

**Minnesota Department of Agriculture
Dairy and Food Inspection Division**

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Version #: 1	Effective Date: 6/10/2014
Title: Retail Risk Category SOP	

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1. PURPOSE

The purpose of this document is to provide guidance for uniformly determining the primary risk category and inspection frequency for food retail firms that are currently regulated by the Minnesota Department of Agriculture Dairy and Food Inspection Division (MDA-DFID).

2. SCOPE

This guidance applies to MDA-DFID regulated food firms that are considered retailers as defined in this policy. This guidance does not apply to dairy firms regulated under MDA-DFID who fall under the Pasteurized Milk Ordinance.

3. BACKGROUND

In 2000, a risk-based inspectional approach was developed which included prioritizing inspections based on the risk category that was assigned to all food establishments (retail and wholesale). The risk category was based on the establishment's operation as it related to the risk of causing foodborne illness. The division developed criteria for high, medium and low risk categories, and inspection frequency was determined based on the risk category of the food establishment. This was developed in part by utilizing the FDA Retail Food Code Annex 5 "Conducting Risk-based Inspections" There is a separate Manufacturer & Distributor Risk SOP that addresses manufacturing and wholesale distributing operations that also details and encompasses criteria developed by FDA in the Manufactured Food Regulatory Program Standards (MFRPS).

4. RESPONSIBILITY

Food Program Manager – The Food Program Manager will review all policies and procedures and issue final approval of all food program policies and procedures.

Regulatory, Educational and Outreach Program Coordinator – The Regulatory, Educational and Outreach Program Coordinator will ensure that all staff are trained in carrying out the responsibilities of this SOP.

Supervisor - The Supervisor will ensure all assigned staff in their respective program area receive the appropriate training and follow the procedures described.

Inspector – The Inspector will follow the procedures described as applicable to their position and notify their supervisor when the procedures cannot be followed.

5. DEFINITIONS

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Compliance History: Compliance history is defined as a firm that has had a compliance case or compliance event within the past five years. A compliance case consists of those cases referred to the compliance unit for which an enforcement action was undertaken for a food safety-related violation, including but not limited to: 1) administrative meeting 2) fine or penalty, 3) a criminal referral or 4) an injunction. A compliance event consists of inspection related events regarding to the firm's status of compliance with food safety regulations over time, including but not limited to: 1) Sanitary Notice issued, 2) Re-Inspection needed.

Custom Processor: A person who slaughters animals or processes noninspected meat for the owner of the animals, and returns the meat products derived from the slaughter or processing to the owner. "Custom processor" does not include a person who slaughters animals or poultry or processes meat for the owner of the animals or poultry on the farm or premises of the owner of the animals, meat, or poultry. (MN Statute 28A.038) Retail Customer Processing includes animals and meat that are not for sale or service in a food establishment and not under USDA, state Equal To inspection, or that are required to have a MN Custom Processing Permit (for beef, hogs, etc). For the purpose of this SOP, Custom processing includes wild game animals such as deer, elk, bear, geese, ducks harvested from the wild.

Distributor: Any individual, firm, corporation, company, association, cooperative, or partnership who sells food to others for re-sale, stores or handles food for another, including buildings, trucks, trailers or other portable structures.

Juice: Juice means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. The resulting product must be 100% juice (not juice blends).

Manufacturer: any individual, firm, corporation, company, association, cooperative, or partnership who processes or manufactures raw materials and other food ingredients into food items, or who reprocess food items, or who package food for sale to others for resale. This includes those who extract, ferment, distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack, bottle, recondition, or otherwise treat or preserve food for sale to others for resale and also to salvage food processors.

Packaged Food: Packaged Food means any food that is contained in a bottle, can, carton, secured bag or is securely wrapped.

Potentially Hazardous Food (PHF): is food or a food ingredient consisting in whole or in part of, milk products, eggs, meat, fish, raw shell eggs, poultry or other food or food ingredient which is capable of supporting growth of infectious or toxigenic microorganisms. PHF food requires time and temperature control to limit pathogenic microorganism growth or toxin formation.

Process: Process is the treatment of food substances in such a manner to change its properties with the intent to preserve it, improve its quality or make it functionally useful. This includes re-packaging of food.

Ready To Eat (RTE): "Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the firm or the consumer to achieve food safety, and that is reasonably expected to be consumed in that form.

Retail food establishment: any individual, firm, corporation, company, association, cooperative, or partnership who sells food directly to a consumer to include the following definition of a "food establishment" (in-part) from the proposed 2012 MN Retail Food Code 4626.0020 1-201.10:

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A. "Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

(1) such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market, grocery store, convenience store, special event food stand, school, boarding establishment, vending machine and vending location, institution, and retail bakery; or

(2) that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

B. "Food establishment" includes:

(1) an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is licensed by the regulatory authority;

(2) an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

A common name that is frequently interchanged with a "retail food establishment" includes the word "retailer".

Specialized Process: Foods produced as described under Minnesota Food Code 4626.0415 (Specialized Processing HACCP Requirements) and 4626.1730 (When a HACCP Plan is Required).

Surface Water: Water that is on the surface of the planet, such as rivers and lakes.

Time as a Public Health Control: The concept of using time only, rather than time in conjunction with temperature as the public health control (MN Food Code 4626.0410).

6. PROCEDURES

6.1. Determine the Risk Classification

- 6.1.1. During every inspection, determine or review the risk classifications for the firm. Risk classifications may change over time if the products or processes change at the facility.
- 6.1.2. Determine if the firm is only retail or also conducts manufacturing and distributing operations.
- 6.1.3. Identify the highest risk food item or process.
- 6.1.4. If the highest risk product item or process is associated with the manufacturing or distributing operations, refer to *FOOD.30.08 Manufacturer Distributor Risk Category SOP* to identify the appropriate risk category. The highest risk food or process should be the determining factor for selection of risk category; not the predominant mode of business.
- 6.1.5. If a firm processes meat under jurisdiction of USDA FSIS, MN Equal to, or is a Custom Processor as defined by the USDA but has a retail food operation at the

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same location which is not regulated by the USDA FSIS or the MDA Meat Program, consider the firm as a retailer when establishing the risk category.

6.2. Risk Code Selection

- 6.2.1. During the inspection, select all appropriate risk codes using the current version of *Appendix A: Risk Categories – Retail* based on the retail food establishment's food business operations.

Example: A firm sells food and is licensed as a Retail Food Handler. The firm is a grocery store which includes a Bakery, Deli, Meat, Produce, and has an operation that includes bulk food prepackaged groceries, scratched bakery products, raw meats, sliced deli meats and cheese, and is making sushi. The firm would have the following specific product type codes:

RH01, RH12, RM04, RL02, RL03

- 6.2.2. Review the specific product codes and identify the overall highest risk (High, Medium, or Low).
- 6.2.3. Record all specific product type codes, Retail and Manufacturing/Distributing, associated with the firm on the tracking form or within the electronic inspection system.

6.3. Inspection Frequency

- 6.3.1. Use the baseline frequencies listed below to identify the proper frequency for the establishment:

High Risk Retailers: High risk retailers are inspected at a baseline frequency of once every twelve months.

Medium Risk Retailers: Medium risk retailers are inspected at a baseline frequency of once every eighteen months.

Low Risk Retailers: Low risk retailers are inspected at a baseline frequency of once every twenty-four months

- 6.3.2. Increase the inspection frequency using the following criteria: compliance history (as described in the definitions of this SOP) and inspection findings along with good professional judgment. The frequencies listed above are only the minimum.
- 6.3.3. For compliance history - Increase the frequency of inspection by six months for at least one inspection cycle in addition to the normal frequency of the risk category.

Example: If a firm is classified as overall Medium Risk and has a compliance event (i.e. Sanitary Notice) on 1/2/2014. The firm was found in compliance on the reinspection conducted 1/6/2014.

- a) Increase frequency to every twelve months for one year. So an inspection will need to take place by 1/2/2015.
- b) After this inspection, if no other compliance events occur, the firm can be moved back to a baseline 18 month inspection frequency.

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7. RELATED DOCUMENTS (includes References, Attachments)

Appendix A: Risk Categories – Retail Food Handlers
FOOD.30.08 Manufacturer Distributor Risk Category SOP

8. EQUIPMENT/MATERIALS NEEDED

N/A

9. SAFETY

N/A

10. CIRCULATION

Document will be provided to all Food Inspection Staff and Management.

11. APPROVAL/DOCUMENT HISTORY

Document History		
Version #	Status (I, R)	Change History
1	I	Initial Policy Drafting.
Approved By:		Date
Approved By:		Date

I = Initial document; R = Revised document

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Appendix A

Risk Categories – Retail Food Handlers

HIGH RISK RETAILERS

High risk retail food establishment category consists of retailers that complete one or more of the following:

1. Sell potentially hazardous foods (PHF) requiring extensive processing on the premises, including manual handling, cooling, reheating, or holding for service;
2. Prepare foods several hours or days before service;
3. Serve menu items that epidemiological experience has demonstrated to be common vehicles of food-borne illness;
4. Sell foods that require specialized processes required by regulation to decrease risk-potential;
5. Or draws its drinking water from a non-municipal surface water supply.

MDA-DFID considers these retailers to be high risk based on the type and processing of foods, such as complex processing potentially hazardous foods, foodborne-illness associated foods, their ready-to-eat status (likelihood that there will not be a further kill or wash steps to eliminate risk potential), and the fact that these retailers engage in a process that is prescribed by regulation to decrease risk-potential.

SPECIFIC PROCESS TYPE HIGH RISK CODES

RH 01 - Extensive handling of a RTE food e.g. scratch bakery, cutting deli meats, making candies, etc.

RH 02 - RTE PHF food item and raw meat handled within same area or same employees.

RH 03 - RTE PHF raw produce item prepared on site example: cutting melon.

RH 04 - PHF heated and cooled, then reheated for hot holding or service (through danger zone 3 or more times).

RH 05 - PHF heated and cooled (through the danger zone 2 times).

RH 06 - PHF prepared for off-premises service by the operator e.g. catering.

RH 07 - Time is used as a Public Health Control.

RH 08- Source water is drawn from a surface water supply.

RH 09 - Processes and packages unpasteurized juice including cider.

RH 10 - Processes and packages juice (including ciders) to achieve at least a 5-log bacterial reduction according to 21 CFR 120.

RH 11 - Specialized processes: smoking or curing food, except for smoking done for the purpose of imparting flavor only and not as a part of the cooking process needing HACCP as required by MN Food Code.

RH 12 - Specialized processes: using food additives or adding components, including vinegar, to: (1) preserve food rather than to enhance flavor; or (2) render a food so that it is not potentially hazardous needing HACCP as required by MN Food Code. This includes production of jams & jellies and other products exempted from low acid canned food and/or acidified food regulations.

RH 13 - Specialized processes: using a reduced oxygen method of packaging food needing HACCP as required by MN Food Code.

RH 14 - Specialized processes: cooking raw animal foods needing HACCP as required by MN Food Code.

RH 15 - Specialized processes: operating and maintaining molluscan shellfish tanks needing HACCP as required by MN Food Code.

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RH 16 - Specialized processes removing tags or labels from shell stock needing HACCP as required by MN Food Code.

RH 17 - Specialized processes: sprouting of seeds or beans.

RH 18 - Custom processing animals.

RH 19 - Other approved food process variances to the Food Code, unless required by a facility equipment variance.

MEDIUM RISK RETAILERS

Medium risk retail food establishment category consists of retailers that complete one or more of the following:

1. Serves potentially hazardous foods but with minimal holding between preparation and service;
2. Serves foods, such as pizza, that require extensive handling followed by heat treatment;
3. Or serves foods that require some preparation on-site as identified below.

MDA-DFID considers these retailer types of facilities to be medium risk because the food product being processed has some risk associated with it, but it does not rise to the risk category associated with foods.

SPECIFIC PROCESS TYPE MEDIUM RISK CODES

RM 01 - PHF heated and hot held (through the danger zone one time only).

RM 02 - PHF heated for immediate service (through the danger zone one time only).

RM 03 - PHF that has extensive handling followed by heat treatment at the firm e.g. pizza made from scratch.

RM 04 - PHF which will be heat-treated by consumers as final prep e.g. fresh meat or seafood

RM 05 - Repacking RTE PHF.

RM 06 - PHF Food prep (not cooked or heated) and served or packaged e.g. sandwiches or sampling.

RM 07 - Non PHF prep and served or packaged e.g. blended drinks, bake-off bakery, or sampling

RM 08 - Soft-serve ice cream, dipping ice cream or other ice cream preparation equipment.

RM 09 - Ice (On premises making and bagging of ice)

LOW RISK RETAILERS

Low risk retail firm are food establishments that are not high or medium risk.

MDA considers these types of facilities to be low risk because the food product being processed is not potentially hazardous, and there will be a further kill, wash or other processing step prior to consumption, with a few exceptions.

SPECIFIC PROCESS TYPE LOW RISK CODES

RL 01 - Repacking non PHF (RTE or Non RTE).

RL 02 - Non PH bulk food offered for self-service. Example: self-service bakery cases, candy, other bulk food dispensing.

RL 03 - Prepackaged food only.

RL 04 - Beverage service. Example: coffee, powdered cappuccino, fountain soft drinks, vended water.

RL 05 – Raw agricultural products. Example: oranges, apples, etc. that are not packaged.