

Food Protection Program Retail Food Establishments

June 30, 2015

1. INTRODUCTION

1.1. Purpose

The purpose of this Program is to promote public health and sanitation by assuring that food provided to consumers within the IU system is safe, unadulterated, honestly presented, and free of biological, chemical, and physical hazards. The Program aims to minimize foodborne illness through regulatory compliance with applicable rules and regulations. These rules and regulations provide safeguards and requirements designed to assure safe food sources, preparation, compliant equipment and facilities, employee health, demonstration of food safety knowledge among industry management, and acceptable levels of sanitation within retail and seasonal food establishments. This is accomplished through registration, education, training, risk-based regulatory inspections, and enforcement.

1.2. Scope

This Program applies to all property owned or operated by IU and its affiliates where retail food establishments operate. This includes but is not limited to: campus housing units, dormitories, Greek housing units, concession stands, and retail food establishments.

Public food service within the State of Indiana is regulated by the Food Protection Program of the Indiana State Department of Health (ISDH) and is delegated by ISDH to local health jurisdictions. At Indiana University (IU), ISDH has delegated regulatory authority to Indiana University Environmental Health and Safety (EHS) and the Marion County Public Health Department (MCPHD) through Partnership Agreements. The public health officials of the IUEHS conduct inspections and enforcement on the following IU campuses: IU-Bloomington, Bradford Woods, IU East (Richmond), IU Kokomo, IU Northwest (Gary), IUPUC (Columbus), IU South Bend, and IU Southeast (New Albany). Retail Food Establishments on the IUPUI campus are regulated and licensed by MCPHD and are therefore subject to: [Chapter 8 of The Code of The Health and Hospital Corporation of Marion County, IN](#). All campuses are governed by and subject to the Indiana Food Code: [Title 410 IAC 7-24: Retail Food Establishment Sanitation Requirements](#) as well as the regulatory reference provided in the References section of this document.

Exceptions:

- Food Service at Indiana University's Camp Brosius in Sheboygan County, Wisconsin is regulated and inspected by state and local health agencies and is subject to the following regulations:
 - [Wisconsin Department of Health Services \(DHS\) - Wisconsin Food Code –Chapter DHS 196](#)
 - [Wisconsin Department of Health Services \(DHS\) – Environmental Health –Chapter DHS 254 – Subchapter VII – Lodging and Food Protection](#)
 - [Wisconsin Administrative Code – Department of Agriculture, Trade, and Consumer Protection \(ATCP\) – Chapter ATCP 75: Retail Food Establishments](#)
- Food Service at Indiana University's Judson Mead Geologic Field Station in Madison County, Montana is regulated and inspected by state and local health agencies and is subject to the following regulations:

- [Montana Department of Public Health and Human Services - Montana Code Annotated \(MCA\) 2014: Title 50. Health and Safety – Chapter 50. Retail Food Establishments.](#)
- [Montana Department of Public Health and Human Services – Food & Consumer Safety Section – Rule for: Retail Food Establishments – Title 37 – Chapter 110 – Subchapter 2](#)

2. AUTHORITY AND RESPONSIBILITY

2.1. University Environmental Health and Safety (IUEHS) is responsible for:

- 2.1.1. Liaising with other applicable related groups and regulatory authorities, such as the Indiana State Department of Health and the Marion County Public Health Department.

For all venues outside of Marion County, IN:

- 2.1.2. Implementing, regulating, and enforcing this Program and its appendices, the Partnership Agreement with the Indiana State Department of Health, and applicable food law.
- 2.1.3. Conducting pre-operational, routine, follow up, temporary, and other inspections of food service facilities and special events that provide food for short periods of time.
- 2.1.4. Ensuring every retail food establishment registers with IUEHS annually and remits their annual registration fee.
- 2.1.5. Conducting mandatory plan reviews for change of ownership, renovation, and/or newly constructed retail food service establishments and grants final approval of plans, once compliant, prior to the start of construction and operation of the establishment.
- 2.1.6. Conducting consumer complaint and foodborne illness investigations as needed.
- 2.1.7. Offering and conducting food safety education and training when needed or requested.
- 2.1.8. Conducting occasional non-regulatory Food Defense Vulnerability Assessments and assists Retail Food Establishments in developing and maintaining Food Defense Plans.
- 2.1.9. Conducting enforcement, interpretation, and recommendations of rules and regulations under IUEHS purview and that are referenced in this Program.
- 2.1.10. Providing technical support and consultation to all IU Retail Food Establishments and events.

2.2. Retail Food Establishment Management and all food service employees (internal and contracted/non-IU employees) are responsible for:

- 2.3.1. Complying with this Program and performing all food service operations in accordance with all applicable regulations referenced within this Program, including: *ISDH Title 410 IAC 7-24 Retail Food Establishment Sanitation Requirements.*
- 2.3.2. Food Service Employees should be aware of and comply with, the Indiana University Food Employee Health Policy and accompanying health questionnaire, found in the IU Food Protection Policy, to minimize the chance of foodborne illness.
- 2.3.3. Cooperation with inspectors and timely remediation of deficiencies found during inspections.
- 2.3.4. Completing and submitting all registration documents, plan review materials (in conjunction with architects), and submitting fees in a timely manner. Providing notification to regulatory authority for any significant equipment changes and/or minor facility upgrades.

2.3. University Architects Office and other entities who design and build retail food establishments under the purview of this program are responsible for:

- 2.3.1. Completion and submission of plan review materials to IUEHS as detailed in Section 3.1 and in Sections 107, 110, and 111 of *Title 410 IAC 7-24*, consultation, design and construction meetings with various stakeholders within the University,

and supervising contractor's work. Plans for the IUPUI campus are to be submitted directly to the MCPHD. See <http://www.mchd.com/orfe.htm> for additional guidance.

2.4. Marion County Public Health Department (MCPHD) is responsible for:

Reviewing and approving food establishment plans, licensing, inspecting, investigating complaints and foodborne illnesses and otherwise regulating retail food establishments on the IUPUI campus.

3. PROGRAM ELEMENTS

3.1. Plan Review

- 3.1.1. Comprehensive plan review services for the IUPUI campus are provided by the MCPHD.
- 3.1.2. The owner or other authorized agent of an existing or proposed food establishment shall submit to IUEHS properly prepared plans and specifications for review and approval as required in Sections 107, 110, and 111 of *Title 410 IAC 7-24*, before:
 - 3.1.2.1. The construction of a food establishment;
 - 3.1.2.2. The conversion of an existing structure for use as a food establishment; or
 - 3.1.2.3. The remodeling of a food establishment, a change of type, or change in ownership of a food establishment if IUEHS determines that plans and specifications are necessary to ensure compliance with this section.
- 3.1.3. The plans and specifications for a food establishment shall include: the completion and submittal of the Indiana State Department of Health Plan Review Questionnaire document (State Form #50004 (R3/6-05)), the blueprints/design drawings, the equipment schedule, the type of operation, type of food preparation (as specified in Appendix A of 410 IAC 7-24), and the anticipated menu. Plan review and design guidance can be found in the [Food and Drug Administration's \(FDA\) Food Establishment Plan Review Guideline](#).
- 3.1.4. The plans and specifications shall be deemed satisfactory and approved by IUEHS before a registration can be issued. No food service establishment or mobile food service establishment shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by IUEHS.
- 3.1.5. When plans and specifications required by section 3.2 (b) of this Program are to be submitted to IUEHS, IUEHS shall inspect the food service establishment or mobile food service establishment prior to the start of operations to determine compliance with the approved plans and specification and with the requirements of this Program as well as *410 IAC 7-24*. Operations cannot begin until the establishment has final IUEHS approval.
- 3.1.6. Each food establishment shall give 30-day's notice of the intent to operate any new or renovated food establishment under IUEHS regulatory purview in order to arrange and schedule a pre-operational inspection.

Note: Significant equipment upgrades and minor facility improvements would not be considered grounds for following the entire plan review process. However, anytime these changes occur, the regulatory authority shall be notified in advance to provide technical advice and ensure compliance with applicable rules.

3.2. Registration Requirements, Procedure for Issuance, and Fees

- 3.2.1. **General:** Food establishments on the IUPUI campus are licensed by the MCPHD. Contact the MCPHD for additional information on licensing and fee requirements. <http://www.mchd.com/fdp.htm>
- 3.2.2. No one may operate a food establishment without having first registered, obtained, and paid for a registration certificate. Registration must occur on an annual basis. The registration certificate must be posted in a conspicuous location in the food establishment

at all times. A separate registration shall be required for each food service establishment operated or owned by any person. A separate registration shall be required when separate areas for food service or preparation are located at the same address and are operated by one owner if:

- 3.2.2.1. There is physical separation between each area and those areas have a point of sale or point of distribution,
 - 3.2.2.2. They are advertised as separate locations,
 - 3.2.2.3. There are different hours of operation for each area, and
 - 3.2.2.4. Require a separate inspection
- 3.2.3. Registration Period: A registration for a food establishment shall be issued for a term of one (1) year, beginning September 1st, and/or before commencement of operation, and expiring August 31st, of the following year and shall be applied for by the person and/or operator annually.
- 3.2.4. Registration Fees: Registration fees for the issuance of a registration under this Program to a food establishment shall be set by IUEHS as provided by Indiana Code 16-20-1-27. The fee schedule for registration certificates is detailed on the registration application that is available on the [IUEHS Food Protection webpage](#) or upon request and is updated as needed. The payment of fees under this Program is not transferable or refundable. A receipt for the payment of such fee shall be provided by IUEHS upon processing payment. The payment of such fees shall be required for each food establishment operated or to be operated by any person as detailed in subsection 3.2.2.
- 3.2.5. Late Fees: Failure to submit an application by September 1st each year will result in a charge of \$450 per establishment regardless of whether or not your establishment has ten (10) or more full-time-equivalent employees. Failure to pay fees in a timely manner (within thirty (30) days of invoice receipt) will result in the assessment of late fees (30% of the original invoice).
- 3.2.6. Registration Content: Any registration issued by the public health official shall contain:
- 3.2.6.1. The name and address of the person and/or owner to whom the registration is granted;
 - 3.2.6.2. The location of the establishment for which the registration is issued;
 - 3.2.6.3. The issuance and expiration date(s); and
 - 3.2.6.4. Other such pertinent data as may be required by the public health official.
- 3.2.7. Application: A person desiring to operate a food establishment shall submit a completed application for a registration on a form provided by IUEHS annually. The form is available on the [IUEHS Food Protection webpage](#). After review, IUEHS will process the application and the establishment will be invoiced accordingly.
- 3.2.8. Qualification: To qualify for a registration, an applicant must:
- (1) Be an owner and/or operator of the food establishment;
 - (2) Pay the applicable registration fee at the time the invoice is received from IUEHS, and
 - (3) Complete all necessary documentation required by IUEHS.
- 3.2.9. Change of Ownership: A registration issued under this Program is not transferable to another location or another person. In the event of a change of ownership by conveyance, sale contract, lease, or other means, the current registration shall become void and a new registration shall be required. A registration shall not be issued to a food service

establishment under new ownership until it is in substantial compliance with all applicable state and local laws and applicable University policies.

In the event IUEHS is not notified of a change of ownership of a food service establishment, a registration for the next year shall not be issued until:

- 3.2.9.1. The food service establishment is in substantial compliance with all applicable state and local laws and applicable University policies; and
 - 3.2.9.2. The past year's registration is paid in full, including delinquent fees in accordance with subsection 3.3.4.
- 3.2.10. Responsibilities of the Operator: Upon acceptance of the registration issued by IUEHS, the operator in order to retain the registration shall:
- 3.2.10.1. Comply with the provisions of this Program and all laws and rules adopted by reference herein and the conditions of any variances granted by the ISDH;
 - 3.2.10.2. Immediately discontinue affected operations and notify IUEHS if an imminent health hazard may exist;
 - 3.2.10.3. Allow public health officials of IUEHS access to the food establishment at all reasonable times;
 - 3.2.10.4. Comply with directives of IUEHS including time frames for corrective actions specified in inspection reports, notices, warnings, compliance and enforcement procedures, and other directives issued by IUEHS in regard to the operator's food establishment or in response to community emergencies or a foodborne illness outbreak investigation;
 - 3.2.10.5. Accept notices issued and served by IUEHS
 - 3.2.10.6. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with the regulations referenced in this Program or a directive of IUEHS; and
 - 3.2.10.7. Post the registration in a location in the food establishment that is conspicuous to consumers.

3.4. Inspection

- 3.4.1. General: IUEHS shall inspect food establishments at a frequency based on the risk factor of the establishment. Establishments defined as low-risk shall be inspected at least once a calendar year. Medium risk establishments shall be inspected once to twice a year based on inspector discretion of risk at the establishment including factoring in a history of non-compliance. High risk establishments shall be inspected twice a calendar year. In addition to routine food inspections, follow up inspections, or other inspections may be warranted at food establishments. Descriptions of levels of food establishment risk is provided in Appendix B.

The MCPHD inspects fixed food service locations on the IUPUI campus based in a manner consistent with this program. The MCPHD is responsible for documenting inspections in a written report; a copy of which is left at the food establishment at the conclusion of the inspection.

- 3.4.2. Temporary Food Establishment: IUEHS shall periodically inspect temporary food establishments that prepare, sell, or serve unpackaged potentially hazardous food. See the Temporary Event Food Service Program for more information. Temporary Food Establishments (Special Events) on the IUPUI campus are licensed by the MCPHD. <http://www.mchd.com/fdevents.htm>
- 3.4.3. Access Allowed at Reasonable Times: After IUEHS presents official credentials and provides notice of the purpose of and the intent to conduct an inspection, the operator shall allow IUEHS to determine if the food establishment is in compliance with this Program by

allowing access to the establishment, allowing inspection, and providing information and records specified in this Program. IUEHS is entitled the information and records according to IC 16-42-1-13 and IC 16-42-5-23, during the food establishment's hours of operation and other reasonable times. Access is a condition of the acceptance and retention of a food establishment registration to operate.

- 3.4.4. Food Related Complaint and Illness Investigations: Complaints related to food service operations or suspected foodborne illness outbreaks on campus will be investigated by IUEHS public health officials, who will work with the responsible parties to assist them with investigation and resolution of the issue. Complaints and reports of suspected foodborne illness outbreaks will be responded to by IUEHS within 24 hours of receipt. IUEHS on the IUPUI campus will provide oversight and serve as liaison with the MCPHD for foodborne illness investigations on the IUPUI campus.
- 3.4.5. Inspection Reports: At the conclusion of the inspection, IUEHS shall provide a copy of the completed inspection report with a summary of violations to the operator or to the person-in-charge and conduct an exit interview detailing the violations and their public health reasons.
- 3.4.6. Timely Correction of Critical Violations: Except as specified in the next paragraph, an operator shall at the time of inspection correct a critical violation of 410 IAC 7-24 and/or 410 IAC 7-22 and implement corrective actions for a Hazard Analysis Critical Control Point (HACCP) plan provision that is not in compliance with its critical limit.

Considering the nature of the potential hazard involved and the complexity of the corrective action needed, IUEHS may agree to or specify a longer time frame after the inspection, for the operator to correct critical code violations or HACCP plan deviations.

After receiving notification that the operator has corrected a critical violation or HACCP plan deviation, or at the end of the specified period of time, IUEHS shall verify correction of the violation, document the information on an inspection report, and enter the report in IUEHS records.

- 3.4.7. Refusal to Sign Acknowledgement: Refusal to sign an acknowledgment of receipt will not affect the operator's obligation to correct the violations noted in the inspection report within the time frames specified. A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the IUEHS historical record for the food establishment. The operator is not necessarily in agreement with the findings of IUEHS inspection by acknowledgement of receipt.
- 3.4.8. Public Information: Except as specified in Section 194 (Trade Secrets) of 410 IAC 7-24, IUEHS shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it as provided in law (IC 16-20-8).

3.5. Compliance and Enforcement

- 3.5.1. Regulatory Enforcement and Corrective Action Procedures for Retail Food Establishments:
 - 3.5.1.1. Enforcement Guidelines:

The MCPHD provides corrective action oversight on the IUPUI campus in a manner consistent with this program including the correction of critical violations. Critical violations at a Retail Food Establishment will be corrected at the time of the inspection or at an agreed upon time frame if immediate correction is not physically feasible. A follow-up inspection may be warranted and conducted based on the findings of

the initial inspection. Progressive enforcement will continue to escalate as described below until compliance has been achieved. Non-critical violations shall be addressed in a timely manner.

A critical violation is defined as any violation that is more likely than others to contribute to food contamination, illness, injury, or other environmental health hazards. Multiple critical food safety violations may require follow-up inspections by IUEHS which will be conducted at an interval associated with the observed hazards and the timeframes necessary for correction.

Additionally, IUEHS will require establishments to report and cease operations immediately if an imminent health hazard, as described in Section 109 of *Title 410 Indiana Administrative Code (IAC) 7-24: Retail Food Establishment Sanitation Requirements*, may exist because of an emergency such as a: fire, flood, extended power outage, extended water outage, sewage backup, misuse of poisonous or toxic materials, the apparent onset of a foodborne illnesses outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

3.5.1.2. Procedures:

3.5.1.2.1. Routine Inspection:

- 3.5.1.2.1.1. Critical violations must be corrected at the time of inspection, unless it is not feasible to do so. If three (3) or more critical violations are observed during the original inspection, the facility will be sent an accompanying compliance letter after the routine inspection detailing remaining actions to be taken to resolve the documented violations. A follow up inspection will be conducted by IUEHS within an average of ten (10) business days and not more than thirty (30) calendar days.
- 3.5.1.2.1.2. When four (4) consecutive routine inspections observe the same non-critical repeat violation, then the establishment will be subject to the same enforcement procedures as detailed in this section. In place of the procedures for the Risk Control Plan (RCP), the establishment will be required to submit a written Corrective Action Plan (CAP) after the routine inspection. The CAP must be approved and submitted within five (5) business days of receipt of the compliance letter as required by IUEHS. A first follow-up inspection or other means of compliance verification will be conducted by IUEHS based on the corrective action timeframes established in the CAP.
- 3.5.1.2.1.3. IUEHS on the IUPUI campus is responsible for reviewing MCPHD inspection reports for the IUPUI campus on a biannual basis to ensure that inspections are occurring at a frequency consistent with this program and to ensure that critical and noncritical violations are being effectively addressed.

3.5.1.2.2. First Follow-up Inspection:

- 3.5.1.2.2.1. If critical violations remain uncorrected as observed by IUEHS staff during the first follow-up inspection, a meeting with the IUEHS Public Health Group and the Retail Food Establishment Management will be scheduled. The meeting will address the remaining issues within the establishment as well as providing input for the required Risk Control Plan (RCP) to be drafted by the establishment, submitted, and

approved by IUEHS within five (5) business days of the compliance meeting. The RCP will establish long-term control of risk-factors for foodborne illness. A second follow-up inspection will be conducted within five (5) business days and not more than ten (10) calendar days.

3.5.1.2.2.2. If the non-critical repeat violations, as defined in 3.5.1.2.1.2 remain uncorrected after the first follow-up inspection, then a second follow-up will be conducted within five (5) business days and not more than ten (10) calendar days along with the implementation of the enforcement procedures listed in section 3.5.1.2.4.

3.5.1.2.3. Second Follow Up Inspection:

3.5.1.2.3.1. If necessary, IUEHS will conduct a second follow-up inspection. If critical violations are still present after the second follow-up inspection, a meeting will be scheduled with the respective Director of Environmental Health and Safety, the IUEHS Public Health Manager, IUEHS Public Health Staff, and the applicable Food Vendor Contract Overseer, Vice President's office, Vice Chancellor's office, Executive Director of Facilities and Operations, House Director, or associated Dean which has administrative oversight of the non-compliant Retail Food Establishment to discuss enforcement options detailed in section 3.5.1.2.4.

3.5.1.2.3.2. If the non-critical repeat violations are still present after the second follow-up inspection, a meeting will be scheduled with the respective Director of Environmental Health and Safety, the IUEHS Public Health Manager, IUEHS Public Health Staff, and the applicable Vice President's office, Vice Chancellor's office, Executive Director of Facilities and Operations, House Director, or associated Dean which has administrative oversight of the non-compliant Retail Food Establishment to discuss enforcement options detailed in Section IV.

3.5.1.2.4. At this time, IUEHS will either:

3.5.1.2.4.1. Ask for corrective action assistance from the associated upper level management and request a written response from upper level management detailing the actions that will be taken and the timeframe for actions to be completed,

3.5.1.2.4.2. Recommend that the violating Retail Food Establishment be closed until corrective action is taken,

3.5.1.2.4.3. Revoke or suspend the Retail Food Establishment's Registration to Operate for the times specified in section 3.5.1.4 IUEHS's Food Protection Program, and/or

3.5.1.2.4.4. If deemed necessary, IUEHS will review the potential to administer civil penalties to Retail Food Establishments in accordance with Indiana Code (IC) 16-42-5-28 for failure to comply with Title 410 Indiana Administrative Code (IAC) 7-24: Retail Food Establishment Sanitation Requirements on a schedule as provided in Title 410 Indiana Administrative Code (IAC) 7-23: Schedule of Civil Penalties.

- 3.5.1.3. Application Denial: If an application for a plan review and/or registration to operate a food establishment is denied, IUEHS shall provide the applicant with a notice that includes:
- 3.5.1.3.1. The specific reasons and rule citations for the application and/or registration denial;
 - 3.5.1.3.2. The actions, if any, that the applicant must take to qualify for the application and/or registration; and
 - 3.5.1.3.3. Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in law.
- 3.5.1.4. Registration Revocation: IUEHS may revoke a registration to operate a food establishment for a time period not to exceed 90 calendar days. If the registration has been revoked in the past and a clear demonstration of non-compliance is demonstrated by the registration holder then the registration may be revoked for a longer period of time as determined by the public health official(s) and the respective Director of IUEHS.
- 3.5.1.5. Registration Suspension: IUEHS may suspend a registration to operate a food establishment if it determines through inspection, or examination of employee, food, records, or other means as specified in this program, that an imminent health hazard exists. A suspension shall not exceed 30 calendar days. The registration may be suspended for a longer period of time as determined by the public health official(s) and the respective Director of IUEHS.
- 3.5.1.6. Ceasing Operation and Contacting IUEHS: An operator of a food establishment shall immediately discontinue operations and notify IUEHS if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.
An operator need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.
- 3.5.1.7. Resuming Operation: If a food establishment has discontinued operations for the reasons stated above or otherwise according to law, the operator must obtain approval from IUEHS before resuming operations.
- 3.5.1.8. Outstanding Fees: Any outstanding fees and fines owed to IUEHS shall be paid prior to the issuance of a registration.

Variance Requests: All variance requests for any section or rule of Indiana food law must be reviewed and approved by the Indiana State Department of Health. The term 'variance' means a written document issued by the Assistant State Health Commissioner upon demonstration of good cause by the person requesting the variance which authorizes a waiver, modification, or deviation from one (1) or more of the state rules concerning food handling machinery, or sanitary standards for the operation of food establishments.

If a retail food establishment under IUEHS regulatory purview wishes to seek a variance for a specific section of Indiana food law, the establishment can contact IUEHS to assist with the process which entails applying for and getting approval

from the Indiana State Department of Health Food Protection Program prior to the implementation of the variance.

- 3.5.1.9. Hazard Analysis Critical Control Point (HACCP) Plans: All HACCP plans as required by 410 IAC 7-24 must be reviewed, approved, verified, and validated by Retail Food Establishments and IUEHS upon site visits for inspections and contain the specifications detailed in 410 IAC 7-24-115.

4. TRAINING & RECORDKEEPING

- 4.1. Based on the risk of foodborne illness inherent to the retail food operation, during inspections and upon request, the person-in-charge shall demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the HACCP principles, and the requirements of this rule. The person-in-charge shall demonstrate this knowledge by either of the following:
- 4.1.1. Having at least one certified food employee on staff that has shown proficiency of required information through passing a test that is part of an accredited program, as per Title 410 IAC 7-22: Food Handler Certification Requirements. Copies of the accredited certification shall be available upon request at the retail food establishment.
- 4.1.2. If the retail food establishment is exempt from 410 IAC 7-22, the demonstration of knowledge shall be met by the items listed in 410 IAC 7-24 Section 118(a)(2).
- 4.2. IUEHS can offer general food safety training as well as periodic trainings for nationally accredited certifications that meet the training and certification requirements as detailed in *Title 410 IAC 7-22: Food Handler Certification Requirements*. In addition, the MCPHD is available as a training resource on the IUPUI campus.
- 4.3. Food Establishments shall maintain copies and records of any Hazard Analysis Critical Control Point plans, variances, Standard Operating Procedures (SOPs) or any other written procedures in relation to food safety. While not a requirement in the rule, IUEHS strongly advises that Food Establishments record and maintain temperature logs for food: equipment, hot/cold holding, receiving, and cooking temperatures and to maintain those records for 90 days.
- 4.4. As required in 410 IAC 7-24-163, Food Establishments shall maintain records for 90 days of freezing temperatures and durations for any fish served: raw, raw-marinated, partially cooked, or marinated-partially cooked
- 4.5. As required in 410 IAC 7-24-157, Food Establishments shall maintain records of shellstock identification tags for 90 days.

5. REFERENCES

University Policy on Food Protection – link to new overarching policy here

Related University Policies

[Requirements for Service of Food and Alcoholic Beverages on Indiana University Premises](#)
[Non-Solicitation on Campus – FIN-PUR-21.0](#)

Regulatory References, Industry Guidance, Applicable to all Campuses
(Unless otherwise specified)

Indiana Codes (IC):

[IC 16-20-1 - Local Health Departments](#)
[IC 16-20-8 – Food Service Inspections](#)
[IC 16-42-5 - Sanitary Requirements for Food Establishments](#)
[IC 16-42-5.2 - Food Handlers](#)
[IC 16-42-1 - Uniform Food, Drug, and Cosmetic Act: General Provisions](#)
[IC 16-42-2 - Uniform Food, Drug, and Cosmetic Act: Adulteration or Misbranding of Foods](#)
[IC 35-45-8 - Consumer Product Tampering](#)

Indiana State Department of Health (ISDH) Title 410 IAC:

[7-22: Certification of Food Handler Requirements](#)

[7-23: Schedule of Civil Penalties](#)

[7-24: Retail Food Establishment Sanitation Requirements](#)

Additional Applicable References:

Memorandum of Understanding – Partnership Agreement – between Indiana State Department of Health and Indiana University (available upon request)

[Indiana Building Codes – Title 675 IAC 13](#)

[Indiana Mechanical Codes – Title 675 IAC 18](#)

[Indiana Fire Code – Title 675 IAC 22](#)

[Indiana Electrical Codes – Title 675 IAC 17](#)

[Indiana Plumbing Code – Title 675 IAC 16](#)

[Indiana House Enrolled Act 1309 – Home-Based Vendors](#)

[Food and Drug Administration \(FDA\) – Food Establishment Plan Review Guide](#)

[Food and Drug Administration \(FDA\) – Guidance for Food Defense](#)

[Food and Drug Administration \(FDA\) – Voluntary National Retail Food Regulatory Program Standards \(VNRFPS\)](#)

For IUPUI Retail Food Establishments Only:

[Chapter 8 of The Code of The Health and Hospital Corporation of Marion County, Indiana](#)

For IUB Retail Food Service Establishments Only:

[City of Bloomington Municipal Code – Title 10 – Chapter 10.17 Food Service Establishment Wastewater Dischargers](#)

6. REVISIONS

New Document: June 2015

APPENDIX A – GLOSSARY

Active Managerial Control is a comprehensive food safety system. It includes operators and staff who are knowledgeable about food safety issues, and are responsible for controlling practices and procedures that contribute to foodborne illness.

Corrective Action Plan is a written document submitted to IUEHS in response to out-of-compliance and repeated violations. The document details how the food establishment will go about correcting violations and details the associated time frames for correction.

Foodborne Illness Risk Factors mean practices and behaviors within retail food establishments that can be significant contributing factors associated with foodborne illness outbreaks within foodservice and retail food establishments and are broken down into five broad categories:

- Food from Unsafe Sources,

- Inadequate Cooking,
- Improper Holding Temperatures,
- Contaminated Equipment, and
- Poor Personal Hygiene.

Food Establishment (as defined in IC 16-18-2-137) for purposes of IC 16-42-5 and IC 16-42-5.2, means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food.

The term does not include the following:

(1) A dwelling where food is prepared on the premises by the occupants, free of charge, for their consumption or for consumption by their guests.

(2) A gathering of individuals at a venue of an organization that is organized for educational purposes in a nonpublic educational setting or for religious purposes, if:

(A) the individuals separately or jointly provide or prepare, free of charge, and consume their own food or that of others attending the gathering; and

(B) the gathering is for a purpose of the organization.

Gatherings for the purpose of the organization include funerals, wedding receptions, christenings, bar or bat mitzvahs, baptisms, communions, and other events or celebrations sponsored by the organization.

(3) A vehicle used to transport food solely for distribution to the needy, either free of charge or for a nominal donation.

(4) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.

(5) Except for food prepared by a for-profit entity, a venue of the sale of food prepared for the organization:

(A) that is organized for:

(i) religious purposes; or

(ii) educational purposes in a nonpublic educational setting;

(B) that is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) that offers the food for sale to the final consumer at an event held for the benefit of the organization; unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(6) Except for food prepared by a for-profit entity, an Indiana nonprofit organization that:

(A) is organized for civic, fraternal, veterans, or charitable purposes;

(B) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) offers food for sale to the final consumer at an event held for the benefit of the organization; if the events conducted by the organization take place for not more than fifteen (15) days in a calendar year.

(7) An individual vendor of a farmers' market or roadside stand if the individual meets the requirements of IC 16-42-5-29.

This definition also includes the definition of a 'Retail Food Establishment' as defined in 410 IAC 7-24-79.

Food Vendor Contract Overseer means the Indiana University department responsible for food vendor contract oversight at a particular location.

Hazard Analysis Critical Control Point (HACCP) Plan (as defined in 410 IAC 7-24-43) means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Highly Susceptible Population (HSP) includes persons who are more likely than others in the general population to experience a foodborne illness because they are immunocompromised, pre-school aged children, or the elderly.

Imminent Health Hazard means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on:

- (A) the number of potential injuries and illnesses; and
- (B) the nature, severity and duration of the anticipated injury or illness
(for example: sewage backing up in a food preparation area or the contamination of food products with toxic materials).

INLOCC: The Indiana University Office of Insurance, Loss Control & Claims

IUPUI: means Indiana University-Purdue University Indianapolis

IUEHS: means Indiana University Environmental Health and Safety.

Inspection Report means a document prepared by IUEHS or the MCPHD that is completed as the result an inspection and provided for the operator.

MCPHD: means the Marion County Public Health Department.

Operator means the person who has a primary oversight responsibility for operation of the establishment through ownership, lease, or contractual agreement, and who is responsible for the storage, preparation, display, transportation, or serving of food to the public.

Person means an association, corporation, individual, partnership, or other legal entity.

Potentially Hazardous Food (PHF)/Time-Temperature Control for Safety Food (TCS) means any food that is natural or synthetic and is in a form capable of supporting:

- (A) the rapid and progressive growth of infectious or toxigenic microorganisms; or
- (B) the growth and toxin production of *C. botulinum*

Potentially hazardous foods include foods that are of animal origin that are raw or heat-treated; foods of plant origin that are heat treated or consist of raw seed sprouts; cut melons; and garlic and oil mixtures. The term includes foods with a water activity (Aw) value above 0.85 and foods with a pH level above 4.6 when measured at 75 degrees F. Generally, potentially hazardous foods are foods that need temperature control to slow the growth of bacteria and to prevent spoilage. The holding temperature of foods shall be 41 degrees F or below for cold foods and 135 degrees or above for hot foods.

Public Health Official means any official of Indiana University Environmental Health and Safety that has the authority granted by the Indiana State Department of Health to conduct inspections of food establishments and enforce Indiana food sanitation and health requirements as provided in law. This includes representatives of the Department of Food and Consumer Safety of the MCPHD on the IUPUI campus.

Registration Certificate means the document issued by IUEHS that authorizes a person to operate a food establishment under IUEHS regulatory purview.

Registration Fee means an annual fee that is assessed to the food establishment by IUEHS that is based on the total number of employees at the food establishment. The fee provides funds for regulatory inspections, plan reviews, foodborne illness investigations, consumer compliant investigations, and food safety education, training, and oversight.

Regulatory Authority means the public authority or government agency responsible for exercising autonomous authority over retail food establishments and public food service within their jurisdiction.

Risk Control Plan means a written document drafted by a food establishment and reviewed and approved by IUEHS that aims to identify out of compliance risk factors for foodborne illness and methods that will be used and achieved to gain compliance in the future and for long-term control of the identified hazards. The plan aims to achieve compliance through active-managerial control.

Risk Factor means the degree of risk associated with a particular food establishment based on their menu, preparation techniques, and population they serve. Risk factors are separated into low, medium, and high. The higher the risk factor, the more often an establishment will be inspected. An explanation of each factor is provided in Appendix B of this Program.

Seasonal Food Establishment means a food establishment that is not in operation for more than six months out of a calendar year. This definition includes most athletic concession stands and includes mobile food establishments that do not meet the definition of a 'temporary food establishment'.

APPENDIX B – FOOD ESTABLISHMENT RISK FACTOR

Based on population served, menu, and preparation techniques, these risk factor categories will determine the necessary inspection frequency by IUEHS:

- (1) **Low Risk:** Prepackaged potentially hazardous foods; limited menu with no food preparation. (Examples: Milk, ice cream, frozen meals in display case, coffee bars with cream, convenience stores/drug stores)
- (2) **Medium Risk:** Pre-packaged raw ingredients are cooked or prepared to order. Raw ingredients require minimal assembly. Most products are cooked/prepared and served immediately. Hot and Cold holding of potentially hazardous food is restricted to single meal service. Preparation processes requiring cooking, cooling, and reheating are limited to a few foods. (Examples: chain grocery and restaurants, fast food operations, school cafeterias)
- (3) **High Risk:** Extensive handling of raw ingredients. Preparation includes cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous foods. Food processes include advance preparation for next – day service. Category would also include those facilities who serve highly susceptible populations such as pre-school children, hospitals and long term care facilities and facilities that process food at a retail level such as smoking, curing, and reduced-oxygen packaging for extended shelf life. (Examples: Banquet/Catering operations, buffets, non-chain full-service restaurants/grocery stores, foods prepared from "scratch".)

Note: a Risk Factor may change due to:

- History of non-compliance with provisions related to foodborne illness risk factors or critical items
- Change in menu or food processes
- Serving a Highly Susceptible Population (HSP)
- Complaints and/or confirmed foodborne illness outbreak

APPENDIX D – RELATED DOCUMENTS AND FORMS

Forms:

[Food Protection: EHS Indiana University](#)

[Application for Plan Review](#)

[Plan Review Questionnaire Instructions](#)

[Plan Review Questionnaire](#)

[Application for Registration of Retail Food Establishment](#)

[Response to Inspection Form](#)

Retail Food Establishments Guidance:

[Template Employee Illness Policy](#)

[Food and Drug Administration – Food Establishment Plan Review Guide](#)

[Food and Drug Administration – Guidance on Food Defense](#)

Related Programs and Resources:

[Food Defense: Guidelines for Maintaining Security of Food Sources](#)

[Food Product Recalls](#)

[Indiana State Department of Health Food Protection Program](#)

[Centers for Disease Control and Prevention](#)

[Food and Drug Administration](#)

Marion County Public Health Department Resources:

[MCPHD: Department of Food and Consumer Safety](#)

[Chapter 8: Food Safety - of The Code of The Health and Hospital Corporation of Marion County, Indiana](#)