
Rules and Regulations

Frequency of Inspection
of Food Establishments
Based on Assessed Risk
and
Low-Risk Food
Establishment Self-
Certification Pilot
Program

**Chicago Board of Health Rules and Regulations
for
Frequency of Inspection of Food Establishments Based on Assessed Risk
and
Low-Risk Food Establishments Self-Certification Pilot Program**

By authority vested in the Chicago Board of Health pursuant to the general provision of section 2-112-100 and the specific provisions of sections 7-42-010 and 7-42-015 of the Municipal Code of Chicago, the following rules and regulations regarding frequency of inspection of food establishments based on assessed risk and low-risk food establishments self-certification pilot program are adopted herein.

Rule 1. Definitions

The following definitions shall apply for purposes of these Rules:

“Department” means the Chicago Department of Public Health.

“Food establishment” means any retail food establishment, wholesale food establishment, mobile food dispenser, shared kitchen, shared kitchen user, automatic food vending machine as defined in Section 4-8-010 or any other establishment licensed by the City of Chicago that prepares or serves food to the public.

“Low risk food establishment” means

1. All risk 3 food establishments as defined in this Rule; *and*
2. Those risk 1 and risk 2 food establishments as defined in this Rule that:
 - i) Received a routine full inspection within the a 12 month-period prior to enrollment in a Pilot Program and did not receive a “Fail” or did not receive a “Pass with conditions” on that inspection;
 - ii) Have not been closed for a sanitation violation within the 36 months prior to their enrollment in the Pilot Program;
 - iii) Have not been confirmed as a source of a food-borne illness or outbreak within the 36 months prior to their enrollment in the Pilot Program; and
 - iv) Received final approval from the Department.

“Potentially hazardous foods” has the meaning ascribed to the term in Section 4-8-010 of the Municipal Code of Chicago.

“Risk 1 food establishment” means any food establishment meeting one or more of the following criteria as defined by 77 Illinois Administrative Code 615.310 for a category I facility:

- i) Potentially hazardous foods are cooled as part of the food handling operations
- ii) Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving
- iii) Potentially hazardous foods which have been cooked must be reheated
- iv) Potentially hazardous foods are prepared off-site for which time and temperature requirements for transportation, holding and serving of such foods are relevant
- v) Complex preparation of foods, or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations
- vi) Vacuum packaging or other forms of reduced oxygen packaging are performed at the retail level
- vii) Majority of the consumers are immune compromised

“Risk 2 food establishment” means any food establishment meeting one or more of the following criteria as defined by 77 Illinois Administrative Code 615.310 for a category II facility:

- i) Hot or cold foods are held at required temperatures for no more than 12 hours and are only served the same day
- ii) Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food processing plants, high risk food service establishments or retail food stores
- iii) Foods are prepared from raw ingredients using only minimal assembly

“Risk 3 food establishment” means any food establishment meeting one or more of the following criteria as defined by 77 Illinois Administrative Code 615.310 for a category III facility:

- i) Only beverages (alcoholic and non-alcoholic) are served
- ii) Only limited preparation of non-potentially hazardous foods and beverages
- iii) Only pre-packaged foods are served and any potentially hazardous foods are commercially prepackaged in an approved processing plant.

“Self-Certification Pilot Program” or “Pilot Program means a pilot program developed and implemented by the Department that allows an eligible food establishment to self-certify compliance with Chapter 4-8, 7-38, 7-40 and 7-42 of the City of Chicago Municipal Code and the rules and regulations promulgated by the Chicago Board of Health.

Rule 2. Risk assessment and classification

The department shall assess each food establishment as to their level of risk (1, 2 or 3) pursuant to the definition provided in Rule 1 of these rules and regulations. The risk shall be reassessed whenever, in the opinion of the department, a health hazard will not result from such reclassification or such reclassification will better protect the public's health.

Rule 3. Frequency of inspection

The Department shall inspect food establishments at the following frequency:

1. Risk 1 food establishments shall receive two inspections per year, with the second inspection being at least 90 days after the first.
2. Risk 2 food establishments shall be inspected once per year.
3. Risk 3 food establishments shall be inspected once every two years.

Rule 4. Low-risk food establishments' self-inspection pilot program

4.1 Risk 3 food establishments

(a) *Requirement to participate.* All risk 3 food establishments will be encouraged to participate. Those not participating will receive an on-site inspection in lieu of participation.

(b) *Enrollment.* The department will notify all licensed risk 3 food establishments of this program and solicit their participation. This notification will also provide instructions for accessing and completing the on-line training referenced in Rule 4.1 (c).

(c) *Program development and training.* The department will develop a self-inspection checklist and a guide for risk 3 food establishments. To assist these establishments in completing the inspection, the department will develop and offer at no-cost an on-line training. A designee of each risk 3 food establishment participating in the program will be required to complete this training. The training will provide an overview of the self-inspection checklist and guide. A certificate of completion will be provided to the designee upon completion.

(d) *Self-inspection.* The department will identify a 3 month period of time where risk 3 food establishments will conduct and submit a record of their self-inspection.

(e) *Reporting and review.*

1. The inspection checklist shall be emailed, faxed or mailed to the department as prescribed by the department. The inspection checklist must be received within 3 business days following the completion of the inspection for it to be valid.
2. Upon receipt of the inspection checklist, the department will review it within 3 business days. If there are findings linked to one or more critical or serious violations, the department

may conduct an on-site inspection or require the food establishment to submit additional information and/or correct any findings (and submit evidence of such corrections). A certificate of compliance will be issued once the department determines the findings have been corrected. Similarly, the Department will issue such a certificate if there are no findings or only findings linked to minor violations.

(f) *Audit and verification.* The department will audit approximately 10% of all self-inspections conducted by risk 3 food establishments. To do so, the department will select every 10th completed self-inspection checklist it receives, and conduct an inspection of that establishment within 2 business days of receipt of that checklist.

(g) *Usual inspection.* In the event a participating risk 3 food establishment is due for a second inspection during the course of the Pilot Program, the department will complete that inspection per its usual inspection procedures.

4.2 Risk 1 and 2 food establishments.

(a) *Requirement to participate.* Participation by risk 1 and risk 2 food establishments in the pilot program shall be voluntary.

(b) *Enrollment.* The department will enlist the cooperation of trade organizations, such as the Illinois Restaurant Association, to identify and recruit risk 1 and 2 food establishments. Up to 100 food establishments will be enrolled.

(c) *Program development, training and implementation.* The department will develop a self-inspection checklist and guide for risk 1 and risk 2 food establishments. The department will develop and offer at no-cost an in-person training. A designee of each participating risk 1 and 2 food establishments will be required to attend this training. The course will provide an overview of the self-inspection checklist and guide as well as provide instruction on food safety and sanitation practices. A certificate of completion will be provided to the designee upon completion. The self-inspection pilot program for risk 1 and risk 2 food establishments shall have two phases as described below:

Phase I -- On-site consultation

During the first year (phase I) of the Pilot Program, the department will provide an on-site consultation to assist the food establishment in conducting the inspection and completing the self-inspection checklist. The designee completing the training and receiving the certificate of completion should be the one participating in this consultation. The department will conduct and record its own inspection separate from the one conducted by the designee. Risk 1 food establishments will be inspected twice during the first year and risk 2 establishments inspected once.

Phase II -- Self-inspection

During years two and three (phase II) of the Pilot Program, inspections will rotate between the food establishment and the department. The food establishment will be the first to complete

its self-inspection. This inspection will be conducted without the department present. When the food establishment is due its next routine inspection, that inspection will be performed by the department per its usual procedures. Risk 1 food establishments will be inspected twice per year, with the second inspection at least 90 days from the first. Risk 2 establishments will be inspected once per year.

- (d) *Reporting and review.* Upon completion of the inspection, the inspection checklist shall be emailed, faxed or mailed to the department as prescribed by the Department. The inspection checklist must be received within 3 business days following the completion of the inspection for it to be valid. Upon receipt of the inspection checklist, the department will review it within 3 business days. If there are findings linked to one or more critical or serious violations, the department may conduct an on-site inspection or require the food establishment to submit additional information and/or correct any findings (and submit evidence of such corrections). A certificate of compliance will be issued once the department determines the findings have been corrected. Similarly, the department will issue such a certificate if there are no findings or only findings linked to minor violations.
- (e) *Audit and verification.* The department will audit 25% of all self-inspections. Anticipating that 100 risk 1 and 2 food establishments will participate, the Department will select every 4th completed self-inspection checklist it receives, and conduct an inspection of that establishment within 2 business days of receipt of that checklist.

Rule 5. Commencement.

The Self-certification Pilot Program shall commence one month following the passage and publication of these rules and regulations by the Chicago Board of Health, and expire on November 2nd, 2014.

Rule 6. Assessment and evaluation.

The department will undertake an assessment and evaluation of the Pilot Program. This will help the Department to assess if the program should become permanent, and if so, if any changes need to be implemented.

Adopted on _____, 2012; published on _____, 2012; and shall become effective on _____, 2012.