

CHANGE IN BOARD OF HEALTH REGULATION #26

FOOD MANAGER CERTIFICATION

The Salem Board of Health has amended its' Regulations #26, Food Manager Certification, so that new establishments serving potentially hazardous foods shall, prior to the issuance of a food permit, employ a full time Certified Food Manager or enroll a full time employee in an approved food Manager Certification course. In addition, Temporary Food Establishments must be employ full time Certified Food Manager who will be on site at the establishment. The certificate for this Certified Food Manager must accompany the application for a food permit. A copy of the complete regulation is available at the Board of Health Office, 120 Washington Street, 4th floor, Salem, MA 01970-3523, (978) 741-1800.

Section 1.0 AUTHORITY

This regulation is promulgated under the authority of Section 31, Chapter 111 of the Massachusetts General Laws and amendments and additions thereto, in the interest of preservation of public health.

The Salem Board of Health recognizes that an ideal food protection program is supported by a partnership effort between industry and food regulatory officials. Together, educated food handlers and effective inspection programs can reduce the incidence of high risk practices which can lead to food borne disease outbreaks.

Other benefits of food manager training include providing industry with a more professional approach to food safety, improving communication between industry and regulators, increasing consumer confidence in their food supply and avoiding negative economic impacts often associated with food handlers are also likely to be in compliance resulting in less inspection and enforcement time spent my the Board of Health.

Accordingly, the Board of Health declares that the purpose of this regulation is to improve the general sanitation conditions in Salem food establishments, thus protecting the public health and welfare of the dining public.

Food manager certification will ensure that these mangers have knowledge of the principals and practices of food sanitation with the primary purpose of preventing food borne illness and protecting the public health in accordance with Chapter 10 of the State Sanitary Code, 105 CMR 590.000. Minimum Sanitation Standards for Food Establishments.

Section 2.0 DEFINITIONS

The following words and phrases, whenever used in this Article, shall be constructed as defined in this section. Any terms not specifically defined herein are to be constructed in accordance with the definitions of Chapter 10 of the State Sanitary Code 105 CMR 590.000

2.1 “BOARD” – refers to City of Salem Board of Health

2.2 “CERTIFIED FOOD MANAGER” – means an individual certified in food safety as defined in sections 4.1 and 4.2 of this regulation. The Certified Food Manager shall have supervisory and training responsibilities for the safety of food preparation and service with authority to direct and control such activities.

2.3 “FOOD SERVICE ESTABLISHMENTS” – means a for profit business, and school, where food is prepared and intended for an individual portion service, and includes the site at which individual portions are provided. The term includes such places regardless of whether consumption is on or off the premises. The term includes, but is not limited to, restaurants and delicatessens, pushcarts, and catering operations. The term does not include residential kitchens, retail food stores selling only prepackaged foods, or supply vehicles.

2.4 “FULL-TIME EQUIVALENT” - means thirty-five(35) hours of work per week.

2.5 “OUTBREAK FOODBORNE ILLNESS” – means an incident in which two or more persons experience a similar symptom usually gastrointestinal in nature, after ingestion of common food and an epidemiological analysis implicates the food as the source of the illness or one case of botulism or chemical food poisoning.

2.6 “PERSON” – includes an individual, partnership, a corporation, and association or other legal entity.

2.7 “POTENTIALLY HAZARDOUS FOOD” – means any food that consists of or in part of, milk or milk products, eggs, meat, poultry, fish, shellfish, edible, crustacean, or other ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro organisms or the slower growth of *C.botulinum*. The term does not include foods which have a pH level of 4.5 or below or a water activity (AW) value of 8.5 or less.

Section 3.0 FOOD MANAGER CERTIFICATION REQUIRED

3.1 Each food Service establishment where potentially hazardous food are prepared shall employ at least one (1) full-time Certified Food Manager. When the certified Food Manager is not present, a designated employee trained by the Certified Food manager shall supervise the storage, preparation and service of food in the Food Service Establishment. The Certified Food Manager shall maintain a list of all trainees.

3.2 Establishments which employ ten (10) or more full-time employees directly involved in food preparation shall employ at least (2) full-time Certified Food Managers.

3.3A Once a Certified Food Manager terminates employment, establishments shall ninety (90) days to employ a new Certified Food Manager, or have an individual enrolled in a Board approved food manager certification program in food safety.

B The Food Service Establishment shall notify the Board in writing ten (10) days of a change of name or employment of the Certified Food Manager.

3.4 New food establishments serving potentially hazardous foods shall, prior to the issuance of a food permit, employ a full time Certified Food Manager or enroll a full time employee in an approved Food Manager or enroll a full time employee in a approved manager certification course.

3.5 Temporary Food Establishments must employ a Certified food manager who will be on site at this establishment, The Certificate for this certified food manager must accompany the application for the food permit.

3.6 Certificates for the certified food Managers shall be prominently posted in the establishment next to the license(s) to operate. The certificate shall be removed when the individual is not longer employed by the establishment.

3.7 No person shall use the title "Certified Food Manager" or in any way represent themselves as a manager certified in food safety unless they shall hold a current certificate pursuant to these regulations.

SECTION 4.0 CERTIFICATION

4.1 To become a "Certified Food Manager" an individual must complete a Board approved nationally recognized food protection manager certification course, attain a passing grade on an appropriate examination, and receive, and receive a certificate from the course for successful completion. The course must be taught by trainers who meet the minimum instructors qualifications criteria outlined in the Massachusetts Guide for Food Protection Management Training and testing.

4.2 A holder of a Food Manager Certificate shall be required to attend a Board of Health approved refresher course every three (3) years and attain a passing grade on a prequalifying exam.

SECTION 5.0 RESPONSIBILITIES OF CERTIFIED FOOD MANAGERS.

A The Certified Food Manager shall have supervisor and training responsibilities and shall be responsible for food preparation and service with authority and responsibility to direct and control such activities.

B The Certified Food Manager shall be responsible for operating the establishment in compliance with all relevant Federal, State and Local rules and regulations pertaining to food service.

C. The Certified Food Manager shall assure that all employees engaged in food preparation do so in a matter consist

D The Certified Food Manager shall report any alleged food borne illness produced by food from the Food Service Establishment to the Board within twenty-four (24) hours of it becoming known to the Certified Food Manager.

SECTION 6.0 PENALTY FOR VIOLATION

Any Person or Food Service Establishment that violates the terms of these regulations shall be subject to a fine of \$25.00 per offense after a first notification by the Health Agent that an offense has occurred. Each day shall constitute a separate offense. Failure to comply within fifteen business days shall result in a process suspension or revocation of the food service permit. In the case of a suspension or revocation of the food service permit, the procedure as specified on 105 CMR 590.054 and 105.055 shall be used.

SECTION 7.0 VARIANCE

7.1 The Board of Health may vary the application of any provision of any of these regulations with respect to any particular case when the Board of Health finds the enforcement thereof would do manifest injustice.

- A Every request for a variance shall be made in writing to the Board of Health and shall state the specific variance sought and the reasons thereof.
- B Any variance granted must be in writing with a copy available to the public at all reasonable hours in the office of the City Clerk and in the office of the board of Health. Any variance granted must be posted on the premises in a prominent location for the duration that the variance is in effect.

SECTION 9.0 EFFECTIVE DATE

The regulation shall take effect when published in the Salem Evening News.

Published in the Salem Evening News on December 26, 1996, and as amended on July 13, 1999 with changes published in the Salem Evening News on July 23, 1999.

The City of Salem Board of Health

George H. Levesque, Chairperson
Peter H. Saindon
Martin Fair
Irving Ingraham
Leonard J Milaszewski
Owen J. Meegan
Mary E. Madore

Joanne Scott, Health Agent
Barbara A. Sirois, Clerk for the board of Health

AS AMENDED JULY 15, 1999

Leonard J Milaszewsk
Martin Fair
Irving Ingraham
Christina Harrington
Miroslaw Kantorosinski
Marion E. Winfrey
Mary Leary

Joanne Scott, Health Agent
Barabara A. Sirois, Clerk for the
Board of Health