

**Minnesota Department of Agriculture
Food and Feed Safety Division**

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Version #: 2.1	Effective Date: 01/12/2017
Title: Public Complaint SOP	

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1. PURPOSE

The purpose of this document is to establish a system to resolve complaints reported by consumers or other public sources to the Food Program of the Minnesota Department of Agriculture (MDA) – Food and Feed Safety Division (FFSD). The document contains written procedures for receiving, tracking, evaluating, responding to, closing, and maintaining records of public complaints.

2. SCOPE

This document applies to Food Program staff who handle complaints received from consumers, the general public, and other public agencies for Food Program facilities and food products. This procedure does not address the procedures for handling complaints from industry about inspections and staff. This information can be found in *FOOD.30.14 – Industry Appeals SOP* and *FFSD.SOP.30.29 – Staff Complaint SOP* (previously *FOOD.30.29 – Food Staff Complaint SOP*).

3. BACKGROUND

A formalized process for resolving and tracking complaints regarding food facilities from public sources ensures that public complaints are evaluated in a consistent manner with input from pertinent staff. This process allows for timely and effective resolution to issues identified for specific facilities, food handling activities, or personnel issues that may compromise public health. Maintaining a record keeping system provides historical data regarding product and facility issues. The procedures for reviewing and tracking consumer complaints outlined in this SOP apply to manufacturing and retail food establishments. The Manufactured Food Regulatory Program Standards (MFRPS) defines consumer complaints as complaints made by the public regarding food products, facility, practices, labeling, and any other related activities. For the purposes of this SOP, consumer complaints fall into the overall definition of public complaint per the procedure.

Public complaints may be submitted in person, by phone, email, through agency web portal or referral from other agencies. The source of the complaint may remain anonymous if submitted as such. All public complaints are forwarded to the assigned support staff for entry into the electronic inspection system – USA Food Safety (USAFS).

4. RESPONSIBILITY

Food Compliance Officer - The Compliance Officer will evaluate, respond to, and document public complaint follow-up actions assigned to the Compliance Program.

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Compliance Supervisor – The Compliance Supervisor will review complaint inspection findings and supporting documentation as needed.

Food Inspection Supervisor - The Supervisor will evaluate and respond to referred public complaints as needed.

Food Inspector – The Food Inspector will conduct the complaint investigation during an inspection and document follow-up actions taken per the procedure and related documents.

Food Program Manager - The Food Program Manager will provide the final decision on the course of action to be taken and on the outcome for public complaints as requested.

Food Program Support Staff – Assigned Support Staff will receive and track necessary complaint information and notify appropriate staff of a new complaint upon entry.

RRT Coordinator – The RRT Coordinator or designee will evaluate, respond to, and document public complaint follow-up actions assigned to the RRT.

Response, Training, and Outreach (RTO) Supervisor – The RTO Supervisor will assist in the determination of next steps if a complaint is associated with an illness investigation.

5. DEFINITIONS

Complaint ID: Numerical identification generated by USAFS inspection system for each unique complaint entry.

Complaint Record: Complaint detail as entered into USAFS system including any internal notes, attachments and related inspection and sampling reports.

Foodborne illness or injury complaint: Complaint of illness or injury that the complainant believes to be related to consumption of a food item.

High Public Health Severity: Pose a clear and significant risk for potential foodborne illness or injury.

Low Public Health Severity: Pose a potential risk for foodborne illness or injury or is otherwise not in conformance with applicable food laws.

Public Complaint: Specific information from a consumer or related public source regarding a food product, food handling entity, practices, labeling, or any other related activities.

Unfounded Complaint (UNFOUNDED): Complaint not consistent or indicative of potential regulatory violation or public health related concern (opposite of Valid Complaint).

Unverified Complaint: Valid complaint that was unable to be supported based on Compliance Officer follow-up actions or inspection findings (opposite of Verified Complaint).

Valid Complaint (VALID): Complaint consistent with potential regulatory violation or public health concern (opposite of Unfounded Complaint).

Verified Complaint: Valid complaint that was supported based on Compliance Officer follow-up actions or inspection findings (opposite of Unverified Complaint).

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6. PROCEDURES

6.1. Maintenance of Complaint Records – All Staff

- 6.1.1. Handle and restrict access to complaint records consistent with existing program policies. All external access to records, including complainant requests for follow-up information, should be handled through applicable agency data request procedures.
- 6.1.2. Retain all complaint records and related follow-up documentation in USAFS electronic inspection system per program retention policy and USAFS guides. Refer to *FOOD.WI.30.47 – Creating and Managing Complaints in USAFS WI* for specific direction regarding USAFS use applicable to the roles identified in this procedure.
- 6.1.3. Record all actions taken to address complaints in the internal notes of the specific complaint in USAFS. This may include reviews, referrals, completed inspections, meetings, phone calls, etc.

6.2. Receive Notification of Public Complaint – All Staff

- 6.2.1. Immediately forward all public complainant(s) and/or notification of complaints to assigned support staff. This includes incoming faxes or website submissions that are forwarded from other sections within MDA.

6.3. Complaint Tracking – Food Program Support Staff

- 6.3.1. Collect the necessary information about the public complaint for entry into USAFS. The *Minnesota Consumer Complaint Worksheet* may be used as a reference to assist with public complaint information collection.
- 6.3.2. Within one (1) business day of complaint receipt, create a complaint record in USAFS and set the status to “Pending”.
- 6.3.3. Immediately after entry in USAFS, use Table 1: Complaint Contact Information and Instructions to notify individuals of new complaint by email, including Complaint ID, and copy the applicable FFSD program or unit.

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Table 1: Complaint Contact Information and Instructions

Complaint Category	Contact	Instructions
Restaurant or retail food service firm	MDH – Manager, Food Pools and Lodging Section	<ul style="list-style-type: none"> Send the complaint report from USAFS and any pertinent information. Attach PDF of referral email to USAFS complaint record Update complaint status in USAFS to “Closed & Referred to Other Agency”.
Retail food (packaged) firm in MDA delegated area	Delegated Agency – See delegated agency contact list	<ul style="list-style-type: none"> Send the complaint report from USAFS and any pertinent information. Attach PDF of referral email to USAFS complaint record Update complaint status in USAFS to “Closed & Referred to Local Health”.
Complaint from consumer about foodborne illness or injury	FFSD – RRT Coordinator	<ul style="list-style-type: none"> Provide the Foodborne Illness Hotline Information to the complainant. Send Complaint ID, Name of Firm, and City (if known) via email and add an internal note in USAFS regarding to whom and when the email was sent.
Illness complaint from MDH Foodborne Illness	FFSD – RRT Coordinator	<ul style="list-style-type: none"> Send Complaint ID, Name of Firm, and City (if known) via email and add an internal note in USAFS regarding to who and when the email was sent.
Product complaints with no firm information	Food – Assigned Compliance Officer	<ul style="list-style-type: none"> Send Complaint ID, Name of Firm, and City (if known) via email and add an internal note in USAFS regarding to who and when the email was sent.
MDA jurisdiction firm – packaged foods, handling or other facility issues	Food – Assigned Compliance Officer	<ul style="list-style-type: none"> Send Complaint ID, Name of Firm, and City (if known) via email and add an internal note in USAFS regarding to who and when the email was sent.
Unclear/Unknown topic, issue or firm type	Food – Assigned Compliance Officer	<ul style="list-style-type: none"> Send Complaint ID, Name of Firm, and City (if known) via email and add an internal note in USAFS regarding to who and when the email was sent.

6.4. Foodborne Illness or Injury Complaint Evaluation – RRT Coordinator

6.4.1. Within one (1) business day of email notification from Support Staff, evaluate the complaint record to determine validity.

6.4.1.1. Review the details of the complaint record and any attachments.

6.4.1.2. Determine if the food item(s) consumed prior to illness were prepared, packaged, or manufactured by an MDA licensee within the Food Programs.

- a. If the complaint’s food history does not include any food prepared, packaged, or manufactured by an MDA licensee within the Food Programs, refer the complaint details and any related attachments by email to the applicable program, division, or

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external agency. Update complaint status to “Closed & Referred to Local Health” or “Closed and Referred to Other Agency” as applicable and attach PDF of email referral to complaint.

- 6.4.1.3. Determine if the symptoms are consistent with a potential physical, bacterial, chemical, or parasitic illness associated with ingestion of a food.
- a. If the symptoms are not consistent with a potential illness, the complaint is UNFOUNDED.
- 6.4.1.4. Review the specific details of the complaint for the likelihood that the food(s) listed from the MDA licensee may have caused the illness or injury. Use the assessment questions in Table 2, below, as a guide.
- a. If it is not likely, the complaint is UNFOUNDED.
- b. If it is likely, the complaint is VALID.

Table 2. Foodborne Illness and Injury Validity Assessment Questions*

Factors that may indicate valid complaints:
Is there more than one person ill? If yes, are they from different households?
Is the food listed known to be associated with illness-causing agents?
Is the incubation period (time between consumption of food and onset of symptoms) consistent with those of known illness-causing agents?
Based on type of food and incubation period: <ul style="list-style-type: none"> • Do any foodborne illness-causing organisms have onset times that match the incubation period? • Is it plausible that the suspect food could harbor that organism/chemical/parasite? • Do the type, severity, and duration of symptoms match what is known about that organism, chemical, or parasite?
Does the complainant have any other food exposures from non-MDA licensed establishments that are more likely the potential cause of illness than the food from the MDA-licensed establishments?
Does the complainant have any non-food exposures that may explain the illness?
Does the complainant have an occupation that may put them at increased risk for an illness that could match the symptoms?

**This table is for example purposes only and should not be used as an exclusive or prescriptive listing. All complaints should be evaluated for validity individually based on the related complaint details.*

6.4.2. For UNFOUNDED Food Program Complaints:

- 6.4.2.1. Add an internal note to the complaint with a summary of the suspected food and illness symptoms, state that no action is necessary, and briefly describe the reasoning. See Table 3 for examples. Update the complaint status to “Closed & Unfounded”.
- 6.4.2.2. If there are food exposures from non-MDA licensed establishments listed that are likely to be the potential cause of illness, ensure that the agency with jurisdiction has been notified of the complaint. For example, if the complaint was referred to MDA by MDH, check that the other agency or agencies were also included in the routing of the complaint on the fax cover sheet. If the complaint needs to be referred, update the complaint status to “Closed & Referred to Local Health” or “Closed & Referred to Other Agency” as applicable. If other agencies were included in the routing, update the complaint status to “Closed & Unfounded”.

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6.4.2.3. If the Response Requested box is checked in the complaint, contact the complainant with the result. If more than one jurisdiction was notified of the complaint, inform the complainant that although MDA is not following up at this time, other agencies may. If the complaint was referred to another division or agency, inform the complainant of that fact and provide appropriate contact information. When communication is completed, add internal note to complaint record.

6.4.3. For VALID Food Program Complaints:

- 6.4.3.1. Add a summary of the suspected food and illness symptoms, state that further action is necessary, briefly describe the reasoning, and describe the necessary follow-up actions as an internal note. See Table 3: Sample language for summarizing validity findings for a foodborne illness or injury complaint for examples.
- 6.4.3.2. Associate a facility to the complaint record if on-site follow-up by inspection staff is necessary. This applies to home sample collection as well as licensed facilities. Creating a new facility may be required. Update the status to “Assigned-Inspector”.
- 6.4.3.3. Notify area inspector, supervisor, and program manager of follow-up needs by email, including Complaint ID and specific details of the complaint. Follow-up needs may include but are not limited to Routine Inspection, Complaint Investigation, and Sampling. If sample is required, refer to the *FOOD.30.32 – Response, Complaint, and Enforcement Sampling SOP*.
- 6.4.3.4. As long as complaint is open, review completed field inspection reports and coordinate with supervisor. Refer to *RESP.50.01 – Investigation Procedures for Food and Environmental Contamination SOP* and *RESP.50.02 – Foodborne Illness Outbreak Investigation SOP*.
- 6.4.3.5. Review completed inspection reports. If there is evidence of contributing factors to the complainant’s foodborne illness symptoms, update the status to “Closed & Verified”. If there is insufficient evidence of contributing factors to the complainant’s foodborne illness symptoms, update the status to “Closed & Unverifiable.”
- 6.4.3.6. Notify the inspector and the supervisor when the investigation is closed and what the final complaint determination was (Verified or Unverifiable).

Table 3. Sample language for summarizing validity findings for a foodborne illness or injury complaint.*

For Valid complaint:
Two complaints of illness from adults in different households. Symptoms of diarrhea occurring 20 and 24 hours after consuming salmon and spinach salad, and lasting 25 and 20 hours, respectively. This complaint is consistent with norovirus infection. Follow-up at the grocery store deli is warranted to examine employee illness records, preparation steps for the salad, and whether they have received other complaints from the public.
For Unfounded complaint:
Complaint of illness in 2 adults from the same household. Both shared a Thai chicken salad and became ill 1 hour (vomiting only) and 3 hours (diarrhea and vomiting) later, respectively. There was a baby in the household who was vomiting 2 days prior to adult illness. No follow-up warranted based on

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presence of ill child and food history/symptom timeline given.

Complainant and other adult in same household experienced diarrhea and vomiting 6 hours after consuming tacos made at home. Both also consumed sandwiches from a fast food establishment 29 hours prior to symptoms. No follow-up warranted at this time based on food history and symptom timeline. The agency with jurisdiction over the fast food establishment was copied on the original complaint.

**This table is for example purposes only and should not be used as an exclusive or prescriptive listing.*

6.5. Non-Illness Complaint Evaluation – Food Compliance Officer

- 6.5.1. Within one (1) business day of notification from Support Staff, evaluate the complaint record to determine validity.
- 6.5.1.1. Examine the details of the complaint record.
- 6.5.1.2. Determine if the law(s) applicable to the complaint details fall within the Food Program’s authority.
- a. If no, refer the complaint details by email to the applicable program (Dairy, Meat, or Feed), division, or external agency. Refer to Table 1: Complaint Contact and Instructions. Update complaint status to “Closed & Referred to Other Agency”, add internal notes of review and/or referral and attach PDF of email referral to complaint in USAFS.
- 6.5.1.3. Perform independent research to substantiate or further assess complaint details when necessary. This step will be dependent on complaint type, public health significance, and availability of public information.
- a. Based on complaint information and research, determine if a potential violation of law is occurring. Applicable laws include State Statutes, Code of Federal Regulations and State Rules. If the answer is no, then the complaint is UNFOUNDED. Update complaint status to “Closed & Unfounded” and add internal notes regarding review process. Contact the complainant for education as work planning and program priorities permit.
- b. If there is not enough information in the complaint record to determine if a potential violation of the law is occurring, contact the complainant for additional information if contact information is provided. If detail is still not adequate after two attempts at contact, the close the complaint in USAFS as “Closed & Unfounded”. Update complaint status and add internal notes regarding review process. If requested, contact the complainant to update on status of complaint as work planning and program priorities permit.
- 6.5.1.4. If a potential violation of law is occurring, review the specific regulatory requirements of law to verify the regulatory interpretation is appropriate for the specific complaint details. If the interpretation is appropriate, the complaint is VALID.
- a. If not already complete, associate a facility in USAFS to the complaint record if the firm is located within Minnesota. This applies to licensed and unlicensed facilities. A new facility may need to be created.

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6.5.2. For VALID Complaints, identify if the issue is a HIGH PUBLIC HEALTH SEVERITY or LOW PUBLIC HEALTH SEVERITY using Table 4: Examples of Public Health Risk Severity below:

Table 4. Examples of Public Health Risk Severity*

Higher Severity	Lower Severity
Microbial contamination	Non PHF home business operating w/o a license
Undeclared allergens on labeling	Quality assurance dating issues
Gross insanitary conditions	Non-allergen related labeling issues
Pest infestations	Food quality issues
Personal hygiene issues involving direct food contact (handwashing, bare hand contact, etc.)	Personal hygiene issues with no food contact (hairnet, jewelry, clothing, etc.)
Licensing for non-home based businesses or involving PHF	Presence of non-pest animals (dog, wild birds, etc.)

**This table is for example purposes only and should not be used as an exclusive or prescriptive listing. All complaints should be evaluated for severity individually based on the related complaint details.*

6.5.3. Determine the appropriate follow-up action using Table 5: Valid Complaint Follow-Up Actions and complete the actions identified:

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Table 5. Valid Complaint Follow-up Actions

Follow-up	Compliance Officer Action
HIGH PUBLIC HEALTH SEVERITY ISSUES	
Facility Inspection	<ul style="list-style-type: none"> Document review and recommendation in the internal notes of the complaint in USAFS and update complaint status to “Assigned Supervisor”. Follow-up recommendations may include sample collection. Refer to <i>FOOD.30.32 - Response, Complaint, and Enforcement Sampling SOP</i> if sample collection is necessary. Notify Food Inspection Supervisor of follow-up recommendations by email and include Complaint ID, Firm Name, City, and specific details of the complaint. Copy the area Food Inspector on the email.
Compliance Investigation	<ul style="list-style-type: none"> Document review and recommendation in the internal notes of the complaint in USAFS and update complaint status to “Assigned to Compliance”. Follow-up recommendation may include additional action or investigation by Compliance staff when no facility is available for inspection. Notify Compliance Unit Supervisor of follow-up recommendations by email and include Complaint ID, Firm Name, City, and specific details of the complaint.
LOW PUBLIC HEALTH SEVERITY ISSUES	
Complaint Inspection	<ul style="list-style-type: none"> Use this for instances facility or operation assessment is necessary for verification and the complaint may have direct public health impact (but have not risen to the level of high severity). For example, personal hygiene issues that are not specific to product handling. Document review and recommendation in the internal notes of the complaint in USAFS and update complaint status to “Assigned Supervisor”. Send a notification email to the Food Inspector and Food Inspection Supervisor with Complaint ID, Firm Name, City, and explanation of determination.
Address during next inspection	<ul style="list-style-type: none"> Use this when assessment of the facility or operation is necessary for verification but the complaint does not have direct public health impact. For example, food quality issues. Document review and recommendation in the internal notes of the complaint in USAFS and update complaint status to “Assigned to Supervisor” Send a notification email to the Food Inspector and Food Inspection Supervisor with Complaint ID, Firm Name, City, and explanation of determination.
Address complaint with other action (phone call, email or correspondence)	<ul style="list-style-type: none"> Use this when a facility or operational review is not strictly necessary for verification. For example, reported instances of non-pest related animals in the operation. Document review and recommendation in the internal notes of the complaint in USAFS and update complaint status to either “Assigned to Compliance” or “Assign to Supervisor” based on identified follow-up

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	<p>action.</p> <ul style="list-style-type: none"> • Follow-up recommendation may include additional action or investigation by Compliance staff – specifically when no facility is available for inspection. • Notify Food Inspector/Food Inspection Supervisor and Compliance Unit Supervisor of follow-up recommendations by email and include Complaint ID, Firm Name, City, and specific details of the complaint.
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6.6. Scheduling of Inspection – Food Inspection Supervisor

- 6.6.1. Within one (1) business day of valid complaint email notification, review all applicable details of complaint record including internal notes and attachments.
- 6.6.2. If the need for Food Inspector follow-up is not clear (i.e. validity of complaint is in question), contact the referring Compliance Officer or RRT Coordinator for additional clarification and/or discussion. Involve the Compliance Supervisor and/or applicable Food Program Manager as necessary.
- 6.6.3. For complaints requiring Food Inspector follow-up, schedule an inspection in USAFS to investigate the complaint based on inspection territory, experience, and workload.
- 6.6.3.1. Identify inspection completion date based on severity of public health risk. Inspections for those complaints with a **HIGHER PUBLIC HEALTH SEVERITY** should be conducted within seven (7) business days based on the egregiousness of the complaint. Those items of **LOWER PUBLIC HEALTH SEVERITY** should be addressed as quickly as staffing and program priorities allow and based on the egregiousness of the complaint.
- 6.6.3.2. Include assignment comments as necessary in the complaint record for direction to assigned Food Inspector. Document review and recommendation in the internal notes of the complaint in USAFS and update complaint status to “Assigned Inspector” or “Address During Next Routine Inspection” based on identified follow-up action.
- 6.6.4. Notify Food Inspector of assigned complaint inspection by email and include Complaint ID. Copy area Food Inspector on email notification when inspection assignment differs from area inspector.

6.7. Complaint Inspection – Food Inspector

- 6.7.1. Prior to inspection, review all applicable assignment documentation including complaint detail and firm inspection history. This may include contacting the complainant for additional detail in limited situations – consult supervisor first in these scenarios.
- 6.7.2. Conduct the inspection within the scheduled timeframe following any additional direction included within assignment or internal notes. Additional direction may include conducting a full routine inspection or following up on recent routine inspection finding in addition to conducting the complaint investigation.
- 6.7.3. Contact supervisor if additional direction is needed regarding the complaint investigation, actions to be taken regarding effected foods, or other items needing clarification.
- 6.7.4. Document the following in the published comments of the inspection report:
- 6.7.4.1. Complaint ID

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- 6.7.4.2. Brief and general description of submitted complaint – do not include specific names or other details revealing complainant
- 6.7.4.3. Follow-up actions taken to investigate the complaint (e.g. a description of the policies or procedures reviewed, areas of the store observed, or specific equipment that was assessed)
- 6.7.5. If violations are found, issue orders per *FOOD.30.05 – Inspection Report SOP*. Ensure the observation statement for the order issued clearly supports the violation based on conditions observed during the inspection.
- 6.7.6. If sample collection is necessary but was not identified in the complaint assignment, contact supervisor to determine the most appropriate way to collect and document sample collection.
- 6.7.7. Submit all inspection and sampling records, if applicable, per program procedure.
- 6.7.8. If actions other than site inspection/sampling were taken, add internal note to complaint record describing details. Examples of additional actions may include phone conversations or emails.

6.8. Review of Complaint Inspection Findings – Food Inspection Supervisor and Compliance Supervisor

- 6.8.1. Complete the following tasks for the supervisor’s respective program or unit:
 - 6.8.1.1. Review complaint record, inspection report, and sampling record, if applicable, to determine if additional follow-up actions are necessary based on the observations and/or violations documented. Additional actions may include inspections at additional facilities, document collection to support findings, additional sampling or further enforcement actions. If the complaint is associated with illness investigations, coordinate determination of next steps with the RTO Supervisor.
 - 6.8.1.2. For a complaint requiring further actions, make assignments and/or referrals as necessary. Add internal notes to the complaint record to document actions taken. This may include creating an additional complaint in USAFS for a separate facility or referral to another program or agency for follow-up.
- 6.8.2. When further actions are no longer necessary, update complaint status to “Closed & Verified” or “Closed & Unverified” based on inspectional observations and/or other complaint record findings.

7. RELATED DOCUMENTS (includes References, Attachments)

- FOOD.30.05 – Inspection Report Writing SOP
- FOOD.30.32 - Response, Complaint, and Enforcement Sampling SOP
- RESP.50.01 – Investigation Procedures for Food and Environmental Contamination SOP
- RESP.50.02 – Foodborne Illness Outbreak Investigation SOP
- Minnesota Consumer Complaint Worksheet AG-03059
- FFSD.SOP.30.14 – Industry Appeals SOP

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FOOD.WI.30.47 – Creating and Managing Complaints in USAFS WI

8. EQUIPMENT/MATERIALS NEEDED

USAFS

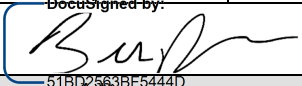
9. SAFETY

N/A

10. CIRCULATION

This document is circulated to the following: Food Inspection Staff, Food Inspection Supervisors, Compliance Officers, Compliance Supervisor, Food Program Managers, RRT Staff, RTO Supervisor, and applicable Support Staff. The current version will be stored electronically on the FFSD document control site.

11. APPROVAL/DOCUMENT HISTORY

Document History		
Version #	Status (I, R)	Change History
1	I	Initial Policy Drafting.
2	R	Updates made due to division structure changes from DFID to FFSD; responsibility section updated to reflect staff roles within the SOP; unfounded complaint directions moved to section 6.4; Table 5 updated to include compliance investigation, complaint inspection and language added to inspection follow-up and other actions.
2.1	R	Added Compliance Supervisor, RTO Supervisor, and Food Inspector to Responsibilities and updated complaint statuses throughout to match to USAFS and current procedures, updated names of related SOPs as applicable. Addition of complaint close-out language to the RRT Coordinator role. Original procedure approved on 1/12/2017. Updated Version number to reflect Version 2.1 rather than 2 per FFSD.SOP.90.01-Documents Development and Control SOP.
DocuSigned by: 		2/6/2017
Approved By:		Date
Approved By:		Date

I = Initial document; R = Revised document