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MEMORANDUM

DATE: December 27, 2017

TO: Illinois Local Health Department Environmental Health Administrators and Local Health Department Administrators

FROM: Jessica McAnelly, IDPH Division of Food, Drugs and Dairies Chief

SUBJECT: Proposed Rule Changes to Illinois Food Service Sanitation Code

The primary purpose of this memo is to provide awareness and guidance for local health departments on proposed rule changes that affect the retail food program. For questions, please email: dph.food@illinois.gov

Allergen Awareness Training:

With the adoption of PA 100-0367, amendments to the Food Handling Regulation Enforcement Act were made to include an Allergen Awareness Training requirement, Section 3.07. No Food Code changes are needed because full content is in the Act. Item #58 has been added to the draft inspection report to accommodate this violation. See Legislative Changes Guidance SIREN memo for more information.

Certified Food Protection Manager:

Effective January 1, 2018, per PA 100-0194, the Illinois Food Service Sanitation Manager Certification (FSSMC) will be eliminated. IDPH will no longer issue FSSMC certifications, post course listings, or certify instructors/proctors on or after January 1, 2018. An ANSI accredited Certified Food Protection Manager (CFPM) certification obtained through a course and passing the exam are still required, but students will not need to apply for the additional Illinois FSSMC certificate. Link to legislation: <http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=91&GA=100&DocTypeId=HB&DocNum=3684&GAID=14&LegID=105636&SpecSess=&Session>

Summary of draft rule changes in the food code:

- Sections 750.540, 750.551, 750.555, 750.560, 750.1800, 750.1810, 750.1812, 750.1814, 750.1815, 750.1820, 750.1830, 750.1831, 750.1835, 750.1838, 750.1840, 750.1850, 750.1860, and 750.1890 are being repealed in the current Illinois Food Code to reflect this legislation.
- Also, 2013 FDA Code “Person In Charge” Sections 2-102.12 and 2-102.20 will no longer be excluded from the Illinois Food Code. According to 2-101.11, there must be a Person In Charge (PIC) at all times of operation. The PIC may or may not be the CFPM. 2-102.11(c) allows the PIC to use a CFPM certification to demonstrate knowledge required in lieu of answering the inspector’s questions as described in (c).

Enforcement:

During food facility inspections, Sanitarians are to observe and document CFPM certification. Based on the 2013 FDA Food Code, there is not a requirement for a CFPM to be present at all times. One employee per establishment must have ANSI accredited CFPM certification. The provision to be marked as Out of compliance on the new inspection report is item #2 (the wording will be changed to Certified Food Protection Manager), which falls under the “Foodborne Illness Risk Factor and Public Health Intervention” portion of the inspection report, but is a “Core” violation. As previous enforcement guidance from IDPH has indicated, although not adopted into the Food Service Sanitation Code, Section 8-405.11 is the recommended minimum time frame for correction of food code provision violations. Enforcement of violations is to be in the local health department’s local ordinance.

The City of Chicago will still maintain their certification.

Cottage Food:

With the adoption of PA 100-35, amendments to the Food Handling Regulation Enforcement Act were made to the Cottage Food Operation section 4. No food code rule changes are needed because full content is within the Act. See Legislative Changes Guidance SIREN memo.

Implementation Date Draft Rule Change:

The implementation date for local health departments to begin using the new food code is being extended from July 1, 2018 to January 1, 2019. Because IDPH does not anticipate the amendments to the new food code to be adopted by July 1, 2018, in line with our proposed amendments, this memo serves as notice that we will not hold local health departments accountable for adoption of the new food code until January 1, 2019.

Inspection Report & Other Draft Rule Change Summary:

- Title of “Food Service Sanitation Code” is changed to “Food Code.”
- “Temporary food establishment” added to the definition of “food employee” or “food handler.”
- The definition of Repeat Violation is being revised to state, “a violation noted on the previous inspection report that is observed again on the next routine inspection on the same piece of equipment, same area of the facility or same practice.”
- Parts of plumbing section 5-2 are no longer excluded from adoption, so local health departments can once again use their regulatory authority for public health enforcement.
- The inspection report itself is removed from the code in this draft, but a description of it has been added to the rules.
- On the inspection report,
 - The grading system matrix is removed and totals of foodborne illness risk factor and repeat foodborne illness risk factor provisions are added. No score will be given. This makes the report more consistent with the FDA Model Food Code.
 - Date and time are added to page 1.
 - Item #2 is changed from Illinois Food Service Sanitation Manager Certification to Certified Food Protection Manager.

Item #58 is added for Allergen Awareness Training documentation.