



Council Recommendation: Accepted as Submitted _____ Accepted as Amended _____ No Action _____

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

All 5 sections below the line must be completed before the Issue will be reviewed for assignment to Council.

PLEASE READ THE INSTRUCTIONS DOCUMENT PRIOR TO COMPLETING THE FORM.

Press Tab key to move forward to the next field and Shift and Tab keys to move backward. You can also use the 4 arrows to navigate within and between text boxes. Boxes will expand to accommodate additional text. Copy and paste may be used.

1. Title: [Briefly describe the purpose of this Issue.]

Definition of "Complying with this Code" - Supplement to the 2001 Food Code

2. Issue you would like the Conference to consider: [Explain in detail the Issue that concerns you. List relevant references.]

2-102.11 Demonstration

The "Supplement to the 2001 Food Code" has amended Section 2-102.11 of the 2001 Food Code by revising paragraph (A) to read: "Complying with this Code by having no violations during the current inspection...." In essence, this section strictly defines "Compliance with the Code" as an inspection with no violations. This overly restrictive definition is impossible for operators to meet as we believe there are very few inspections conducted nationwide where the food facility is not cited for at least a non-critical violation. As written, it requires perfection at all times on the part of the retail and restaurant sector operators.

3. Public Health Significance: [Completely describe what impact this Issue will have on food service, retail food or vending.]

The current means for "complying with the code" noted in the 2001 Food Code Supplement may impose a "de facto" requirement at the state and local level for mandatory manager certification when an establishment is cited for a violation, either critical or non-critical during an inspection. The 2001 Food Code offers foodservice operators three ways to demonstrate their knowledge to a health inspector: compliance with the Code, being a certified food protection manager or by responding correctly to inspector's questions as they relate to the specific food operation. Under the new Supplement requirements, if a violation is noted during the inspection and the operator is unable to answer an inspector's questions to his/her satisfaction, then the only way for the person in charge to comply is through manager certification. This severely restricts options for foodservice operators who are working to comply with the demonstration requirements yet offers no additional public health protection.



4. Recommended Solution: [State as precisely as possible what action you would like the Conference to take to address this Issue. Cite the **specific** type of change, location (page and line), and exact wording to be changed in a document, such as the Food Code or Conference document.] **The Conference recommends.....**

The Conference recommends that Section 2-102.11(A) of the Supplement to the 2001 Food Code be revised to read "(A) substantially complying with this Code by passing the current inspection;"

5. Submitter:

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