 7-day time requirement. If food is not labelled, consider options to add labels or discard.</p> <p>3-501.18 - Discard the food.</p> <p>3-501.17 - Discard the food if it exceeds 7-day time requirement. If food is not labelled, consider options to add labels or discard.</p> <p>3-501.18 - Discard the food.</p> <p><a href="#">FDA Date Marking Position Statement</a></p> | <p>3-501.17 - Train employees. Change ineffective date marking procedures. Create and adhere to RCP.</p> <p>3-501.18 - Train employees. Change ineffective disposition date monitoring procedure. Create and adhere to RCP.</p> <p><a href="#">Date Marking</a></p> |
| 3-501.19             | 22       | <p><b>Intervention:</b><br/><b><u>Time/Temperature Relationships</u></b></p> <p>Potentially Hazardous Food (PHF/TCS)<br/>Time/Temperature:<br/>Time as a Public Health Control.</p> <p><a href="#">Cold Holding Equipment Assessment Checklist</a></p>                                                     | 3-501.19 - Discard the food.                                                                                                                                                                                                                                                                                                                                                                                                      | 3-501.19 - Create approved written TPHC procedures. Use a system for tracking time. Discontinue TPHC and use temperature control. Install cold hold or hot hold equipment. Create and adhere to RCP.                                                                |

| Food Code Reference     | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                           | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                  | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                                                          |
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| 3-603.11                | 23       | <p><b>Intervention:</b><br/><b><u>Consumer Advisory</u></b></p> <p>Consumer Advisory: Consumer advisory provided for raw or undercooked foods.</p>                       | <p>3-603.11 - Provide Consumer Advisory. Cook to final temperature. Required.</p> <p>Verification Follow up</p>                                                                                                                                                                                                                                                                                                                                  | <p>3-603.11 - Train employees. Modify menu. Modify recipes.</p> <p><a href="#">FDA Consumer Advisory Guidance</a><br/><a href="#">Consumer Advisory - Shellfish</a></p>                                                                                                                                                                                                                                                        |
| 3-801.11(A)(B)(C)(E)(G) | 24       | <p><b>Risk Factor:</b><br/><b><u>Food from Unsafe Source</u></b></p> <p>Highly Susceptible Populations:</p> <p>Pasteurized foods used; prohibited foods not offered.</p> | <p>3-801.11(A) - Discard or otherwise remove prohibited juice from the HSP facility.</p> <p>3-801.11(B) - Discard the food or use the food in a recipe that cooks the eggs to at least 155F for at least 15 seconds.</p> <p>3-801.11(C) - Cease service of these foods to HSP or fully cook the food to the proper temperature.</p> <p>3-801.11(E) - Discard the eggs being held under time.</p> <p>3-801.11(G) - Discard the reserved food.</p> | <p>3-801.11(A)(1)(2) - Remove prohibited juice from menu. Change supplier to one that provides non-prohibited juices.</p> <p>(A)(3) Create and abide by approved HACCP plan.</p> <p>3-801.11(B) - Change ingredients to substitute pasteurized eggs for raw eggs.</p> <p>3-801.11(C) - Remove undercooked items from the menu.</p> <p>3-801.11(E) - Store raw eggs at 45F or colder.</p> <p>3-801.11(G) - Train employees.</p> |

| Food Code Reference                                                                                                                                                                                                                                          | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                             | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 3-202.12<br>3-302.14(A)(B)                                                                                                                                                                                                                                   | 25       | <p><b><u>Risk Factor:</u></b><br/><b><u>Contaminated Equipment/Protection from Contamination</u></b></p> <p>Chemical:<br/><br/>Food additive: approved and properly used.</p>              | <p>3-202.12 - Remove unapproved additives from premises.</p> <p>3-302.14 - Discard food containing unapproved additives or restricted levels of approved additives.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>3-302.12 - Train employees. Change food suppliers.</p> <p>3-302.14(A)(B) - Train employees. Re-evaluate storage procedures.</p> <p>Modify menu</p>                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 7-101.11<br>7-102.11<br>7-201.11(A)(B)<br>7-202.11(A)<br>7-202.12<br>(A)(B)(C)<br>7-203.11<br>7-204.11<br>7-204.12(A)<br>7-204.13<br>7-205.11<br>7-206.11<br>7-206.12<br>7-206.13(A)<br>7-207.11(A)(B)<br>7-207.12(A)(B)<br>7-208.11(A)(B)<br>7-301.11(A)(B) | 26       | <p><b><u>Risk Factor:</u></b><br/><b><u>Contaminated Equipment/Protection from Contamination</u></b></p> <p>Chemical:<br/><br/>Toxic substances properly identified, stored, and used.</p> | <p>7-101.11 - Discard or remove product from facility.</p> <p>7-102.11 - Label the container or discard the product if identity is unknown.</p> <p>7-201.11 - Move material to approved location.</p> <p>7-202.11 - Remove material from facility.</p> <p>7-202.12 - Decontaminate surfaces, discard food, discard single-service and single-use articles that contacted unapproved or improperly used poisonous or toxic material.</p> <p>7-203.11 - Discard the container</p> <p>7-204.11 - Decontaminate or discard the contaminated food-contact-surface.</p> <p>7-204.12 - Provide documentation. Discard the food.</p> <p>7-204.13 - Discard the food.</p> <p>7-205.11 - Decontaminate the surfaces that contacted unapproved lubricant.</p> | <p>7-101.11 - Change product or source.</p> <p>7-102.11 - Train employees.</p> <p>7-201.11(A)(B) - Alter storage locations and methods. Train employees.</p> <p>7-202.11(A) - Train employees.</p> <p>7-202.12(A)(B) - Train employees. (C) Use Certified Pesticide Applicator.</p> <p>7-203.11 - Train employees.</p> <p>7-204.11 - Train employees. Change product. Follow Manufacturer's specifications.</p> <p>7-204.12(A) - Train employees. Change product.</p> <p>7-204.13- Train employees. Change product.</p> <p>7-205.11 - Train employees. Change product.</p> |

| Food Code Reference | Item No.     | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                          | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                     | 26<br>cont'd | <p><b><u>Risk Factor:</u></b><br/> <b><u>Contaminated Equipment/Protection from Contamination</u></b></p> <p>Chemical:<br/> Toxic substances properly identified, stored, and used.</p> | <p>7-206.11 - Provide documentation. Remove pesticide from facility. Decontaminate surfaces exposed to improperly used pesticide.</p> <p>7-206.12 - Move it to an approved bait station.</p> <p>7-206.13 - Decontaminate surfaces exposed to tracking powder pesticide.</p> <p>7-207.11 (A) - Remove from facility. (B) Label and locate properly.</p> <p>7-207.12 (A) - Place into approved labelled container. (B)Relocate container.</p> <p>7-208.11 (A) - Properly label. (B) Place into approved container</p> <p>7-301.11 (A) - Separate the poisonous or toxic material by spacing or portioning. (B) Relocate the poisonous or toxic material</p> | <p>7-206.11 - Change product.</p> <p>7-206.12 - Train employees. Inform Pest Control Operator.</p> <p>7-206.13(A) - Train employees. Inform Pest Control Operator.</p> <p>7-207.11(A)(B) - Train employees. Alter storage locations and methods.</p> <p>7-207.12(A)(B) - Alter storage locations and methods. Train employees.</p> <p>7-208.11(A)(B) - Alter storage locations and methods. Train employees.</p> <p>7-301.11(A)(B) - Alter storage locations and methods. Train employees.</p> |

## RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS /GOOD RETAIL PRACTICES

| Food Code Reference                                                                                                                                                       | Item No.  | Foodborne Illness Risk Factors and Public Health Interventions                                                                                                                                                                                              | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>3-404.11(A)(B)</p> <p>3-502.11 (A)(B)(C)(D)(E)(F)(G)(H)</p> <p>3-502.12(A)(B)(C)(D)(E)</p> <p>4-204.110(A)(B)</p> <p>8-103.12(A)(B)</p> <p>8-201.14(A)(B)(C)(D)(E)</p> | <p>27</p> | <p>Conformance with Approved Procedures:</p> <p>Compliance with variance, specialized process, reduced oxygen packaging criteria or HACCP plan.</p> <p>Violation of #27 results in violation on this item and the HACCP process that is being violated.</p> | <p>3-404.11 (A) - PIC must provide documentation or discard the food.</p> <p>(B) - Properly label or discard the food.</p> <p>3-502.11 - (A)(B)(C)(D)(E)(F)(G)(H) - Discard the food</p> <p>3-502.12 (A)(B)(C)(D)(E) - Provide documentation or discard the food.</p> <p>4-204.110 (A) - Discontinue service of the food. Label tank properly.</p> <p>(B) - Discard the food</p> <p>8-103.12 (A) - Discard the food (B) - PIC must provide documentation or discard the food</p> <p>8-201.14 (A)(B)(C)(D)(E) - PIC must provide documentation or discard the food.</p> | <p>3-404.11(A) - Contact local Environmental Health agency for guidance. Obtain approved HACCP plan.</p> <p>(B) - Train employees to label properly.</p> <p>3-502.11(A)(B)(C)(D)(E)(F)(G)(H) - Contact local Environmental Health agency for guidance. Obtain variance.</p> <p>3-502.12(A) - Lab tests. Obtain documentation. (B) - Obtain approved HACCP plan. Obtain required documentation.</p> <p>(C) - Train employees. (D) - Obtain approved HACCP plan. Train employees. (E) - Change source. Obtain approved HACCP plan. Train employees to properly label and discard.</p> <p>4-204.110(A)(B) - Contact local Environmental Health Agency for guidance. Obtain approved HACCP plan.</p> <p>8-103.12(A) - Train employees. (B) Make records available. Obtain additional copies of records.</p> <p>8-201.14(A)(B)(C)(D)(E) - Obtain a HACCP plan. Alter existing HACCP plan.</p> |
| <p>3-302.13(A)(B)</p>                                                                                                                                                     | <p>28</p> | <p>Safe Food and Water:</p> <p>Pasteurized eggs used where required.</p>                                                                                                                                                                                    | <p>3-302.13 (A) - Continue cooking or discard the food. (B) Restrict the offering of the food to meet 3-401.11(D)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>3-302.13(A)(B) - Train employees.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Food Code Reference                                                                                   | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                            | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                   | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                    |
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| 3-202.16<br>5-101.11(A)(B)<br>5-102.11(A)(B)<br>5-102.12(A)(B)<br>5-102.13<br>5-104.12(A)(B)(C)(D)(E) | 29       | Safe Food and Water:<br><br>Water and ice from approved source.                                           | 3-202.16 - Discard the ice<br><br>5-101.11, 5-102.11(A)(B) - Change system or discontinue use.<br><br>5-102.12 (A)(B) - Discontinue use.<br><br>5-102.13 - Immediately sample.<br><br>5-104.12(A)(B)(C)(D)(E) - Begin using one of the approved alternative water supply methods. | 3-202.16 - Change water source.<br><br>5-101.11(A)(B) - Change or alter water source.<br><br>5-102.11(A)(B) - Change water source.<br><br>5-102.12(A)(B) - Change water source.<br><br>5-102.13 - Request sample. Change water source.<br><br>5-104.12(A)(B)(C)(D)(E) - Change water source. Change water supply method. |
| 8-103.11A)(B)(C)                                                                                      | 30       | Safe Food and Water:<br><br>Variance obtained for specialized processing methods.                         | 8-103.11 (A)(B)(C) - Supply required information.                                                                                                                                                                                                                                 | 8-103.11(A)(B)(C) - Contact local Environmental Health agency.                                                                                                                                                                                                                                                           |
| 3-501.15(A)<br>4-301.11                                                                               | 31       | Food Temperature Control:<br><br>Proper cooling methods used; adequate equipment for temperature control. | 3-501.15(A) - Change to other approved effective method.<br><br>4-301.11 - Provide sufficient equipment. Change food preparation methods.                                                                                                                                         | 3-501.15(A) - Train employees. Acquire equipment/utensils for cooling food.<br><br>4-301.11 - Acquire equipment for cooling food.                                                                                                                                                                                        |
| 3-401.13                                                                                              | 32       | Food Temperature Control:<br><br>Plant food properly cooked for hot holding.                              | 3-401.13 - Continue cooking process.                                                                                                                                                                                                                                              | 3-401.13 - Train employees.                                                                                                                                                                                                                                                                                              |

| Food Code Reference                                                               | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                 | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                       | Intervention for Long-term Compliance                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4-203.11(A)(B)<br>4-203.12(A)(B)<br>4-204-112(E)<br>4-302.12(A)(B)<br>4-502.11(B) | 34       | Food Temperature Control:<br><br>Thermometers provided and accurate.                                           | 4-203.11(A)(B) - Calibrate or discontinue use.<br><br>4-203.12(A)(B) - Calibrate or discontinue use.<br><br>4-204-112(E) - Discontinue use.<br><br>4-302.12(A)(B) - Provide and make readily accessible.<br><br>4-502.11(B) - Calibrate or discontinue use.                                           | 4-203.11(A)(B) - Repair or replace device.<br><br>4-203.12(A)(B) - Repair or replace device.<br><br>4-204-112(E) - Replace device.<br><br>4-302.12(A)(B) - Maintain provision and accessibility of devices.<br><br>4-502.11(B) - Maintain calibration. Replace if not able to calibrate. |
| 3-202.17(A)<br>3-602.11(B)                                                        | 35       | Food Identification:<br><br>Food properly labeled: original container.                                         | 3-202.17(A) - Provide documentation or discard.<br><br>3-602.11(B) - Re-label or discard.                                                                                                                                                                                                             | 3-202.17(A) - Change supplier. Change procurement method.<br><br>3-602.11(B) - Change labelling procedure.                                                                                                                                                                               |
| 2-403.11(A)<br>6-501.111(C)<br>6-501.115(A)                                       | 36       | Prevention of Food Contamination:<br><br>Insects and rodents not present; no unauthorized animals.             | 2-403.11(A) - Wash hands.<br><br>6-501.111(C) - Begin using pest control methods.<br><br>6-501.115(A) - Remove from premises.                                                                                                                                                                         | 2-403.11(A) - Educate food employee.<br><br>6-501.111(C) - Begin a pest control plan. Alter the existing pest control plan.<br><br>6-501.115(A) - Educate customers with signage, etc.                                                                                                   |
| 3-303.11<br>3-306.11<br>3-306.13(B)(C)<br>6-404.11                                | 37       | Prevention of Food Contamination:<br><br>Contamination prevented during food preparation, storage and display. | 3-303.11 - Discard the ice.<br><br>3-306.11 - Protect or discard the food.<br><br>3-306.13(A) - Remove from self-service. (B) - Remove from self-service or supply utensils and dispensers. (C) - Remove from self-service or begin monitoring.<br><br>6-404.11 - Segregate products or discard them. | 3-303.11 - Educate food employees.<br><br>3-306.11 - Educate food employees. Acquire protective equipment or utensils.<br><br>3-306.13(A)(B)(C) - Discontinue self-service or begin using protection methods.<br><br>6-404.11 - Create and designate a segregation area.                 |

| Food Code Reference                                                                                                                                                               | Item No. | Foodborne Illness Risk Factors and Public Health Interventions                                                                             | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                                                       |
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| 2-302.11 (A)(B)                                                                                                                                                                   | 38       | Prevention of Food Contamination:<br><br>Personal cleanliness.                                                                             | 2-302.11(A) - Alter fingernails or stop working as food employee.<br><br>(B) - Put on gloves. Change gloves. Alter fingernails. Stop working with exposed food.                                                                                                                                                                                                                                                                                                                                                                                                                       | 2-302.11 (A)(B) - Educate food employees.                                                                                                                                                                                                                                                                                                                                                                                   |
| 7-204.12(A)                                                                                                                                                                       | 40       | Prevention of Food Contamination:<br><br>Washing fruits and vegetables.                                                                    | 7-204.12(A) - Discard the food.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 7-204.12(A) - Educate food employees on chemical labelling and use.                                                                                                                                                                                                                                                                                                                                                         |
| 4-502.12                                                                                                                                                                          | 43       | Proper Use of Utensils:<br><br>Single-use and single-service articles; properly stored and used                                            | 4-502.12 - Provide approved utensils. Use approved utensils.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 4-502.12 - Acquire approved utensils. Install ware wash equipment.                                                                                                                                                                                                                                                                                                                                                          |
| 4-101.11(A)<br>4-101.13(A)(B)<br>4-101.14(A)<br>4-101.15<br>4-102.11(A)(B)<br>4-201.12<br>4-202.11(A)<br>4-202.12(A)<br>4-204.13(E)<br>4-204.110(A)(B)<br>4-302.11<br>4-603.17(A) | 45       | Utensils and Equipment:<br><br>Equipment, food and non-food contact surfaces approved; cleanable, properly designed, constructed and used. | 4-101.11(A)- Provide documentation of safety or discontinue use.<br><br>4-101.13(A)(B) - Provide documentation of safety or discontinue use. Discard contaminated food products as needed.<br><br>4-101.14(A) - Provide documentation of compliance or discontinue use.<br><br>4-101.15 - Provide documentation of compliance or discontinue use.<br><br>4-102.11(A)(B) - Provide documentation of compliance or discontinue use.<br><br>4-201.12 - Provide documentation of compliance or discontinue use.<br><br>4-202.11(A) - Discontinue use<br><br>4-202.12(A) - Discontinue use | 4-101.11(A) - Maintain documentation or replace.<br><br>4-101.13(A)(B) - Maintain documentation or replace<br><br>4-101.14(A) - Maintain documentation or replace<br><br>4-101.15 - Maintain documentation or replace<br><br>4-102.11(A)(B) - Maintain documentation or replace.<br><br>4-201.12 - Maintain documentation or replace<br><br>4-202.11(A) - Replace<br><br>4-202.12(A) - Replace<br><br>4-204.13(E) - Replace |

| Food Code Reference                                                                                                                                                                | Item No.     | Foodborne Illness Risk Factors and Public Health Interventions                                             | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                                                                                                                                                                                    | 45<br>cont'd |                                                                                                            | <p>4-204.110(A) - Discontinue use for food. (B) - Discontinue use for food or provide variance and HACCP plan</p> <p>4-302.11 - Provide utensil or remove container of food.</p> <p>4-603.17(A) - Discontinue cleaning and refilling.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>4-204.110(A) - Discontinue use for food. (B) - Change to display only. Acquire variance and HACCP plan approval.</p> <p>4-302.11 - Acquire sufficient number of utensils or discontinue self-service.</p> <p>4-603.17(A) - Use an approved Food Processing Plant. Maintain documentation.</p>                                                                                                                                                                                                                                                                           |
| <p>4-204.115(A)(B)</p> <p>4-204.116(A)(B)</p> <p>4-204.117(A)(B)</p> <p>4-301.12(A)(B)</p> <p>4-302.14</p> <p>4-501.17</p> <p>4-501.19</p> <p>4-501.110(A)(B)</p> <p>4-501.116</p> | 46           | <p>Utensils and Equipment:</p> <p>Warewashing facilities: installed, maintained and used; test strips.</p> | <p>4-204.115(A)(B) - Repair or discontinue use.</p> <p>4-204.116(A)(B) - Repair or discontinue use.</p> <p>4-204.117(A)(B) - Repair or discontinue use.</p> <p>4-301.12(A) - Use approved alternative manual warewashing equip. Change to single-service items and use a 2-comp. sink. Stop food prep and service. (B) - Use approved alternative manual warewashing equip. Stop food prep and service.</p> <p>4-302.14 - Acquire test kit prior to next testing of sanitizer.</p> <p>4-501.17 - Provide wash solution. Suspend operation.</p> <p>4-501.19 - Heat or remix the wash solution.</p> <p>4-501.110(A) - Adjust or repair equip. Use approved alternative manual warewash equipment. (B) - Adjust or repair equip. Use approved alternative equip.</p> <p>4-501.116 - Check sanitizer concentration.</p> | <p>4-204.115(A)(B) - Alter or replace</p> <p>4-204.116(A)(B) - Alter or replace</p> <p>4-204.117(A)(B) - Alter or replace</p> <p>4-301.12(A) - Install approved sink. (B) Install approved sink.</p> <p>4-302.14 - Stock extra test kits.</p> <p>4-501.17 - Re-train employees. Stock more wash solution.</p> <p>4-501.19 - Re-train employees. Temperature log.</p> <p>4-501.110(A)and(B) - Increase frequency of temperature checks. Temperature log. Re-train employees. Replace equipment.</p> <p>4-501.116 - Educate food employees. Sanitizer concentration log.</p> |

| Food Code Reference                                                                                                                                                                                                     | Item No. | Foodborne Illness Risk Factors and Public Health Interventions               | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Intervention for Long-term Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| 5-103.11(A)(B)<br>5-103.12<br>5-104.11(A)(B)                                                                                                                                                                            | 48       | Physical Facilities:<br><br>Hot and cold water available; adequate pressure. | 5-103.11 (A) – Repair, alter, change water source and/or system. (B) - Repair, alter, replace hot water generation and/or distribution system.<br><br>5-103.12 - Repair, alter, replace.<br><br>5-104.11 (A) - Change water source. (B) - Provide approved water supply equipment.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 5-103.11(A)and(B) - Consult licensed plumber.<br><br>5-103.12 - Consult licensed plumber.<br><br>5-104.11(A)and(B) - Consult licensed plumber. Consult municipality.                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5-101.12<br>5-201.11(A)(B)<br>5-202.11(A)<br>5-202.13<br>5-202.14<br>5-203.14(A)(B)<br>5-205.12(A)(B)<br>5-205.13<br>5-205.14(A)(B)<br>5-205.15(A)<br>5-301.11(A)<br>5-302.16(A)<br>5-303.11<br>5-304.11<br>5-304.14(A) | 49       | Physical Facilities:<br><br>Plumbing installed; proper backflow devices.     | 5-101.12 - Flush and disinfect or discontinue use.<br><br>5-201.11 (A) and (B) - Provide documentation or discontinue use.<br><br>5-202.11(A)- Repair, alter, or discontinue use.<br><br>5-202.13 - Create air gap or discontinue use.<br><br>5-202.14 - Replace device or discontinue use.<br><br>5-203.14(A) - Create air gap or discontinue use. (B) Install device or discontinue use.<br><br>5-205.12(A) - Remove cross connection or discontinue use. (B) - Label piping or discontinue use.<br><br>5-205.13 - Inspect. Service. Provide documentation.<br><br>5-205.14(A) - Maintain, clean, or discontinue use. (B)Clean.<br><br>5-205.15(A) - Repair<br><br>5-301.11(A) - Provide documentation of safety, alter, or discontinue use. | 5-101.12 - Consult licensed plumber, municipality, or local Health Department.<br><br>5-201.11(A)and (B) - Consult licensed plumber. Replace.<br><br>5-202.11(A) - Consult licensed plumber.<br><br>5-202.13 - Consult licensed plumber.<br><br>5-202.14 - Consult licensed plumber.<br><br>5-203.14(A)and(B) - Consult licensed plumber.<br><br>5-205.12(A)and (B) - Consult licensed plumber.<br><br>5-205.13 - Inspection and service logs.<br><br>5-205.14(A)(B) - Consult manufacturer. Cleaning log.<br><br>5-205.15(A) - Consult licensed plumber.<br><br>5-301.11(A) - Replace<br><br>5-302.16(A) - Replace |

| Food Code Reference                                   | Item No.     | Foodborne Illness Risk Factors and Public Health Interventions                             | Corrective Action-Corrected During Inspection, Verification, Enforcement Action                                                                                                                                           | Intervention for Long-term Compliance                                                                                                                                                   |
|-------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                       | 49<br>cont'd | Physical Facilities:<br><br>Plumbing installed; proper backflow devices.                   | 5-302.16(A) - Provide documentation of safety or discontinue use.<br><br>5-303.11 - Install filter or discontinue use.<br><br>5-304.11 - Flush and sanitize or discontinue use.<br><br>5-304.14(A) - Stop unapproved use. | 5-303.11 - Consult licensed plumber.<br><br>5-304.11 - Consult licensed plumber.<br><br>5-304.14(A) - Train employees.                                                                  |
| 5-402.11(A)<br>5-402.13<br>5-402.14<br>5-403.11(A)(B) | 50           | Physical Facilities:<br><br>Sewage and waste water properly disposed.                      | 5-402.11(A) - Alter the design.<br><br>5-402.13 - Alter the design or repair.<br><br>5-402.14 - Stop unapproved waste disposal.<br><br>5-403.11 - Stop unapproved waste disposal                                          | 5-402.11(A) - Consult licensed plumber<br><br>5-402.13 - Consult licensed plumber<br><br>5-402.14 Consult municipality<br><br>5-403.11 Consult municipality or local Health Department. |
| 6-302.11                                              | 51           | Physical Facilities:<br><br>Toilet facilities: properly constructed, supplied and cleaned. | 6-302.11 - Provide toilet tissue.                                                                                                                                                                                         | 6-302.11 - Stock extra toilet tissue. Toilet room check log.                                                                                                                            |
| 6-202.111                                             | 53           | Physical Facilities:<br><br>Physical facilities installed, maintained and clean.           | 6-202.111 - Discontinue use of the unapproved room or area.                                                                                                                                                               | 6-202.111 - Consult with Plan Review.                                                                                                                                                   |

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## SECTION 5: COMPLIANCE TOOLS

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Regulatory and non-regulatory compliance tools are means to achieve the goal of reducing foodborne illness risk factors. They are reactive measures that respond to violations observed during inspections. Compliance is best achieved when operators are educated in the best practices of food safety, take ownership, and incorporate food safety concepts into their day to day operations. This concept is known as Active Managerial Control (AMC), a proactive measure, and should be assessed by EHSs during routine inspections. During routine health inspections, EHSs observe facility operations and provide feedback to operators. Education and enforcement are both tools to encourage compliance; however, compliance tools such as the ones listed, call attention to violations and highlight areas that need immediate and long-term attention. Compliance tools include:

**Grading:** [NCGS 130A-248](#) requires the State to adopt rules, [15A NCAC 18A .2661 \(e-f\)](#), that have a system for grading such as Grade A, Grade B, and Grade C. The rules require the score to be posted at “a conspicuous place where it may be readily observed by the public upon entering the food establishment.” Public notification of restaurant scores provides consumers information in making dining decisions and encourages operators to maintain a high level of performance. The state created [marking instructions](#) that provide guidance for how to mark the inspection sheet.

- 1. Verification Visits:** Verification visits are required when priority and priority foundation items are not corrected during an inspection, or when there is a deviation from a HACCP plan. (8-405.20) The EHS must assure correction of priority and priority foundation violations during the inspection or with a verification visit, which should be no more than 10 days from the observation [15A NCAC 18A .2661 \(f\)](#)
- 2. Voluntary disposal:** When an EHS observes adulterated or misbranded foods, voluntary disposal is an option for correction. The EHS should use the [Product Disposition Form](#) to document voluntary disposal and note it on the inspection. Discarded foods should be destroyed or denatured to be sure they are not sold later. The Product Disposition Form should be signed and dated by both the PIC and the EHS.
- 3. Risk Control Plan:** A Risk Control Plan is a mutually agreed upon plan that is written by the management of the food establishment and approved by the EHS to address chronic problems with risk factors and interventions. The plan describes the establishment's management system for controlling the chance of harm to occur. Examples of appropriate RCPs are included in the appendices and the table located in Section 4: Corrective Action-Corrected During Inspection, Verification, Enforcement Action P and PF Citations of this document.
- 4. Permit Actions – [G.S. 130A-23](#):** A permit action is the process of suspending or revoking a permit. A permit may be suspended or revoked if the agency finds a violation of a provision of a state statute or rule that applies to the permit, or a condition placed on the permit; or that the permit was issued based upon incorrect or inadequate information that materially affected the decision to issue the permit. Suspension or revocation may be immediate if the violation presents an imminent hazard (as specified

in applicable law). Otherwise, suspension or revocation requires notice of intent to suspend or revoke. In most situations, it is advisable to consider *suspension* if the problem is one that can be fixed. In all cases, if the score drops below 70 an imminent hazard exists, and the permit is revoked. [Examples of Scenarios Intent vs Immediate Suspension/Revocation](#)

- a. Intent to Suspend – a tentative or provisional decision to cease permit operations should all identified rule violations not be corrected within 30 days. If all identified rule violations are not corrected during the prescribed time, the department must suspend the permit, as stated in the notice. Suspension disallows operations until all rule violations are corrected and verified by the EHS.
  - b. Intent to Revoke - a tentative or provisional decision to permanently cease permit operations should all identified rule violations not be corrected within 30 days. Once revoked, the operator must apply for a new permit. ***Prior to revoking a permit it is highly advised that you contact your [Regional EHS](#).***
  - c. Immediate Suspension – a notice to cease facility operation immediately due to an imminent hazard. Once suspended, all identified rule violations must be corrected before the notice is lifted.
  - d. Immediate Revocation – a notice to cease facility operation immediately due to an imminent hazard. Once revoked, the operator must apply for a new permit. Note: If a score drops below 70, the permit is immediately revoked. In other instances, a revocation is issued only when a hazard cannot be corrected and should not be taken lightly. ***Prior to revoking a permit it is highly advised that you contact your [Regional EHS](#).***
5. [Embargo-G.S. 130A-21](#): The purpose of embargo authority is to prevent [adulterated or misbranded](#) foods or drinks from being served to the public. Embargo means tagging the suspect food or drink and warning all persons not to remove or dispose of it. The embargoed item(s) may not be destroyed without a court order. The NC Department of Agriculture and Consumer Services (NCDA&CS) has primary embargo authority. Public health’s authority extends only to establishments that are regulated by state public health laws or that are the subject of a communicable disease investigation. The only public health officials who may order embargo are state EH agency officials, [regional specialists](#), or a local health director (who must consult with a regional specialist or other state EH agency official). Public health must notify NCDA&CS when the public health embargo authority is exercised. Link to [Embargo Flow Chart Guidance](#). Link to [Embargo tags](#). See pages 32-33 for more information on Embargo and FAQs.

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## SECTION 6: LEGAL REMEDIES

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### 1. Injunction – [G.S. 130A-18](#)

An injunction is a court order. In the public health context, an injunction orders a person to stop violating public health laws. Either the state or a local health director may seek an injunction for any violation of a public health statute or rule, or a local board of health rule. An action for injunction must be filed in the superior court of the county where the violation occurred. A person who fails to comply with an injunction may be held in contempt of court.

### 2. Public Health Nuisance – [G.S. 130A-19](#)

A public health nuisance is a situation on property that impacts public health. Determining whether a situation is a public health nuisance that is subject to legal remedy can be difficult. There is no law that clearly explains what constitutes a public health nuisance. The state health director or a local health director may determine that a public health nuisance exists and order the person in charge of a property to abate the nuisance. If the person does not take action pursuant to the order, the state or local health director may file an action in the superior court to enforce the order.

### 3. Abatement for Imminent Hazard – [G.S. 130A-20](#)

An imminent hazard is a situation that, if no immediate action is taken, is likely to cause an immediate threat to human life, or an immediate threat of serious physical injury or serious adverse health effects, or a serious risk of irreparable damage to the environment. After determining that an imminent hazard exists, a health director may either issue an abatement order, or take direct action to abate the hazard. If the director elects to abate rather than order abatement, the health department will incur the costs. Ordinarily the department will have a lien on the property for the costs, but the lien may be defeated in some circumstances.

### 4. Administrative Penalties – [G.S. 130A-22](#)

An administrative penalty is a monetary fine. They may be imposed on a person who violates laws related to lead certification, OSWW, or smoking. The amount of the penalty is set by state laws. If a person fails to pay, the imposer of the penalty (state or local health director) may file an action in Superior Court.

### 5. Misdemeanor – [G.S. 130A-25](#)

A person may be charged with a misdemeanor for violating any public health statute or rule except those pertaining to smoking. The violation is a class 1 misdemeanor under [G.S. 14-3](#). When a person is convicted of a misdemeanor for violating public health laws, he or she ordinarily is sentenced in accordance with North Carolina's Structured Sentencing laws. There is an exception: if the conviction is for a violation of the communicable disease laws, the person may be sentenced for up to two years. The case is tried in district court. If the defendant is found guilty, he or she may appeal to superior court for a new trial. More on [How to Pursue a Class I Misdemeanor](#)

### 6. Right of Appeal – Informal Review Process and Appeals Procedure - [15A NCAC 18A .2676](#)

If a permit holder disagrees with a decision of the local health department on the interpretation, application, or enforcement of the rules, the permit holder may: (1) Request an informal review, or (2) Initiate a contested case in accordance with [G.S. 150B](#).

## Regulated VS Non-Regulated Activities & Food Items

The types of establishments which prepare and serve food and drink regulated by the State of North Carolina are determined by statutes, rules, and interagency agreements. The following chart illustrates the food safety regulatory responsibilities for the N.C. Department of Health and Human Services (NCDHHS), Food Protection Branch. The appropriate statute or rule is referenced.

Establishments or activities exempt from NCDHHS DEH regulation are, by statute, regulated by the N.C. Department of Agriculture and Consumer Services (NCDA&CS). This chart is not intended to be a comprehensive list of establishments or activities. [Jurisdiction Chart](#)

### Exempt Food Sales

This section addresses issues involving [§130A 250 \(7\)](#), a statute that allows some food and drink sales to be exempt from regulation.

**Local health departments have experienced issues involving the abuse of the exemption. These abuses include:**

- food sales by individuals or organizations that do not meet the legal definition of the exemption;
- food sales that exceed two consecutive days once per month;
- food sales by individuals that do not genuinely represent the organization that meets the legal definition of the exemption.

**The following questions have been posed by local environmental health programs regarding the interpretation and enforcement of [§130A 250 \(7\)](#):**

**1. How can I confirm that an organization is exempt under [§130A 250 \(7\)](#)?**

- Search the database of corporations (including non-profits) on the NC Secretary of State [website](#). This database confirms the status of non-profit organizations, such as churches, civic groups, and relief organizations. You may also call the Secretary of State's office at (919) 807-2000.
- To verify that an organization is exempt from federal income tax under the Internal Revenue Code, confirm that the organization has received [501\(c\)\(3\)](#) approval or similar exemption from the Internal Revenue Service. To receive approval, the not-for-profit (i.e., nonprofit) organization must be organized and operated exclusively for one or more exempt purposes. IRS database is [here](#).
- To verify political committees registered with the North Carolina Board of Elections, you can search the online [database](#).
- To verify if an establishment is exempt and has a mixed beverage or wine shop permit visit the [ABC Permits website](#).

**2. Can I require information or require an information collection form regarding an exempt food sales event?**

- It is important for local environmental health programs to collect information on an exempt event for trace back and investigative purposes. If a foodborne illness outbreak is linked to the event, the type of information that will be needed for the investigation includes:
  - The organizer name and contact information, tax-exempt organization associated with the event
  - Location(s) and date(s) of the event, the types of food served (menu)
  - The local environmental health program should have a standard protocol for both regulated and exempt food sales event information collection forms.
  - Require advance notification. Use the same time frame you would use for regulated temporary events.
  - Use a standard information collection form.

**3. How can I know if the person really represents the exempt organization?**

- To verify the validity of the requested information, the person seeking the exemption should submit:
  - official documentation of the tax-exempt status

- letter from organization incorporator, board member or other executive stating the location, dates of the fundraiser, date of the previous fundraiser and statement to the fact that the proprietor handling the sale is acting solely as an employee and that all proceeds are collected by the organization
- a food service permit if a coventurer or caterer is used.

**4. How can I know if the exemption has already been used for the month?**

- Check with other local environmental health programs for information regarding past exemption usage. The environmental health listserv can be used for communicating information regarding specific events or organizations. In the future, there are plans to develop a statewide database that counties may research for exemption usage.

## Illegal Food & Drink Sales

- 1) **Can embargo authority be used for non-permitted (illegal) food and drink sales?** Yes. [§130A-21](#) allows the Secretary of the N.C. Department of Environment and Natural Resources or a local health director to exercise embargo authority concerning food or drink that is subject to regulation by the NCDHHS. [§130A-248\(b\)](#) requires all establishments that serve food or drink for pay to receive a permit or transitional permit from the NCDHHS prior to operating. Exceptions are listed in [§130A-250](#). Therefore, the sale of food or drink for pay without a permit is subject to regulation by the NCDHHS and subject to embargo authority.
- 2) **What should I do if I encounter illegal food or drinksales?**  
The following steps will assist you with addressing the situation:
  - Verify that the food or drink is regulated under [§130A-248](#). Be sure that the food or drink does not fall under the exemptions listed under [§130A-250](#).
  - Obtain identifying information, such as name, address, and telephone numbers.
  - Gather documentation, such as photographs, receipts, and product temperatures.
  - Contact the appropriate division of the NCDA&CS:
    - i. [Meat and Poultry Inspection Service](#)
    - ii. [Food and Drug Division](#)
  - Obtain voluntary disposal of the food and drink products if possible
    - i. Complete the [Product Disposition Form](#), thoroughly noting quantities and identifying information of the discarded food or drink.
    - ii. Cite [106-129](#) (adulterated) or [106-130](#) (misbranded); consult with your [regional EHS](#) and/or [NCDA&CS](#) to determine the appropriate status.
    - iii. Obtain signature of responsible person.
    - iv. Observe food or drink being denatured.
    - v. Issue a Violation Notice. [Example Violation Notice](#)
  - If voluntary disposal cannot be obtained, proceed with [embargo](#)
    - i. Consult with your [regional EHS](#) (or their superiors) before [embargo](#).
    - ii. Cite [106-129](#) (adulterated) or [106-130](#) (misbranded); consult with your [regional EHS](#) and/or [NCDA&CS](#) to determine the appropriate status.
    - iii. Obtain signature of responsible person.
    - iv. Affix [embargo tag](#).
    - v. Clearly segregate and label the embargoed product and store in a designated area that is accessible to the person with embargo authority upon request.
    - vi. Document identifying information of embargoed food or drink, including photos.
    - vii. Proceed with petition proceedings.
- 3) **Are foods and drinks prepared in facilities located in other states subject to embargo?**  
Prepared foods and drinks originating in food service establishments outside of the regulatory jurisdiction of NC are from an unapproved source since access to and inspection of the food service establishment cannot be obtained. Foods prepared in out-of-state food service establishments and subsequently packaged can be considered as originating from an approved source only if prior approval has been granted through the Departments of Agriculture of both states. Foods from unapproved sources are subject to embargo action.

## FAQs: Embargo of Food & Drink Products -§130A-21(a)

The following questions and answers represent common issues encountered by environmental health specialists regarding embargo of food and drink products. A helpful Embargo Flow Chart is [here](#).

### What is the origin of our authority?

The ability to exercise embargo authority is granted to the Secretary of the NC Department of Health and Human Services (NCDHHS) or a local health director by [§130A-21](#). Embargo action can be taken by a local health director only after consultation with [NCDHHS regional environmental health specialists](#), or the Division of Environmental Health director or the director's designee. Embargo authority is not delegated to individual environmental health specialists in local health departments. [§130A-21](#) references [§106-125](#), the statute that grants embargo authority to the NC Department of Agriculture and Consumer Services (NCDA&CS) and requires immediate notification to NCDA&CS when embargo action is taken by NCDHHS.

### What types of establishments are subject to our embargo authority?

NCDHHS's embargo authority applies to an establishment:

- that is subject to regulation by NCDHHS or
- that is subject to rules adopted by the Commission for Public Health, or
- that is the subject of a communicable disease investigation under [§130A-144](#).

Therefore, NCDHHS is authorized to use embargo action within any establishment that is inspected by the Department. The NCDHHS's authority does not apply to an establishment regulated by NCDA&CS unless the establishment is only partially regulated by NCDA&CS and then public health's embargo authority extends to the rest of the establishment.

### What criteria must a food meet to be eligible for embargo action?

To take embargo action on a food or drink item, the food or drink must be either adulterated or misbranded. These terms are the same terms used by the NCDA&CS for embargo purposes.

**Adulterated:** Adulterated is defined within [§106-129](#). The following are examples of issues that would deem a food or drink to be adulterated but are not intended to be a comprehensive definition:

- The food or drink contains a poisonous or deleterious substance which may render it injurious to health;
- The food or drink consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food;
- The food or drink has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health;
- The food or drink is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse.

**Misbranded:** Misbranded refers to food or drink that is labeled improperly, fraudulently, or does not meet the labeling standards within [§106-139](#) and [106-139.1](#). NCDHHS should not take embargo action on foods or drink based upon misbranding. Instead, the Food and Drug Division of the NCDA&CS should be contacted immediately [here](#).

### What examples of "adulteration?"

For a food or drink to be adulterated, it must meet the criteria specified within [§106-129](#). The following are examples of adulteration and are not meant to be a comprehensive list.

- the food is obviously spoiled, moldy, or exhibits a foul odor associated with decomposition;

- the food was prepared within areas that could be considered insanitary, such as clandestine animal slaughtering operations and food service establishments (such as home kitchens);
- the food has been contaminated with a cleaning solution, sanitizer, or other potentially harmful chemical;
- the food was prepared using meat or poultry products that did not originate in a USDA/ NCD&CS-inspected processing facility.

### **Time/Temperature Abuse**

Prior to taking embargo action based upon time and temperature abuse, it must be clearly established that the potentially hazardous food is adulterated. If the potentially hazardous food has been in the temperature danger zone for longer than four hours, then documentation of the time and temperature of the food both at the beginning and end of the time will help to establish adulteration. Consultation with the Food and Drug Division of NCD&CS may also be necessary since many factors contribute to adulteration due to time/temperature abuse. In some cases, product samples may need to be analyzed to determine adulteration.

### **When should the Product Disposition Form be completed?**

The [Product Disposition Form](#) should be completed when an embargo action is taken or when an embargo action would be taken but the establishment chooses to voluntarily dispose of the potentially adulterated food. The appropriate sections of the form should be completed, including the signature of the official (embargo) or responsible person (voluntary disposal).

### **What type of documentation should be completed when embargo action is taken?**

Whenever embargo actions are taken, an effort should be made to collect as much information regarding the event as possible. Documentation consists of:

- [Product Disposition Form\(s\)](#): In addition to basic demographic information, Product Disposition Forms should be used to capture identifying information regarding the food, such as the type of food, quantity (weight, measure, or count), brand name, and lot number. The location of the embargoed food should also be recorded to ensure that the food has not been relocated in the future. It is permissible to draw a sketch of the location if needed.
- Photographs: Photographs of the food should be taken to record the conditions under which the food was deemed adulterated or misbranded. Examples of conditions that should be captured include the temperature reading on a food thermometer while in the embargoed food, product identifying information (lot number, brand), size relationships, and location of the embargoed products.
- Notes: A detailed record of the circumstances involved in the embargo event should be kept for future reference. The type of information that should be recorded includes the names of all persons involved and their role in the event, dates of all correspondence and visits, facts of the event, and any future actions that were discussed.

### **What is a suitable area for the storage of embargoed food?**

A suitable area for the storage of embargoed food will depend upon the circumstances under which the food was embargoed. If the embargoed food is in a permitted food service establishment, then the food should be segregated from other food items and clearly tagged and labeled as embargoed food. If not, the person may know someone, such as the owner of a food service establishment or the organizer of the event at which the food was embargoed, that would agree to store the food. In any circumstance, embargoed food must be stored in an area that is readily accessible to the public health

official with embargo authority upon request. If the food has been disturbed or altered or if the person responsible for the food fails to produce or provide access to it, then they can be held in contempt of court. In no circumstance should the food be stored within a private residence.

## Embargo & Foodborne Illness Investigations

### **What is the appropriate course of action when investigating a foodborne illness outbreak?**

The control of the spread of the illness should be the first consideration when conducting a field investigation of a food borne illness outbreak. If the implicated food is still available for consumption, steps should be taken to prevent the food from being served. Voluntary disposal may be the appropriate action. However, consider the need for obtaining food samples before disposal. Embargo may be another option.

### **What should be done with food involved with a foodborne illness outbreak investigation?**

Food suspected of causing a foodborne illness outbreak may be needed for pathogen analysis. Consultation should be taken with the [Communicable Disease Branch of the Division of Public Health](#), Department of Health and Human Services to determine if food samples are needed. If samples are needed, steps should be taken to obtain samples of the food voluntarily. However, embargo action may be warranted to ensure access to the food for sampling and that the food is not prematurely destroyed.

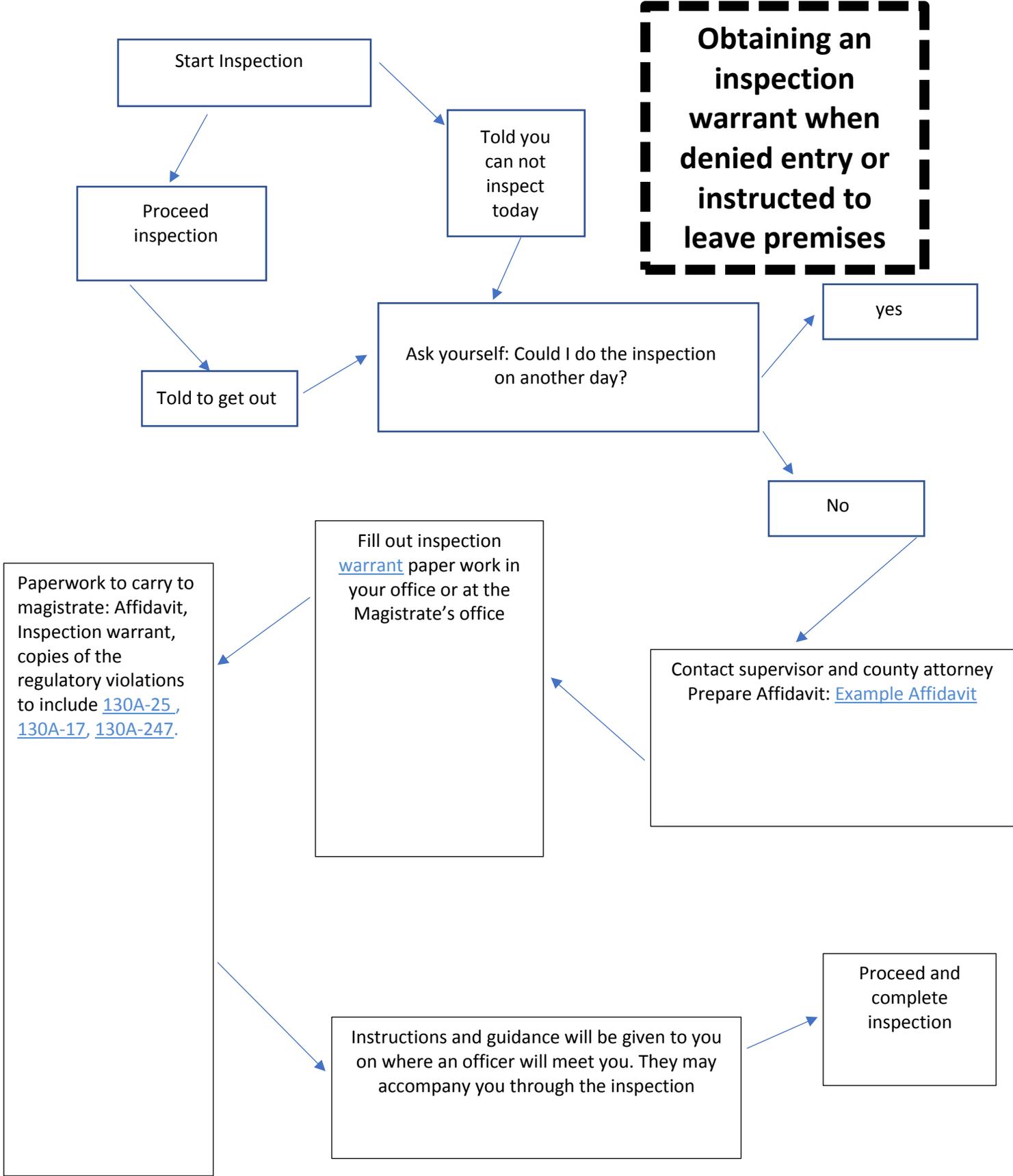
### **What should be done if intentional contamination of food is suspected?**

The intentional contamination of food is a criminal act and becomes the investigative jurisdiction of law enforcement. The local law enforcement agency should be contacted immediately. In a product tampering incident, the product, packaging, storage location, and substance introduced during tampering may all be considered evidence. These items have the potential to provide significant forensic leads in the case and may be introduced into a court of law. A chain-of-custody documenting their collection, packaging, and transport is required. Anyone in contact with this evidence may be called upon to testify regarding their actions. As a result, it is important that these items are not handled or disturbed by first responders. Any responding agency should avoid contact with the evidence until law enforcement develops an evidence collection plan. If any items are handled and/or disturbed prior to being collected as evidence, every effort should be made to document all who had contact with the evidence and how the evidence was handled. Time and temperature abuse can lead to the contamination of the food, including the growth of harmful microorganisms. These microorganisms can lead to an increased risk of foodborne illnesses and long-term health effects, including death. The statutes and rules pertaining to the sale of food and drinks are designed to promote safe food preparation practices that reduce the risk of foodborne illnesses.

### **Who has regulatory authority for the retail sale of drink?**

[§130A-248](#) requires the preparation and retail sale of drink and food (including retail sales of meat and poultry products) to be regulated by the North Carolina Department of Health & Human Services (NCDHHS) using rules adopted by the Commission for Public Health ([15A NCAC 18A .2600](#)). The enforcement of the statutes and rules is conducted by the Department through authorized public health officials (Environmental Health Specialists) located within each local public health department. Local Environmental Health Specialists issue permits for food establishments and conduct routine inspections of their operations to help ensure that safe food is being served. Environmental health Specialists have Right of Entry ([§130A-17](#)). If consent for entry is not obtained, an Administrative Search and Inspection Warrant shall be obtained pursuant to [§15-27.2](#) (Warrants to Conduct Inspections Authorized by Law)

**Obtaining an inspection warrant when denied entry or instructed to leave premises**



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## SECTION 7: EMERGENCY SITUATIONS

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### Water Emergencies

#### **Water Supply Intent to Suspend Scenarios**

- Confirmed Total Coliform
- Letter from Division of Epidemiology stating water contains elements above the state or federal standards (no imminent hazard).
- Owner fails to comply with conditions for the operation of a well (e.g. CO, Chlorinator).
- Hot water available is not sufficient volume to sustain operation.

#### **Water Supply Immediate Suspension**

- Confirmed Fecal Coliform
- Letter from Division of Epidemiology stating water contains elements that constitute an imminent hazard.
- Lack of potable water under pressure in an establishment.
- No hot water and no steps being taken to remediate the situation.

#### **Types of Water Supply Emergencies**

##### *Contamination*

Occasionally water supplies are contaminated or are suspected of being contaminated with microorganisms or chemicals due to a break in a water main or other damage to the distribution system. When contamination of a public water supply is suspected, the water utility operator or the Public Water Supply Section may issue an advisory or notice concerning use of the water supply. A low system pressure of less than 20 psi, system power loss, flooding of system, identification of sanitary defects or persistent total coliform presence can result in a “**Boil Water Advisory**” issued by the N. C. Public Water Supply Section and/or the owner of the water source.

If a **NOTICE** is issued due to the water testing positive for *E. coli* or other contamination, the establishment shall not operate until the water supply is safe. This occurrence is considered an **Imminent Health Hazard**. If the affected establishment is a foodservice establishment and it does not voluntarily close, the permit will be suspended. Licensing agencies will be notified for establishments where the local health department does not hold a permit. See [emergency response manual](#) for guidance on handling equipment, food etc.

If an **ADVISORY** is issued due to pending test results or other unconfirmed issues from a water main break or system maintenance, the establishment may remain open for operations, but may want to take certain precautions. A **Notice of Intent to Suspend** or **Revoke Permit** may be issued depending on cause and/or severity of the source of the contamination. More guidance is available in the [emergency response manual](#).

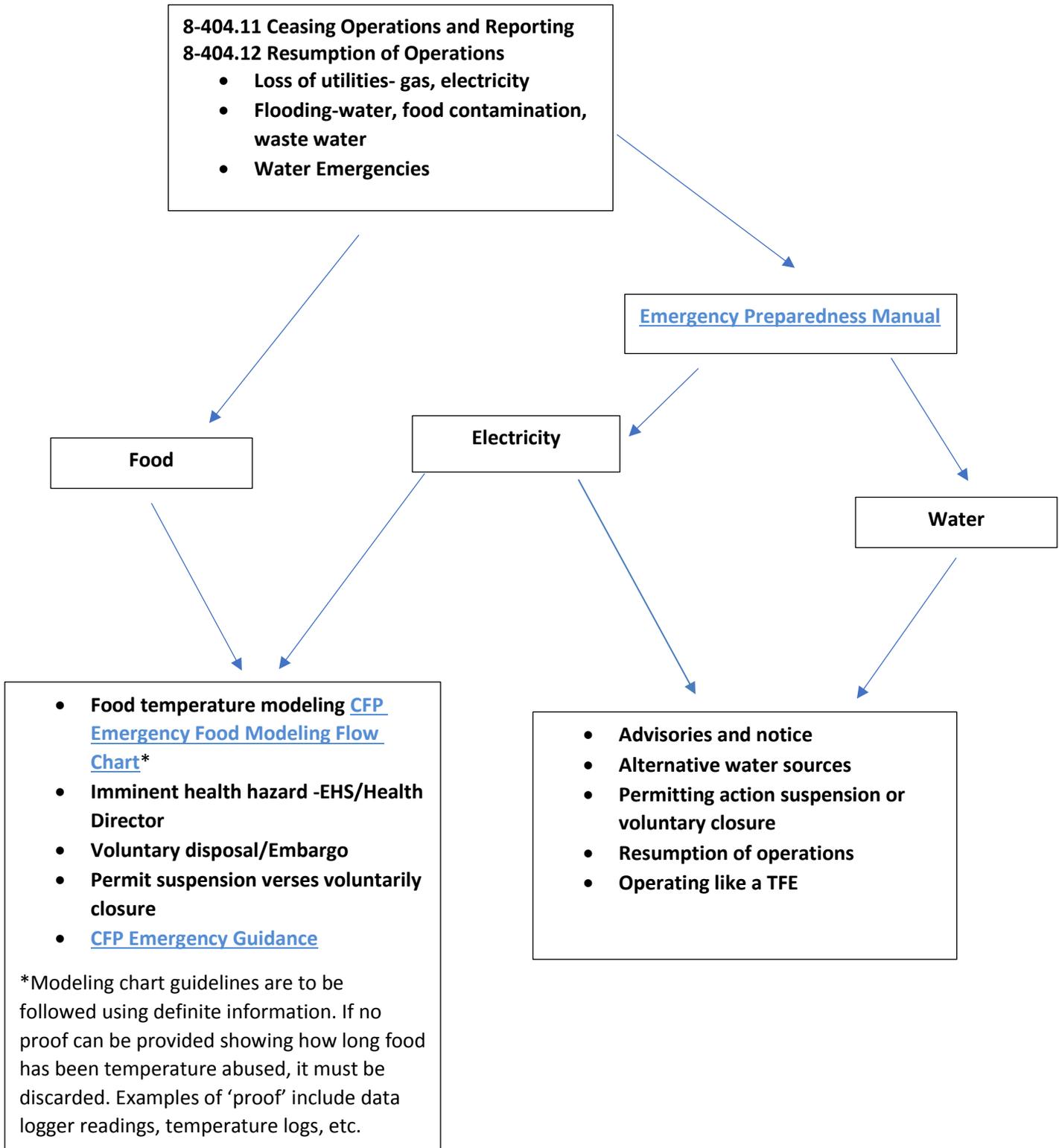
If the water system is regulated by the Public Water Supply Section, section staff may issue a “Do Not Drink the Water” notice if the health risk is deemed unacceptable.

##### *Loss of Water*

Water supply can be lost due to problems with the water source, such as drought emergencies, or problems with the treatment and distribution systems, such as floods, power outages, and

damaged pipes. If a regulated facility loses its primary water source, it is important to determine the cause and possible duration of the outage. Repair and maintenance of the distribution system which can be completed in a few hours may only require an alternative source of drinking water. Long-term water losses will require closure of food establishments (imminent health hazard), unless a pre-approved water emergency plan has been approved. Institutions and other care facilities are required per 15A NCAC 18A .1313 to notify the local health department and switch to an alternative water supply for flushing toilets, bathing, handwashing, cooking, dishwashing, cleaning and other purposes when the water supply is interrupted for longer than four hours.

## Hurricane Emergencies



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## SECTION 8: LINKS

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[2009 Violation Code Key for FDA Standard 6](#)  
[Cold Holding Equipment Assessment Checklist](#)  
[Cold Holding Label](#)  
[Consumer Advisory](#)  
[Consumer Advisory - Shellfish](#)  
[Cooling Parameter Calculator](#)  
[Cooling Procedure](#)  
[CFP Emergency Food Modeling Flow Chart](#)  
[Date Marking](#)  
[Embargo Tag](#)  
[Emergency Response Manual](#)  
[Employee Health Decision Flow Charts](#)  
[Employee Health Policy](#)  
[Examples of Scenarios Intent vs Immediate Suspension/Revocation](#)  
[FDA Date Marking Position Statement](#)  
[Food Storage Order in Refrigerators and Freezers](#)  
[Handwashing Procedures](#)  
[Handwash Sign](#)  
[Hot Holding Label](#)  
[Marking instructions](#)  
[NCDA&CS Jurisdiction Chart](#)  
[NC Food Code Manual](#)  
[NC General Statutes](#)  
[NC Rules Governing Food Establishments](#)  
[Prevent Cross-Contamination](#)  
[Public Health Remedies at a Glance, Jill Moore, Institute of Government](#)  
[Reciprocity of Food Sources from out-of-state TFEs-Questionnaire](#)  
[Regional EHS Territory Map](#)  
[Reheating Label](#)  
[Voluntary Disposal Form \(Product Disposition Form\)](#)