

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

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Title: <b>Inspection Protocol – Retail Food</b>	

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**1. PURPOSE**

The purpose of this policy is to provide the requirements for the inspection of Retail Food operations / establishments currently regulated by the Minnesota Department of Agriculture Dairy and Food Inspection Division (MDA-DFID).

**2. SCOPE**

This policy applies to all Minnesota State Food Inspectors of Retail Food operations / establishments.

The policy does not include additional requirements for specific types of inspections such as foodborne illness investigations, complaints, licensing and sampling. This policy also does not apply to meat or dairy operations regulated under MDA-DFID who fall under USDA or Equal-to inspection programs or the Pasteurized Milk Ordinance.

**3. BACKGROUND**

Minnesota Statute 31.04, 31.08, 34A.04, 34A.12 (and any other applicable laws and regulations) provides the legal authority for Department staff to enter, inspect, copy records, take photographs and sample to determine compliance with the Minnesota laws including, but not limited to, MN Chapters 17, 28, 28A, 29, 30, 31, 31A, 32 and 34A and Agency rules promulgated there under.

This document was established using existing Dairy and Food Inspection Division policies. This protocol complies with some requirements stated in the *Standard 3 – Inspection Program Based on HACCP Principles* of FDA’s Voluntary Retail Food Regulatory Program Standards.

**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.

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## 5. DEFINITIONS

**Active Managerial Control:** The purposeful incorporation of specific actions or procedures by industry management in the operation of their business to attain control over foodborne illness risk factors. It embodies a preventative rather than reactive approach to food safety through a continuous system of monitoring and verification.

**Good Retail Practices (GRPs):** Systems to control basic operational and sanitation conditions within a firm, and include preventative measures to control the addition of biological, chemical, and physical objects into foods.

**Hazard Analysis Critical Control Point (HACCP) Based Inspection:** A risk based inspection conducted utilizing scientific knowledge and direct observation to evaluate a firm's food handling activities including processing, storage and distribution. An inspector identifies and then assesses hazardous 'points' in the process, the amount of control over those hazardous points, and documentation of the hazards, process, and any monitoring conducted by the firm.

**Highly Susceptible Population:** Persons who are more likely than other people in the general population to experience foodborne disease because they are:

- 1) Immunocompromised: those having an impaired immune system and therefore more susceptible to foodborne pathogens; and
- 2) Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center or school.

**Person in charge (PIC):** Owner, operator, or agent who is present at the firm and is responsible for the operation at the time of inspection.

**Process Approach to HACCP:** Conducting a hazard analysis by using the food preparation processes common to a specific operation.

**Public Health Intervention (PHI) (Food Code Interventions):** Control measures to prevent foodborne illness or injury. PHIs are Demonstration of Knowledge, Implementation of employee Health Policies, Hands as a Vehicle of Contamination, Time/Temperature Relationships, and Consumer Advisory.

**Ready to Eat (RTE):** "Ready-to-eat food" means food that is in a form that is edible without additional washing, cooking, or other preparation by the firm or the consumer to achieve food safety, and that is reasonably expected to be consumed in that form. It may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

**Risk Factors (RF):** Improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. RFs are Food from Unsafe Sources, Improper Holding Temperatures, Inadequate Cooking, Contaminated Equipment, and Poor Personal Hygiene.

**Specialized processes:** Processing operations using technologies or equipment that are typically seen at the commercial manufacturing level but are conducted at retail instead. Specialized processes present a significant health risk if not conducted under strict operational procedures.

**Violative condition:** A circumstance noted during the inspection which does not meet the conditions specified by applicable regulations.

## 6. PROCEDURES

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**6.1 Preparing for the Inspection**

- 6.1.1** Schedule and conduct inspections based on risk classification as defined in *FOOD.30.16 – Retail Risk Category SOP*.
- 6.1.2** Determine the focus of the inspection based on the purpose of inspection (routine, complaint, licensing, sampling, etc.). There may be more than one purpose of inspection.
- 6.1.3** Bring the appropriate equipment and forms to the Inspection. Refer to the *Food Inspection Supplies, Forms, and Equipment Checklist*.
  - a.** Footwear and outer garments must be in a clean condition.
  - b.** Follow the firm’s standard procedures if they have additional hygiene requirements such as hair nets in addition to hats.
- 6.1.4** Prior to the inspection, review all files and pertinent firm information if present including: past inspection findings, out-of-compliance observations, repeat orders, chronic violations, complaint reports, documentation indicating the need for a HACCP Plan, Variance Letters, Plan Review Letter, document verifying the last water test, letters or court documents regarding any enforcement actions that may require follow-up including warning letters, and violative sample letters or reports.
  - a.** Contact a supervisor or the previous inspector (if available) as necessary for clarification of any information contained within the firm’s file.
  - b.** Refer to *USAFS Guide 02.02 – How do I prepare for an inspection?*

**6.2 Starting the Inspection**

- 6.2.1** Upon entry to the facility:
  - a.** Identify the Person(s) in Charge (PIC) for the facility and/or departments.
  - b.** Introduce yourself, present credentials and explain the purpose of the inspection to the PIC.
  - c.** Issue a Notice of Inspection (NOI) and briefly review information with PIC.
  - d.** Verify license type, name, location address, mailing address, and fee paid are correct, and that the license is current.
- 6.2.2** Consider any of the following actions refusals of inspection if the firm does not allow them: entry into any areas of the facility, review of records, collection of samples, or photo documentation. It is also considered a refusal of inspection if the firm is uncooperative or hostile. If a refusal of inspection occurs, contact a food inspection supervisor for further actions.

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- 6.2.3** Do not sign any forms or documentation provided by the firm that limits the inspection authority and/or rights to gather evidence in any way. Inspectors are allowed to sign in and out of a facility for security purposes; however, confirm the sign-in sheet does not contain any limiting language.
- 6.2.4** Identify the Certified Food Manager (CFM), when required, and verify that the individual listed is currently a full time employee at the firm (also not in the corporate office), that the certificate is current, posted and issued by the Minnesota Department of Health (MDH).
- 6.2.5** Conduct a quick walk-through of the facility or departments to observe critical activities that might otherwise go unnoticed until later in the inspection. For example: receiving, cooling, cooking, reheating, or specialized processing such as making acidified rice, using reduced oxygen packaging (ROP), or curing.
- 6.2.6** Review foods handled by the firm (menu review) and evaluate procedures used in the facility to identify highest risk products and processes.
- 6.2.7** Demonstrate proper sanitary practices during the inspection as required by the Minnesota Food Code. This would include:
  - a.** Washing of hands
  - b.** Not working when ill
  - c.** Wearing hair restraints as required
  - d.** Not touching Ready To Eat food with bare hands
  - e.** Washing and sanitizing any inspection tools contacting food
  - f.** Not contaminating surfaces

**6.3 Walk-through Activities**

- 6.3.1** Assess the firm's Active Managerial Control (AMC) of risk factors (RF) and public health interventions (PHI).
  - a.** Determine if there is a food safety system in place .
  - b.** Refer to *Appendix A- Assessing Risk Factors and Public Health Interventions*.
- 6.3.2** Determine the applicable foodborne illness risk factors and public health interventions associated with each process.
  - a.** Using HACCP based inspection principles, identify process flows and evaluate food preparation processes. Refer to *Appendix B -Process Flow at Retail*.
  - b.** Evaluate implementation of control measures for risk factors and public health interventions common to the processes conducted in the operation
  - c.** Verify applicable critical limits or practices of RF/PHI.

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- d. Assess compliance status using the *Minnesota Report Marking Instructions*.

**6.3.3** Assess the compliance status of the Good Retail Practices (GRPs).

- a. Refer to the *Minnesota Report Marking Instructions*.
- b. Evaluate basic sanitation and physical facility conditions, such as equipment, water, sewer, pest control, lighting, etc.
- c. Distinguish significant trends vs insignificant or isolated incidences and determine the potential impact to public health.

**6.3.4** Evaluate compliance status of other Applicable Federal Regulations or Laws and Minnesota Statutes or Rules. Examples: Bulk Food, Water Vending, Labeling, etc.

**6.4 Corrective Actions**

**6.4.1** Alert the firm's PIC or other responsible individual during the walk-through when a threat to public health is present. Threats to public health include violations of RFs and undeclared allergens, and potentially PHIs.

**6.4.2** If the firm does not complete an appropriate corrective action after notification, request on-site corrective actions as applicable to the type of violation.

- a. Requiring correction on-site (COS) conveys the seriousness of the violation to the establishment. This also provides an opportunity to educate the firm on food safety concerns and taking corrective actions.
- b. If operations are briefly stopped to address a food safety issue, a more favorable impact on future behavior may result. This favorable impact might not have been achieved through discussion alone.

**6.4.3** Verify that the firm has corrected the process and/or product and the appropriate continued actions are being implemented. Do not continue on the inspection until it is clear that appropriate corrective action is being taken.

**6.4.4** Discuss long term control options with the PIC if an establishment has the same out-of-control risk factor documented on consecutive inspections. Options may include but are not limited to:

- a. Risk Control Plans
- b. Standard Operating Procedures
- c. Equipment and/or facility modification
- d. Menu modification
- e. Buyer specification
- f. Remedial training
- g. HACCP plans

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- 6.4.5** Refer to *Appendix C-Retail Food Compliance Intervention Strategies* for more detailed information on suggested intervention strategies for COS and long term controls for uncontrolled risk factors.

**6.5 Further Compliance Actions**

- 6.5.1** Assess all previously identified deficiencies and verify that corrections have been made to the deficiencies identified during the previous inspection.
- 6.5.2** Determine if further compliance actions are needed. Refer to *FOOD.30.02 – Reinspection SOP* and *FOOD.30.27 – Field Compliance Actions SOP*.

**6.6 Communication and Behavior**

- 6.6.1** Behave professionally throughout the inspection.
- a.** Do not discuss information regarding another firm’s specific businesses, processes, or practices.
  - b.** Do not speak to other agencies’ activities or policies, including notification of inspection, work plans, inspection procedures, etc.
  - c.** Wear clean outerwear in good condition.
  - d.** Maintain a dignified, tactful, courteous, and diplomatic attitude.
  - e.** Observe accurately and objectively.
  - f.** Refer to MN Statute 43A.38 – Code of Ethics for Employees in the Executive Branch.
- 6.6.2** Protect the firm’s data in accordance with the Minnesota Data Practices Act. MN Statute 13. Refer to *FOOD.50.07 – Data Protection and Requests SOP*.
- 6.6.3** Answer questions and provide information in an appropriate manner.
- a.** Review the inspection report with the PIC and discuss any significant deficiencies observed.
  - b.** Provide time and opportunity for questions or discussion from the firm throughout the inspection and exit interview related to orders issued, comments documented, corrective actions taken, etc.
  - c.** Verify understanding of the orders, timeline, and possible appropriate actions to correct the violations.
  - d.** Avoid giving specific recommendations for desired corrective actions. There may be many ways for the firm to comply and/or the recommendation may not achieve the desired compliance. It is appropriate to offer suitable solutions but it is the firm’s responsibility to make the final decision as to the solution that will bring the firm into compliance.

**6.7 Inspection Report**

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**6.7.1** Complete the *Food Establishment Inspection Report* as outlined in the *FOOD.30.05 – Inspection Report Writing SOP*.

**7. RELATED DOCUMENTS (includes References, Attachments)**

Managing Food Allergen Risks - Retail  
Appendix A- Assessing Risk Factors and Public Health Interventions  
Appendix B -Process Flow at Retail  
Appendix C- Retail Food Compliance Intervention Strategies  
FOOD.30.03 – Digital Media SOP  
FOOD.30.05 – Inspection Report SOP  
Food Inspection Supplies, Forms, Equipment Checklist  
Minnesota Food Code  
Minnesota Report Marking Instructions

**8. EQUIPMENT/MATERIALS NEEDED**

Inspection equipment listing (training materials or evaluation listing)

**9. SAFETY**

All MDA employees must follow the personal protective equipment requirements and field safety guidelines outlined in the initial and annual Food Inspector safety training. Before performing an inspection, ask firm about any physical or chemical safety issues in the firm. If the inspector has concerns about in-facility safety, contact supervisor. Never enter an area or perform any job task that you think will result in injury or illness. If you do identify any unsafe conditions – STOP the inspection immediately and consult with the facility management or your supervisor regarding a corrective action for the hazard(s). Lastly, stick to the specific focus of your position and as always – THINK SAFETY!

Food inspection staff must also follow the Verbal and Physical Assault of State Agriculture Inspectors Policy. If the firm’s operators have a history of hostile behavior, speak with your supervisor before conducting inspection.


**10. CIRCULATION**

This document is circulated to the following: food inspection staff, food inspection supervisors, compliance officers, compliance supervisor, and the food program manager. A standing version of this procedure is located in the Food Program SOP Library.

**11. APPROVAL/DOCUMENT HISTORY**

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I = Initial document; R = Revised document