



# Department of Public Health and Human Services

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## DPHHS/FCSS Guidance Document

Date: January 5, 2016	Reference Number: 01-05-15-A-RF
Subject: Certified Food Protection Manager Exemption	Additional Reference: Attachment 1

The purpose of this guidance document is to establish the state recommended minimum criteria for the exemption of the Certified Food Protection Manager (CFPM) requirement in a licensed retail food establishment. This document serves as guidance; local environmental health departments must make the final determination. The criteria used to meet the exemption for CFPM should be based on the types of foods sold and served and the extent to which food is prepared and/or stored on site. A certified food protection manager will generally not be required under the following circumstances:

1) When an establishment is a low risk facility that meets the following description:

- a) serves or sells only raw or pre-packaged, non-time/temperature control for safety (TCS) foods;
- b) does not prepare TCS foods other than hot holding of commercially prepared TCS foods;
- c) warehouse/store only non-TCS food and/or commercially pre-packaged TCS Foods.

*Examples may include and are not limited to the following: coffee kiosks, convenience stores, casinos, bars, theaters, honey processors, bakeries.*

*Other facilities not listed above serving only the following may also be included: pre-cooked hot dogs or sausages, popcorn, nachos, pretzels, commercially processed soups that are not cooled and reheated, frozen pizzas, and frozen burritos.*

2) Retail food establishments where food is not prepared but only served on-site and prepared in a licensed kitchen that employs a full time CFPM may also be considered for exemption at the discretion of the local environmental health department. This may include satellite school kitchens or county jails that contract with a licensed retail food establishment.

3) In addition to the above recommendation the rule makes some specific exemptions for temporary establishments. The applicable rule has been pasted below for reference.

*(2) The following additions have been made to 2-102.12(B) of Chapter 2.*

*(a) Temporary food establishments engaged in the following activities are exempt from having a certified food protection manager:*

- (i) serving non-TCS (time/temperature controlled for safety) foods;*
- (ii) serving nonalcoholic or alcoholic beverages with or without beverage ice;*

*(iii) serving commercially pre-cooked, pre-packaged ready-to-eat, TCS foods, such as hot dogs, sausages, FDA and United States Department of Agriculture (USDA) registered canned food products, frozen pizzas;*

*(3) The regulatory authority may require or exempt additional food safety training for temporary food establishments under the authority granted in 8-102.10 of Chapter 8.*

4) If a facility is required to have a CFPM and they fail to comply with the requirement this violation should be treated in the same way as any other violation of a priority foundation item found during an inspection.

Each facility is unique and the criteria and examples listed above should be considered in conjunction with past inspection results, the layout of the facility, and demonstrated knowledge of the food handlers. As always FCSS recommends contacting our retail food establishment leads if a need for guidance regarding a specific establishment arises. Please call 444-2837 and our administrative support will direct you to the next available food sanitarian.

## Attachment 1

Category	Establishment Complexity
1	<p>(i) only heat commercially processed time/temperature control for safety foods (TCS/potentially hazardous foods) for hot holding;</p> <p>(ii) process only non-TCS foods;</p> <p>(iii) no cooling TCS foods;</p> <p>(iv) establishments otherwise grouped in Category 2, but have shown through documentation to have achieved managerial control of foodborne illness risk factors; and</p> <p>(v) examples include: convenience stores, hot dog carts, coffee shops, and establishments that serve or sell only prepackaged, non-TCS foods.</p>
2	<p>(i) establishment has a limited menu;</p> <p>(ii) processed foods are immediately served or made-to-order;</p> <p>(iii) food operations may involve hot and cold holding of TCS foods, after processing or cooking;</p> <p>(iv) limited processing of TCS foods that require cooking, cooling, reheating, and the limited service of a few TCS foods;</p> <p>(v) establishments that would otherwise be grouped in Category 3, but have shown through historical documentation to have achieved managerial control of foodborne illness risk factors;</p> <p>(vi) newly licensed establishments that would otherwise be grouped in Category 1 are categorized here, until a history of managerial control of foodborne illness risk factors is documented;</p> <p>(vii) examples include: retail food stores, schools not serving a highly susceptible population, and quick-service operations.</p>
3	<p>(i) establishment has extensive menu and handling of raw ingredients;</p> <p>(ii) complex preparation including cooking, cooling, and reheating for hot holding involving many TCS foods;</p> <p>(iii) variety of processes require hot and cold holding of TCS food;</p> <p>(iv) establishments that would otherwise be grouped in Category 4, but have shown through historical documentation to have achieved managerial control of foodborne illness risk factors;</p> <p>(v) newly licensed establishments that would otherwise be grouped in Category 2 are categorized here, until a history of managerial control of foodborne illness risk factors is documented;</p> <p>(vi) examples include: full-service restaurant.</p>
4	<p>(i) establishments serving a highly susceptible population;</p> <p>(ii) engage in specialized processes, such as smoking, curing, reduced oxygen packaging, etc.;</p> <p>(iii) examples include: preschools, hospitals, nursing homes, and special processing requiring a variance.</p>