

Best Practices and Regulatory Requirements For Temporary Food Events and Cooking Schools As Part of NC State Extension Programming

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Food-related programming is of utmost importance for NC State Extension. Not only is Extension a strong partner to many community-based organizations and agencies, we are often seen as the go-to resource for educational programming on food systems, handling and preparation practices.

With multiple resources, curricula and training materials, NC State Extension Agents are already well positioned to be leaders in the field of increasing knowledge, skills and safe practices around food in their communities. There are multiple benefits for the citizens of North Carolina for NC State Extension to be leaders in the intersection of food, the home, families and their community. Specific impacts include reducing obesity, increasing the local food economy and reducing foodborne illness risks.

One of the challenges NC State Extension encounters is providing the safest possible foods to participants during programming coupled with navigating the food-related laws applicable to various programming and events, as well as implementing best practices. While educational programming is provided with the best intentions, extension is not immune to foodborne illness events or incidents. A 2011 *Salmonella* outbreak in Maryland was linked to sausages used in an extension fundraiser. These sausages had been made during a 4-H butchering event and mishandled, and subsequently served undercooked, during the fundraiser. In 2014 an Alabama Cooperative Extension event was the source of an outbreak of *Salmonella* and pathogenic *E. coli* leading to 19 illnesses and a death. Organizers did not follow safe food handling practices and food handlers were not trained on best practices. These examples highlight the importance of following strict food handling guidance, hosting programming in facilities where proper temperature control, cleaning and sanitizing and hygiene practices can be followed.

In North Carolina food events can be regulated by multiple agencies, but most applicable to Extension programming are state rules governing permitted food establishments (NC Food Code, <http://ehs.ncpublichealth.com/faf/docs/foodprot/NC-FoodCodeManual-2009-FINAL.pdf>) enforced by local health departments and/or NC Department of Agriculture & Consumer Services. When food is in commerce (often refereed by regulators as “food for pay”) the agencies may regulate that food. There are some exemptions that NC State Extension can fall under including Cooking Schools or Exempt Temporary Events from nonprofit corporations when providing or hosting such events.

Exemption 1: Cooking Schools (from NC Public Health and Human Services Position Statement, <http://ehs.ncpublichealth.com/docs/position/CookingSchoolPositionStatement16-June2016-Final.pdf>):

In June 2011, Senate Bill 346 / S.L. 2011-335 amended N.C.G.S. 130A-250 to exempt

bona fide cooking schools from regulations governing the sanitation of establishments that prepare or serve food or drink to the public.

N.C.G.S. 130A-250(14) states:“ Bona fide cooking schools, defined for the purpose of this subdivision as cooking schools that

(i) primarily provide courses or instruction on food preparation techniques that participants can replicate in their homes,

(ii) prepare or serve food for cooking school participants during instructional time only, and

(iii) do not otherwise prepare or serve food to the public.

Therefore, the following guidance is provided:

- *Cooking schools which provide instruction, student food preparation, recipes, and/or curriculum are exempt from regulation by the local health department.*
- *Because bona fide cooking schools are exempt, they cannot store, prepare, open, cook, or conduct unregulated activities in a permitted food establishment.*
- *Cooking schools shall require a food establishment permit when the cooking school prepares or serves food or drink to the public for pay.*

For this exemption to apply, NC State Extension programing must follow the guidance above including preparing and serving during instructional time only and not conducting a school in a permitted food establishment (permitted means that the kitchen has a grade posted).

Exemption 2: Nonprofit temporary event exemption

(from: <http://ehs.ncpublichealth.com/faf/food/fd/docs/EnforcementManual/EnforcementStrategiesManual-Chapter6.pdf>)

Establishments (i) that are incorporated as nonprofit corporations in accordance with Chapter 55A of the General Statutes or (ii) that are exempt from federal income tax under the Internal Revenue Code, as defined in § 105-228.90, or (iii) that are political committees as defined in § 163-278.6(14) and that prepare or serve food or drink for pay no more frequently than once a month for a period not to exceed two consecutive days, including establishments permitted pursuant to this Part when preparing or serving food or drink at a location other than the permitted locations. A nutrition program for the elderly that is administered by the Division of Aging of the Department of Health and Human Services and that prepares and serves food or drink on the premises where the program is located in connection with a fundraising event is exempt from this Part if food and drink are prepared and served no more frequently than one day each month.

For this exemption to apply, NC State Extension must provide no more than one event

per month, for no more than two consecutive days.

Regardless of the above exemptions, it is important to connect with your local health department prior to the events as some cooking school scenarios and temporary event exemptions may need to be evaluated on a case-by-case basis or require county-specific paperwork. Please contact your Environmental Health Regional Specialist if you need assistance.

Overall best practices, even for exempt programming

For fundraisers or food events that fall within one of the above exemptions, but food is prepared by NC State Extension personnel (in their homes or elsewhere) and served to the public, the best food handling practices must be followed to reduce the chance of participant illnesses. Best food safety practices including having someone who knows how to keep food safe in charge of the organization of the food preparation and transport, and that the individuals who are preparing the food have thermometers to ensure they are cooking items to safe temperatures.

Specific practices:

- A NC Safe Plates instructor or Certified Food Protection Manager either is present at the event, or reviewing food handling/preparation plans prior to the event (whether that event is a workshop, class or fundraiser).
- Use foods from approved and/or safe sources (as per NC Food Code definitions) in all events.
- Ensure that foods that are prepared at home are low risk food processes/non-TCS foods and prepared by someone who is trained in safe food handling and has the equipment to verify safe temperatures.
- That the individual preparing food has been informed about food handler health policies and understands the responsibility.
- Track inputs and ingredients to enable follow-up with participants if products are recalled by suppliers.
- Take and record temperatures of Time Temperature Control For Safety foods (as per NC Food Code definition) to ensure proper storage, cooking and transport.
- Advertising/announcement/flyers do not advertise that food products/canned products will be sold to participants.

The above best practices would not be for NC State Extension parties, or meetings where a catered meal is served as caterers are commercial food operators and are required to follow the NC Food Code.

Preservation workshop-specific guidance:

When participants in NC State Extension home food preservation classes take jars home, they should be told to refrigerate those jars, regardless of risk. Food products should also not be sold to participants, or the public, and special care taken to comply with the cooking school exemptions. If food products are to be sold to the public, NCDA&CS requires that ALL food processors, both low and high risk, must comply with the GMP regulations in 21 CFR Part 110 as adopted in the North Carolina Administrative Code (see: <http://www.ncagr.gov/fooddrug/food/commercial.htm> for more information).

Our organization must be concerned with how canned foods are handled when they leave our classes. In particular, we must be very cautious about low-acid canned foods when the food safety and public health risks are higher than with acid foods or jams and jellies. Participants should be told to refrigerate their jar(s), since the jars would not be allowed to cool and to seal as naturally as usual, before being carried and moved around. This should be done even if the jars have sealed by the end of class. Recommended cooling practices are part of the total process for all canning; some of the heat during cooling of jars counts towards the total sterilization value of the process. Slow air cooling is very important to the safety of low-acid canned foods in particular

The early stage of cooling is also important to at least spoilage prevention, and in some cases safety, of even acid home canned foods (i.e., those appropriate for canning in boiling water). Some Agents have class members return another day to pick up their thoroughly cooled and sealed jars. However, for low-acid canned foods, including mixed foods made by a specific recipe (e.g., spaghetti sauce or vegetable soup), or acidified salsas and relishes where accurate measuring and cooking steps are important to food safety, the following best practice should apply: **If there is any doubt at all that preparation and all steps of the canning procedure were not carried out just right, then the decision should be to treat that food as non processed (requiring refrigeration) even if it is allowed to thoroughly cool and seal before being taken home.**

Products should be evaluated for risk (using this scale by the agent) and **if controls are not followed, the Agent should not send those products home.**

- Low risk foods (for food safety)- high acid fruit jams and jellies
- Medium-risk foods - acidified/fermented pickles
- High-risk foods - Low acid canned foods such as green beans, meat, meat containing sauces

For food products provided to participants following the cooking school instruction, written instructions for handling the food after being taken from class must be provided; this could be done by preparing an adhesive label to attach to their jars, or by a handout of some type. In this material, it should be noted that foods moved within 24 hours of processing must be refrigerated below 41F. Additionally if the food provided is low acid/high pH foods, opening the jar before refrigeration will lower the risk of foodborne illness by making the jar an aerobic environment.

Food canned in a learning class situation may not always have appropriate controls exercised or all aspects of preparation and processing monitored as one would when working carefully at home when preserving food.

For safety reasons, home canned food, even made in Extension classes, should not be used in any public or organizational meal events.

The NC Food Code does not permit the use of home canned foods for service to customers. Even though our Extension banquets or other events may not be regulated foodservice, we should abide by this public health measure and not serve home canned foods at our events.

Insurance:

For more information on Cooperative Extension insurance related to food programming please refer to Defense of State Employees and Insurance (<https://generalcounsel.ncsu.edu/legal-topics/lawsuits-and-litigation/defense-of-state-employees-and-insurance/>)