

TO: Board of Health

FROM: Joyce Jensen, REHS, CP-FS, Environmental Health Supervisor  
Environmental Public Health Division

DATE: October 20, 2014

SUBJECT: Public Hearing on Proposed Revisions to Food Safety Program Policy 222.31 -  
Food Establishment Enforcement

The Lincoln Food Code 8.20.060 allows the Board of Health, following a public hearing at a regular Board of Health meeting, to adopt standards to reasonably apply the Lincoln Food Code. Therefore these Food Safety Program policies are brought to the Board for review and approval as “Additional Sanitation Standards and Regulations.” This policy was reviewed by the Food Advisory Committee and the committee recommends approval to the Board.

#### **222.31 - Food Establishment Enforcement**

Two changes to this policy are proposed to update the policy and assure the LLCHD Food Safety Program is in compliance with FDA Program Standards 3 Inspection Program Based on HACCP Principles.

The first removes the requirement to document compliance with the Lincoln Smoking Regulation Act and the Nebraska Clean Indoor Air Act of 2008 as a violation of Food Code 2-402.11 Hygienic Practices – Eating, or Drinking, Using Tobacco. With regard to tobacco use, the code section should only be marked as a violation when food workers could contaminate food or food contact surfaces by smoking or using tobacco. This change assures accurate interpretation of the Food Code. Food Safety Team staff will continue to observe for compliance with the Act in all areas of the food establishment during inspections and refer any potential violations to appropriate Health Promotion and Education staff.

The second change is to add the Plan of Action Form as an exhibit. The Plan of action form provides a format for managers to determine how they will prevent critical items from reoccurring, and not just how to correct the violations. The Food Safety Program has been using this form for the past few years and it has been helpful.

This Policy was reviewed by the Food Advisory Committee on September 30, 2014 and they recommended approval of these revisions.

Staff recommends that the Board of Health approve the proposed revisions to Food Safety Program Policy 222.31 - Food Establishment Enforcement.
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