

## Understanding the New Risk-Based Inspection Rules

On August 1, 2007, new rules became effective governing the inspection frequency of food service establishments based on risk categories. Following is an overview of these new rules ([10A NCAC 46.0213](#) and [15A NCAC 18A.2601 and .2604](#)).

### Why were these risk-based frequency and critical violation rules passed?

The purpose for the new rules is to place more emphasis on the higher risk establishments and those violations that directly contribute to foodborne illnesses. These rule amendments change the minimum required inspection frequency for food service facilities, define critical violations and explain how to deal with critical violations during an inspection.

### What are the new inspection frequencies?

Before August 1, all food service facilities (with the exception of catered elderly nutrition sites) were required to be inspected a minimum of once every quarter. With the new rules, each food service establishment has been put into one of four different risk categories:

- Risk Category I establishments are to be inspected once per year.
- Risk Category II establishments are to be inspected once every six months.
- Risk Category III establishments are to be inspected once every four months.
- Risk Category IV establishments are to be inspected once every three months.

Please note that the frequencies of inspections provided in the new rule are minimum standards, so permitted establishments may be inspected as often as necessary.

### What is the definition of each risk category?

According to the new rules, **Risk Category I** includes food service facilities that prepare only non-potentially hazardous foods. **Risk Category II** applies to facilities that cook and cool no more than two potentially hazardous foods (PHF) and where potentially hazardous raw ingredients must be received in a ready-to-cook form. **Risk Category III** includes establishments that cook and cool no more than three PHF and they can have an unlimited amount of raw potentially hazardous food preparation. Finally, a **Risk Category IV** facility can cook and cool an unlimited number of PHF and can have an unlimited amount of raw PHF. This category also includes those facilities using specialized processes or serving a highly susceptible population.

### What is a “potentially hazardous food”?

It is a food that supports the growth of microorganisms that cause foodborne illnesses. These foods normally include (but are not limited to) meats, poultry, dairy products, cooked vegetables, and cooked pasta, rice and beans.

### What is a “critical violation” as defined in the new rules?

It is a violation relating to any of the following risk factors that directly contribute to foodborne disease outbreaks:

Improper hot and cold holding, cooling or reheating of potentially hazardous foods  
Inadequate cooking  
Poor personal hygiene of food handlers  
Cross-contamination of food-contact surfaces  
Food from unapproved sources

**How does an inspector deal with critical violations (as defined above) during an inspection?**

When an inspector observes a critical violation during an inspection, he/she will instruct the operator/manager to correct the violation as soon as possible during the course of the inspection. If the critical violation cannot be corrected on-site (for example, if a refrigerator is not maintaining proper temperature and cannot be fixed during the inspection), the inspector shall specify to the owner/manager a time frame of no more than 10 calendar days to correct the violation. In this instance the inspector may recommend interim measures to protect the foods from contamination.

**When a critical violation is observed and not corrected on site, how does the inspector verify compliance within the 10-day time frame?**

Critical violation corrections may be verified by the following:

Returning to the establishment  
Verification logs (e.g., temperature, handwashing)  
An invoice documenting equipment repair  
E-mail or telephone communication

**What if the critical violation is not corrected within the time frame specified?**

An inspector may proceed with remedies such as legal, permit or other enforcement actions.

**For More Information**

Contact the health inspector for your establishment or call the Gaston County Environmental Services Department at (704)-853-5200.