



Certified Food Protection Manager Requirement

What is a Certified Food Protection Manager (CFPM)?

A CFPM is someone who is certified in food safety knowledge in areas such as personal hygiene, cross contamination, time and temperature, receiving and storage and food safety management systems. This is accomplished through successful completion of an accredited program, such as ServSafe®.

Does Delaware require that food establishments have a CFPM?

Yes. The 2014 Delaware Food Code (Section 2-102.12) requires that *"...at least one employee, the Person in Charge at the time of inspection, shall be a Certified Food Protection Manager who has shown proficiency of required information through passing a test that is part of an Accredited Program."*

Are all food establishments required to have a CFPM?

Yes, unless a variance is approved by the Division of Public Health's Community Environmental Health Services (CEHS) program.

When can a food establishment have a variance?

Most food establishments in Delaware will not be eligible for a variance if they have regular operating hours or offer a menu with only a few risk steps. Only food establishments that meet certain criteria will have a variance request approved, either under a statewide variance or an individual variance. For further information, view the Checklist for Risk Categorization at: <http://www.dhss.delaware.gov/dhss/dph/hsp/files/ofpcfpmrcl.pdf> .

What is the difference between a statewide and individual variance?

Statewide variances are only available to "very low risk" food establishments. If the food establishment is considered "very low risk," no special application is required for a statewide variance. Individual variances may be available to "low risk" or "medium risk" food establishments, but require an application so that the circumstances specific to that establishment can be evaluated.

What are the criteria for a statewide variance?

To be eligible for a statewide variance, a food establishment must be categorized as "very low risk." For example, the food establishment:

- Serves food to the public on 52 occasions or less per year and does not serve a highly susceptible population.
- Serves no Time/Temperature Control for Safety (TCS) foods and does not serve a highly susceptible population.

24/7 Emergency Contact Number: 302 744-4701

Revised: 01/27/2016

Page 1 of 3



What are the criteria for an individual variance?

If an establishment does not meet the criteria for a statewide variance, but has limited hours or menu; an individual variance may be an option. The establishment will need to apply for an individual variance through the CEHS's Office of Food Protection.

How can a food establishment apply for an individual variance?

Establishments can apply for individual variances by contacting the CEHS's Office of Food Protection at 302-744-4546. The variance request will need to be submitted in writing and must include establishment name, food establishment permit number, physical address, phone number, primary contact person's name, mailing address, and contact number. Also included must be the reason for variance request, operational criteria, and justification for the variance.

My food establishment only serves food to members (e.g. a church congregation). We do not serve the general public. Do I need a CFPM or variance?

No. These requirements are applicable only to permitted food establishments. Establishments that serve only members and not the general public are classified as private and not subject to these requirements.

My food establishment is the location for private events (funerals, weddings, etc.) where food is not served to the general public. We do not prepare the food for these events. Does the CFPM need to be present for these events?

No. These requirements do not apply to private events.

Are there training requirements for a food establishment that has a CFPM variance?

Yes. Whether a statewide or individual variance, a food establishment must meet one of the following training requirements. The establishment must have:

- A CFPM on site during all hours of operation; or
- A CFPM on staff that provides training to the remaining Persons in Charge (PICs) and other staff members. The CFPM must be available, by telephone or other means, but is not required to be on site; or
- All PICs complete approved food safety training. Acceptable training courses for this standard include:
 - A DPH approved training course
 - A FDA approved CFPM Course (i.e. Servsafe®)
 - Food Handler Training (i.e. DineSafe®)



What is a “Person in Charge” (PIC)?

A PIC is an individual present at a food establishment when food is being prepared and served, and who is in charge of the food service operation.

How often does the training need to be completed?

Every five years for CFPM, as prescribed for expiring certifications and every two years for other non-expiring training.

Is there no or low cost training?

CEHS’s Office of Food Protection is looking at the possibility of providing low or no cost training for community groups and non-profit agencies in the near future. Currently, options include classroom and online courses with wide availability.

When will DPH the CFPM requirement be enforced?

During the first routine inspection after April 1, 2016, Environmental health specialists will check the food establishment for compliance with the CFPM requirement. At the time of the inspection the establishment will be considered in compliance if:

- The establishment has taken the steps necessary and has a CFPM on site at all times. The establishment is in full compliance with the requirement and no further action will be required.
- The establishment has one CFPM on staff but does not meet the on-site requirement. The establishment is considered in compliance for the first inspection after April 1, 2016. Within ninety (90) days following the first routine inspection after April 1, 2016, the establishment needs to be in full compliance or have applied for a variance.

If no CFPM is associated with the establishment, the establishment will be in violation of the requirement. To avoid penalties, the establishment would either need to be in full compliance or have applied for a variance within ninety (90) days following the first routine inspection after April 1, 2016.

Where can I get further information?

Further information and templates for requesting a variance from the CFPM requirement contact the CEHS’s Office of Food Protection at 302-744-4546 or visit the office’s CFPM website at <http://dhss.delaware.gov/dph/hsp/ofpcfpm.html>.