



Who is Your Person in Charge?

by *Melissa Vaccaro, MS, CHO*

“Hi, I’m here to do an inspection of your facility,” says the inspector. “May I speak with the Person in Charge?”

“They are not here right now,” replies Sam, the employee.

“There is no one here who is responsible for managing the food operations?” responds the inspector.

“The owner left for the day, so it’s only Sally and me here now. We are just employees; we are not in charge of anything,” says Sam.

“Have either of you taken a Certified Food Protection Managers Exam?” asks the inspector?

“Nope, our manager took the exam but isn’t here at the moment,” says Sam.

The inspector goes on to inspect the facility. He ends his report by writing a violation that says: “At the time of the inspection and during operations, the food facility did not have an assigned Person in Charge as required under §2-101.11.”



ENSURING
COMPLIANCE
WITH FDA
FOOD CODE
REQUIREMENTS

A Person in Charge must be:

1. Assigned (§2-101.11)
2. Demonstrate knowledge (§2-101.11) and
3. Comply with duties of the Person in Charge (§2-101.11)

The FDA Food Code defines the “Person in Charge” to mean the individual present at a food establishment who is responsible for the operation at the time of inspection. Although your jurisdiction may have different requirements, there must be an assigned Person in Charge (PIC) during

all hours of operation in any food establishment according to the 2013 FDA Model Food Code (§2-101.11). Why? This person is responsible for ensuring that the food establishment is operating safely and is authorized to take actions to ensure that the Food Code’s objectives are met. If an “employee” who has no knowledge of food safety is left to run the establishment themselves, big mistakes could be made that could cause someone to get ill. This person must be immediately available and knowledgeable in both operational and Code requirements should questions or concerns arise, so the problems can be properly resolved. **The primary responsibility of the PIC is to ensure compliance with the Food Code requirements.**

In another scenario, Sam decides to declare himself the PIC but was unable to answer key food safety questions during the inspection and numerous violations are noted. Not only does the Food Code require a PIC be assigned, it goes on to specify the knowledge level and duties of the PIC.

There are three ways someone can demonstrate knowledge of food safety:

- Comply with the Food Code by having no Priority Item (P) violations. These are risk factors directly associated with causing foodborne illness.
- Have taken and passed an ANSI Certified Food Safety Managers Exam *OR*
- Respond correctly to the inspector’s questions relating to the operation.

If there are critical violations in the food establishment and the employee has not taken a manager certification exam, you are left with responding to questions by the inspector. This was the problem with Sam and Sally. Responding to questions may be tricky if you have never had food safety training. Responding correctly to the inspector’s questions as they relate to the specific food operation is necessary. The areas of knowledge a PIC must have include:

- Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;
- Explaining the responsibility of the PIC for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;

Continued on page 12



The FDA Food Code defines the “Person in Charge” to mean the individual present at a food establishment who is responsible for the operation at the time of inspection.

- Describing the symptoms associated with the diseases that are transmissible through food;
- Explaining the significance of the relationship between maintaining the time and temperature of Time/Temperature Control for Safety (TCS) Food and the prevention of foodborne illness;
- Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;
- Stating the required food temperatures and times for safe cooking of TCS food including meat, poultry, eggs, and fish;
- Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of TCS food;
- Describing the relationship between the prevention of foodborne illness and the management and control of the following:
 - > Cross contamination,
 - > Hand contact with ready-to-eat foods,
 - > Handwashing, and
 - > Maintaining the food establishment in a clean condition and in good repair;
- Describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.
- Explaining the relationship between food safety and providing equipment that is:
 - > Sufficient in number and capacity, and
 - > Properly designed, constructed, located, installed, operated, maintained, and cleaned.
- Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
- Identifying the source of water used and measures taken to ensure that it remains protected from contamination, such as providing protection from backflow and precluding the creation of cross connections;
- Identifying poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;
- Identifying critical control points in the operation from purchasing through sale or service that, when not con-

trolled, may contribute to the transmission of foodborne illness, and explaining steps taken to ensure that the points are controlled in accordance with requirements of this Code;

- Explaining the details of how the PIC and food employees comply with the HACCP plan if a plan is required by the Law, this Code, or an agreement between the regulatory authority and the food establishment;
- Explaining the responsibilities, rights, and authorities assigned by this Code to the:
 - > Food employee,
 - > Conditional employee,
 - > Person in Charge (PIC), and
 - > Regulatory Authority;
- Explaining how the PIC, food employees, and conditional employees comply with reporting responsibilities and exclusion and restriction of food employees.

Let's assume that Sam, even though he has never taken a Food Managers Certification Exam, managed to answer the questions by the inspector correctly, but there were still a lot of items in violation, including food temperature violations. Sam is still considered “Knowledgeable” under §2-102.11 of the Food Code, “Demonstration of Knowledge.” Sam, now assuming the role of PIC, has ‘duties’ within the facility.

The PIC has many duties. Under §2-102.11, the PIC shall ensure that:

- Food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters;
- Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the PIC if steps are taken to

ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;

- Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this Code;
- Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
- Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employee's observations and periodically evaluating foods upon their receipt;
- Employees are verifying that foods delivered to the food establishment during non-operating hours are from approved sources and are placed into appropriate storage locations such that they are maintained at required temperatures, protected from contamination, unadulterated, and accurately presented;
- Employees are properly cooking TCS foods, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated;
- Employees are using proper methods to rapidly cool TCS foods that are not held hot or are not for consumption within 4 hours, through daily oversight of the employee's routine monitoring of food temperatures during cooling;

- Consumers who order raw or partially cooked ready-to-eat (RTE) foods of animal origin are informed that the food is not cooked sufficiently to ensure its safety;
- Employees are properly sanitizing cleaned multi-use equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;
- Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets;
- Except when approval is obtained from the regulatory authority, employees are preventing cross-contamination of RTE food with bare hands by properly using suitable utensils such as deli tissues, spatulas, tongs, single-use gloves, or dispensing equipment;
- Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties;
- Food employees and conditional employees are informed in a verifiable manner of their responsibility to report in accordance with Law, to the PIC, information about their health and activities as they relate to diseases that are transmissible through food; and
- Written procedures and plans where specified by this Code and as developed by the food establishment, are maintained and implemented as required.

Due to the number of violations that are out of control, the inspector concludes that Sam has failed to fulfill his duty as the PIC. The inspector writes: "The Person

Continued on page 14



KNOWLEDGEABLE PIC = GOOD INSPECTION = HEALTHY AND HAPPY CUSTOMERS


in Charge, Sam, has not fulfilled his duties as a PIC by evidence of the critical risk factors that were observed during the inspection, to include...” When Sam and Sally’s manager returns to work the next day, they find the not-so-good inspection report, to include the PIC (i.e. Sam) failing to ensure compliance with requirements under §2.103.11 of the Food Code.

The PIC is a very important person within the facility. A food establishment should never be left without a PIC who is knowledgeable and who takes their duties seriously. Many studies have shown that having a knowledgeable manager has a positive correlation with more effective controls of certain risk factors. Food establishments

should take care in who they assign as a PIC. Many aspects of food operation will reflect the competency of that person. **E**



Melissa Vaccaro, MS, CHO is a Food Program Specialist for the PA Department of Agriculture and an Executive Board Member for the Central Atlantic States Association of Food and Drug Officials (CASA). She is co-author of the SURE™ Complete HACCP Food Safety Series.

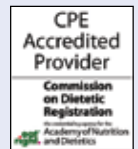
 mvaccaro86@gmail.com



Review Questions

FOOD PROTECTION CONNECTION

Reading *Who is Your Person in Charge?* and successfully completing these questions online has been approved for 1 hour of sanitation CE for CDM, CFPPs. CE credit is available ONLINE ONLY. To earn 1 San CE hour, purchase the online CE quiz in the ANFP Marketplace. Visit www.ANFPonline.org/market, select “**Publication**,” then select “**CE article**” at left, then search the title “*Who is Your Person in Charge?*” and purchase the article.



- PIC stands for:
 - Person in Control
 - Preferences of Customers
 - Person in Charge
- The PIC can demonstrate food safety knowledge by
 - Taking and passing a Certified Food Safety Managers Exam
 - Responding to the inspector’s questions appropriately
 - Either A or B
- The “Person in Charge” is
 - An individual present at a food establishment who is responsible for the operation at the time of inspection
 - Any individual present at the food establishment
 - Only the owner of the food establishment
- The PIC should assure that
 - Employees arrive to work on time
 - Food Code objectives have been met
 - Every employee has taken a certification exam
- A PIC must be available
 - In the facility during all hours of operation
 - While on their vacation
 - By phone
- A PIC can demonstrate knowledge by
 - Having no Priority item violations during the inspection
 - Having no violations during the inspection
 - Having three or less violations during the inspection
- In a food establishment a PIC must be:
 - Assigned and Demonstrate Knowledge
 - Assigned, Demonstrate Knowledge, and Comply with Duties of the PIC
 - Assigned, Demonstrate Knowledge, or Comply with Duties of the PIC

MAKE YOUR CE HOURS AUDIT PROOF

Attention CDMs! Purchase your online CE products in the ANFP Marketplace and your completed CE hours will be automatically reported in your continuing education record. This includes all ANFP online courses, archived webinars, and CE online articles.