

TEXAS DEPARTMENT OF STATE HEALTH SERVICES



DIVISION FOR REGULATORY SERVICES ENVIRONMENTAL AND CONSUMER SAFETY SECTION POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP

PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP REGULATORY CLARIFICATIONS

December 4, 2006 (Revised: August 27, 2015)

PSRFSGRC - No. 10

SUBJECT: DEMONSTRATION OF KNOWLEDGE

Applicable Texas Food Establishment Rules (TFER) Sections:

§228.32 Knowledge

Question:

What are the methods by which the person in charge may demonstrate knowledge of food safety principles, foodborne disease prevention, and the requirements of the Texas Food Establishment Rules?

Response:

§228.32 states "Based on the risks inherent to the food operation, during inspections and upon request the person in charge shall demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the requirements of these rules. The person in charge shall demonstrate this knowledge by:

- (1) Complying with this chapter by having no critical violations during the current inspection;
- (2) Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; or
- (3) Responding correctly to the inspector's questions as they relate to the specific food operation."

Option 1. Compliance with the Rules.

The Center for Disease Control and Prevention (CDC) top five risk factors contributing to foodborne illness are: Food from Unsafe Sources; Inadequate Cooking; Improper Holding Temperatures; Contaminated Equipment; and Poor Personal Hygiene. Items 1-22 on the inspection form are the compliance status items for these five CDC Risk Factors. A food establishment would meet the criteria for Option 1 of Demonstration of Knowledge if the food establishment is in compliance for items 1-22 on the inspection form.

Option 2. Being a Certified Food Protection Manager.

A food establishment would meet the criteria for Option 2 of Demonstration of Knowledge if the Person in Charge has successfully passed an accredited food safety examination. For those food establishments under the jurisdiction of the Department of State Health Services, a food establishment would meet the criteria for Option 2 of Demonstration of Knowledge if the food establishment employs a certified food protection manager.

Option 3. Responding Correctly to the Inspector's Questions.

According to the TFER, the Person in Charge needs an understanding of the following areas of knowledge and the ability to communicate that understanding to the food safety inspection officer:

1. describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;
2. explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;
3. describing the symptoms associated with the diseases that are transmissible through food;
4. explaining the significance of the relationship between maintaining the time and temperature of time/temperature control for safety (TCS) Food and the prevention of foodborne illness;
5. explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;
6. stating the required food temperatures and times for safe cooking of Time/temperature Control For Safety (TCS) Food including meat, poultry, eggs, and fish;
7. stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of time/temperature control for safety (TCS) Food;
8. describing the relationship between the prevention of foodborne illness and the management and control of the following:
 - a. cross contamination;
 - b. hand contact with ready-to-eat foods;
 - c. handwashing; and
 - d. maintaining the food establishment in a clean condition and in good repair;
9. describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction;
10. explaining the relationship between food safety and providing equipment that is:
 - a. sufficient in number and capacity; and
 - b. properly designed, constructed, located, installed, operated, maintained, and cleaned;
11. explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
12. identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
13. identifying poisonous and toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;
14. identifying critical control points/priority items in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this rule;

15. explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required by the law, these rules, or an agreement between the regulatory authority and the establishment;
16. explaining the responsibilities, rights, and authorities assigned by these rules to the:
 - a. food employee;
 - b. conditional employee;
 - c. person in charge;
 - d. regulatory authority; and
17. explaining how the person in charge, food employees comply with reporting responsibilities and exclusion or restriction of food employees.

A food establishment would meet the criteria for Option 3 of Demonstration of Knowledge if the person in charge can provide accurate answers to questions posed by the food safety inspection officer concerning 5 of the 17 required areas of knowledge. The questions shall be applicable to the specific food establishment and be based upon the type of food establishment and food preparation processes.

Support:

The TFER states that the person in charge of a food establishment is accountable for developing, implementing, and enforcing procedures aimed at preventing foodborne illness. The person in charge should be able to recognize conditions that may contribute to foodborne illness or conditions that may otherwise fail to comply with TFER requirements. The person in charge will be able to take appropriate preventative and corrective actions. A conversation with the person in charge during the inspection will reveal if the person has a clear understanding of the TFER and public health principles. Many aspects of the food establishment operation will show if the person in charge follows sound food safety practices. The effectiveness of the person in charge in protecting the health of the consumer is demonstrated by the person's ability to apply the required knowledge to the establishment's operation to effect compliance with the TFER.

Agree to form and substance:



Christopher Sparks, MPA, R.S.

Manager

Public Sanitation and Retail Food Safety Group

This Regulatory Clarification preempts any previous clarification/guidance/policy letters on this subject and remains in effect until superceded in writing by the Public Sanitation and Retail Food Safety Group. Attributed use or reproduction of this information is freely granted.