Citing Priority, Priority Foundation and Core Regulator Guidance

Food Law 2012, section 1113(2) states that "the terms 'critical violation' and 'noncritical violation' shall not be used by a regulatory authority to classify violations of the Food Code" after October 1, 2012. The new violation citation terminology established in the FDA 2009 Food Code and defined in the Food Law 2012 is Priority, Priority Foundation, and Core.

"Priority item" means a provision in the Food Code whose application contributes directly to the elimination, prevention, or reduction to an acceptable level of hazards associated with foodborne illness or injury if there is no other provision that more directly controls the hazard. Priority item includes an item with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, or hand washing. A priority item is an item that is denoted in the Food Code with a superscript ^{P}.

"Priority Foundation item" means a provision in the Food Code whose application supports, facilitates, or enables one or more priority items. Priority Foundation item includes an item that requires the purposeful incorporation of specific actions, equipment, or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure, or necessary equipment, HACCP plans, documentation or record-keeping, and labeling. A Priority Foundation item is an item that is denoted in the Food Code with a superscript $^{Pf.}$

"Core item" means a provision in the Food Code that is not designated as a Priority item or a Priority Foundation item. Core item includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

Food Law 2012 Sec. 6129(3) stipulates that "all violations which are marked as Priority items or Priority Foundation items on the evaluation report form shall be corrected immediately unless otherwise specified. The director shall confirm corrections within 30 days after the report is issued. <u>However, if not more than two Priority Foundation item violations are noted and the director determines that the violations are not a risk to food safety, the director may confirm correction of the Priority Foundation item violations at the next routine evaluation</u>". This allowance is only for Priority Foundation citations.

A reference guide listing the FDA 2009 Food Code Priority Foundation (PF) designated items that may be considered by the director for correction at the next routine evaluation has been compiled by Michigan Department of Agriculture and Rural Development.