

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Raul Pino, M.D., M.P.H.
Commissioner



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Governor
Nancy Wyman
Lt. Governor

Environmental Health Section

EHS Circular Letter 2018-37

TO: Local Directors of Health
Certified Food Inspectors
Interested Parties

FROM: Tracey Weeks, MS, RS
Coordinator, Food Protection Program

DATE: December 20, 2018

SUBJECT: **FDA Food Code Adoption Update**

Background

In 2018 legislation was passed that revised Section 19a-36h of the Connecticut General Statutes to read:

(a) Not later than January 1, 2019, the commissioner shall adopt and administer by reference the United States Food and Drug Administration's Food Code, as amended from time to time, and any Food Code Supplement published by said administration as the state's food code for the purpose of regulating food establishments.

(b) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section and sections 19a-36i to 19a-36m, inclusive.

To this end, regulations to implement the FDA Food Code have been submitted and are currently in the formal regulation review process. (See EHS Circular Letter 2018-30.) The regulations are necessary to implement the FDA Food Code and provide enforcement mechanisms to local health officials.

Current Status

Because the regulations to implement the FDA Food Code are still in the regulation review process, it is not possible that they will be approved by January 1, 2019. **Therefore, on January 1, 2019, the current food regulations: 19-13-B42; 19-13-B40; 19-13-B48; and 19-13-B49 will still be in effect and enforceable by local certified food inspectors.** The FDA Food Code **will not** automatically become effective on January 1, 2019.



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Unfortunately, it is not possible to predict the date the draft regulations to implement the FDA Food Code will become approved due to the various steps and required approvals that are part of the regulatory review process. However, as this has been a priority for the agency, we are hopeful that the regulations will be approved in 2019.

Certified food inspectors who wish to become certified to enforce the FDA Food Code when the regulations to implement the Code are approved, should:

- Continue to work on completing the required FDA online courses
- View the recorded webinar CT's New Food Establishment Laws on TRAIN
- View the recording of the live webinar, *The New Food Inspection Form Training*, that was broadcast on 12/19/18
- Read Guide 3B in Annex 7 of the 2017 Food Code, *Instructions for Marking the Food Establishment Report*
- Continue to read the 2017 FDA Food Code

NOTE: A limited # of single copies of the 2017 FDA Food Code can be ordered at no cost at <https://www.fda.gov/Food/ResourcesForYou/Consumers/ucm239035.htm> (refer to publication # **IFS17**)

Certified food inspectors will receive a letter extending their certification date through December 31, 2019. Once the regulations are approved and the FDA Food Code becomes effective and enforceable, new certificates will be sent to those certified food inspectors who meet the criteria to enforce the new Code.

Summary

The 2017 FDA Food Code will not automatically become effective on January 1, 2019. It will become effective when the regulations to implement it are approved. Until that time, certified food inspectors will continue to enforce the current Connecticut food regulations using the existing food establishment inspection report forms.

The Food Protection Program will continue to send updates as necessary.

If you have questions regarding this notice, please contact the Food Protection Program at the number below or email us at DPH.FoodProtectionProgram@ct.gov.

Suzanne Blancaflor, MS, MPH, Chief, Environmental Health Section