



COLORADO DEPARTMENT OF EDUCATION

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William J. Moloney
Commissioner of Education

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Deputy Commissioner

MEMORANDUM

CN05-G-20

TO: Food Service Directors, Superintendents, and Sponsor Representatives

FROM: Dan McMillan Director, Nutrition and Transportation Unit

DATE: May 13, 2005

SUBJECT: Food Safety Provisions of the Child Nutrition Reauthorization Act -- Update

Food Safety Inspections

Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(h) of the Richard B. Russell National School Lunch Act regarding food safety inspections required in schools/sites participating in the National School Lunch and School Breakfast Programs.

Previously, participating schools were required to obtain a minimum of one food safety inspection per school year or comply with the frequency required by local standards. Beginning July 1, 2005 each school/site must now obtain at least two food safety inspections each school year. The inspections must be conducted by a State or local government agency responsible for food safety inspections. More frequent inspections may still be required by State or local governments. It should be noted that the Consumer Protection Division of the Colorado Department of Public Health and Environment currently requires two inspections per year, but there may be issues regarding the adequacy of resources to implement this fully at the state, county, and/or local levels.

The Reauthorization Act also requires our office to annually collect from each district/agency the number of schools/sites that meet the requirements of two food safety inspections; the number of schools/sites that have only obtained one inspection; the number of schools/sites that have not been able to obtain any inspections; and the number of schools/sites that have obtained three inspections or more. These required reporting elements are subject to change as USDA develops the final reporting tool, which they expect to have through their clearance process this summer. The first report will be due at the end of the calendar year 2006.

We encourage you to develop a log to track the number of inspections and date of inspection at each of your participating sites in order to easily gather and report these data. In addition, schools/sites must post, in a publicly visible location, a report on the most recent food safety inspection, and provide a copy of the food safety inspection to a

member of the public upon request. We are awaiting guidance as to acceptable "posting" methods.

At the Federal level, USDA has notified the associations representing State and local food safety regulators and inspectors to inform them of the new requirement and to seek their cooperation.

Hazard Analysis Critical Control Points -- HACCP

Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(h) of the Richard B. Russell National School Lunch Act by requiring participating school districts and other sponsoring agencies to implement a food safety program. During the preparation and service of meals, districts/agencies must comply with a HACCP system established by USDA. The effective date is July 1, 2005.

The Food and Nutrition Service (FNS) of USDA is working with the FNS Food Safety Unit, the Food Safety Inspection Service (FSIS), and the Food and Drug Administration (FDA) to develop correct and practical HACCP guidance. They have also organized a work group with state and local education officials, along with officials from agriculture and health agencies who have HACCP guidance that is in line with local district/agency capabilities and needs.

We expect this guidance to be made available in the near future, and will be distributing it along with other resources and potential training opportunities, so that you may begin implementation during the 2005-2006 school year.

Please contact our office if you have any questions at 303.866.6661, or 888-245-6092 outside of the Denver metro area.