



DEPARTMENT OF AGRICULTURE AND COMMERCE

LESTER SPELL, JR., D.V.M.

COMMISSIONER

Implementation of Color-Coded Inspection Notice Program for Retail Food Sanitation Inspections

On January 15, 2009, the Mississippi Department of Agriculture and Commerce plans to implement a new color-coded placard notification inspection system. These color-coded placards are as follows:

- Green, if the facility does not have a critical violation or if the violation(s) was corrected at the time of inspection;
- Green "Conditional Pass", if the establishment has a critical violation(s) that was corrected at the time of inspection.
- Yellow, if the establishment has a critical violation(s) that was not corrected at the time of inspection or a critical violation(s) repeated from the last inspection or repeated excessive non-critical violations; and
- Red, if the establishment has failed due to a serious food sanitation violation which is a risk to public health and safety.

Critical violations under the FDA Food Code are defined as those that can contribute to food contamination, illness, or are considered a potential health hazard. A non-critical violation is less likely to contribute to this. We are not changing the definition of a critical or non-critical violation in the food code or the way we conduct a food sanitation inspection. We are implementing this color-coded placard system to make consumers more aware of the sanitation conditions of the retail food establishment(s) in which they shop.

Attached is the Notice of Rule Adoption and the different types of placards.

If you have any questions concerning this new program, please contact Ed McNeil or John Tillson at 601-359-1148 or email at edm@mdac.state.ms.us or john@mdac.state.ms.us.

NOTICE OF RULE ADOPTION FINAL RULE



STATE OF MISSISSIPPI

DEPARTMENT OF AGRICULTURE AND COMMERCE

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RichardB@mdac.state.ms.us

Specific Legal Authority Authorizing the promulgation of
Rule: Miss. Code Ann §69-1-18(2)(a)

Reference to Rules repealed, amended or suspended by the
Proposed Rule:

MDAC Rules: Subpart 4-Bureau of Regulatory Services
Chapter 01-Retail Food Sanitation
Section 100-"Sanitation Requirements"

Date Rule Proposed: September 15, 2008

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: The purpose is to require
retail food establishments to post the inspection summary result of the department's inspection in a prominent location for
consumers to see, thereby establishing a consumer-friendly method of informing the public of the retail food store's last
inspection. In accordance with the purpose, the department establishes 4 color-coded inspection summary results: Green,
"Passed;" "Green, "Conditional Pass;" Yellow or Red, as set out in this regulation.

The attached rule differs from the proposed rule based on comments submitted to the Department.

The Agency Rule Making Record for this rule including any written comments received during the comment period
and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

[] An oral proceeding was held on this rule:

Date:

Time:

Place:

[X] An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

[] This rule as adopted is without variance from the proposed rule.

[] This rule as adopted is differs from the proposed rule as there are minor editorial changes which affect the form
rather than the substance of the rule.

[X] The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matter in the notice of proposed rule adoption,
The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted
response thereto, and
The Notice of Proposed rule Adoption provided fair warning that the outcome of the proposed rule adoption could
be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: December 17, 2008

[Signature]
Commissioner

SUBPART 4-BUREAU OF REGULATORY SERVICES
CHAPTER 01-Retail Food Establishment Sanitation

Sanitation Requirements

100.01 Sanitation regulations.

The sanitation regulations for retail food establishments shall be the same as the sanitation requirements for food establishments published by the U.S. Department of Health and Human Services in the current *Food Code* unless otherwise noted in subsequent regulations.

(Amended June 30, 2006. Amended November 17, 2008.)

100.02 Department inspections:

1. Each retail food establishment will be issued an inspection result summary and an inspection report on each visit.
2. The inspection result summary notifies the consumer of the result of the inspection. There are four inspection results:
 - a. **Green "Passed" placard.** This result indicates that the retail food establishment passed department inspection and had no critical violations as defined by the *Food Code*.
 - b. **Green "Conditional Pass" placard.** This result indicates that the retail food establishment had critical violation/s, as defined by the *Food Code*, that were corrected at the time of inspection. A follow-up inspection will be made at this retail establishment.
 - b. **Yellow "Inspected" placard.** This result indicates that at the time of inspection the retail food establishment had either:
 - i. critical violation/s of the *Food Code* uncorrected at the time of inspection; or
 - ii. critical violation/s of the *Food Code* repeated from the last inspection, even if they were corrected at the time of inspection; or
 - iii. excessive (more than 5), repeated noncritical violations of the *Food Code*.A follow-up inspection on critical violations will be made by the department ten days from the date of the inspection. A follow-up inspection on excessive (more than 5), repeated noncritical violations will be made by the department within thirty days from the date of the inspection. All violations must be corrected at that time or administrative action as provided by law may be taken, including administrative fines and/or suspension or revocation of the establishment's license.
 - c. **Red placard.** This result indicates closure of the retail food establishment due to immediate danger to public health and safety.
3. The inspection report documents the information set out in Chapter 8, Subpart 8-405.10, "Documenting Information and Observations" of the current *Food Code*

(Adopted November 17, 2008.)

100.03 Public notification of inspection results:

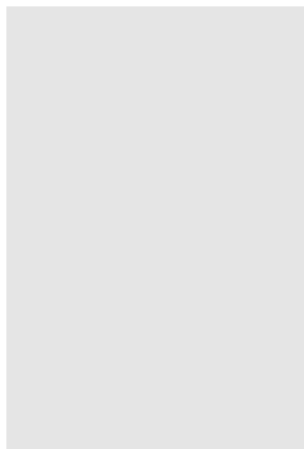
1. Inspection result summary. The current inspection result summary must be posted by the retail food establishment on the front door/s or in a location conspicuous to consumers as approved by the Department.
2. Inspection report. The current inspection report must be made available to a consumer who requests it from the retail food establishment management.
3. Noncompliance.

- a. The failure to follow this section and its subparts is a violation of the Retail Food Law, and any violator is subject to the penalties therein, including up to a \$500.00 fine for the first violation and up to \$1,000.00 for subsequent violations and/or suspension or revocation of the retail food establishment's license.
- b. The Department will pursue legal action to collect unpaid fines.

(Adopted November 17, 2008.)

PASSED

- ▶ This establishment was inspected by the Mississippi Department of Agriculture and Commerce and found to be **in compliance with the Mississippi Food Sanitation Law**. A copy of this inspection report is available at this retail food establishment for review upon request.



Inspector



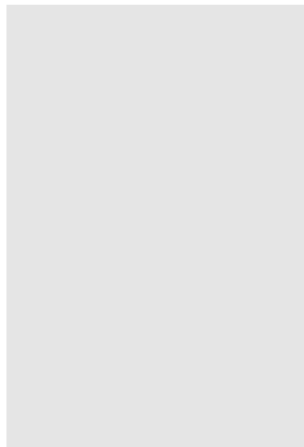
Lester Spell, Jr., D.V.M.

Lester Spell, Jr., D.V.M.
Commissioner of Agriculture and Commerce

THIS PLACARD IS PROPERTY OF THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE AND SHALL NOT BE MOVED, REMOVED, ALTERED, DEFACED, OR CONCEALED FROM THE PUBLIC VIEW. FAILURE TO ADHERE TO THIS MAY RESULT IN A MONETARY FINE BEING ISSUED TO THIS RETAIL FOOD ESTABLISHMENT. FOR FURTHER INFORMATION, CONTACT THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE AT (601) 359-1148.

CONDITIONAL PASS

- ▶ This establishment was inspected by the Mississippi Department of Agriculture and Commerce and had critical violation/s that were noted but corrected on this initial (first) inspection; therefore, this establishment is now in compliance with the Mississippi Food Sanitation Law. A copy of this inspection report is available at this retail food establishment for review upon request.



Inspector



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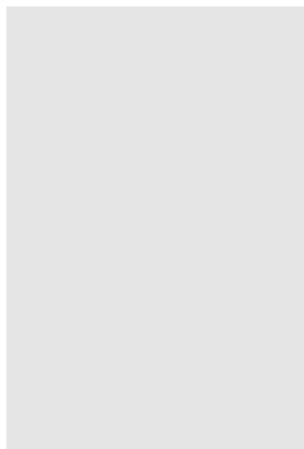
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INSPECTED

EXCESSIVE REPEATED NON-CRITICAL VIOLATIONS

- ▶ This establishment was inspected by the Mississippi Department of Agriculture and Commerce and **had repeated excessive non-critical violations**. A copy of this inspection report is available at this retail food establishment for review upon request.



Inspector



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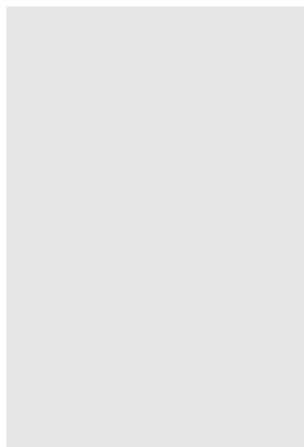
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INSPECTED

CRITICAL VIOLATION/S

- ▶ This establishment was inspected by the Mississippi Department of Agriculture and Commerce and **had a critical food sanitation violation/s that was not corrected at the time of inspection, or had a repeated violation/s from the previous inspection.** A followup inspection will be conducted within ten days from the date of inspection. A copy of this inspection report is available at this retail food establishment for review upon request.



Inspector



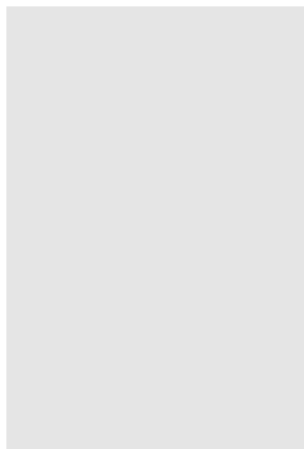
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FAILED

- ▶ This establishment was inspected by the Mississippi Department of Agriculture and Commerce and **has failed due to a serious food sanitation violation which is a risk to public health and safety**. A copy of this inspection report is available at this retail food establishment for review upon request.



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