

R392. Health and Human Services, Population Health, Environmental Health.

R392-101. Food Safety Manager Certification.

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

This rule is authorized by Section 26B-7-410, and Subsections 26B-1-202(1) and 26B-1-202(26) to establish statewide uniform standards for certified food safety managers and implement Section 26B-7-412.

R392-101-2. Definitions.

As used in this rule:

- (1) "Agritourism food establishment" has the same meaning as provided in Section 26B-7-401.
- (2) "Certified food safety manager" has the same meaning as provided in Section 26B-7-401.
- (3) "Charitable organization" means a group of any size who desire to feed disadvantaged groups under the requirements of Rule R392-104, Feeding Disadvantaged Groups.
- (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 and Human Services.
- (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 26B-7-401.
- (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, Food Service Sanitation, 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 health officer of the local health department having jurisdiction, or a designated representative.
- (12) "Microenterprise home kitchen" has the same meaning as provided in Section 26B-7-401.
- (13) "Potentially hazardous food" means the same as Time or Temperature Control Food.
- (14) "Single-use article" means a utensil designed and constructed to be used once and discarded.
- (15) "Time or Temperature Control Food" has the same meaning as provided in Subsection 26B-7-401.

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

A certification and recertification exam 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 and temperature relationship with foodborne illness.
 - (a) Recognize the relationship time and temperature has with microorganism survival, growth, and toxin production during:

- (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) correct hand washing technique and frequency
 - (ii) proper use of gloves, including replacement frequency
 - (iii) no bare hand contact with ready-to-eat 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; and
- (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) A course approved by the Department shall be designed for a specific approved exam as described in Subsection R392-101-5(1).
- (2) The course developer shall certify the instructor.
- (3) The Department shall approve the course for three 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.
- (2) 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 each exam 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 exam 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 the following exam security measures to protect the exam from compromise:
 - (a) exam materials are stored and administered under secure conditions, where access to the exam is limited to the proctor and exam administrator;
 - (b) exam materials are inventoried before and immediately following each administration of the exam;
 - (c) exam materials are available to the candidate only during exam administration;
 - (5) the exam administrator does not certify an individual determined to have cheated on the exam; and
 - (6) the exam administrator does not administer an exam that has been compromised.

R392-101-7. Certification and Recertification Requirements.

- (1) Except as in Subsection (2), a candidate shall answer at least 70% of the questions correctly on a Department approved exam to pass the exam for certification or recertification.
- (2) An exam developer may set the passing score for an exam if:
 - (a) the exam was developed in accordance with the Standards for Educational and Psychological Testing published by the American Psychological Association; and
 - (b) the exam developer submits documentation that is validated by the Department.
- (3)(a) To be certified as a food safety manager, a person who successfully passes an exam as described in Section R392-101-5 shall provide documentation of a passing grade to the local health officer within 60 days of receipt of the documentation.
 - (b) If a certified food safety manager commences work in a different local health jurisdiction, they shall notify the local health officer in that jurisdiction.
- (4) A local health department:
 - (a) may not charge a fee to accept or process the documentation described in Subsection (3);
 - (b) shall accept photocopies or electronic copies of the documentation described in Subsection (3); and
 - (c) shall allow an individual to submit the documentation described in Subsection (3) by mail, email, or in person.
- (5) A person who completes the requirement in Subsection (3) shall be certified as a food safety manager statewide.
- (6) Food safety manager certifications are effective for three years from the date the applicant receives documentation of a passing score from the exam administrator.

(7) Except as specified in Section R392-101-8, each food establishment shall maintain a copy of the current food safety manager's certificate on file at the establishment. The person in charge shall provide this documentation to the local health officer upon request.

(8) To recertify, a certified food safety manager shall submit documentation described in Subsection (3) to the appropriate local health department indicating a passing score within the previous six months.

(9) A person certified as a food safety manager is exempt from the requirements of Rule R392-103, Food Handler Training and Certificate.

R392-101-8. Exempt Establishments.

The following food establishment types are not subject to the requirements of this rule:

- (1) a special event sponsored by a municipal or nonprofit civic organization, including a food booth at a school sporting event, a little league athletic event, or a church function;
- (2) a temporary food service event approved by a local health department;
- (3) a vendor or other food establishment that serves only commercially prepackaged foods and beverages;
- (4) a private home not used as a commercial food service establishment, except for a microenterprise home kitchen;
- (5) a health care facility licensed under Part 26B-2-2, Health Care Facility Licensing and Inspection;
- (6) a bed and breakfast establishment at which the only meal served is a continental breakfast;
- (7) a residential child care provider;
- (8) a child care provider and program licensed under Title 26B, Chapter 2, Part 4, Child Care Licensing;
- (9) a residential care facility as defined in this rule;
- (10) a back country outfitter food establishment;
- (11) a free event sponsored by a charitable organization; and
- (12) a lowest risk permitted food establishment category, as determined by the local health officer, according to the following risk assessment evaluation:
 - (a) the food establishment does not serve a time or temperature control food or use it as an ingredient in a food that is served; or
 - (b) the food establishment may serve a time or temperature control food or use it as an ingredient in a food that is served, but there is no cook step in any food preparations.

R392-101-9. Penalties.

Any person who violates this rule may be assessed a civil penalty as provided in Subsection 26B-1-224(2).

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