

**3701-21-25 Certification in food protection.**

- (A) In accordance with section 3717.09 of the Revised Code, the director of health shall approve courses of study for level one and level two certification in food protection courses:
- (1) A level one certification in food protection course is for a basic food handler certification covering the principles of food safety.
  - (2) A level two certification in food protection course is for food protection manager certification.
- (B) Any person may apply to the director for approval to conduct a certification in food protection course. Any person desiring to apply as an approved provider of a certification in food protection course shall complete an application prescribed by the director and submit the completed application to the director. Individuals that submit with their applications, proof that they are a service member or veteran, or the spouse or surviving spouse of a service member or veteran will receive priority processing.
- (1) The acceptable proof of service member/veteran status documents are:
    - (a) Department of defense identification card (active, retired, temporary disability retirement list (TDRL));
    - (b) DD214 military discharge certificate indicating disposition of discharge;
    - (c) Report of separation from the national archives national personnel records center in St. Louis, Missouri; or
    - (d) Veterans identification card from the department of veterans affairs.
  - (2) All acceptable proof documents, except veterans identification card, must show the veteran status as honorable, general, general under honorable conditions, or discharged or released under conditions other than dishonorable.
- (C) The director shall not approve an application that is incomplete or that does not adequately contain the following criteria:
- (1) The applicant's name, address, and telephone number;
  - (2) Contact hours and curriculum:
    - (a) Level one certification in food protection course contains a curriculum that includes a written or verbal exercise and at least the following as it relates to foodborne illness risk factors:
      - (i) Food sources.
      - (ii) Personal hygiene and handwashing.
      - (iii) Cross contamination.
      - (iv) Cleaning/sanitizing of equipment and utensils.

- (v) Proper cooking, cooling, and holding of food.
- (b) Level two certification in food protection course contains at least fifteen verified contact hours, excluding the examination and contains a curriculum that includes at least the following:
  - (i) Microbiology, foodborne illness.
  - (ii) Personal hygiene.
  - (iii) Food sources.
  - (iv) Cleaning/sanitizing of equipment and utensils.
  - (v) Facility design and construction and its relationship to managing food safety.
  - (vi) Active managerial control of foodborne illness risk factors. "Active managerial control" means the purposeful incorporation of specific actions or procedures by industry management into the operation of their business to attain control over foodborne illness risk factors. Foodborne illness risk factors are unsafe food sources, inadequate cooking, improper food holding, contaminated equipment, and poor personal hygiene.
  - (vii) Proper cooking, cooling, and holding of food.
  - (viii) Cross contamination.
- (c) A description of any methods of training to be used such as classroom instruction, guest speakers, interactive computer programming, interactive video, or distance learning.
- (d) The name of the course instructor and verification that the instructor possesses the following qualifications:
  - (i) For level one certification in food protection a registered sanitarian working in food safety or related experience or an instructor that has successfully completed the level two certification in food protection course.
  - (ii) For level two certification in food protection:
    - (A) A minimum of four years of experience either conducting training or teaching; working in the food service industry; working in public health; working as a registered sanitarian in food safety, or related experience; and
    - (B) Completion of an approved course in certification with a passing score.
- (e) A copy of all course materials, including student manuals, written or verbal exercises, instructor notebooks, and handouts;
- (f) For the level two certification in food protection course, the name of the examination to be used. The examination must be administered by an

accredited certification organization that complies with the criteria set by the conference for food protection standards (April 2012) for accreditation of a food protection manager certification program.

- (g) An example of the certificate issued to individuals who attend the level one certification course.
- (D) An approved provider of a level one certification in food protection course shall:
  - (1) Submit to the director any changes to the course curriculum, instructor, or course materials for approval prior to changing the approved course.
  - (2) Provide adequate facilities, equipment and supplies necessary to conduct the approved course.
  - (3) Provide individuals who attend the course a certificate of completion.
- (E) An approved provider of a level two certification in food protection course shall:
  - (1) Notify the director at least fifteen days in advance of holding each course of the time, place, and instructor of the course and certify that the course will be conducted in accordance with the course approved by the director;
  - (2) Within fifteen days of the course conclusion, send a copy of the final enrollment report for the course with each individual's name, passing grade, and certification that the individual attended the required classroom hours.
  - (3) Submit to the director any changes to the course curriculum, instructor, or course materials for approval prior to changing the approved course.
  - (4) Provide adequate facilities, equipment and supplies necessary to conduct the approved course.
  - (5) Promptly distribute the Ohio certification to individuals successfully completing the certification program.
- (F) The director may audit any certification in food protection course to determine compliance of this rule.
- (G) The director shall not approve a certification in food protection course and shall disapprove a previously approved course anytime the course or course provider fails to meet the requirements of this rule. The applicant or course provider may request that the director reconsider the decision and may submit additional materials to the director in support, provided that the director receives the request for reconsideration and any additional materials within fifteen days of the date of the director's notice of disapproval. The director shall reconsider the disapproval and shall issue a final decision within fifteen days of receiving the request for reconsideration.
- (H) An individual desiring level two certification in food protection shall:
  - (1) Attend a level two certification in food protection course and successfully pass the course examination that meets the requirements of this rule and is offered by an approved course provider; or
  - (2) Provide documentation to the director's satisfaction that the individual has

successfully completed a similar certification in food protection program.

- (I) The licensor shall mandate level one certification in food protection training for risk level I, II, III, and IV food service operations and retail food establishments for the following reasons:
  - (1) Except as provided in paragraphs (I)(3) and (I)(4) of the rule, at least one person in charge per shift of a food service operation or retail food establishment. Person in charge is defined as the individual present at a food service operation or retail food establishment who is responsible for the operation at the time of inspection.
  - (2) At least one person in charge per shift of a food service operation or retail food establishment that has been implicated in a foodborne disease outbreak.
  - (3) All persons in charge of a food service operation or retail food establishment when the licensor has documented a failure to maintain sanitary conditions as per section 3717.29 of the Revised Code for retail food establishments and section 3717.49 of the Revised Code for food service operations.
  - (4) A person in charge of a new food service operation or a new retail food establishment not subject to paragraphs (I)(2) and (I)(3) of this rule, may provide documentation to the licensor's satisfaction that the individual has successfully completed a similar certification program equivalent to the level one standards established in this rule are not required to attend the mandatory level one certification in food protection training.
  - (5) Paragraph (I)(1) of this rule does not apply to any person in charge, as defined in paragraph (B)(74) of rule 3717-1-01 of the Administrative Code, working in a retail food establishment or food service operation that was licensed prior to the effective date of this rule, provided that the retail food establishment or food service operation is not subject to paragraph (I)(2) or (I)(3) of this rule.
- (J) As prescribed in division (B)(3) of section 3717.25 of the Revised Code for retail food establishments and division (B)(3) of section 3717.45 of the Revised Code for food service operations, a licensor that is an approved course provider may charge a fee.

Effective: 08/28/2016

Five Year Review (FYR) Dates: 01/13/2020

CERTIFIED ELECTRONICALLY

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Certification

08/18/2016

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Date

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