

COMPLIANCE AND ENFORCEMENT STRATEGIES



North Carolina

Food Protection and Facilities Program



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Public Health

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COMPLIANCE AND ENFORCEMENT STRATEGIES

Section 1: BACKGROUND

This manual was originally developed in 2011 by the North Carolina Department of Environmental Health (NCDENR), Food Protection Branch. The initial workgroup comprised Environmental Health Regional Specialists and Registered Environmental Health Specialists (REHSs). Its purpose was to create a centralized resource for enforcement guidance, promoting consistency across programs. The project received funding from the Food and Drug Administration (FDA) and was awarded through the Association of Food and Drug Officials (AFDO).

In 2017, a new workgroup was convened to revise the manual by integrating compliance guidance. The update aimed to support jurisdictions in meeting the requirements of Standard 3 — Inspections based on HACCP principals — for sustained compliance, and to assist with procedures aligned with Standard 6 — Compliance and Enforcement. This revision was led by Wake County, with continued funding from the FDA and an award from AFDO.

In 2023, the North Carolina Retail Program Standards Network (NCRPSN) formed a workgroup to update the manual in alignment with the 2017 North Carolina Food Code and recent regulatory changes. Richmond County led this effort, funded by the FDA and awarded by the National Environmental Health Association (NEHA).

This current edition has been reviewed and approved by the North Carolina Department of Health and Human Services (NCDHHS), Food Protection Program. It serves as:

- A training resource for local REHSs
- A compliance reference for file reviews
- A supporting document for jurisdictions participating in the FDA Voluntary National Retail Food Regulatory Program Standards, specifically for conformance with Standard 6

Section 2: PURPOSE

This manual provides guidance and assistance with the compliance and enforcement of North Carolina statutes and rules pertaining to Risk Factors and Interventions at regulated retail food and drink establishments. Compliance and enforcement activities encompass all voluntary and regulatory actions taken to achieve compliance with regulations. Compliance and enforcement activities result in the timely correction of code violations. This collaborative process will enable the Environmental Health Specialist to ensure the facility complies with all applicable regulations. This manual supplements the current laws, rules, and marking instructions. For further clarification on any issue addressed within this manual, refer to the applicable statutes and regulations. The regulatory authority for inspections is outlined in the [NC General Statutes](#), [NC Rules Governing Food Establishments](#), and the [NC Food Code Manual](#).

FDA Standard 6 serves as a cornerstone of food safety regulation and public health protection by outlining the essential framework for the effective implementation of compliance and enforcement strategies. Its primary goal is to ensure establishments are held to consistent corrective measures, thereby reducing the risk of foodborne illnesses across jurisdictions. The manual emphasizes the importance of developing credible short- and long-term corrective strategies for each identified violation. These strategies are not only essential for achieving compliance but also play a key role in mitigating the recurrence of critical risk factors. Additionally, the manual incorporates the FDA's violation crosswalk for Standard 6, a critical tool used to align observed violations with the corresponding Food Code interventions. This crosswalk serves as a reference to help inspectors, regulators, and enforcement personnel ensure that every violation is evaluated in terms of its public health impact and associated preventive measures.

FDA Standard 6 and North Carolina's Enforcement Strategies Manual work in tandem to establish a science-based, proactive approach to food safety enforcement. By focusing on risk reduction, documentation, and intervention alignment, they empower regulatory programs to not only correct unsafe practices but also foster a culture of compliance and accountability throughout the food industry.

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Section 3: ACRONYMS

This document uses the following acronyms:

- AMC–Active Managerial Control
- CDI – Corrected During Inspection
- CIP – Clean in Place
- EHS – Environmental Health Specialist
- FCA– Follow-up Corrective Action
- HACCP – Hazard Analysis Critical Control Point
- HSP – Highly Susceptible Population
- PIC – Person in Charge
- RCP – Risk Control Plan
- RTE – Ready to Eat Food
- SOP – Standard Operating Procedure
- TCS – Time/Temperature Control for Safety
- TPHC – Time as a Public Health Control
- VR– Verification Required

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Section 4: STANDARD 6 ESTABLISHMENT FILE REVIEW DEFINITIONS

Standard 6 outlines a jurisdiction's enforcement strategies to ensure compliance with regulations. This includes all voluntary or involuntary conformity with provisions set forth by the jurisdiction to safeguard public health and ensure that food is safe. As part of this process, each jurisdiction is required to have acronyms to include as part of each establishment file worksheet. The definitions below have been obtained from resources such as the Conference for Food Protection, Food Code, and FDA Retail Food Specialist.

- **Active Managerial Control** – means the purposeful incorporation of specific actions or procedures by industry management into their businesses to attain control over foodborne illness risk factors.
- **CIP (Clean-in-Place)** – means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.
- **Corrected During Inspection** – indicates that all violations cited under that particular item number have been corrected and verified before completing the inspection.
- ***Follow-up Corrective Action** – occurs after the routine inspection, such as a re-inspection, training, risk control plan, and internal conferences.
- **Hazard Analysis Critical Control Point** – "HACCP plan" means a written document delineating the formal procedures for following the HAZARD Analysis and CRITICAL CONTROL POINT principles developed by The National Advisory Committee on Microbiological Criteria for Foods.
- **PERSON IN CHARGE** – the individual present at a FOOD ESTABLISHMENT responsible for the operation at the time of inspection.
- **READY TO EAT** – as defined in the NC Food Code.
- ***Repeat Risk Factor Violations** – the same risk factor violation under the same citation on the last inspection report that requires additional activities to obtain compliance. Options include the following: Risk Control Plans or Training.
- **Risk Control Plan** – a concisely written management plan developed by the retail or food service operator with input from the health inspector that describes a management system for controlling specific out-of-control risk factors.
- **Standard Operating Procedures** – a written method of controlling a practice in accordance with predetermined specifications to obtain a desired outcome.
- **TIME/TEMPERATURE CONTROL FOR SAFETY** – as defined in the NC Food Code.
- **TPHC** – means using time (instead of temperature) to control the growth of microorganisms and ensure product safety. TPHC allows an establishment to hold time/temperature control for safety products (TCS) in the temperature danger zone for a maximum period of time only if the proper procedures are followed.
- **Verification Required** – indicates correction is warranted within the timeframe specified under 8-405.11.

Note: Words in uppercase format are words that can be found defined in the FDA Food Code. Definitions with an "" are required for Standard 6.*

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Section 5: FDA RISK FACTORS AND INTERVENTIONS

Epidemiological outbreak data repeatedly identify five major risk factors related to employee behaviors and preparation practices in retail and food service establishments contributing to foodborne illness.

Risk Factors

- Food from Unsafe Sources
- Poor Personal Hygiene
- Inadequate Cooking
- Improper Holding/Time and Temperature
- Contaminated Equipment/Protection from Contamination

The Food Code addresses controls for risk factors and further establishes five key public health interventions to protect consumer health. Specifically, these interventions are:

Interventions

- Demonstration of Knowledge by the Person in Charge (PIC)
- Implementation of Employee Health Policies
- No Bare Hand Contact
- Time/Temperature Relationships
- Consumer Advisory

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Section 6: ENFORCEMENT AND COMPLIANCE TOOLS

Regulatory and non-regulatory enforcement and compliance tools are means to achieve the goal of reducing foodborne illness risk factors. They are reactive measures that respond to violations observed during inspections. Compliance with regulations is best achieved when operators are educated in the best practices of food safety, take ownership, and incorporate food safety concepts into their daily operations. This is known as Active Managerial Control (AMC), a proactive measure, and should be assessed by EHSs during routine regulatory inspections. During routine regulatory inspections, EHSs observe facility operations and provide feedback to operators. Education and enforcement are both tools to encourage compliance; however, enforcement actions such as those listed call attention to violations and highlight areas that need immediate and long-term attention. Enforcement actions include:

- 1. Grading and Escalation:** [NCGS 130A-248](#) requires the State to adopt rules [15A NCAC 18A .2662](#) have a system for grading such as Grade A, Grade B, and Grade C. The rules require the grade/score to be posted at “a conspicuous place where the public may readily observe it upon entering the food establishment.” Public notification of food establishment grades/scores provides consumers with information in making dining decisions and encourages operators to maintain a high level of performance. The state provides marking instructions ([Food Code Marking Instructions](#)) that offer guidance on how to mark the inspection sheet. “See [Section - 11](#)”. To demonstrate credible follow-up for violations that repeatedly occur and/or fail to gain correction at the time of inspection, [15A NCAC 18A .2661 \(e-f\)](#), defines how escalating points must be carried out.
- 2. Verification Visits:** Verification visits are required when priority and priority foundation items are not corrected during an inspection or when there is a deviation from a HACCP plan. (8-405.20) The EHS must ensure the correction of priority and priority foundation violations during the inspection or with a verification visit, which shall not exceed 72 hours for Priority Items or 10 days for Priority Foundation items from the observation [8-405.11 Timely Correction](#).
- 3. Voluntary Disposal and Embargo:** Embargo grants the authority to voluntarily dispose of adulterated or misbranded food. If voluntary disposal does not occur, the process moves to detainment, which is performed by the local health director or the Environmental Health Regional Specialist.
 - **Voluntary Disposal:** When an EHS observes adulterated or misbranded foods, voluntary disposal is an option for correction. The EHS shall document the voluntary disposal on the inspection form. When needed, a [Product Disposition Form](#) or a comment addendum can be used to document the disposal of food. Discarded foods should be destroyed or denatured to be sure they are not sold later. The PIC and the EHS should sign and date the product disposition form. For the purposes of this document, the term discard implies voluntary disposal by an operator or PIC.
 - **Embargo: GS 130A-21:** The purpose of embargo authority is to prevent adulterated or misbranded food or drink from being served to the public. Embargo is an order from a public health official requiring a person/establishment to detain or hold food that may be adulterated or misbranded. The embargoed item(s) may not be destroyed without a court order. The state Department of Agriculture and Consumer Services (DACs) has primary embargo authority in North Carolina. Public health’s authority extends only to establishments regulated by state public health laws or the subject of a communicable disease investigation. The only public health officials who may order an embargo are state EH agency officials, regional specialists, or a local health director (who must consult with a regional specialist or other state EH agency official). Public health must notify NCDACS when the public health embargo authority is exercised. Link to [Embargo tags](#).

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4. **Risk Control Plan:** A risk control plan is a mutually agreed-upon plan written by the management of the food establishment and approved by the EHS to address chronic problems with risk factors and interventions. The plan describes the establishment's management system for controlling the chance of harm. Examples of appropriate RCPs are included in the appendices of this document. A RCP is an option to be considered when the same risk factor or intervention has been found out of compliance on multiple inspections. **Note:** *In order to meet standard 6, jurisdictions should have specific policies that describe the use of risk control plans if it is being used as a long-term compliance tool.*

5. **Permit Actions – [GS 130A-23](#):** A permit action is the process of suspending or revoking a permit. A permit may be suspended or revoked if the agency finds a violation of a provision of a state statute or rule that applies to the permit, a condition placed on the permit, or the permit was issued based on incorrect or inadequate information that materially affected the decision to issue the permit. Suspension or revocation may be immediate if the violation presents an imminent hazard (as specified in applicable law). Otherwise, suspension or revocation requires notice of intent to suspend or revoke. The law does not prescribe when to suspend versus revoke, but in most situations, it is advisable to consider suspension if the problem can be corrected or revocation when the situation cannot be corrected easily.
 - A. **Intent to Suspend:** A tentative or provisional decision to cease permitted operations if all identified rule violations have not been corrected within 30 days. If all identified rule violations have not been corrected during the prescribed time, the department must suspend the permit, as stated in the notice. Suspension disallows operations until all identified rule violations are corrected and verified by the EHS.
 - B. **Intent to Revoke:** A tentative or provisional decision to permanently cease permitted operations if all identified rule violations have not been corrected within 30 days. Once revoked, the operator must apply for a new permit.
 - C. **Immediate Suspension:** A notice to cease facility operation immediately due to an imminent hazard. Once suspended, all identified rule violations must be corrected before the notice is lifted.
 - D. **Immediate Revocation:** A notice to cease facility operation immediately due to an imminent hazard. Once revoked, the operator must apply for a new permit. Note: The permit is immediately revoked if a score drops below 70.

Note: *This Compliance and Enforcement Manual is intended to be a guide for all jurisdictions using the 2017 NC Food Code. It is imperative that jurisdictions use their own policies and chain of command structure to make final decisions in enforcement actions noted in this document. In addition, jurisdictions should consult with NCDHHS Regional Specialists when needed.*

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Section 7: LEGAL REMEDIES

1. Injunction – [GS 130A-18](#)

An injunction is a court order. In the public health context, an injunction orders a person to stop violating public health laws. The state or a local health director may seek an injunction for violating a public health statute, rule, or a local board of health rule. An action for an injunction must be filed in the county's superior court where the violation occurred. A person who fails to comply with an injunction may be held in contempt of court.

2. Public Health Nuisance – [G.S. 130A-19](#)

A public health nuisance is a situation on property that impacts public health. Determining whether a situation is a public health nuisance that is subject to legal remedy can be difficult. There is no law that clearly explains what constitutes a public health nuisance. The state health director or a local health director may determine that a public health nuisance exists and order the person in charge of a property to abate the nuisance. If the person does not take action pursuant to the order, the state or local health director may file an action in the superior court to enforce the order.

3. Abatement for Imminent Hazard – [GS 130A-20](#)

An imminent hazard is a situation that, if no immediate action is taken, is likely to cause an immediate threat to human life, an immediate threat of serious physical injury or serious adverse health effects, or a serious risk of irreparable damage to the environment. After determining an imminent hazard, a health director may either issue an abatement order or take direct action to abate the hazard. The health department will incur costs if the director elects to abate rather than order abatement. Ordinarily, the department will have a lien on the property for the costs, but the lien may be defeated in some circumstances.

4. Administrative Penalties – [G.S. 130A-22](#)

An administrative penalty is a monetary fine. They may be imposed on a person who violates laws related to lead certification, OSWW, or smoking. The amount of the penalty is set by state laws. If a person fails to pay, the imposer of the penalty (state or local health director) may file an action in Superior Court.

5. Misdemeanor – [GS 130A-25](#)

A person may be charged with a misdemeanor for violating any public health statute or rule except those pertaining to smoking. The violation is a class 1 misdemeanor under GS 14-3. When a person is convicted of a misdemeanor for violating public health laws, they ordinarily are sentenced in accordance with North Carolina's Structured Sentencing laws.

There is an exception: if the conviction violates the communicable disease laws, the person may be sentenced to up to two years imprisonment. The case is tried in the district court. If the defendant is found guilty, they may appeal to the superior court for a new trial.

6. Right of Appeal – Review Process and Appeals Procedure

If a permit holder disagrees with a decision of the local health department on the interpretation, application, or enforcement of the rules, the permit holder may (1) Request an informal review per [15A NCAC 18A .2676](#) or (2) Initiate a contested case in accordance with [GS 150B](#).

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Section 8: KEY OF NC VIOLATION CODES FOR FDA RISK FACTORS

The following key shows each Risk Factor and Intervention with the item number on the inspection sheet and each relevant violation code.

2017											
RISK FACTORS											
Unsafe Sources		Inadequate Cooking		Improper Holding Temperatures Hot & Cold, Rapid cooling		Poor Personal Hygiene		Contaminated Food Contact Surface & Equipment			
Item #	Food Code Citation	Item #	Food Code Citation	Item #	Food Code Citation	Item #	Food Code Citation	Item #	Food Code Citation	Item #	Food Code Citation
11	3-201.11 P, Pf	18	3-401.11 P, Pf	20	3-501.14 P	6	2-401.11 C	15	3-302.11 P	28 cont	7-203.11 P
	3-201.12 P		3-401.12 P,C	21	3-501.16(A)(1) P		3-301.12 P		7-204.11 P		
	3-201.13 P		3-401.14 P,Pf	22	3-501.16 (A)(2) and (B) P	7	2-401.12 C		3-304.11 P		7-204.12 (D) P
	3-201.14 P	19	3-403.11 P			8	2-301.11 P	3-304.15(A) P	3-306.13(A) P		7-204.13 P
	3-201.15 P				2-301.12 P		16	4-501.111 P	7-204.14 P		
	3-201.16 P				2-301.14 P			4-501.112 Pf	7-205.11 P		
	3-201.17 P				2-301.15 Pf			4-501.114 P, Pf	7-206.11 P		
	3-202.13 P				2-301.16 Pf	10	5-202.12 C	4-501.115 C	7-206.12 P		
	3-202.14 P				5-203.11 Pf		4-601.11(A) Pf	4-602.11 P,C	7-206.13 P,C		
	3-202.110 P,Pf				5-204.11 Pf		4-602.12 C	4-601.11(A) Pf	7-207.11 P, Pf		
	5-101.13 P				5-205.11 Pf		4-702.11 P	4-602.11 P,C	7-207.12 P		
				6-301.11 Pf	4-703.11 P		4-602.12 C	7-208.11 P,Pf			
12	3-202.11 P,Pf					6-301.12 Pf	4-702.11 P	4-702.11 P	7-209.11 C		
13	3-101.11 P					6-301.13 C	6-301.11 Pf	4-703.11 P	7-301.11 P		
	3-202.15 Pf					6-301.14 C	6-301.12 Pf				
14	3-202.18 Pf						6-301.13 C	17	3-306.14 P	42	7-204.12 (A)(B)(C)P
	3-203.12 Pf						6-301.14 C	17	3-701.11 P	48	4-501.113 C <small>*FDA Food Code under #16</small>
	3-402.11 P							27	3-202.12 P		
26	3-801.11 (A)(B)(C)(E)(G) P, C							28	3-202.14 P		
									7-101.11 Pf		
									7-102.11 Pf		
									7-201.11 P		
									7-202.11 Pf		
									7-202.12 P,Pf,C		

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Section 9: KEY OF NC VIOLATION CODES FOR FDA INTERVENTIONS

2017									
INTERVENTIONS									
Time/ Temperature Parameters not Met (Time as a Control, date marking)		Bare Hand Contact with Ready-to-Eat Food		Consumer Advisory (when required)		Demonstration of Knowledge by PIC		Employee Health Control system or policy implemented	
Item #	Food Code Citation	Item #	Food Code Citation	Item #	Food Code Citation	Item #	Food Code Citation	Item #	Food Code Citation
23	3-501.17 Pf	9	3-301.11 P, Pf	25	3-603.11 Pf	1	2-101.11 Pf	3	2-102.11 (C)(2), (3) and (17) Pf
	3-501.18 P		3-801.11(D) P				2-102.11 (A), (B) (C)(1), (4)-(16) Pf		2-103.11(O) Pf
24	3-501.19 P, Pf, C						2-103.11 (A)-(P) Pf		2-201.11 (A), (B), (C), (E) P, Pf
						2	2-102.12(A)C		2-201.11 (D) and (F) P
						29	3-404.11 P, Pf	4	2-201.12 P
							3-502.11 Pf		2-201.13 P
							3-502.12 P, Pf	5	2-501.11 Pf
							4-204.110(B) Pf		
							8-103.12 P, Pf		
						8-201.13 C			
							8-201.14 Pf		

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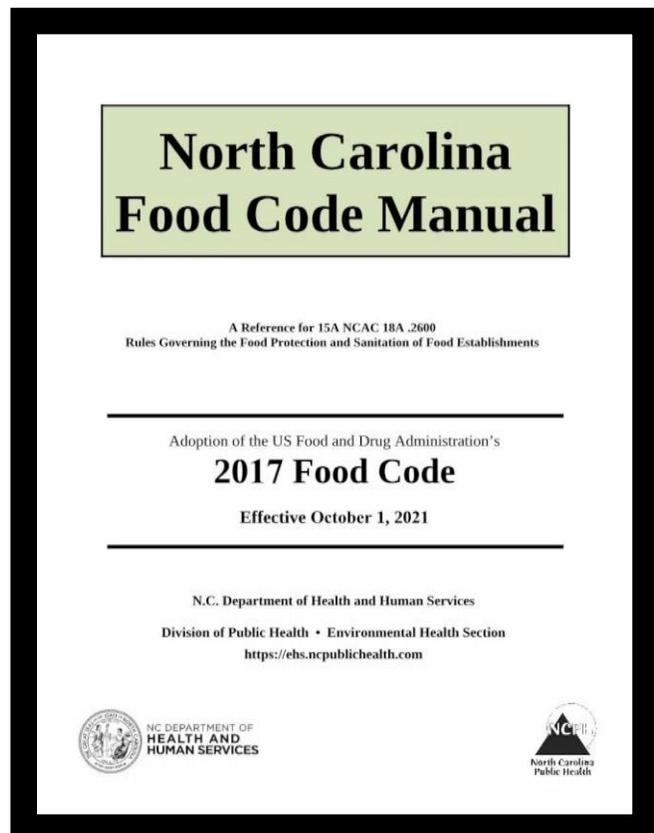
Section 10: CORRECTIVE ACTION FOR PRIORITY, PRIORITY FOUNDATION, AND CORE CITATIONS

The following chart provides acceptable corrective actions for FDA non-compliant Risk Factors and Interventions, both short and long-term. This chart links the NC Food Code reference to the inspection form item number and the corrective action. The corrective action is chosen based on the severity and recurring nature of the violation. Long-term compliance options address the continuing control of risk factors and interventions.

The majority of the scenarios for each citation have been considered and vetted through previous versions of this manual. Not all situations and observations can be detailed for short- and long-term corrections. Observations and corrective actions not covered in this manual guidance should be sought through management and policies of the department or the Environmental Health Regional Specialist. It is beneficial to document the source of the guidance if not contained in the manual.

Due to North Carolina not adopting 8-406.11 of the FDA Food Code, which requires a timeframe for the correction of core violations, the following actions should be taken for core violations:

1. Initial Action: Record the observed violation in the Inspection Report, using grading as the means of enforcement action. Collaborate with the person in charge to attempt correction on-site. If the core violation can be corrected on-site, make a corresponding notation on the inspection sheet.
2. Subsequent inspection: If the violation has been corrected, no further action is required. If it remains uncorrected during the inspection, the inspector should attempt on-site correction and document it as a repeat violation on the inspection report, employing grading as the enforcement action taken. Escalating points should be considered for multiple repeated citations of the same core violation. If the core violation is contributing to priority foundation and priority violations, further permit action may be necessary.



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RISK FACTOR AND PUBLIC HEALTH INTERVENTIONS

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Intervention: Demonstration of Knowledge by PIC				
2-101.11, Pf	1	* Assignment	2-101.11- PIC is designated. CDI or VR required.	2-101.11 - An additional PIC is designated and trained to fill the role when one is absent.
2-102.11 (A), (B), (C) (1,4-16), Pf		* Demonstration of Knowledge	2-102.11 (A), (B), (C) (1,4-16)- PIC is provided education during inspection to be able to answer the questions correctly. CDI or VR required.	2-102.11 (A), (B), (C) (1,4-16)- PIC is re-enrolled in an ANSI-accredited course as needed to maintain the credential.
2-103.11 (A)-(P), Pf		* Duties of PIC	2-103.11(A)-(P)- PIC works with EHS to regain AMC. CDI or VR required.	2-103.11(A)-(P) - PIC receives additional training. Establishment identifies a knowledgeable PIC with AMC.
Intervention: Demonstration of Knowledge by PIC				
2-102.12 (A), C	2	* Certification by an accredited program	2-102.12(A)- Give information on where the course/exam is given. ANSI Approved Courses	2-102.12(A)-PIC passed an ANSI Accredited course. ANSI Approved Courses
Intervention: Employee Health Control System or Policy Implemented				
2-102.11 (C) (2), (3) & (17), Pf	3	* PIC demonstration of knowledge about employee health.	2-102.11 (C) (2), (3) & (17)- EHS provides additional training so PIC can answer questions correctly. CDI or VR required.	2-102.11 (C) (2), (3) & (17)- PIC retrained on areas of knowledge. Demonstration of Knowledge Questions
2-103.11 (O), Pf		* PIC ensures employees are informed about the Employee Health Policy	2-103.11(O) - Health policy information is provided to PIC. Methods include Posting policy in employee areas, mailing/emailing policy to employees, scheduling educational meetings with employees, etc. EHS provides an approved health policy to PIC if the facility does not have one, along with training. CDI or VR required.	2-103.11(O) - PIC receives additional training and instruction. Approved health policy is made available to PIC.
2-201.11 (A)(B)(C)(E), P, Pf		* Responsibilities and reporting symptoms and diagnosis.	2-201.11(A)(B)(C)(E) -The PIC and employees are instructed on when and how to report. EHS provides an approved health policy or PIC creates their own. CDI or VR required.	2-201.11(A)(B)(C)(E) - Train new and existing employees to report. Provide health policy to employees by an effective method. EHS provides PIC with educational material on requirements to aid in the development/update of health policy. Employee Health Policy Examples

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Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Intervention: Employee Health Control System or Policy Implemented				
2-201.11 (D)(F), P	4	* Responsibility of PIC to exclude/restrict sick employees and the responsibility of employees to comply.	2-201.11(D) - Exclude or restrict employees. (F) - Comply with exclusion and restriction specifications. CDI Required	2-201.11(D)(F) - PIC trained on exclusion and restriction policy. FDA Employee Health Policy Tool
2-201.12, P		* Conditions of exclusion and restriction.	2-201.12- Exclude or restrict employees based on specific symptoms, diagnoses, and exposures. Exclude or restrict employees if reinstatement requirements are not met. CDI Required	2-201.12 - PIC trained to recognize specific symptoms, diagnoses, and exposures that require exclusion and restriction of employees. PIC trained on reinstatement requirements. FDA Employee Health Policy Tool
2-201.13, P		* Managing exclusions and restrictions.	2-201.13- Comply with removing, adjusting, and continuing exclusion conditions. CDI Required	2-201.13- PIC trained to adhere to conditions. EH Decision Flow Chart
Intervention: Employee Health Control System or Policy Implemented				
2-501.11, Pf	5	* Proper Clean-up of vomit and diarrheal procedures	2-501.11- Written procedures are provided to PIC and made available for employees to follow when responding to vomiting or diarrheal events. EHS provides training when giving out educational materials. CDI or VR Required	2-501.11- Employees trained on clean-up procedures. Clean-Up Procedures Clean-Up Flyer
Risk Factor: Poor Personal Hygiene				
2-401.11, C	6	* Proper eating, drinking, or tobacco use.	2-401.11- Clean and sanitize food contact surfaces and discard food contaminated by food employees. Store employee drinks correctly or discard them. CDI Required	2-401.11- Train employees on the risk of contaminating food to be sold or served. Train employees on proper storage of personal food, drink, and tobacco.
3-301.12, P		* Prevent Contamination while tasting	3-301.12 - Discard utensils if single-use. Clean and sanitize utensils if multi-use and discard food contaminated by food employees. CDI Required	3-301.12 - Train employees on the risk of contaminating food to be sold or served. Train employees on the proper method of taste-testing food.
Risk Factor: Poor Personal Hygiene				
2-401.12, C	7	* Discharge from the eyes, nose, and mouth	2-401.12 Clean and sanitize food contact surfaces or utensils and discard food contaminated by food employees. Food employees are sent home or restricted. CDI Required	2-401.12- PIC trained to recognize specific symptoms; train employees on the risk of contaminating food, clean equipment, utensils and linens; or unwrapped single-service or single-use article.

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Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Risk Factor: Poor Personal Hygiene				
2-301.11, P	8	* Clean condition of hands and arms	2-301.11 - Employee washes hands and exposed portions of arms. CDI Required	2-301.11 - Train employees on the need to wash hands and exposed portions of arms.
2-301.12, P		* Cleaning procedure of hands and arms	2-301.12 - Employee rewashes hands and exposed portions of arms, including surrogate prosthetic devices for hands or arms with cleaning compound, for at least 20 seconds at a properly installed and equipped handwashing sink. CDI Required	2-301.12- Train employees on how to clean their hands. Provide or post instructional handwashing material at handwashing sinks.
2-301.14, P		* When to wash hands and arms	2-301.14 - Employee washes hands and exposed portions of arms. CDI Required	2-301.14 - Train employees on when to wash hands and exposed portions of arms. Provide or post instructional material on when to wash hands.
2-301.15, Pf		* Where to wash hands and arms	2-301.15 - Employee washes hands and exposed portions of arms in a handwashing sink. If hands were washed in food preparation or warewashing sink, that sink is cleaned and sanitized before use. CDI Required	2-301.15 - Train employees on where to wash their hands. Post signs that designate handwashing sinks.
2-301.16, Pf		* Hand Antiseptics	2-301.16- If hand antiseptic used was not compliant for use in the facility; the employee must rinse their hands to remove the unapproved hand antiseptic and remove the non-compliant hand antiseptic from the facility. If the hand antiseptic is not compliant for hands in direct contact with food, the employee must rinse hands in clean water or limit activity to no direct bare-hand contact with food. If the hand dip solution is not clean or weak, discard it. CDI Required	2-301.16- Review specifications on hand antiseptics used in the facility. Remove unapproved hand antiseptics from the facility. Change to a different type of hand antiseptic. Train employees on how to use hand antiseptics. Provide or post instructional hand antiseptic use material at handwashing sinks. Sample RCP Located under Section 12 Handwashing Procedures Handwashing sign
Intervention: Bare-Hand Contact with Ready-To-Eat Food				
3-301.11, P, Pf, C	9	* Bare-Hand Contact	3-301.11 (A) Have employees correctly wash their hands. CDI (B) – Discard or cooking food to at least 145F. Educate on bare-hand contact. CDI or VR (C) - Change food contact method. Educate employees on bare-hand contact and how to minimize it. CDI or VR Required	3-301.11(B) - Train employees on preventing bare-hand contact with exposed RTE food. Provide suitable utensils. (C) - Train employees on methods to minimize bare hand and arm contact with food not in ready-to-eat form. Provide suitable utensils.
3-801.11 (D), P		* Bare hand contact is prohibited in establishments that serve the HSP population.	3-801.11(D) - If the facility serves an HSP, and food is contacted with bare hands, the food must be discarded. This includes produce with barehand contact during the washing procedure. CDI or VR Required	3-801.11 - Train employees on preventing all bare-hand contact with foods in a facility that serves an HSP. Provide suitable utensils.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Risk Factor: Poor Personal Hygiene				
5-202.12(A) C	10	* Handwash Sink Installation	5-202.12(A) - Adjust water heater. Verify temperature rise to at least 100F. CDI or VR Required	5-202.12(A) - Repair/Replace plumbing system components. Consult licensed plumber.
5-203.11(A) Pf		* Number of and wash sink, supplied and accessible	5-203.11(A) - Require installation of additional handwash sinks. Cease operation or install temporary handwash stations with a standard operating procedure if approved. CDI or VR Required	5-203.11(A) - Install handwash sinks. Consult a licensed plumber.
5-204.11(A)(B) Pf		* Location and Placement	5-204.11(A)(B) - Require relocation or installation of handwash sinks. Install temporary handwash stations with a standard operating procedure if approved. CDI or VR Required	5-204.11(A)(B) - Relocate or install handwash sinks. Consult licensed plumber.
5-205.11 Pf		* Operation and maintenance	5-205.11(A) - Make accessible. (B) - Discontinue unapproved use. CDI or VR Required	5-205.11(A)(B) - Train employees.
6-301.11 Pf		* Handwashing Cleanser, Available	6-301.11 - Supply the sink with hand cleanser. CDI Required	6-301.11 - Train employees.
6-301.12 Pf		* Hand Drying Provision	6-301.12(A)(B)(C)(D) – Supply sink with hand drying provision. CDI Required	6-301.12(A)(B)(C)(D) - Train employees.
6-301.13		* Handwashing Aids and Devices	6-301.13-Remove handwashing signage.	6-301.13-Train employees.
6-301.14		* Handwashing sign	6-301.14-Post handwashing signage.	6-301.14-Train employees.
Risk Factor: Unsafe Sources				
3-201.11, P, Pf	11	*Compliance with Food Law	3-201.11 - Discard/reject/return. Voluntary Disposal/Embargo . CDI Required 3-201.11 (E) -- Obtain processing information or comply with 3-401.11. CDI or VR required 3-201.11(E)(3)(c) - Assess risk and consider allowing PIC to add a label or implement Voluntary Disposal/Embargo. CDI Required	3-201.11 - Train employees on approved sources of food and product specifications. Change supplier to an approved vendor that provides supporting documents. 3-201.11(E)(3)(c) - Train employees on requirements for whole-muscle, intact beef.
3-201.12, P		*Food in hermetically sealed containers	3-201.12, 3-201.13, 3-201.14, 3-201.15, 3-201.16, 3-201.17,3-202.13, 3-202.14, 3-202.110, 5-101.13 - Discard/reject/return. Voluntary Disposal/Embargo. CDI Required <i>Interstate Resources:</i> Interstate Certified Shellfish Shippers List <i>Intrastate Resources:</i> NC Division of Marine Fisheries Shellfish Sanitation & Recreational Water Quality Section Shawn Nelson – Office Supervisor Shawn.Nelson@ncdenr.gov	3-201.12, 3-201.13, 3-201.14, 3-201.15, 3-201.16, 3-201.17, 3-202.13, 3-202.14, 3-202.110, 5-101.13 Train employees. Change supplier to an approved vendor that provides supporting documents. Sample RCP Located under Section 12
3-201.13, P		* Fish		
3-201.14, P		* Molluscan		
3-201.15, P		* Shellfish		
3-201.16, P		* Wild mushrooms		
3-201.17, P		*Game Animals		
3-202.13, P		* Eggs		
3-202.14, P		* Eggs and milk products pasteurized		
3-202.110, P, Pf		* Juice Treated		
5-101.13, P	* Bottled Drinking Water			

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Risk Factor: Unsafe Sources				
3-202.11, P, Pf	12	* Food received at the proper temperature.	3-202.11 -Discard/reject/return. Voluntary Disposal/Embargo. CDI Required	3-202.11 - Train employees on how to receive food correctly. Change supplier. Verify that the supplier is an approved vendor and has proper equipment. <i>Sample RCP Located under Section 12</i>
Risk Factor: Unsafe Sources				
3-101.11, P	13	* Safe, unadulterated, and honestly presented.	3-101.11 - Discard/reject/return. Voluntary Disposal/Embargo. CDI Required	3-101.11 - Train employees on how to check deliveries and do inventory. Change supplier if the problem continues.
3-202.15, P		* Package Integrity	3-202.15 – Dented cans that have visible evidence the hermetic seal has been compromised (bulging, leaking, dome-shaped lid, dented on or around hermetic seal). Discard/reject/segregate and return. Voluntary Disposal/Embargo. CDI Required	3-202.15 - Train employees on how to check deliveries, segregate damaged merchandise and do inventory. Change supplier if the problem continues. <i>Sample RCP Located under Section 12</i>
Risk Factor: Unsafe Sources				
3-202.18, Pf	14	* Shellstock Identification	3-202.18 - Discard/reject/return. Voluntary Disposal/Embargo. CDI or VR	3-202.18 - Train employees. Change suppliers. Create a checklist to verify certifications and shellstock tags upon receiving. Develop RCP with a log for receiving stock.
3-203.12, Pf		* Maintaining Identification of Shellstock	3-203.12 – If tags are properly dated but no system is in place. Tags must be placed in chronological order. CDI or VR Required. If tags are not properly dated and no system. VR Required	3-203.12 - Train employees. Change suppliers. Create a checklist to verify certifications and shellstock tags upon receiving. Develop RCP for accurate record keeping.
3-402.11, P		* Parasite Destruction	3-402.11 -Discard/reject/return. Voluntary Disposal/Embargo. Obtain parasite destruction documentation or Cook food to the proper temperature. CDI or VR Required	3-402.11 - Train employees. Change suppliers. Modify the menu to exclude these items.
3-402.12, Pf		* Records, Creation, and Retention	3-402.12 -Discard/reject/return. Voluntary Disposal/Embargo. Obtain documentation or cook food to the proper temperature. CDI or VR Required	3-402.12 - Change record-keeping procedures.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Risk Factor: Contaminated Food Contact Equipment				
3-302.11, P,C	15	* Packaged and Unpackaged Food Separation, Packaging, and Segregation	<p>3-302.11 - PIC must relocate food items to minimize contamination. Rearrange storage of foods. Cover food. CDI or VR Required</p> <p>Discard RTE foods contaminated from raw species foods. Discard the food if determined to be adulterated from contamination.</p> <p>Assess risk and consider the option of cooking the food to the critical limit of observed species causing contamination. CDI Required</p>	<p>3-302.11 - Train employees. Acquire additional storage equipment. Label shelving and storage areas.</p> <p>Alter storage procedures.</p> <p style="text-align: center;"><i>Sample RCP Located under Section 12</i></p>
3-304.11, P		* Food Contact with Equipment and Utensils	<p>3-304.11 - PIC must relocate food items to minimize contamination. Rearrange storage of foods to approved surfaces. Discard food if determined to be adulterated. CDI or VR Required</p>	<p>3-304.11 - Train employees. Acquire additional approved contact surfaces.</p> <p>Alter storage procedures.</p>
3-304.15 (A), P		* Glove Use Limitations (single-use gloves)	<p>3-304.15(A) - Discard gloves and wash hands. Discard contaminated food. Assess risk and consider cooking contaminated food to 145F. Clean and sanitize equipment/utensils determined to be contaminated. CDI Required</p>	<p>3-304.15(A) - Train employees.</p>
3-306.13 (A), P		* Consumer Self-Service Operations (Raw animal foods)	<p>3-306.13(A) Remove from consumer self-service. CDI Required</p>	<p>3-306.13(A) - Alter menu and/or presentation methods.</p> <p style="text-align: center;">Refrigerator and Freezer Storage Order</p>

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Risk Factor: Contaminated Food Contact Equipment				
4-501.111, P	16	* Manual Warewashing Equipment, Hot Water Sanitization temperatures	4-501.111, 4-501.112, 4-501.114 - Repair equipment or correct sanitizer to proper concentration. Switch to manual washing if capacity allows; rewash/sanitize utensils if needed. Switch to single-use utensils. CDI or VR Required	4-501.111, 4-501.112, 4-501.114, 4-501.115 - Repair/Replace equipment. Re-supply chemical stock. Train employees on correct cleaning and sanitizing of food contact surfaces. Develop a log to verify that cleaning/sanitizing equipment works properly (Irreversible measuring thermometer, disk, thermolabels). Develop an RCP with logs to ensure CIP equipment is cleaned and sanitized per required frequency. Create approved SOPs for emergencies.
4-501.112, Pf		* Mechanical Warewashing, Hot Water Sanitization Temperatures	4-501.115 – Rewash/sanitize using correct procedures.	
4-501.114, P, Pf		* Manual and Mechanical Washing Temperature, PH, Concentration and Hardness	Begin using approved emergency SOPs. Contact vendor contractor for emergency equipment repair. Assess risk and consider closure if the violation cannot be corrected during inspection (Correction includes effective sanitization method and sanitization of all utensils/equipment that were not subjected to effective/approved sanitization method).	
4-501.115, C		* Manual Warewashing Equipment Chemical Sanitization Using Detergent Sanitizers		
4-601.11 (A), Pf		* Equipment, Food contact surfaces, Nonfood Contact surfaces and Utensils cleaned	4-601.11(A) — Food contact surfaces are taken out of use. Repeat the cleaning procedure. CDI or VR Required	4-601.11(A) - Train employees.
4-602.11, P, C		* Equipment, Food contact surfaces, Nonfood Contact surfaces and Utensils - Frequency	4-602.11 - Clean the utensils or equipment. CDI or VR Required	4-602.11 - Train employees.
4-602.12, C		* Cooking and Baking Equipment	4-602.12-Clean the cooking and baking equipment. CDI or VR Required	4-602.12-Train employees.
4-702.11, P		* Before Use After Cleaning	4-702.11 - Sanitize the utensil or equipment. CDI or VR Required	4-702.11 - Train employees.
4-703.11, P	* Hot Water and Chemical	4-703.11 - Sanitize the utensils or equipment by an approved method. CDI or VR Required	4-703.11 - Train employees. Repair/replace equipment. Change sanitization methods used in the facility.	

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Risk Factor: Contaminated Food Contact Equipment				
3-306.14, P	17	* Proper disposition of returned, previously served, reconditioned, and unsafe food.	3-306.14 - Discard the food. CDI Required	3-306.14(A) - Train employees.
3-701.11, P		* Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food	3-701.11 Discard the food. CDI Required	3-701.11 (A)(C)(D) - Train employees. 3-701.11(B) - Train employees. Change source.
Risk Factor: Inadequate Cooking				
3-401.11, P, Pf	18	*Raw Animal Foods	3-401.11, 3-401.12, 3-401.14 - Continue cooking to the proper temperature. If the food is intended to be undercooked, provide a Consumer Advisory. Discard if non-continuous cooking parameters are not met. CDI or VR Required	3-401.11, 3-401.12, 3-401.14- Train employees. Repair/Replace/Acquire food temperature measurement device. Create and adhere to RCP. Provide a Consumer Advisory. <i>Sample RCP Located under Section 12</i>
3-401.12, P, C		*Microwave Cooking		
3-401.14, P, Pf		*Non-Continuous Cooking of Raw Animal Foods		
Risk Factor: Inadequate Cooking				
3-403.11, P	19	* Proper reheating procedure for hot holding.	3-403.11- If the reheating procedure did not exceed 2 hours, continue the reheating procedure within the remaining time period not to exceed 2 hours. Discard the food if it exceeds 2 hours. CDI Required	3-403.11 - Train employees. Repair/Replace/Acquire reheating equipment. Create and adhere to RCP. <i>Sample RCP Located under Section 12</i>
Risk Factor: Improper Holding Temperatures				
3-501.14, P	20	* Time/Temperature Control for Safety (TCS): Proper cooling time and temperature.	3-501.14 – Hot to Cold – First cooling parameter: If it takes more than 2 hours from 135°F to 70°F; discard. Second cooling parameter: If it takes more than a total of 6 hours from 135°F to 41°F; discard. Ambient – If it takes more than 4 hours to cool TIME/TEMPERATURE CONTROL FOR SAFETY FOOD prepared from ingredients at ambient temperatures to 41°F; discard. CDI Required If there is still time to correct cooling parameters, reheat rapidly to 165F and start the process over or see Short-Term Compliance under item number 33.	3-501.14 - Train employees. Repair/Replace/Acquire rapid cooling equipment. Begin or change the cooling monitoring procedure. Create and adhere to RCP. <i>Sample RCP Located under Section 12</i> Cooling Procedure Cooling Parameter Calculator

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Risk Factor: Improper Holding Temperatures				
3-501.16 (A)(1), P	21	TCS Time/Temperature: *Proper hot holding temperatures.	<p>3-501.16(A)(1) – Rapidly reheat to 165°F and maintain 135°F or above. Reheat to 165°F and cool properly for cold hold. CDI Required</p> <p>Discard the food if temperature abused for more than 2 hours. Discard the food if it is unknown how long it was temperature abused.</p> <p>Verification (VR) if the violation was due to equipment failure.</p>	<p>3-501.16(A)(1) - Train employees. Repair/Replace/Acquire hot hold equipment.</p> <p>Begin or change the existing temperature monitoring procedure. Change hot holding to TPHC. Create and adhere to RCP.</p> <p><i>Sample RCP Located under Section 12</i></p>
Risk Factor: Improper Holding Temperatures				
3-501.16 (A)(2) and (B), P	22	Potentially Hazardous Food (PHF) Time/Temperature: *Proper cold holding temperatures.	<p>3-501.16(A)(2) and(B) - Discard food if temperature abused for more than 4 hours. Discard food if it is unknown how long the food was temperature abused.</p> <p>If EHS can verify that food was temperature abused less than 4 hours, consider the following options:</p> <p>Serve immediately.</p> <p>Rapidly reheat to 165°F and maintain 135°F or above or serve immediately.</p> <p>Cool and cold hold.</p> <p>Emergency TPHC - Product must be identified to indicate the time it was removed from temperature control and procedures must be completed onsite.</p> <p>CDI or Verification (VR) if the violation was due to equipment failure – not enough to CDI</p>	<p>3-501.16(A)(2) and(B) - Train employees.</p> <p>Repair/Replace/Acquire cold hold equipment.</p> <p>Begin or change the existing temperature monitoring procedure. Change cold holding to TPHC. Create and adhere to RCP.</p> <p><i>Sample RCP Located under Section 12</i> Sample Cold Holding Label</p>

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Intervention: Time/Temperature Parameters Not Met				
3-501.17, PF	23	*Time/Temperature Control for Safety Food – Datemarking	3-501.17 - Discard the food if it exceeds the 7-day requirement. If food is not labeled, consider adding labels (PIC demonstrates food preparation date) or discarding. CDI Required	3-501.17 - Train employees. Change ineffective date marking procedures. Create and adhere to RCP.
3-501.18, P		* Time/Temperature Control for Safety Food– Disposition	3-501.18 - Discard the food. CDI Required	3-501.18 - Train employees. Change ineffective disposition date monitoring procedure. Create and adhere to RCP. <i>Sample RCP Located under Section 12 Date Marking</i>
Intervention: Time/Temperature Parameters Not Met				
3-501.19, P, Pf	24	* Time/Temperature Control for Safety Food: Time as a Public Health Control.	3-501.19 - If EHS can verify when food was removed from temperature control, document qualifying factors for this correction and consider the following options: If time exceeds the 4 or 6-hour holding time. Discard the food. CDI Required If TPHC food doesn't have time recorded, consider labeling with time (PIC demonstrates food preparation time) or discarding. CDI Required If procedures are not available, they must be completed onsite or a verification is required.	3-501.19 - Create approved written TPHC procedures. Discontinue TPHC and use temperature control. Install cold hold or hot hold equipment. Create and adhere to RCP.
Intervention: Consumer Advisory				
3-603.11, Pf	25	Consumer Advisory: Provided for raw or undercooked foods.	3-603.11 - Provide Consumer Advisory. Cook to the final temperature or add CA requirements to the menu. CDI or VR Required	3-603.11 - Train employees. Modify the menu. Modify recipes. 2017 Food Code Annex (3-603.11) Consumer Advisory - Shellfish

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Risk Factor: Unsafe Sources				
3-801.11 (A)(B)(C) (E)(G), P, C	26	Highly Susceptible Populations: Pasteurized foods are used; prohibited foods are not offered.	3-801.11(A) - Discard or remove prohibited juice from the HSP facility. CDI Required	3-801.11(A)(1)(2) – Remove prohibited juice from the menu. Change supplier to one that provides non-prohibited juices. (A)(3) Create and abide by the approved HACCP plan.
			3-801.11(B) - Discard the food or use the food in a recipe that cooks the eggs to at least 155F for at least 15 seconds. CDI Required	3-801.11(B) - Change ingredients to substitute pasteurized eggs for raw eggs.
			3-801.11(C) - Cease service of these foods to HSP or fully cook the food to the proper temperature. CDI Required	3-801.11(C) - Remove undercooked items from the menu.
			3-801.11(E) - Discard the eggs being held under time. CDI Required	3-801.11(E) - Store raw eggs at 45F or below.
			3-801.11(G) - Discard the reserved food. CDI Required	3-801.11(G) - Train employees.
Risk Factor: Contaminated Food Contact Equipment/Protection from Contamination				
3-202.12, P	27	Food additive approved.	3-202.12 - Remove unapproved additives from premises. CDI Required	3-302.12 - Train employees. Change food suppliers.
3-302.14, P		Food additive properly used.	3-302.14 - Discard food containing unapproved additives or restricted levels of approved additives. CDI Required	3-302.14 - Train employees. Re-evaluate storage procedures. Modify menu.
Risk Factor: Contaminated Food Contact Equipment				
7-101.11, Pf	28	* Poisonous or toxic materials original containers	7-101.11 -- PIC labels container. Discard or remove the product from the facility if product is unknown. CDI Required	7-101.11 - Change product or source.
7-102.11, Pf		* Working containers common name	7-102.11 - Label the container or discard the product if the identity is unknown. CDI Required	7-102.11 - Train employees.
7-201.11, P		* Poisonous or toxic materials storage	7-201.11 - Move material to an approved location. (If contamination occurs, discard). CDI Required	7-201.11- Alter storage locations and methods. Train employees.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
7-202.11, Pf	28	* Poisonous or toxic restriction	7-202.11 - Remove material from facility. CDI or VR Required	7-202.11 - Train employees.
7-202.12 P, PF, C		* Poisonous or toxic conditions of use	7-202.12 - Decontaminate surfaces, discard food, and discard single-service and single-use articles that contain unapproved or improperly used poisonous or toxic material. CDI or VR Required	7-202.12- Train employees. (C) Use Certified Pesticide Applicator.
7-203.11, P		* Poisonous or toxic container prohibitions	7-203.11 - Discard the container. Discard contaminated food. CDI Required	7-203.11 - Train employees.
7-204-11 P		* Chemicals sanitizer criteria	7-204.11 — Dilute sanitizer to proper concentration. Have equipment repaired/adjusted so that it dispenses at the proper concentration. Decontaminate or discard the contaminated food-contact surface. CDI or VR Required	7-204.11 - Train employees. Change product.
7-204.12, P		* Chemicals for washing treatment, storage, and processing fruits and vegetables	7-204.12 - Provide documentation. Discard the food. CDI or VR Required	7-204.12- Train employees. Change product.
7-204.13, P		* Boiler water additives criteria	7-204.13 - Discard the food. CDI Required	7-204.13- Train employees. Change product.
7-204-14, P		* Drying Agents used with sanitization	7-204.14- Rewash the surface that contacted the unapproved drying agent. CDI or VR Required	7-204.14- Train employees. Change product.
7-205.11, P		* Incidental food contact criteria	7-205.11 - Decontaminate the surfaces that contacted the unapproved lubricant. CDI or VR Required	7-205.11 - Train employees. Change product.
7-206.11, P		* Restricted use of pesticides	7-206.11 - Provide documentation. Remove pesticide from the facility. Decontaminate surfaces exposed to improperly used pesticides. CDI or VR Required	7-206.11 - Change product.
7-206.12, P		* Rodent bait stations	7-206.12 - Contact certified pest control operator to safely remove product and replace with approved bait station. CDI or VR Required	7-206.12 - Train employees. Inform the Pest Control Operator.
7-206.13, P, C		* Tracking powder used for pest control monitoring	7-206.13 - Decontaminate surfaces exposed to tracking powder pesticide. CDI or VR Required	7-206.13- Train employees. Inform the Pest Control Operator.
7-207.11, P, Pf		* Restriction and storage of medicines	7-207.11 (A) - Remove from facility. (B) Label and locate properly. CDI or VR Required	7-207.11- Train employees. Alter storage locations and methods.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
7-207.12, P	28	* Refrigerated medicine storage	7-207.12 – (A) Place into approved, labeled container. (B) Relocate container. CDI or VR Required	7-207.12- Alter storage locations and methods. Train employees.
7-208.11, P, Pf		* First aid storage	7-208.11 – (A) Properly label. (B) Place into an approved container. CDI or VR Required	7-208.11- Alter storage locations and methods. Train employees.
7-209.11, C		* Personal care storage	7-209.11-Separate personal care items. CDI or VR Required	7-209.11- Alter storage locations and methods. Train employees.
7-301.11, P		* Poisonous or toxic material separation	7-301.11 – (A) Separate the poisonous or toxic material by spacing or partitioning. (B) Relocate the poisonous or toxic material. CDI or VR Required	7-301.11 - Alter storage locations and methods. Train employees.
Intervention: Demonstration of Knowledge by PIC Conformance with Approved Procedures:				
3-404.11 (A)(B), P, Pf	29	* Treating juice	3-404.11 (A) - PIC must provide documentation or discard the food. (B) - Properly label or discard the food. CDI or VR Required	3-404.11(A) - Follow local health department guidance. Obtain approved HACCP plan. (B) - Train employees to label properly.
3-502.11 (A-H), Pf		* Variance requirement	3-502.11 - (A)(B)(C)(D)(E)(F)(G)(H) - Discard the food. CDI or VR Required Follow local health department guidance. When necessary, contact the EH Regional Specialist or Variance Committee for guidance to obtain a variance.	3-502.11(A)(B)(C)(D)(E)(F)(G)(H) Follow local health department guidance. When necessary, contact the EH Regional Specialist or Variance Committee for guidance to obtain a variance.
3-502.12 (A)(B)(C)(D)(E), P, Pf, C		* Criteria for reduced oxygen packaging	3-502.12 (A)(B)(C)(D)(E) -Provide documentation or discard the food. CDI or VR Required Follow local health department guidance. When necessary, contact the EH Regional Specialist or Variance Committee for guidance to obtain a variance.	3-502.12(A) - Lab tests. Obtain documentation. (B) - Obtain approved HACCP plan. Obtain documentation. (C) - Train employees. (D) - Obtain approved HACCP plan. Train employees. (E) - Change source. Obtain approved HACCP plan. Train employees to properly label and discard.
4-204.110 (A)(B), P, Pf		* Molluscan shellfish tanks	4-204.110 (A) - Discontinue service of the food. Label tank properly. (B) - Discard the food. CDI or VR Required	4-204.110(A)(B) - Follow local health department guidance. When necessary, contact the Regional EH Specialist or Variance Committee for guidance to obtain a HACCP plan.
8-103.12 (A)(B), P, Pf		* Conformance with approved procedures.	8-103.12 (A) - Discard the food (B) - PIC must provide documentation or discard the food. CDI or VR Required Follow local health department guidance. When necessary, contact the EH Regional Specialist or Variance Committee for guidance to obtain a variance.	8-103.12(A) - Train employees. (B) Make records available. Obtain additional copies of records.
8-201.13 C		*When a HACCP plan is required	8-201.14 (A)(B)(C)(D)(E) - PIC must provide documentation or discard the food. CDI or VR Required	8-201.14(A)(B)(C)(D)(E) - Obtain a HACCP plan. Alter existing HACCP plan.
8-201.14 Pf		*Contents of a HACCP Plan	8-201.14 (A)(B)(C)(D)(E) - PIC must submit all content noted in A-G.	8-201.14(A)(B)(C)(D)(E) – Submit HACCP Plan to regulatory authority.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Prevention of Food Contamination				
7-204.12(A), P <i>*FDA Food Code under #28</i>	42	Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables	7-204.12(A) - Discard the food. CDI Required	7-204.12(A) - Educate food employees on chemical labeling and use.
Utensils and Equipment				
4-501.113, C <i>*FDA Food Code under #16</i>	48	Warewashing facilities: installed, maintained and used; test strips.	4-501.113- Repair of equipment and repeat of sanitization step during inspection. Switch to manual washing if capacity allows rewash/sanitize dishes and utensils. Switch to single use utensils. CDI or VR	Repair/Replace equipment. Re-supply chemical stock. Develop an RCP with logs to verify kilopascals of the warewashing machine to ensure equipment is working correctly. Create approved SOP's for emergencies.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Section 11: KEY OF NC VIOLATION CODES FOR GOOD RETAIL PRACTICES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Safe Food and Water				
3-302.13(A)(B) P	30	Pasteurized eggs used where required.	3-302.13 (A) - Continue cooking or discard the food. (B) Restrict the offering of the food to meet 3-401.11(D)	3-302.13(A)(B) - Train employees
3-202.16 P	31	Water and ice from approved source.	3-202.16 - Change to approved water source.	3-202.16 - Change to approved water source.
5-101.11(A)(B) P			5-101.11 (A)(B) - Change to an approved water source or repair/maintain system according to LAW.	5-101.11(A)(B) - Change to an approved water source or repair/maintain system according to LAW.
5-102.11(A)(B) P			5-102.11(A)(B) - Change system or discontinue use.	5-102.11(A)(B) - Change water source.
5-102.12(A)(B) P			5-102.12 (A)(B) - Discontinue use.	5-102.12(A)(B) - Change water source.
5-102.13 Pf			5-102.13 - Immediately sample.	5-102.13 - Request sample. Maintain sampling schedule.
5-104.12 Pf			5-104.12-Begin using one of the approved alternative water supply methods.	5-104.12 - Obtain an approved water source.
8-103.11 (A)(B)(C) Pf	32	Variance obtained for specialized processing methods.	8-103.11 (A)(B)(C) - Supply required information.	8-103.11(A)(B)(C) - Follow local health department guidance. When necessary, contact the Regional EH Specialist or Variance Committee for guidance to obtain a HACCP plan.
Food Temperature Control				
3-501.15 Pf	33	Proper cooling methods used; adequate equipment for temperature control.	3-501.15(A) - Change to other approved effective method.	3-501.15(A) - Train employees. Acquire equipment/utensils for cooling food.
4-301.11 Pf			4-301.11 - Provide sufficient equipment. Change food preparation methods.	4-301.11 - Acquire equipment for cooling food.
3-401.13 Pf	34	Plant food properly cooked for hot holding.	3-401.13 - Continue cooking process.	3-401.13 - Train employees.
3-501.13 Pf	35	Approved Thawing Method Used	3-501.13 - Use approved thawing methods.	3-501.13-Train Employees.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
4-203.11(A)(B) Pf	36	Thermometers provided and accurate.	4-203.11(A)(B) - Calibrate or discontinue use.	4-203.11(A)(B) - Repair or replace device.
4-203.12(A)(B) Pf			4-203.12(A)(B) - Calibrate or discontinue use.	4-203.12(A)(B) - Repair or replace device.
4-204-112 Pf, C			4-204.112 (A-D)-Provide an easily readable temperature measuring device in the warmest part of the refrigeration. 4-204.112(E) - Discontinue use.	4-204-112(A-E) - Replace device.
4-302.12(A)(B) Pf			4-302.12(A)(B) - Provide and make readily accessible.	4-302.12(A)(B) - Maintain provision and accessibility of devices.
4-502.11(B) Pf			4-502.11(B) - Calibrate or discontinue use.	4-502.11(B) - Maintain calibration. Replace if not able to calibrate.
Food Identification				
3-202.17 Pf	37	Food properly labeled original container.	3-202.17- Provide documentation or discard.	3-202.17- Change supplier. Change procurement method.
3-602.11 Pf, C			3-602.11(B) – Provide updated label or remove from grab and go area. CDI or VR required for section (B)(5). (C) Label with manufacturer or processor label.	3-602.11(B) - Change labeling procedure.
Prevention of Food Contamination				
2-403.11 Pf	38	Insects and rodents not present; no unauthorized animals.	2-403.11 - Wash hands.	2-403.11-Train employees.
6-501.111 Pf,C			6-501.111- Begin using pest control methods.	6-501.111- Begin a pest control plan. Alter the existing pest control plan.
6-501.115 Pf,C			6-501.115- Remove from premises.	6-501.115- Educate customers with signage, etc.
3-303.11 P	39	Contamination prevented during food preparation, storage and display.	3-303.11 - Discard the ice.	3-303.11 - Train employees.
3-306.11 P			3-306.11 -Protect or discard the food.	3-306.11- Train employees. Acquire protective equipment or utensils.
3-306.13 (B)(C), P, Pf			3-306.13 (B) - Remove from self-service or supply utensils and dispensers. (C) - Remove from self-service or begin monitoring.	3-306.13(B)(C) - Discontinue self-service or begin using protection methods.
6-404.11 Pf			6-404.11 - Segregate products or discard them.	6-404.11 - Create and designate a segregation area away from FUELSS.
2-302.11 (A)(B) Pf	40	Personal cleanliness.	2-302.11(A) - Properly maintain fingernails or stop working as a food employee. (B) - Put on gloves. Change gloves. Properly maintain fingernails. Stop working with exposed food.	2-302.11 (A)(B) - Train employees.
3-302.15 Pf, C	42	Washing fruits and vegetables.	3-302.15- Wash fruit and vegetables.	3.302.15- Educate food employees on washing fruit and vegetables.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
Proper Use of Utensils				
4-502.12 P	45	Single-use and single- service articles; properly stored and used	4-502.12 - Provide approved utensils. Use approved utensils.	4-502.12 - Acquire approved utensils.
Utensils and Equipment				
3-304.17 P	47	Equipment, food and non- food contact surfaces approved; cleanable, properly designed, constructed and used.	3-304.17- Obtain approved container for reuse purposes. Determine method for ensuring that containers were provided by the food establishment. Properly clean, sanitize, and inspect all returnables.	3-304.17- Review SOPs and train.
4-101.11 P, C			4-101.11- Provide documentation of safety or discontinue use.	4-101.11- Maintain documentation, discontinue use or replace.
4-101.13(A)(B) P			4-101.13(A)(B) - Provide documentation of safety or discontinue use.	4-101.13(A)(B) - Maintain documentation or replace
4-101.14(A) P			4-101.14(A) - Provide documentation of compliance or discontinue use.	4-101.14(A) - Maintain documentation or replace
4-101.15 P			4-101.15 - Provide documentation of compliance or discontinue use.	4-101.15 - Maintain documentation or replace
4-102.11 P, C			4-102.11- Provide documentation of compliance or discontinue use.	4-102.11- Maintain documentation or replace.
4-201.12 P			4-201.12 - Provide documentation of compliance or discontinue use.	4-201.12 - Maintain documentation or replace
4-202.11(A) Pf			4-202.11(A) - Discontinue use	4-202.11(A) - Replace
4-202.12(A) Pf, C			4-202.12(A) - Discontinue use	4-202.12(A) - Replace
4-204.13 P, C			4-204.13(E) - Discontinue use	4-204.13(E) - Replace
4-204.110 P			4-204.110(A) - Discontinue use for food.	4-204.110(A) - Discontinue use for food.
4-302.11 Pf			4-302.11 - Provide utensil or remove container of food.	4-302.11 - Acquire sufficient number of utensils or discontinue self-service.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
4-204.115 (A)(B) Pf	48	Warewashing facilities: installed, maintained and used; test strips.	4-204.115(A)(B) - Repair or discontinue use. CDI or VR Required	4-204.115(A)(B) - Repair or replace.
4-204.116 (A)(B), Pf			4-204.116(A)(B) - Repair or discontinue use. CDI or VR Required	4-204.116(A)(B) - Repair or replace.
4-204.117 (A)(B) Pf			4-204.117(A)(B) - Repair or discontinue use. CDI or VR Required	4-204.117(A)(B) - Repair or replace
4-301.12 (A)(B)(D)(E), Pf			4-301.12(A) - Use approved alternative manual warewashing equipment. Change to single-service items and use a 2-comp. If there is no way to manually warewash, stop food prep and service. (B) - Use approved alternative manual warewashing equipment. If there is no way to manually warewash, stop food prep and service. CDI or VR Required	4-301.12(A) - Install approved sink or obtain approved variance. (B) Install approved sink or obtain approved variance.
4-302.14 Pf			4-302.14 - Acquire test kit and train employees. CDI or VR Required	4-302.14 - Maintain sufficient supply of test kits.
4-501.17 Pf			4-501.17 - Provide wash solution. Suspend operation. CDI or VR Required	4-501.17 - Re-train employees. Stock more wash solution.
4-501.19 Pf			4-501.19 - Add hot water or remake the wash solution. CDI or VR Required	4-501.19 - Re-train employees. Temperature log.
4-501.110 (A)(B) Pf			4-501.110(A) - Adjust or repair equip. Use approved alternative manual warewash equipment. (B) - Adjust or repair equipment. Use approved alternative equipment. CDI or VR Required	4-501.110(A)and(B) - Increase frequency of temperature checks. Temperature log. Re-train employees. Replace equipment.
4-501.116 Pf			4-501.116- PIC shall obtain a test kit or other device to determine chemical sanitizer concentration. CDI or VR Required	4-501.116- Train staff to test warewashing equipment using test kit or other device.
Physical Facilities				
5-103.11 (A)(B) Pf	50	Hot and cold water available; adequate pressure.	5-103.11 (A) – Repair, alter, change water source and/or system. (B) - Repair, alter, replace hot water generation and/or distribution system.	5-103.11(A)and(B) - Consult licensed plumber.
5-103.12 Pf			5-103.12 - Repair, alter, replace.	5-103.12 - Consult licensed plumber.
5-104.11(A)(B) Pf			5-104.11 (A) - Change water source. (B) - Provide approved water supply equipment.	5-104.11(A)and(B) - Consult licensed plumber. Consult municipality.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Food Code Reference	Item No.	Foodborne Illness Risk Factors and Public Health Interventions	Short-term Compliance	Long-term Compliance
5-101.12 P	51	Plumbing installed; proper backflow devices.	5-101.12 - Flush and disinfect or discontinue use.	5-101.12 - Consult licensed plumber, municipality, or local Health Department.
5-201.11 P			5-201.11- Provide documentation or discontinue use.	5-201.11–Consult licensed plumber. Replace.
5-202.11(A) P			5-202.11(A)- Repair, alter, or discontinue use.	5-202.11(A) - Consult licensed plumber.
5-202.13 P			5-202.13 - Create air gap or discontinue use.	5-202.13 - Consult licensed plumber.
5-202.14 P			5-202.14 - Replace device or discontinue use.	5-202.14 - Consult licensed plumber.
5-203.14(A)(B) P			5-203.14(A) - Create air gap or discontinue use. (B) Install device or discontinue use.	5-203.14(A)and(B) - Consult licensed plumber.
5-205.12(A)(B) P, Pf			5-205.12(A) - Remove cross connection or discontinue use. (B) - Label piping or discontinue use.	5-205.12(A)and (B) - Consult licensed plumber.
5-205.13 Pf	51	Plumbing installed; proper backflow devices.	5-205.13 - Inspect. Service. Provide documentation.	5-205.13 - Inspection and service logs.
5-205.14(A)(B) P			5-205.14(A) - Maintain, clean, or discontinue use. (B)Clean.	5-205.14(A)(B) - Consult manufacturer. Cleaning log.
5-205.15(A) P			5-205.15(A) - Repair	5-205.15(A) - Consult licensed plumber.
5-301.11(A) P			5-301.11(A) - Provide documentation of safety, alter, or discontinue use.	5-301.11(A) - Replace
5-302.16(A) P			5-302.16(A) - Provide documentation of safety or discontinue use.	5-302.16(A) - Replace
5-303.11 P			5-303.11 - Install filter or discontinue use.	5-303.11 - Consult licensed plumber.
5-304.11 P			5-304.11 - Flush and sanitize or discontinue use.	5-304.11 - Consult licensed plumber.
5-304.14(A) P		5-304.14(A) - Stop unapproved use.	5-304.14(A) - Train employees.	
5-402.11(A) P	52	Sewage and wastewater water properly disposed.	5-402.11(A) - Alter the connection.	5-402.11(A) - Consult licensed plumber
5-402.13 P			5-402.13 - Alter the design or repair.	5-402.13 - Consult licensed plumber
5-402.14 Pf			5-402.14 - Stop unapproved waste disposal.	5-402.14 - Consult municipality
5-403.11(A)(B) P			5-403.11 - Stop unapproved waste disposal	5-403.11 - Consult municipality or local Health Department.
6-302.11 Pf	53	Toilet facilities: properly constructed, supplied and cleaned.	6-302.11 - Provide toilet tissue.	6-302.11 - Stock extra toilet tissue. Toilet room check log.
6-202.111 P	55	Physical facilities installed, maintained and clean.	6-202.111 - Discontinue use of the unapproved room or area.	6-202.111 - Consult with Plan Review.
6-501.15 Pf			6-501.15-Clean contaminated sinks.	6-501.15-Train employees.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Section 12: LINKS

[15A NCAC 18A .2600](#)
[2017 NC Food Code, Effective October 1, 2021](#)
[2017 NC Marking Instructions, Effective October 1, 2021](#)
[ANSI Approved Educational Courses](#)
[Allergens](#)
[Cold Holding Label](#)
[Consumer Advisory - Shellfish](#)
[Cooling Procedure](#)
[Date Marking](#)
[Embargo Tag](#)
[Employee Health Policy](#)
[FDA Retail Food Regulatory Program Standards](#)
[Handwash Sign](#)
[Handwashing Procedures](#)
[Hot Holding Label](#)
[How to Pursue a Class I Misdemeanor](#)
[Illegal Food Vendor Example](#)
[Intent vs Immediate Suspensions Scenarios](#)
[Jurisdiction Chart](#)
[NC Food Establishment Inspection Report](#)
[Notice of Termination of Embargo](#)
[Prevent Cross-Contamination](#)
[Public Health Remedies at a Glance, Jill Moore, Institute of Government](#)
[Reciprocity Questionnaire](#)
[Refrigerator and Freezer Storage Order](#)
[Reheating Label](#)
[Standard 6 File Worksheet](#)
[Standardized Key Crosswalk to the 2017 FDA Food Code \(Standard 6\)](#)
[Voluntary Disposal Form \(Product Disposition Form\)](#)
[Vomit and Diarrhea Cleanup Policy](#)
[When to Escalate Points](#)

Section 13: RISK CONTROL PLAN SAMPLES

[Approved Source](#)
[Cold Hold](#)
[Contaminated Equipment](#)
[Cooling](#)
[Date Marking](#)
[Hot Holding](#)
[Inadequate Cook](#)
[Personal Hygiene](#)
[Reheat](#)
[Species Storage](#)
[Fillable Risk Control Plan](#)

COMPLIANCE AND ENFORCEMENT STRATEGIES

Section 14: VARIANCE AND HACCP

[Guidance for requesting a variance](#)

[Request for Variance](#)

[Variance Decision Tree](#)

Section 15: QUESTIONS AND ANSWERS

[Jurisdiction Chart](#)

1. What is a regulated vs non-regulated activity?

The types of establishments that prepare and serve food and drink regulated by the State of North Carolina are determined by statutes, rules, and interagency agreements. The following chart illustrates the food safety of the N.C. Department of Health and Human Services (NCDHHS), Food Protection Branch. Establishments or activities exempt from NCDHHS regulation are, by statute, regulated by the N.C. Department of Agriculture and Consumer Services (NCDA&CS). This chart is not intended to be a comprehensive list of establishments or activities. [Jurisdiction Chart](#)

2. Who has regulatory authority for the retail sale of food and drink?

§130A-248 requires the preparation and retail sale of drink and food (including retail sales of meat and poultry products) to be regulated by the North Carolina Department of Health & Human Services (NCDHHS) using rules adopted by the Commission for Public Health (15A NCAC 18A .2600). The enforcement of the statutes and rules is conducted by the Department through authorized public health officials (Environmental Health Specialists) located within each local public health department. Local Environmental Health Specialists issue permits for food establishments and conduct routine inspections of their operations to help ensure that safe food is being served.

[Interpretation and Enforcement of §130A 250 \(7\)](#)

1. What are exempt food sales?

This section addresses issues involving §130A 250 (7), a statute that allows some food and drink sales to be exempt from regulation. Local health departments have experienced issues involving the abuse of the exemption. These abuses include:

- Food sales by individuals or organizations that do not meet the legal definition of the exemption;
- Food sales that exceed two consecutive days once per month
- Food sales by individuals that do not genuinely represent the organization that meets the legal definition of the exemption.

2. How can I confirm that an organization is exempt under §130A 250 (7)?

Search the database of corporations (including non-profits) on the NC Secretary of State [website](#). This database confirms the status of non-profit organizations, such as churches, civic groups, and relief organizations. You may also call the Secretary of State's office at (919) 807- 2000. To verify that an organization is exempt from federal income tax under the Internal Revenue Code, confirm that the organization has received [501\(c\)\(3\)](#) approval or similar exemption from the Internal Revenue Service. To receive approval, the not-for-profit (i.e., nonprofit) organization must be organized and operated exclusively for one or more exempt purposes. IRS database is [here](#).

- To verify political committees registered with the North Carolina Board of Elections, you can search the online [database](#).
- To verify if an establishment is exempt and has a mixed beverage or wine shop permit, visit the [ABC Permits website](#).

3. Can I require information or an information collection form regarding an exempt food sales event?

It is important for local environmental health programs to collect information on an exempt event for traceback and investigative purposes. If a foodborne illness outbreak is linked to the event, the type of information that will be needed for the investigation includes:

- The organizer's name and contact information, tax-exempt organization associated with the event
- Location(s) and date(s) of the event, the types of food served (menu)

The local environmental health program should have a standard protocol for both regulated and exempt food sales event information collection forms. The local environmental health program should require advance notification. Use the same time frame you would use for regulated temporary events.

COMPLIANCE AND ENFORCEMENT STRATEGIES

4. How can I know if the person really represents the exempt organization?

To verify the validity of the requested information, the person seeking the exemption should submit:

- Official documentation of the tax-exempt status
- Letter from organization incorporator, board member or other executive stating the location, dates of the fundraiser, date of the previous fundraiser and statement to the fact that the proprietor handling the sale is acting solely as an employee and that all proceeds are collected by the organization
- A food service permit if a coventurer or caterer is used

5. How can I know if the exemption has already been used for the month?

Check with other local environmental health programs for information regarding past exemption usage. The environmental health listserv can be used for communicating information regarding specific events or organizations. In the future, there are plans to develop a statewide database that counties may research for exemption usage.

Illegal Food & Drink Sales

1. What should I do if I encounter illegal food or drink sales?

The following steps will assist you with addressing the situation:

- Verify that the food or drink is regulated under §[130A-248](#). Be sure that the food or drink does not fall under the exemptions listed under §[130A-250](#).
- Obtain identifying information, such as name, address, and telephone numbers. Gather documentation, such as photographs, receipts, and product temperatures.
- Contact the appropriate division of the NCDA&CS: [Meat and Poultry Inspection Service](#) or [Food and Drug Division](#)
- Obtain voluntary disposal of the food and drink products if possible. Observe food or drink being denatured. Complete the [Product Disposition Form](#), thoroughly noting quantities and identifying information of the discarded food or drink. Cite [106-129](#) (adulterated) or [106-130](#) (misbranded); consult with your [regional EHS](#) and/or [NCDA&CS](#) to determine the appropriate status.
- If voluntary disposal cannot be obtained, proceed with [embargo](#). Consult with your [regional EHS](#) (or their superiors) before [embargo](#). Cite [106-129](#) (adulterated) or [106-130](#) (misbranded); consult with your [regional EHS](#) and/or [NCDA&CS](#) to determine the appropriate status. Affix [embargo tag](#).
- Issue a Violation Notice. [Example Violation Notice](#). Obtain signature of responsible person.

2. Can embargo authority be used for non-permitted (illegal) food and drink sales?

Yes. §[130A-21](#) allows the Secretary of the N.C. Department of Environment and Natural Resources or a local health director to exercise embargo authority concerning food or drink that is subject to regulation by the NCDHHS. §[130A-248\(b\)](#) requires all establishments that serve food or drink for pay to receive a permit or transitional permit from the NCDHHS prior to operating. Exceptions are listed in §[130A-250](#). Therefore, the sale of food or drink for pay without a permit is subject to regulation by the NCDHHS and subject to embargo authority.

Embargo and Product Disposition - §130A-21(a)

1. What is the origin of our authority?

The ability to exercise embargo authority is granted to the Secretary of the NC Department of Health and Human Services (NCDHHS) or a local health director by §[130A-21](#). Embargo action can be taken by a local health director only after consultation with [NCDHHS regional environmental health specialists](#), or the Division of Environmental Health director or the director's designee. Embargo authority is not delegated to individual environmental health specialists in local health departments. §[130A-21](#) references §[106-125](#), the statute that grants embargo authority to the NC Department of Agriculture and Consumer Services (NCDA&CS) and requires immediate notification to NCDA&CS when embargo action is taken by NCDHHS.

2. What types of establishments are subject to our embargo authority?

NCDHHS's embargo authority applies to an establishment that is subject to regulation by NCDHHS or that is subject to rules adopted by the Commission for Public Health, or that is the subject of a communicable disease investigation under §[130A-144](#). Therefore, NCDHHS is authorized to use embargo action within any establishment that is inspected by the Department. The NCDHHS's authority does not apply to an establishment regulated by NCDA&CS unless the establishment is only partially regulated by NCDA&CS and then public health's embargo authority extends to the rest of the establishment.

COMPLIANCE AND ENFORCEMENT STRATEGIES

3. Are foods and drinks prepared in facilities located in other states subject to embargo?

Prepared foods and drinks originating in food service establishments outside of the regulatory jurisdiction of NC are from an unapproved source since access to and inspection of the food service establishment cannot be obtained. Foods prepared in out-of-state food service establishments and subsequently packaged can be considered as originating from an approved source only if prior approval has been granted through the Departments of Agriculture of both states. Foods from unapproved sources are subject to embargo action. A helpful Embargo Flow Chart is [here](#).

4. What criteria must a food meet to be eligible for embargo action?

To take embargo action on a food or drink item, the food or drink must be either adulterated or misbranded. These terms are the same terms used by the NCDA&CS for embargo purposes.

Adulterated: Adulterated is defined within §[106-129](#). The following are examples of issues that would deem a food or drink to be adulterated but are not intended to be a comprehensive definition:

- The food or drink contains a poisonous or deleterious substance which may render it injurious to health;
- The food or drink consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food;
- The food or drink has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health;
- The food or drink is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse.

Misbranded: Misbranded refers to food or drink that is labeled improperly, fraudulently, or does not meet the labeling standards within §[106-139](#) and [106-139.1](#). NCDHHS should not take embargo action on foods or drink based upon misbranding. Instead, the Food and Drug Division of the NCDA&CS should be contacted immediately [here](#).

Time/Temperature Abuse: Prior to taking embargo action based upon time and temperature abuse, it must be clearly established that the potentially hazardous food is adulterated. If the potentially hazardous food has been in the temperature danger zone for longer than four hours, then documentation of the time and temperature of the food both at the beginning and end of the time will help to establish adulteration. Consultation with the Food and Drug Division of NCDA&CS may also be necessary since many factors contribute to adulteration due to time/temperature abuse. In some cases, product samples may need to be analyzed to determine adulteration.

5. When should the Product Disposition Form be completed?

The [Product Disposition Form](#) should be completed when an embargo action is taken or when an embargo action would be taken but the establishment chooses to voluntarily dispose of the potentially adulterated food. The appropriate sections of the form should be completed, including the signature of the official (embargo) or responsible person (voluntary disposal).

6. What type of documentation should be completed when embargo action is taken?

Whenever embargo actions are taken, an effort should be made to collect as much information regarding the event as possible. Documentation consists of:

Product Disposition Form(s): In addition to basic demographic information, Product Disposition Forms should be used to capture identifying information regarding the food, such as the type of food, quantity (weight, measure, or count), brand name, and lot number. The location of the embargoed food should also be recorded to ensure that the food has not been relocated in the future. It is permissible to draw a sketch of the location if needed.

Photographs: Photographs of the food should be taken to record the conditions under which the food was deemed adulterated or misbranded. Examples of conditions that should be captured include the temperature reading on a food thermometer while in the embargoed food, product identifying information (lot number, brand), size relationships, and location of the embargoed products.

Notes: A detailed record of the circumstances involved in the embargo event should be kept for future reference. The type of information that should be recorded includes the names of all persons involved and their role in the event, dates of all correspondence and visits, facts of the event, and any future actions that were discussed.

COMPLIANCE AND ENFORCEMENT STRATEGIES

7. What is a suitable area for the storage of embargoed food?

A suitable area for the storage of embargoed food will depend upon the circumstances under which the food was embargoed. If the embargoed food is in a permitted food service establishment, then the food should be segregated from other food items and clearly tagged and labeled as embargoed food. If not, the person may know someone, such as the owner of a food service establishment or the organizer of the event at which the food was embargoed, that would agree to store the food. In any circumstance, embargoed food must be stored in an area that is readily accessible to the public health official with embargo authority upon request. If the food has been disturbed or altered or if the person responsible for the food fails to produce or provide access to it, then they can be held in contempt of court. In no circumstance should the food be stored within a private residence.

Embargo & Foodborne Illness Investigations

1. What is the appropriate course of action when investigating a foodborne illness outbreak?

The control of the spread of the illness should be the first consideration when conducting a field investigation of a foodborne illness outbreak. If the implicated food is still available for consumption, steps should be taken to prevent the food from being served. Voluntary disposal may be the appropriate action. However, consider the need for obtaining food samples before disposal. Embargo may be another option.

2. What should be done with food involved with a foodborne illness outbreak investigation?

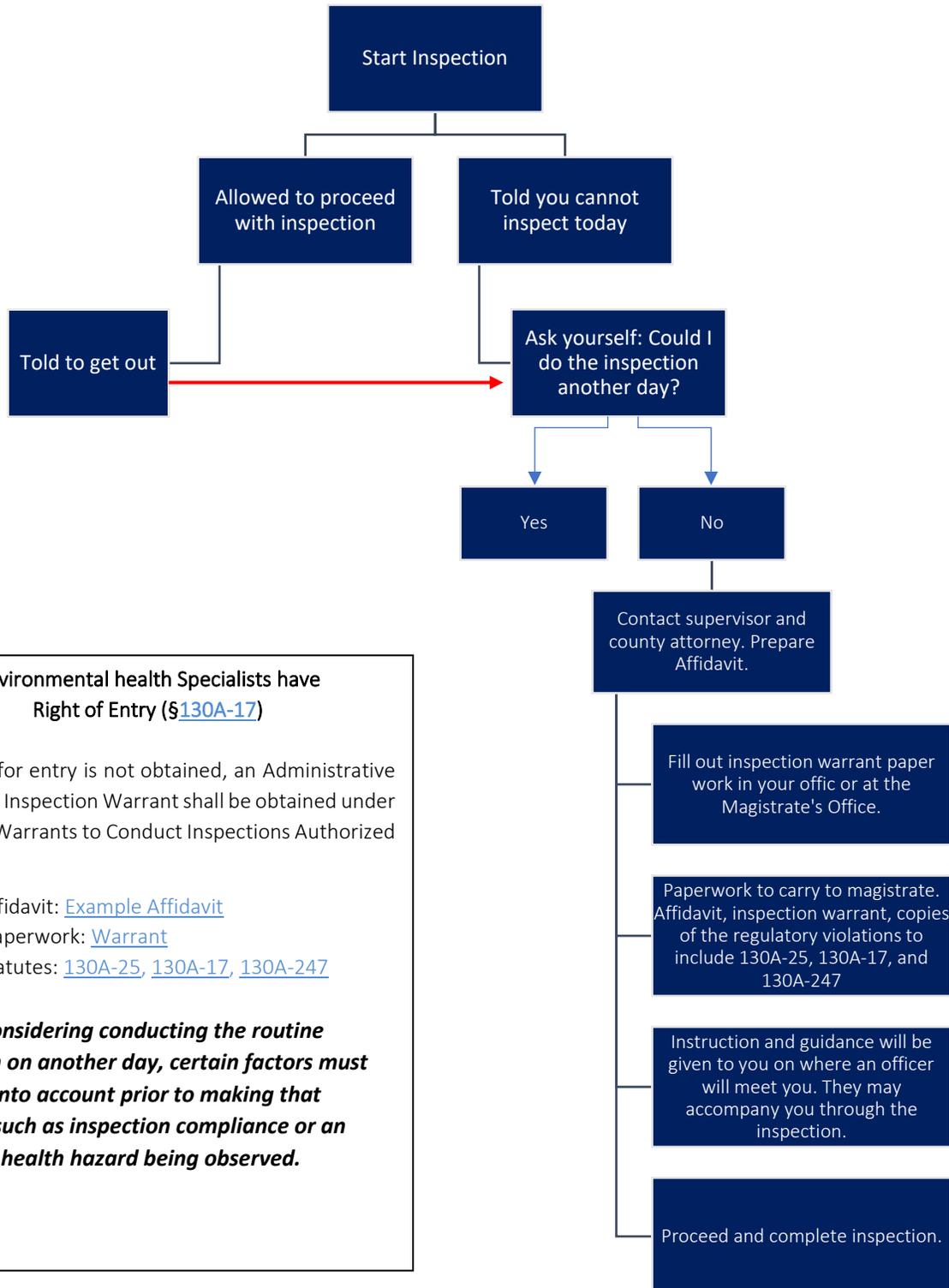
Food suspected of causing a foodborne illness outbreak may be needed for pathogen analysis. Consultation should be taken with the [Communicable Disease Branch of the Division of Public Health](#), Department of Health and Human Services to determine if food samples are needed. If samples are needed, steps should be taken to obtain samples of the food voluntarily. However, embargo action may be warranted to ensure access to the food for sampling and that the food is not prematurely destroyed.

3. What should be done if intentional contamination of food is suspected?

The intentional contamination of food is a criminal act and becomes the investigative jurisdiction of law enforcement. The local law enforcement agency should be contacted immediately. In a product tampering incident, the product, packaging, storage location, and substance introduced during tampering may all be considered evidence. These items have the potential to provide significant forensic leads in the case and may be introduced into a court of law. A chain-of-custody documenting their collection, packaging, and transport is required. Anyone in contact with this evidence may be called upon to testify regarding their actions. As a result, it is important that these items are not handled or disturbed by first responders. Any responding agency should avoid contact with the evidence until law enforcement develops an evidence collection plan. If any items are handled and/or disturbed prior to being collected as evidence, every effort should be made to document all who had contact with the evidence and how the evidence was handled. Time and temperature abuse can lead to the contamination of the food, including the growth of harmful microorganisms. These microorganisms can lead to an increased risk of foodborne illnesses and long-term health effects, including death. The statutes and rules pertaining to the sale of food and drinks are designed to promote safe food preparation practices that reduce the risk of foodborne illnesses.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Obtaining an Inspection Warrant When Denied Entry or Instructed to Leave Premises



Environmental health Specialists have Right of Entry (§130A-17)

If consent for entry is not obtained, an Administrative Search and Inspection Warrant shall be obtained under §15-27.2 (Warrants to Conduct Inspections Authorized by Law).

Prepare Affidavit: [Example Affidavit](#)

Warrant Paperwork: [Warrant](#)

General Statutes: [130A-25](#), [130A-17](#), [130A-247](#)

Note: If considering conducting the routine inspection on another day, certain factors must be taken into account prior to making that decision, such as inspection compliance or an imminent health hazard being observed.

COMPLIANCE AND ENFORCEMENT STRATEGIES

Section 16: EMERGENCY SITUATIONS

Water Supply Emergency Types

Contamination

Occasionally, water supplies are contaminated or are suspected of being contaminated with microorganisms or chemicals due to a break in a water main or other damage to the distribution system. When contamination of a public water supply is suspected, the water utility operator or the Public Water Supply Section may issue an advisory or notice concerning use of the water supply. A low system pressure of less than 20 psi, system power loss, flooding of the system, identification of sanitary defects or persistent total coliform presence can result in a “**Boil Water Advisory**” issued by the N. C. Public Water Supply Section and/or the owner of the water source.

If a **NOTICE** is issued due to the water testing positive for *E. coli* or other contamination, the establishment shall not operate until the water supply is safe. This occurrence is considered an **Imminent Health Hazard**. If the affected establishment is a foodservice establishment and it does not voluntarily close, the permit will be suspended. Licensing agencies will be notified for establishments where the local health department does not hold a permit. See [emergency response manual](#) for guidance on handling equipment, food etc.

If an **ADVISORY** is issued due to pending test results or other unconfirmed issues from a water main break or system maintenance, the establishment may remain open for operations, but may want to take certain precautions. A **Notice of Intent to Suspend** or **Revoke Permit** may be issued depending on cause and/or severity of the source of the contamination. More guidance is available in the [emergency response manual](#).

If the water system is regulated by the Public Water Supply Section, section staff may issue a “Do Not Drink the Water” notice if the health risk is deemed unacceptable.

Loss of Water

Water supply can be lost due to problems with the water source, such as drought emergencies, or problems with the treatment and distribution systems, such as floods, power outages, and damaged pipes. If a regulated facility loses its primary water source, it is important to determine the cause and possible duration of the outage. Repair and maintenance of the distribution system, which can be completed in a few hours, may only require an alternative source of drinking water. Long-term water losses will require closure of food establishments (imminent health hazard) unless a pre-approved water emergency plan has been approved. Institutions and other care facilities are required per 15A NCAC 18A.1313 to notify the local health department and switch to an alternative water supply for flushing toilets, bathing, handwashing, cooking, dishwashing, cleaning and other purposes when the water supply is interrupted for longer than four hours.

Water Emergencies – Permit Actions at a Glance

Water Supply Intent to Suspend Scenarios

- Confirmed Total Coliform
- Letter from Division of Epidemiology stating water contains elements above the state or federal standards (no imminent hazard)
- Owner fails to comply with conditions for the operation of a well (e.g. CO, Chlorinator).
- Hot water available is not sufficient volume to sustain operation

Water Supply Immediate Suspension

- Confirmed Fecal Coliform
- Letter from Division of Epidemiology stating water contains elements that constitute an imminent hazard
- Lack of potable water under pressure in an establishment
- No hot water and no steps being taken to remediate the situation

COMPLIANCE AND ENFORCEMENT STRATEGIES

Hurricane Emergencies

8-404.11 Ceasing Operations and Reporting

8-404.12 Resumption of Operations

- Loss of utilities: Gas, Electricity
- Flooding: Water, Food contamination, wastewater
- Water Emergencies

Food

[Emergency Preparedness Manual](#)

Electricity

Water

- Food temperature modeling [CFP Emergency Food Modeling Flow Chart](#)*
- Imminent health hazard -EHS/Health Director
- Voluntary disposal/Embargo
- Permit suspension versus voluntarily closure
- [CFP Emergency Guidance](#)

*Modeling chart guidelines are to be followed using definite information. If no proof can be provided showing how long food has been temperature abused, it must be discarded. Examples of 'proof' include data logger readings, temperature logs, etc.

- Advisories and notice
- Alternative water sources
- Permitting action suspension or voluntary closure
- Resumption of operations
- Operating like a TFE

* Follow your local county and NCDHHS Guidance when determining compliance. In the event of disaster recovery needs contact the NCDHHS Emergency Preparedness Coordinator for further assistance.