United States
Department of
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Food and
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Service

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SUBJECT: Health and Safety Inspection Requirements

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This memorandum provides guidance and clarification on health and safety inspection requirements in the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP). This memorandum specifically provides clarification on health and safety inspection requirements for non-traditional centers in the CACFP and highlights health inspection funds available to State agencies in the SFSP. Additionally, this memorandum exempts CACFP at-risk afterschool centers and SFSP sites located in schools participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) from any additional health and safety requirements.

Child and Adult Care Food Program

CACFP regulations require institutions and facilities that operate as traditional child care centers or day care homes to be licensed or approved by Federal, State, or local health and safety authorities in order to be eligible for participation [7 CFR 226.6(d)]. In areas where such licensing is unavailable, institutions and facilities may obtain alternate approval by demonstrating to the CACFP State agency compliance with applicable State or local child care health and safety standards or CACFP child care standards [7 CFR 226.6(d)(3) and (4)]. Additionally, facilities must take steps related to storing, preparing, and serving food to ensure that foods are safe for children to eat [7 CFR 226.20(l)].

Non-Traditional Centers Exempt from Licensing Requirements

CACFP regulations do not require at-risk afterschool care centers, outside school hours care centers (OSHCCs), or emergency shelters to be licensed; however, they must meet State or local health and safety standards [7 CFR 226.6 (d)(1)]. Health and safety standards vary significantly among States and municipalities and, in part, depend on the type of facility involved. In addition, required standards for each type of center may differ, depending on the building or location of the site, the structure of the program, and the type of meal services offered.

For example, a center that serves both a snack and a supper may be required to meet different health and safety standards than one that serves only a snack. Similarly, a center that prepares its own meals may be subjected to more stringent health and safety standards than a site that serves vended meals. Food and Nutrition Service (FNS) continues to encourage CACFP State agencies to work closely with State and local health and safety authorities to determine the specific required standards for each type of facility.

If the appropriate licensing body determines that an at-risk center or OSHCC is license exempt, that center is eligible to participate in CACFP provided it is in compliance with all State or local health and safety standards. For more information, see *Health and Safety Standards for Outside School Hours Care Centers and At-risk Afterschool Care Centers in the Child and Adult Care Food Program*, May 1, 2012, available at: http://www.fns.usda.gov/sites/default/files/CACFP15-2012.pdf.

Funding Health and Safety Inspections in CACFP
CACFP does not include additional funds for health and safety inspections. However, sponsoring organizations of day care homes may use up to $300 in administrative funds per home to enable tier I homes to meet licensing, registration, or alternate approval requirements with specific prior written approval by the CACFP State agency [7 CFR 226.16(k)]. Additionally, fees charged for inspections of at-risk afterschool care centers and OSHCCs are allowable costs under the CACFP [FNS Instruction 796-2, Financial Management – Child and Adult Care Food Program].

Summer Food Service Program

All SFSP sponsors are required to enter into an agreement with the State agency that their sites will maintain proper sanitation and health standards in conformance with all applicable State and local laws and regulations [7 CFR 225.6(e)(9)].

Some SFSP facilities may not be required to meet all State and local health and safety requirements; for example, those that do not prepare food onsite. However, SFSP State agencies may not declare SFSP sponsors exempt from State and local health and safety requirements. Only the State agency that promulgates these requirements may exempt sponsors from documenting adherence to the full requirements. This exemption should be documented in writing by the relevant State agency. However, there must be some level of health and safety standards in place to ensure that adequate facilities are available to prepare and store meals.

Funding Health and Safety Inspections
FNS makes inspection funds available to State agencies to be used solely to enable State or local health departments or other governmental agencies to carry out health inspections and meal quality tests. If these agencies cannot perform such inspections or tests, the State agency may use the funds to contract with an independent agency to conduct the inspection or meal quality tests [7 CFR 225.5(f)].

State agencies are required to submit an estimate of the State's need, if any, for additional funds to pay for the cost of conducting health inspections and meal quality tests in their annual Program management and administration plan [7 CFR 225.4(d)(8)]. Excess health inspection funds must be returned to FNS by September 30 of the same fiscal year. If the health inspection funds do not cover the cost of a State's health inspection services, SFSP administrative funds may be used. FNS may make adjustments to the level of State administrative funds paid or payable to the State agency if it is determined that there is a greater need for funds to conduct health inspections than the amount included in the State's management and administration plan [7 CFR 225.5].

State Agency Training Requirements
SFSP State agencies must make training available for health inspectors who will be participating in the Program prior to the start of Program operations [7 CFR 225.7(a)]. FNS encourages State agencies to expand beyond this requirement and make training available to all of the appropriate health, safety, or licensing agencies at the State and local levels.

Food Service Management Companies
Food Service Management Companies (FSMCs) must have State or local health certification for the facilities in which they propose to prepare meals for use in the SFSP and must ensure that State and local health and sanitation requirements are met at all times. FSMCs also must ensure that meals are inspected periodically as required under Program regulations [7 CFR 225.6(h)(2)(v)].

State agencies are required to inspect FSMCs' facilities as part of their review of vended sponsors [7 CFR 225.7(d)(6)]. In addition, State agencies may conduct or arrange to have conducted inspections of self-preparation and vended sponsors' food preparation facilities, inspections of food service sites, and meal quality tests [7 CFR 225.7(e)]. Procedures for these inspections and tests must be consistent with the procedures used by local health authorities.

Transitioning to/from CACFP and SFSP

In cases where the health and safety inspection standards for CACFP and SFSP sites are the same or more stringent, CACFP State agencies may accept documentation of an inspection obtained by a sponsor for SFSP. This option is available for SFSP sponsors or sites transitioning from SFSP to CACFP as well [CACFP 12-2013, SFSP 14-2013, *Transitioning from the Summer Food Service Program to Child and Adult Care Food Program At-risk Afterschool Meals*, May 31, 2013, available at http://www.fns.usda.gov/sites/default/files/CACFP12_SFSP14-2013.pdf].

Inspections for CACFP Facilities and SFSP Sites Located in Schools

Schools participating in the NSLP or SBP are required to obtain two food safety inspections annually from State or local authorities [7 CFR 210.13(b) and 7 CFR 220.7(a)(2)]. These inspections are generally in alignment with, or more stringent than the health and safety standards required of CACFP facilities and SFSP sites. Therefore, CACFP facilities and SFSP sites located in schools that participate in NSLP or SBP and that are in compliance with NSLP or SBP inspection requirements are not required to obtain an additional health and safety inspection.

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm. State agencies should direct questions to the appropriate FNS Regional Office.

Original Signed

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