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# Town of Middleborough

## Massachusetts

BOARD OF SELECTMEN  
Wayne C. Perkins  
Marsha L. Brunelle  
Frederick E. Eayrs, Jr.  
Patrick E. Rogers  
James W. Wiksten .

(Town Seal)

### BOARD OF HEALTH AMENDMENTS/ADOPTION OF FEE SCHEDULE

Pursuant to Chapter 111, Section 31 of the Mass. General Laws and any other powers thereto enabling, the Middleborough Board of Selectmen, acting as the Board of Health, voted on October 7, 2002, to adopt and amend the following fee schedule for the Town of Middleborough Board of Health Regulations and to require all food handlers in the Town of Middleborough to be certified, effective January 1, 2003 to be renewed annually.

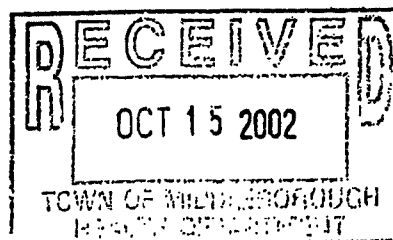
Food Handlers Certification \$10.00

Wayne C. Perkins  
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BOARD OF SELECTMEN

Publish: October 17, 2002

A TRUE COPY ATTEST:

*Barbara L. Bunker*  
TOWN CLERK



TOWN OF MIDDLEBOROUGH BOARD OF SELECTMEN/HEALTH  
BOARD OF HEALTH REGULATION  
CERTIFICATION OF FOOD HANDLERS IN FOOD SANITATION

**Section 1.0 Authority**

The Middleborough Board of Selectmen/Health, pursuant to the authority granted under Massachusetts General Laws Chapter III Sections 31 and 127A hereby adopts the following regulations to protect the public health of the community.

**Section 2.0 Purpose**

The Middleborough Board of Selectmen/Health recognizes that an ideal food protection program is supported by a partnership effort between industry and food regulatory officials. Together, educated food handlers and effective inspection programs can reduce the incidence of high risk practices which can lead to foodborne disease outbreaks. Other benefits of food handler training include providing the industry with a more professional approach to food safety, improving communication between industry and regulations, increasing consumer confidence in their food supply and avoiding negative economic impact often associated with foodborne disease outbreaks. Food establishments which have trained food handlers are also more likely to be in compliance resulting in less inspection and enforcement time spent by the Board of Health.

Accordingly, the Board of Selectmen/Health declares that the purpose of this regulation is to improve the general sanitation conditions in Middleborough food establishments, thus protecting the public health and welfare of the dining public.

Food manager/handler certification will ensure that these employees have knowledge of the principles and practices of food sanitation with the primary purpose of preventing food borne illness and protecting the public health in accordance with Chapter X of the State Sanitary Code, 105 CMR 590.000 Minimum Standards for Food Establishments.

**Section 3.0 Definitions**

The following word and phrases, whenever used in this regulation shall be construed as defined in this section. Any terms not specifically defined herein are to be construed in accordance with the definitions of Chapter X of the State Sanitary Code. 105 CMR 590.000.

3.1 "Approved Food Handler Certification Program" - means a food safety training course provided by the Middleborough Health Department for Food Handler Training and Testing.

3.2 "Board" - refers to the Town of Middleborough Board of Selectmen/Health.

3.3 "Certified Food Handler" - An individual employed by the establishment who has attended the training and passed an exam as described in Section 5.

3.4 "Food Establishment" means any food service establishment, retail food store, or residential kitchen where food is prepared for retail sale or for a bed and breakfast operation.

3.5 "Food Service Establishment" - Any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place, regardless of whether consumption is on or off the premises, and regardless of whether there is a charge for the food. The term includes but is not limited to, delicatessens that offer prepared food in individual service portions, mobile food units, pushcarts and catering operations. The term does not include retail food stores, or supply vehicles.

3.6 "Outbreak of Foodborne Illness" - means an incident in which two or more persons experience a similar symptom usually gastrointestinal in nature, after ingestion of common food and an epidemiological analysis implicates the food as the source of the illness or one case of botulism or chemical food poisoning.

3.7 "Person" - includes an individual, partnership, corporation and association or other legal entity.

**Section 4.0 Food Handler Certification Required**

4.1 Each person employed in a food service establishment or any person as deemed by the Health Department are required to be a certified food handler.

4.2 Each food establishment where foods are prepared and/or served shall ensure that each person employed or any person as deemed by the Health Department are required to be a certified food handler.

4.3 No person shall use the title "Certified Food Handler" or in any way represent themselves as a handler certified in food safety unless they shall hold a current certificate pursuant to these regulations.

Section 5.0 Certification

5.1 Certification shall be achieved by attending a food safety and sanitation course and attaining a passing grade on the test provided by the the Middleborough Health Department.

5.2 The 2003 Certification will be valid through December 2004 through the implementation time period.

5.3 The certification will expire at the end of every calendar year after 2004 and renewal will require attending additional food safety /sanitation training and testing conducted by the Middleborough Health Department.

Section 6 Certificate not Transferable

6.1 A Certified Food Handler certificate is not transferable from one person to another.

Section 7 Penalty for Violation

7.1 Any person who violates any provision of this regulation or any person who is a Certified Food Handler who does not comply with these requirements, may be subject to administrative fines of no more than twenty dollars (\$20.00) and/or the suspension or revocation of the persons certification.

Section 8 Waivers, Fees and Exemptions

8.1 The Board may waive the applicability of any provision of this regulation, if, in its opinion, the enforcement thereof would be unjust or be contrary to the public interest or modify the requirements for occasional non-profit groups. Provided, however, that the decision of the Board shall not conflict with the spirit of any minimum standards established by this regulation. Any such waiver shall may be determined by the Health Department from review of the group's operation.

8.2 The Board or Health Department may waive the fee for any occasional /non-profit group as has been customarily granted such consideration.

8.3 There shall be a fee of ten dollars (\$10.00) for every food handler certification.

8.4 Anyone who holds a current Food Manager Certification as approved by the State is exempt from these regulations.

Section 9.0 Severability

9.0 If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the remaining provisions of this regulation and to this end the provisions are declared to be severable.

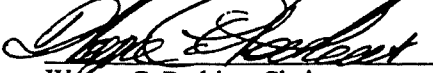
Section 10.0 Effective Date


This regulation shall take effect on January 1, 2003

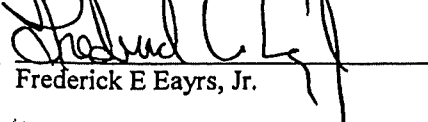
ADOPTED: October 2, 2002


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MIDDLEBOROUGH BOARD OF SELECTMEN/HEALTH

  
Wayne C. Perkins, Chair

  
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