

MISSISSIPPI STATE DEPARTMENT OF HEALTH

Mississippi Department of Health (MSDH) Manufactured Foods is now Tracking Critical and Chronic Violations and violators

What does that mean for the Manufactured Food Industry in Mississippi?

Tracking chronic violations, chronic violators, and critical violations will help the MSDH Manufactured Food Division to specifically target educational needs that should be addressed with Mississippi Manufacturers.

How will this affect me?

At the conclusion of every manufactured food inspection a discussion with management will take place.

This discussion will provide the most responsible person there at the time of inspection the below information:

- Details of any violations found in the facility.
- Details of any critical violations found in the facility.
- A timeline to correct violation(s) or critical violation(s) that will be reviewed and signed off on by the manufactured food inspector conducting your inspection by returning to the facility, a desk review (if applicable), or photographs of corrected violations (if applicable).
- Answers to questions you have about the violations or critical violations.

Upon the inspector's return the inspection findings are entered into a database. An annual review of all inspections will provide a list of critical violations, chronic violators, and chronic violations.

- **Critical Violation(s)** – Violation(s) that pose an immediate threat to food safety and are more likely to directly contribute to food contamination and/or food borne illness occurring consecutively within a 24 month period.
- **Chronic Violator(s)** – Violator with violation(s) occurring consecutively within a 24 month period.
- **Chronic Violation(s)** – The same violation(s) occurring consecutively within a 24 month period.

What if I'm found to have a critical violation(s), chronic violation(s), or be a chronic violator?

First, if a facility has the same critical and chronic violation(s) marked out of compliance on two consecutive regularly scheduled inspections within a 24-month period, the manufactured food inspector shall require the facility to develop a **Corrective Action Plan (CAP)** to prevent recurrence of the same hazard.

The facility is required to develop a CAP, and the manufactured food inspector shall contact the owner/operator to confirm that the plan will be followed. The manufactured food inspector may assist in the development of the plan; however, the plan must be understood by the owner/operator who must implement the CAP.

The CAP will remain in effect for a minimum of two consecutive inspections (this does not include a follow-up inspection). If the facility fails to follow the CAP, enforcement action is required and the facility is given 10 calendar days to request a hearing in writing. If no hearing is requested and the facility does not make a formal acknowledgement of corrections, the facility's permit is revoked. If a hearing is requested, the ruling of the Hearing Officer will be followed.

Manufactured Foods Permit fees are now paid electronically

How does it work?

The MSDH Manufactured Foods Program Staff will send the facility owner/operator an invoice via email. The email includes a link for the facility owner/operator to select for permit fee payment. A payment screen will appear. To pay by credit card, follow these steps:

Step 1	<p>The owner/operator will enter the:</p> <ul style="list-style-type: none"> • Permit ID number • Click the button "continue"
Step 2	<p>The owner/operator will enter an:</p> <ul style="list-style-type: none"> • Email address • Click the button "continue"
Step 3	<p>The owner/operator will enter the:</p> <ul style="list-style-type: none"> • Payment Type (Credit Card or E-Check) • Click the button "next"
Step 4	<p>The owner/operator will enter the :</p> <ul style="list-style-type: none"> • Payment Information: First Name, Last Name, Address, City, State, Zip Code, Phone, And Email Address. • Click the button "next"
Step 5	<p>The owner/operator will enter the:</p> <ul style="list-style-type: none"> • Credit Card Information: Expiration Month, Expiration Year, Security Code, and Name on Credit Card.

Step 6

- Click the button next.

The owner/operator should receive electronic receipt for payment of their Permit Fee. This receipt is emailed to the email address provided.

Failure to pay your permit fee in a timely manner may result in a cease and desist issued to the facility and a possible \$250.00 fine.

Never stop learning!

MSDH is here to provide education to the Manufactured Food Industry. Below you will find information on the most repeated violations of the Manufactured Food Inspections and the Manufactured Food Warehouse Inspections during the 2016-2017 years. Learning from our mistakes so we are not destined to repeat them is an important key to success.

GMP - Manufactured Food violation #9 was the most repeated violation for 2016-2017

Violation #9: Are doors, windows and other openings protected to eliminate entry by insects, rodents, and other pests?

Is your firm adequately protected? The firms should check areas where pests or rodents may enter the facility and repair these areas as soon as possible. This will help prevent pest and rodent harborage and prevent your products from becoming adulterated. For example, if you can see sunlight beaming from under the bottom of your door, pests can enter the facility. Other areas that pests target are window screens and loading docks. All door and windows should be closed to aid in preventing pests.

Please see the below 21 CFR Part 110 regulations:

§110.20(b) (7) of 21 CFR Part 110 reads that a firm must provide adequate screening or other protection against pests. Other protection includes weather stripping of delivery doors, roll-down doors, ceiling vents, etc.

§110.35(a) of 21 CFR Part 110 reads that general maintenance of physical facilities of the plant be maintained in a sanitary condition to prevent food from becoming adulterated.

Warehouse - Manufactured Food violation #2 was the most repeated violation for 2016-2017

Violation #2: Are food products stored off the floor and away from walls?

Does your firm have adequate storage space to prevent products from being stored on the floor or against walls? All food and equipment should be stored in a manner that an employee can adequately clean the floor, perform pest control checks, and prevent contamination of food or equipment. Remember, if you can't see it or physically get to the area, you can't clean it.

Please see the below 21 CFR Part 110 regulations:

§ 110.20(b) (1) of 21 CFR Part 110 reads that plant design and construction be suitable in size and provide sufficient space and placement of food and material storage away from walls.

§110.20(b)(4) of 21 CFR Part 110 reads that the plant design be constructed in a manner that floors, walls and ceiling be adequately cleaned, kept clean and in good repair, unobstructed and permit employees to perform their duties(cleaning).

MISSISSIPPI STATE DEPARTMENT OF HEALTH, DIVISION OF FOOD PROTECTION, 601-576-7689

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