

R392. Health, Disease Control and Prevention, Environmental Services.

R392-101. Food Safety Manager Certification.

R392-101-1. Authority and Purpose of Rule.

This rule is authorized by Section 26-15a-103 for the purposes of establishing statewide uniform standards for certified food safety managers and implementing the Food Safety Manager Certification Act.

R392-101-2. Definitions.

As used in this rule:

- (1) "Agritourism food establishment" has the same meaning as provided in Section 26-15b-102.
- (2) "Certified food safety manager" has the same meaning as provided in Section 26-15a-102.
- (3) "Charitable organization" means a group of any size who desire to feed disadvantaged groups under the requirements of Rule R392-104.
- (4) Commercially prepackaged means any food packaged in a regulated food processing plant that does not require temperature control and is stored and used in accordance with the manufacturer's label.
- (5) Continental breakfast means a breakfast meal restricted to:
 - (a) beverages such as coffee, tea, and fruit juices;
 - (b) pasteurized Grade A milk;
 - (c) fresh fruits;
 - (d) frozen and commercially processed and prepackaged fruits;
 - (e) commercially prepackaged baked goods, such as pastries, rolls, breads and muffins that are non-potentially hazardous foods;
 - (f) cereals;
 - (g) commercially prepackaged jams, jellies, honey, and syrup;
 - (h) pasteurized Grade A creams and butters, non-dairy creamers, or similar products;
 - (i) commercially prepackaged hard cheeses, cream cheese and yogurt in unopened packages; and
 - (j) foods served with single-use articles.
- (6) "Department" means the Utah Department of Health.
- (7) "Disadvantaged group" means a homeless or temporarily displaced group.
- (8) "Food service establishment" or "food establishment" has the same meaning as provided in Section 26-15a-102.
- (9) "Heat and serve" means foods that are precooked by the manufacturer and do not require cooking to critical temperatures as required by Rule R392-100, but only require heating to meet the customer's satisfaction.
- (10) "Local Health Department" has the same meaning as provided in Subsection 26A-1-102(5).
- (11) "Local Health Officer" means the director of the jurisdictional local health department as defined in Title 26A, Chapter 1, or a designated representative.
- (12) "Potentially hazardous food" means the same as Time/Temperature Control for Safety Food.
- (13) "Single-use article" means a utensil designed and constructed to be used once and discarded.

R392-101-3. Certification and Recertification Exam Content.

Certification and recertification exams shall require the examinee to demonstrate knowledge in food protection management in the following areas:

- (1) Identify foodborne illness;
 - (a) Define terms associated with foodborne illness, including:
 - (i) foodborne illness;
 - (ii) foodborne outbreak;
 - (iii) foodborne infection;
 - (iv) foodborne intoxication; and
 - (v) foodborne pathogens.
 - (b) Recognize the major organisms and toxins that can contaminate food, and their associated risks to human health for:
 - (i) bacteria;
 - (ii) viruses;
 - (iii) parasites; and
 - (iv) fungi.
 - (c) Define and recognize potentially hazardous foods.
 - (d) Define and recognize chemical and physical contamination along with the associated injuries and illnesses.
 - (e) Define and recognize the major contributing factors for foodborne illness.
 - (f) Recognize how microorganisms cause foodborne disease.
- (2) Identify time/temperature relationship with foodborne illness.
 - (a) Recognize the relationship between time/temperature and microorganisms survival, growth, and toxin production during the following stages:
 - (i) receiving;
 - (ii) storing;
 - (iii) thawing;
 - (iv) cooking;
 - (v) hot holding;
 - (vi) serving;
 - (vii) cooling;
 - (viii) cold holding;
 - (ix) reheating; and
 - (x) transporting.
 - (b) Describe the use of thermometers in monitoring food temperatures to include:
 - (i) types of thermometers;
 - (ii) monitoring techniques and frequency; and
 - (iii) thermometer calibration and frequency.

- (3) Describe the relationship between personal hygiene and food safety.
 - (a) Recognize the association between hand contact and foodborne illness.
 - (i) hand washing technique and frequency
 - (ii) proper use of gloves, including replacement frequency
 - (iii) minimal hand contact with food
 - (b) Identify correct hygienic practices for the following:
 - (i) smoking;
 - (ii) eating and drinking; and
 - (iii) proper clothing and hair restraints.
 - (c) Recognize the association between infected food handlers and foodborne illness, and know:
 - (i) symptoms of food-transmissible disease; and
 - (ii) reportable foodborne illness diagnoses and exposure history.
 - (d) Recognize how policies, procedures, and managerial controls contribute to improved hygiene practices.
- (4) Describe methods for preventing food contamination.
 - (a) Define terms associated with contamination, including:
 - (i) cross contamination;
 - (ii) adulteration;
 - (iii) package and container integrity; and
 - (iv) approved source.
 - (b) Identify potential hazards and methods to minimize or eliminate hazards in the food establishment, including:
 - (i) personal hygiene, and hand washing;
 - (ii) cross contamination from food to food;
 - (iii) cross contamination between equipment and utensils;
 - (iv) contamination from chemicals;
 - (v) contamination from unapproved additives;
 - (vi) physical contamination;
 - (vii) contamination during service and display;
 - (viii) contamination from customers; and
 - (ix) storage.
- (5) Explain the difference between cleaning and sanitizing, and describe the correct procedures for cleaning and sanitizing equipment and utensils:
 - (a) Identify the commonly used chemicals approved for sanitizing food-contact surfaces;
 - (b) Identify appropriate cleaning and sanitizing procedures when using the following methods:
 - (i) manual dishwashing;
 - (ii) mechanical dishwashing; and
 - (iii) clean-in-place; and
 - (c) Identify frequency of cleaning and sanitizing.
- (6) Recognize problems and potential solutions associated with facility, equipment and layout.
 - (a) Identify facility requirements, including design and construction suitable for food establishments to include:
 - (i) refrigeration;
 - (ii) heating and hot-holding;
 - (iii) floors, walls and ceilings;
 - (iv) pest control;
 - (v) lighting;
 - (vi) plumbing;
 - (vii) ventilation;
 - (viii) water supply;
 - (ix) wastewater disposal; and
 - (x) waste disposal.
 - (b) Identify equipment and utensil design and location
- (7) Recognize problems and potential solutions associated with temperature control, preventing cross contamination, housekeeping and maintenance by:
 - (a) self-inspection program;
 - (b) pest control program;
 - (c) cleaning schedules and procedures; and
 - (d) equipment and facility maintenance program.

R392-101-4. Food Safety Manager Certification Courses.

- (1) For the purposes of Subsection 26-15a-104(2)(b), a course approved by the Department shall be designed for a specific approved examination in Subsection R392-101-5(4) as determined by that examination's developer.
- (2) The course developer shall certify the instructor.
- (3) The Department shall approve the course for 3 years.

R392-101-5. Exam Approval.

- (1) A person or business seeking approval of an exam shall provide to the Department evidence of food safety manager training program accreditation from the American National Standards Institute (ANSI), or shall be listed on the ANSI-CFP Accreditation Program directory.
- (5) A person may not represent an exam as Department approved, or other similar language, if the exam is not accredited by ANSI or listed on the ANSI-CFP Accreditation Program directory.

R392-101-6. Exam Administration.

- (1) An exam administrator shall:
 - (a) provide proctors and security at the locations where the exam is administered;
 - (b) maintain a tracking system for exams to protect them against theft;
 - (c) provide locations and dates of exams administered by the testing organization upon request of the Department;
 - (d) provide necessary staff to administer, proctor, and grade exams;
 - (e) maintain records of each candidate's name, home address, date of birth, pass or fail status, and date of examination for at least three years; and
 - (f) provide accommodation for examinees who do not speak English.
- (2) An exam administrator shall assure there is at least one proctor for every 40 individuals taking the exam.
- (3) The proctor shall confirm the identity of an individual who wishes to take the exam by photographic identification, driver's license or student identification card. A legal document bearing the individual's signature may be presented to the proctor to satisfy this requirement if the individual does not have a photographic identification card.
- (4) An exam administrator shall provide exam security measures to protect the exam from compromise, as follows:
 - (a) The exam materials are stored and administered under secure conditions, where access to the exam is limited to the proctor and exam administrator.
 - (b) The exam materials are inventoried prior to and immediately following each administration of the exam.
 - (c) The exam materials are available to the candidate only during exam administration.
 - (5) An exam administrator shall not certify an individual determined to have cheated on the exam.
 - (6) An exam administrator shall not administer an exam that has been compromised.

R392-101-7. Certification and Recertification Requirements.

- (1) A person must answer at least 70% of the questions correctly on a Department- approved examination to pass the examination; except that the examination developer may set the passing score for an examination that it demonstrates to have been developed in accordance with the Standards For Educational And Psychological Testing published by the American Psychological Association.
 - (a) The examination developer must submit documentation to the Department supporting its claim.
 - (b) The Department shall review the documentation and determine the validity of the claim.
- (2) A person who successfully passes a Department-approved examination must provide documentation of that to the local health officer within sixty days of receipt of the documentation to be certified as a food safety manager. If a certified food safety manager commences work in a different local health jurisdiction he shall notify the local health officer in that jurisdiction.
 - (a) A local health department:
 - (i) may not charge a fee to accept or process the documentation described in R392-101-7(2);
 - (ii) shall accept photocopies or electronic copies of the documentation described in R392-101-7(2); and
 - (iii) shall allow an individual to submit the documentation described in R392-101-7(2) by mail, email, or in person.
 - (3) A person who completes the requirement in R392-101-7(2) shall be considered to be certified as a food safety manager throughout Utah.
 - (4) Food safety manager certifications are effective for three years from the date the applicant receives documentation of a passing score from the testing organization.
 - (5) A food service establishment must maintain a copy of its certified food safety manager's documentation of a passing score on a Department-approved examination on file at the establishment. The food service establishment's person in charge must provide this documentation to the local health officer or his designated representative upon request.
 - (6) To recertify, a certified food safety manager must submit documentation in accordance with R392-101-7(2) to the appropriate local health department indicating a passing score on a Department-approved examination within the previous six months.
 - (7) A person certified as a food safety manager is exempt from state or local requirements for food handlers as defined in Section 26-15-1(1) Utah Code.

R392-101-8. Exempt Establishments.

- (1) The following food establishment types are not subject to the requirements of Rule R392-101:
 - (a) special events sponsored by municipal or nonprofit civic organizations, including food booths at school sporting events and little league athletic events and church functions;
 - (b) temporary event food services approved by a local health department;
 - (c) vendors and other food establishments that serve only commercially prepackaged foods and beverages;
 - (d) private homes not used as a commercial food service establishment;
 - (e) health care facilities licensed under Chapter 21, Health Care Facility Licensing and Inspection Act;
 - (f) bed and breakfast establishments at which the only meal served is a continental breakfast;
 - (g) residential child care providers;
 - (h) child care providers and programs licensed under Chapter 39, Utah Child Care Licensing Act;
 - (i) residential care facilities as defined in Rule R392-110;
 - (j) back country outfitter food establishments;
 - (k) a free event sponsored by a charitable organization; and
 - (l) a lowest risk or permitted food establishment category determined by a risk assessment evaluation established by the department by administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R392-101-9. Penalties.

Any person who violates any provision of this rule may be assessed a civil money penalty as provided in Section 26-23-6.

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