

18 AAC 31.925. Food service establishment recognition program. (a) Under the department's food service establishment recognition program, an operator with a valid permit under 18 AAC 31.030 may apply for recognition from the department for a food service establishment. The department will issue recognition to a food service establishment if

(1) the operator submits to the department

(A) an application for recognition on a form provided by the department;

(B) a list of individuals working at or employed by the establishment who are certified food protection managers under 18 AAC 31.325; and

(C) a copy of each monthly self-assessment that the operator has completed when performing monthly self-assessments under 18 AAC 31.902 and (3) of this subsection;

(2) during the 12 months before the date that the department receives the operator's submission under (1) of this subsection,

(A) for each inspection performed under 18 AAC 31.900, the operator receives no more than

(i) two risk factor or intervention violations at the establishment with immediate correction of those violations; or

(ii) one risk factor or intervention violation at the establishment with immediate correction of the violation, and no more than two good retail practice violations;

(B) a known foodborne outbreak was not associated with the establishment; and

(C) the department did not pursue or undertake a compliance action against the establishment; for purposes of this subparagraph, a compliance action includes a modification or suspension of the food establishment permit, a notice of violation under 18 AAC 31.900 – 18 AAC 31.905, a negotiated order, a uniform summons and complaint, or a compliance order under AS 46.03;

(3) currently and on a continual basis, the operator has a food safety management system in place that includes

(A) a person who carries out the responsibilities in 18 AAC 31.320 and a certified food protection manager, as specified in 18 AAC 31.325;

(B) a food worker card for each food worker, as specified in 18 AAC 31.330; and

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(C) routine self-assessments, as described in 18 AAC 31.902, conducted at least once every 30 days; the completed self-assessments must be available for department review upon request; and

(4) the department determines that recognition serves the interests of public health and consumer protection.

(b) If the department determines that the requirements of (a) of this section are met, the department

(1) will issue recognition to the food service establishment; and

(2) may list the food service establishment

(A) in a monthly department press release of establishments recognized during that month; and

(B) on the Internet website of the department.

(c) If a food service establishment with recognition under this section fails to maintain standards as required in this section, the department will notify the operator in writing of the actions required to maintain recognition, and will provide the establishment with a schedule to meet the standards. If the establishment fails to complete the actions required to maintain recognition within the scheduled time frame, the department may, without prior warning, notice, or hearing, withdraw the establishment's recognition.

(d) Recognition under this section is valid until December 31 of the year issued. An operator whose food service establishment has not been recognized under this section or whose recognition has expired or been withdrawn by the department may not assert or imply that the establishment has recognition under this section. (Eff. 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/1/2004, Register 172; am 12/28/2006, Register 180)

Authority: AS 17.20.005 AS 17.120.220 AS 44.46.020

18 AAC 31.930. Variance from requirements. (a) Except for a fee required by 18 AAC 31.050, the department will grant a variance from a requirement of this chapter if the department finds that public health is protected and the purpose of the requirement is otherwise satisfied.

(b) An application for a variance must be submitted in writing to the department, on a form supplied by the department, and must

(1) specify the requirement for which the variance is sought;

(2) state the reason why the requirement cannot be met; and

requirement.

(3) describe the alternative method proposed to meet the purpose of the

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(c) The department may grant a variance application with or without conditions.

(d) A variance granted under this section is valid only if the operator complies with the terms agreed upon in the variance. A variance may not be transferred. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

Authority: AS 17.20.005 AS 17.20.020 AS 17.20.180
AS 17.20.010 AS 17.20.072 AS 44.46.020

Editor's note: Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.930, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.