

New Hampshire Department of Health and Human Services

Food Protection Section – Certified Food Protection Manager FAQ



The recent incorporation of the 2017 US Food and Drug Administration (FDA) Food Code into the Food Protection Administrative Rules includes a requirement for the Person in Charge (PIC) to be a Certified Food Protection Manager (CFPM). Below are a list of FAQ's to help food establishment operators and the public navigate the requirements.

Q1. Is my Food Establishment required to have the Person in Charge (PIC) be a Certified Food Protection Manager (CFPM)?

- A. Yes, all food establishments, with the exception of those listed in Q3 of this document, are required to have at least one CFPM.

Q2. What is a Person in Charge (PIC)?

- A. The PIC is the individual present at a Food Establishment who is responsible for the operation at the time of inspection. The PIC is required by the Food Code to demonstrate food safety knowledge to safely run the operation and perform the applicable duties as described in 2-103.11 of the Food Code.

Q3. Which food establishments are exempt from having a CFPM?

The following class and category of food establishments are exempt from the CFPM requirement:

- 1) Category A-1, food processing plants which commercially process 100,000 packages of food or more, per year;
- (2) Category C-5, food processing plants which commercially process less than 100,000 packages of TCS food per year;
- (3) Category C-6, cold storage or refrigerating warehouse;
- (4) Category D-4, retail food stores that allow self-service of food, including coffee, hot dogs, or soft drinks;
- (5) Category D-6, servicing areas;
- (6) Category E-1, bed and breakfasts;
- (7) Category E-3, lodging facilities serving continental breakfasts;
- (8) Category F-1, home delivery services of packaged frozen food;
- (9) Category F-2, pushcarts and other mobile food units, including, those serving packaged food and non-TCS unwrapped foods only;
- (10) Category F-3, retail food stores with no food preparation areas;
- (11) Category F-4, wholesalers/distributors of TCS food;
- (12) Category F-5, on-site vending machines, which serve TCS food;
- (13) Category F-6, bakeries which do not serve TCS food and have no seats;
- (14) Category G-1, bars/lounges without a food preparation area;
- (15) Category G-2, arena/theater concessions serving non-TCS food;

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- (16) Category G-3, retail food stores serving pre-packaged ice cream;
- (17) Category G-7, sellers of pre-packaged frozen meat or poultry that is processed in a USDA-inspected plant; or
- (18) Category G-8, food processing plants that manufacturer or package non-TCS food;

Q4. Are there certain conditions when establishments required to have a CFPM do not need to have the CFPM present?

- A. Yes, the requirement for the PIC to be the CFPM shall not apply under these conditions:
 - (1) Food establishments having at least one certified food protection manager on staff shall not be required to have the certified food protection manager present when no food preparation is taking place;
 - (2) Food establishments having at least one certified food protection manager on staff shall not be required to have the certified food protection manager present when food preparation is limited to reheating commercially prepared food or ready to eat food; or
 - (3) Food establishments having 5 food employees or less on duty are required to have only one certified food protection manager on staff who is available, although not required to be present, during all hours of operation.

Q5. How does one become a CFPM?

- A. In order to obtain certification of a food protection manager, a person must pass a food safety certification examination and be issued a certificate from one of the following accredited certification organizations, or by a program developed by one of these organizations, recognized by the Conference for Food Protection (CFP):
 - 1) Learn2Serve® Food Protection Manager Certification Program
 - 2) National Registry of Food Safety Professionals
 - 3) National Restaurant Association (ServSafe®)
 - 4) Prometric Inc.
 - 5) AboveTraining/StateFoodSafety.com
 - 6) Always Food Safe

Q6. Are there local resources available that can assist with certification needs and/or to proctor a food safety certification examination?

- A. Yes. You can access the websites of the organizations referenced in Q5 above to search for local resources. A few local options include but are not limited to: HR Food Safe, NH Lodging and Restaurant Association, Genuine Local and the University of New Hampshire, Professional Training and Development

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Q7. If my food establishment is exempt from the CFPM requirement, does there still need to be a PIC?

- A. Yes, even if the food establishment is not required to have a CFPM present, a PIC is required during all hours of operation.

Q8. As the food establishment owner, do I have to be the CFPM?

- A. No. While many food establishment owners decide to be the CFPM for their establishment, it is not required. An effective CFPM has a good working knowledge of the business and has the authority to conduct the CFPM duties in your establishment.

Q9. Can a CFPM cover multiple stores when a CFPM is not required onsite at all times?

- A. In most instances, there must be at least one Certified Food Protection Manager for each licensed food establishment. A district or regional supervisor who is a CFPM and oversees several food establishments may serve as the available CFPM for food establishments having 5 food employees or less on duty.

Q10. When is a CFPM required to be on the premises?

- A. At least one CFPM must be present at all times when food employees are preparing food. Food establishments that have at least one CFPM on staff shall not be required to have the CFPM present during hours of operation when no food preparation is taking place or when food preparation is limited to reheating commercially prepared food or ready to eat food; or

Food establishments having 5 food employees or less on duty are required to have only one certified food protection manager on staff who is available, although not required to be present, during all hours of operation.

Q11. Is a food establishment required to have more than one CFPM?

- A. Depending on the size and type of food service along with the hours of operation, more than one CFPM may be needed to meet the requirement.

Q12. Does a new food establishment need to have a CFPM prior to opening?

- A. A food establishment that is in process of initial licensing shall have a certified food protection manager within first 45 days of the initial licensing inspection.

Q13. What happened if a food establishment's CFPM leaves, rendering it out of compliance with the CFPM requirement?

- A. If a food establishment's CFPM ceases his/her employment and renders the food establishment out of compliance with food manager certification requirements, the establishment shall have 90 days to come into compliance;

Q14. How will the PIC demonstrate compliance with the CFPM?

- A. A food establishment shall have available the exam certificate of each CFPM for review by inspection staff.

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Q15. Do food establishments in Self Inspecting cities or towns need to comply with the CFPM requirement?

- A. Operators of Food Establishments in one of the 15 Self Inspecting Cities or Towns (Bedford, Berlin, Claremont, Concord, Derry, Dover, Exeter, Keene, Manchester, Merrimack, Nashua, Plaistow, Portsmouth, Rochester and Salem), should consult with the local authority about CFPM requirements. For contact information, please refer to <https://www.dhhs.nh.gov/dphs/fp/documents/selfinspect.pdf>

Q16. Do licensed caterers off-site need to have a CFPM at an off-site event?

- A. A CFPM is not required at the off-site event if no food preparation is taking place at the event.

Q17. What if my food establishment kitchen is utilized by an outside entity, does a CFPM need to be present?

- A. If the outside entity is operating as an occasional food service establishment or a temporary food service establishment, then licensing requirements and regulation including the CFPM requirement, do not apply.

If vendors only operate 4 days or less in a 30-day period, they would be considered occasional food establishments. By definition, "Occasional food service establishment" means any food service establishment where food is served or provided for the public on the premises of the establishment, whether or not there is a charge for such food, no more than 4 days during a 30-day period. Any part of a day shall be considered one full day for the purposes of this definition. Occasional food establishments are exempt from a food service license by the State of New Hampshire.

By definition, if vendors only operate at a fair or similar event, they would be considered temporary food establishments. By definition, "Temporary food service establishment" means any food service establishment which operates at a fixed location for a temporary period of time not exceeding 2 weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering. Temporary food establishments are exempt from a food service license by the State of New Hampshire.

Q18. Does obtaining a Food Handler Certification or participating in the Serving It Safe class meet the CFPM requirement?

- A. No, the course needs to be one the accredited programs listed in Q5 of this document, it shall be specific to a manager and include a proctored exam.

Q19. When are food establishments expected to comply with the CFPM requirement?

- A. New Establishments will be expected to comply now. For existing establishments, during routine inspections, inspector will make notation on report if not in compliance. The food establishment will have until next routine inspection to comply.

Q20. What is the penalty for not complying with the CFPM requirement?

- A. A \$250 fine for non-compliance is possible.