

Food Safety Certification

“If only I had known.” All of us have spoken these words at one time or another. When the subject of our ignorance is food safety, the consequences could be fatal, not only to customers, but also to a thriving business. Even businesses that are well run, by people who care about quality and customer service, can fall victim to the lack of knowledge of the causes and methods of prevention of foodborne illness.

California has taken a step toward ensuring that food workers have the knowledge and skills necessary to protect their customers and their businesses from the potential tragedy of a foodborne illness outbreak through Assembly Bill (AB) 1978, which became effective on January 1, 1999. Under the provisions of AB 1978, beginning January 1, 2000, every food establishment, catering truck, and commissary that handles unpackaged food must have an owner or employee who has been certified as knowledgeable in food safety.

The Conference for Food Protection (CFP) and the **Model Food Code**, published by the Food and Drug Administration (FDA,) have established the areas of knowledge that certified owner or employee must have in order to prepare, serve, or sell safe food. These minimum levels of knowledge have been incorporated into CURFFL. Certification is achieved by passing a nationally recognized examination in food safety. Four examinations have been accepted by regulators and the retail food industry as the best means of assuring that persons-in-charge have the knowledge necessary. Those who desire training before attempting the exam may take classroom-training courses, purchase textbooks or computerized materials, or use any other method available to get the necessary knowledge in order to pass the exam. The four approved tests are available nationally and need not be taken in California. Many local enforcement agencies provide training or a list of training resources for those desiring training. New technology, scientific advances, and emerging pathogens make re-certification necessary every three years. Re-certification is accomplished in the same manner as original certification.

The person in charge is responsible for making sure that all food handlers are properly trained to follow good sanitary practices, maintain appropriate personal hygiene (including effective handwashing), and ensure that all critical control points are monitored and critical limits are met. The certified owner or employee need not be present at all times the facility is open, but must be an owner or employee. A certified owner or employee cannot be responsible for more than one facility at a time.

While the importance of food safety knowledge and skills cannot be overstated, the author of AB 1978 was mindful of the burden of regulations on industry and the cost of enforcement. In order to verify certification, registered environmental health specialists will be examining certificates issued by testing organizations to each person who passes the examination. Certificates are numbered and a registry is kept of all who take the examination by the test providers. Owners and employees will not be

Food Safety Notice

Revised July 6, 1999

required to register or pay any fee to the State Department of Health Services to maintain certification.

Unlike other provisions of the California Uniform Retail Food Facilities Law (CURFFL,) failure to have a certified owner or employee after January 1, 2000 is not a misdemeanor. However, enforcement officers have the option to revoke the permit (subject to the usual hearing before the Director of Environmental health or designee) of any facility that does not have a properly certified owner or employee. After January 1, 2000, any new facility must have a certified owner or employee within 60 days of opening for business. Any facility that has a certified owner or employee who leaves has up to 60 days to replace them.

California had various forms of mandatory food safety training and certification under local programs before the passage of AB 1978. These have been pre-empted by AB 1978. In order to allow an orderly phase-in, all training and/or certification programs which were in effect before January 1, 1999 may continue until January 1, 2001, after which time they must conform to the provisions of AB 1978. Any certified owner or employee who is certified under a pre-existing local program prior to January 1, 2001 shall be considered to be in compliance with the statewide requirement, and shall not be required to take any additional certification examination prior to expiration of their current certification anywhere in the state.

Mandatory food handler training has been required in several counties up to now. These programs typically are less technical and more suited to line employees than food safety certification. Food handler training programs that existed before January 1, 1999 may continue indefinitely in those jurisdictions. Under the provisions of AB 1978, new local training or certification programs for food handlers are preempted.

Priorities for enforcement of the provisions of CURFFL are set by policy in local jurisdictions. While the provisions of AB 1978 do apply to food establishments whose only unpackaged foods might include ice, popcorn, coffee-style drinks, etc., availability of resources and food safety concerns may result in a policy whereby these types of firms have the lowest priority for food safety certification enforcement. The Department of Health Services recognizes the need to establish such policies.

Applicability of AB 1978 in Schools

Schools are not exempt from AB 1978 requirements. Schools can comply two ways with AB 1978.

1. Employ a person certified in food safety according to the provisions of AB 1978 (pass a recognized examination).
2. Participate in a food safety program through their local enforcement agency. A food safety program, as defined in AB 1978, means any city, county, or city and county program that requires, at a minimum, either of the following:
 - (A) The training of one or more individuals, whether denominated as "owners," "managers," "handlers," or otherwise, relating in any manner to food safety issues.
 - (B) Individuals to pass a food safety certification examination.

Many school districts operate central kitchens that prepare food that is distributed to other schools in the district. If the food is distributed in individually wrapped portions (e.g. cartons of milk, wrapped sandwiches, individually wrapped plates), a person certified in food safety is not required at the school where the pre-packaged food is consumed.

Recognized Providers of Food Safety Examinations and Certification

The ServSafe® Serving Safe Food Certification Examination

National Restaurant Association
250 South Wacker Dr., Suite 1400
Chicago, IL 60606
(800) 765-2122

California Restaurant Association
OR 3435 Wilshire Blvd., Suite 2230
Los Angeles, CA 90010
(800) 794-4272

*Experior Assessments, LLC**
600 Cleveland Street, Suite 1000
Clearwater, FL 34615
(800) 200-6241

Professional Testing, Inc.
National Registry of Food Safety Professionals
1200 E. Hillcrest Street, Suite 300
Orlando, FL 32803-4737
(407) 228-0909 FAX (407) 894-8164

Dietary Manager's Association**
406 Surrey Woods Drive
St. Charles, IL 60174
(630) 587-6336 FAX (630) 587-6308

*In March 1999, the Chauncey Group and National Assessment Institute merged to form a new organization, Experior Assessments, LLC. Experior provides the same nationally recognized test that National Assessment Institute formerly provided. In addition, the Experior examination can be taken at any Sylvan Learning Center location by appointment.

** Certification is offered to association members only.

Food Safety Notice

Revised July 6, 1999

Frequently Asked Questions

1. Who must be certified?

All restaurants, grocery stores, convenience markets, delicatessens, "hot trucks", refreshment stands, and commissaries that prepare or serve unpackaged food must have an owner or have an employee who has passed one of the five recognized test in food safety.

2. What food facilities do not need a certified owner or employee?

Mobile food facilities (e.g. hot dog carts,) temporary food booths, farmers' markets, produce stands, and any food facility that handles prepackaged food only are not required to have a certified owner or employee. Check with your local enforcement agency for more information.

3. My local environmental health agency already requires me to have a certified owner or employee. Do I have to take another test?

Any person who is certified as a certified owner or employee in the counties of San Diego, Los Angeles, San Joaquin, Riverside, or Sonoma, need not become certified under the statewide program until their current certification expires, or until January 1, 2003 in the event that their current certification has no expiration date.

4. I have already passed a food safety examination (manager level) offered by one of the approved test providers. Do I have to take the test again?

Any person who is currently certified as a result of having passed one of the approved examinations need not be re-certified until their current certification expires, or January 1, 2003 in case their current certification does not expire.

5. I am certified as a certified owner or employee in another state. Do I have to become certified in California as well?

Any person who has been certified in food safety as a certified owner or employee in another state, and who has passed one of the approved examinations, need not be re-certified until their current certification expires, or January 1, 2003 in case their current certification does not expire.

6. Do I have to go to training to take the test?

Specific training hours or courses are not required before taking the certification examination. However, many will want training in order to prepare for the test. Classroom training may be available from your local environmental health agency, adult education district, or through private companies. You may also study on your own using books, computer software, or courses available on the Internet. Consult your

Food Safety Notice

Revised July 6, 1999

local professional association, phone book, or local environmental health agency for information on training courses and materials available near you.

7. Do I have to get some sort of card from the health department after I pass the test?

The new law does not require you to register with the local or state health department. Test providers will issue a numbered certificate to each person who passes the test. Health inspectors will accept a valid certificate as proof of compliance. Those counties that currently require local registration may continue that requirement until December 31, 2001.

8. Does the new law apply to school districts and colleges?

School and college food service operations must comply with AB 1978. There are two ways for them to comply. They may have a person certified by passing a recognized examination or they may participate in a local food safety program that includes training in food safety and/or an examination. Schools that handle pre-packaged food only are not subject to food safety certification.

9. My business has several permits from the health department for the deli, meat department, and café. Do I have to have a certified owner or employee for each permit?

If all the food facilities at the location are under the same ownership, one certified food protection manager is required for all the operations under permit at the same location. If the separate operations are under different ownership each one must have their own certified person.

10. Training and testing is provided to managers and employees by corporate management. Do I have to take another test as well?

If company provided training and testing uses one of the approved and recognized tests, and provides certificates, no additional testing is required outside of employment.

11. Do I have to have a certified employee before I open my business?

The law provides that you have 60 days to ensure that you have a certified employee when you start a business, change ownership, or no longer have a certified employee.