Chapter 296

FOOD MANAGERS CERTIFICATION

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[HISTORY: Adopted by the Board of Health of the Town of Ashland 2-13-1997. Amendments noted where applicable.]

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§ 296-1. Authority.

The Ashland Board of Health, pursuant to the authority granted under Massachusetts General Laws Chapter 111, Sections 31 and 127A, hereby adopts the following regulations to protect the public health of the community.

§ 296-2. Purpose.

A. The Ashland 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 foodborne disease outbreaks.

B. 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 foodborne disease outbreaks. Food establishments which have trained food handlers are also more likely to be in compliance resulting in less inspection and enforcement time spent by the Board of Health.

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

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

§ 296-3. Definitions.

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

APPROVED FOOD MANAGER CERTIFICATION PROGRAM — A food safety training course approved by the Board which meets the requirements of the Massachusetts Guideline for Food Protection Management Training and Testing.

BOARD — Refers to the Town of Ashland Board of Health.

CERTIFIED FOOD MANAGER — An individual employed by the establishment who has passed an exam as described in § 296-5 and has supervisory, training and management responsibilities.

FOOD ESTABLISHMENT — Any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place, regardless of whether consumption is on or off the premises, and regardless of whether there is a charge for the food. The term includes, but not limited to restaurants, caterers, nursing and retirement homes, hospitals, private clubs, industrial cafeterias, public and private educational institutions and delicatessens in retail food stores that cook and/or offer prepared food in individual service portions.

FULL-TIME EQUIVALENT — Means minimum thirty-five (35) hours work per week.

OUTBREAK OF FOODBORNE ILLNESS — 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.

PERSON — Includes an individual, partnership, corporation, and association or other legal entity.

POTENTIALLY HAZARDOUS FOOD — Any food that consists in or in part of milk or milk products, eggs, meat, poultry, fish, shellfish edible crustacea, or other ingredients including synthetic ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms 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 0.85 or less.

§ 296-4. Food Manager Certification Required

A. Each food establishment where potentially hazardous food are prepared and/or served shall employ at least one full-time, on-site person and as a certified food manager who is at least eighteen (18) years of age.

B. Once a certified food manager terminates employment, establishments shall have 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.

C. Certificates for managers certified in food safety shall be prominently posted in the establishment next to the license(s) to operate. The certificate shall be removed when the individual is no longer employed by the establishment.

D. 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.

§ 296-5. Certification.

Certification shall be achieved by attending a food safety and sanitation course and attaining a passing grade on an exam provided by the Educational Testing Services (Food Protection Certification Program) or the Educational Foundation of the National Restaurant Association (ServSafe) or an equivalent exam recognized by the Massachusetts Department of Public Health and approved by the Board.

§ 296-6. Responsibilities of licensed food managers.

A. The certified food manager shall have supervisory, training and management responsibilities and shall be responsible for food preparation and service or have the authority and responsibility to direct and control such activities.

B. The certified food manager is 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 manner consistent with proper food sanitation practices.

D. The certified food manager shall develop a plan for assessing, monitoring, and controlling foodborne disease hazards in the food establishment.

E. The certified food manager shall report any alleged foodborne illness to the Board within twenty-four (24) hours of the incident.

§ 296-7. Certificate not transferable.

A certified food manager's certificate is not transferable from one person to another.

§ 296-8. Reciprocity.

The Ashland Board of Health shall, at its discretion, recognize prior certification from any course which meets the requirements of § 296-5.

§ 296-9. Violations and penalties.

Any person who violates any provision of this regulation or any person who is a certified food manager who does not comply with these requirements may be subject to administrative fines

and/or the suspension or revocation of the establishment's food service permit or the persons certification.

§ 296-10. Administrative fines.

This regulation shall be enforced by those procedures identified by § 29-2 of the Code of the Town of Ashland The Board, after due notice and opportunity for a hearing, shall have the right to levy administrative fines up to three hundred dollars ($300) against any certified food manager or food establishment owner who violates any provision of this regulation.

§ 296-11. Waivers.

The Board may waive the applicability of any provision of this regulation, if, in its opinion, the enforcement thereof would be unjust or be contrary to the public interest. Provided, however that the decision of the Board shall not conflict with the spirit of any minimum standards established by this regulation. Any such waiver shall only be adopted by the Board after due notice and public hearing.

§ 296-12. Severability.

If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the remaining provisions of this regulation and to this end the provisions are declared to be severable.

§ 296-13. Effective date.

This regulation shall take effect on August 1, 1997.