

Readoption Review

Certification of Food Handler Requirements Title 410 IAC 7-22

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

Description of Rule:

The Indiana State Department of Health (ISDH) strives to protect the food supply in Indiana. Certification of Food Handler Requirements, Title 410 IAC 7-22, provides for mandatory certification of at least one person per food establishment, who oversees food safety operations within the establishment. Certification of Food Handler Requirements took effect January 1, 2005.

The proposal for food handler certification was introduced to the legislature on behalf of representatives from Indiana's food industry. The proposal was intended to mandate a standard requirement for food handler certification that would have "universal acceptance" and be recognized by all local and state health department jurisdictions in Indiana. National studies indicate that having a Certified Food Manager greatly decreases the incident of foodborne illness in retail food establishment.

IC 16-42-5.2 addresses Food Handlers. At least one (1) food handler at a food establishment must be a certified food handler responsible for all periods of the food establishment's operation. A food handler is an individual who is an owner, operator, manager or employee of a food establishment, and is responsible for or oversees the storage, preparation, display, or serving of food to the public. Certification of Food Handlers Requirements, Title 410 IAC 7-22, establishes standards for the administration and imposition of penalties for violations of this chapter, and must be readopted if it is to remain in effect.

Readoption Analysis:

1) Is there a continued need for this rule?

Yes, IC 16-42-5.2 remains in effect. Local enforcement of food handler requirements is dependent of the application to and approval of the state department. Public health justification is provided by the 2013 FDA Model Food Code, Annex 3 Public Health Reasons. Due to the increasing complexity of the food industry, it is imperative that food protection managers know and control food safety risk factors in their establishments. These public health reasons address food protection manager certification and the desire for universally recognized and accepted certification. Recognition of accredited certification programs provides officials assurance that food safety certification is based on valid, reliable, and legally defensible criteria.

2) What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?

This Rule is supported by industry and recent focus groups (representing industry, academia, and regulatory agencies) as a standard for food safety.

3) Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.

Industry and state and local health departments have implemented food handler certification requirements for over ten years. The ISDH Food Protection Program website addresses food handler certification requirements, and frequently asked questions, allowing ease of compliance with the rule.

To be certified, the person must pass an ANSI/CFP nationally accredited exam once every 5 years. Indiana does not require taking a class. Exams are proctored and must be taken at either at an approved testing site or are given at the end of a course by an approved instructor. Standards developed by the Conference for Food Protection, and the American National Standards Institute, have been incorporated into the Indiana rule to establish a uniform standard for food handler certification in Indiana. The Conference for Food Protection (CFP) contracted with the American National Standards Institute (ANSI) to review organizations' programs and examinations to determine if they have qualifications to perform the testing. There are four organizations that are approved for certification through the ANSI process to provide exams: ServSafe®, The National Registry of Food Safety Professionals®, 360 training.com, Inc. and Prometric. Testing is offered by local providers contracted and approved by these organizations. By utilizing universal acceptance, the inconvenience and expense of repeated testing when food handlers cross food protection jurisdictions is eliminated.

4) To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?

This rule does not overlap, duplicate, or conflict with any other federal, state, or local laws, rules, regulations, or ordinances. Indiana Code does provide exemptions for food establishments with limited food handling activities; specific entities, such as hospitals, health facilities, and food pantries; and organizations meeting certain tax exemptions.

5) When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?

Certification of Food Handler Requirements, Title 410 IAC 7-22, was filed May 19, 2003 and readopted July 8, 2009. The rule was last reviewed in 2014 by focus groups and recommendations were made. These changes are supported by industry and regulators. These changes will require a new version of the rule which will simplify some areas of the current rule. Meanwhile the current rule covers all aspect described national criteria. Technology advancements are easing the administrative aspects of these requirements. Economic conditions and other factors do not impede industry's compliance with this food safety measure.