



Mashantucket Pequot Tribe

Administration and Enforcement of
Food and Beverage Establishments

Regulated By
MPTN Food Safety & Sanitation

Table of Contents

MPTN Food Safety & Sanitation Mission & Summary	1
Inspections	2
Enforcement Protocols	6
Plan Review Process	6
Variance Requests	7
Verification and Validation of HACCP Plans Policy	7
Licensing Procedures.....	8
Person in Charge (PIC).....	9
Imminent Health Hazard.....	10
Employee Health Policy	10
Temporary Food Events	12
Mobile Food Trucks	12

MPTN Food Safety & Sanitation Mission & Summary

Mission Statement: To prevent foodborne illness by ensuring that food served in Mashantucket is safe and food safety & sanitation practices meet the MPTN Food Code requirements. Also, to ensure that proper sanitation practices are followed in all pools, spas, salons and child daycare facilities operated within Mashantucket. This mission is accomplished by providing the following services:

- Review of food establishments' plans and conduct pre-operational inspections
- Conduct inspections of all licensed food and beverage establishments
- Inspect and license Temporary Food Establishments at events such as pow wows, food shows, fairs and festivals.
- Respond to patron and employees complaints and inquiries
- Investigate foodborne illness complaints
- Provide food safety information
- Provide necessary food safety training
- Conduct inspections of child daycare facilities, pools, spas and salons

Summary Statement: These standards contain the requirements which must be met by the food establishments licensed and regulated by MPTN Food Safety & Sanitation. These rules and regulations define relevant terms, describe the inspection process, and provide specific standards for licensure, as well as compliance, enforcement and appeal protocols, when food establishments fail to meet the requirements within these standards.

Inspections

A. Right of Entry

1. The Person in Charge shall allow any employee of MPTN Food Safety & Sanitation (hereafter The Program) access to the establishment at any reasonable time, allowing inspection, and providing information and records specified in the MPTN Food Code, in order to determine if the food establishment is in compliance with the MPTN Food Code.
2. Such right of entry and inspection shall extend to any premises which The Program has reason to believe is being operated or maintained without a license.
3. In the event that a person denies access to the inspector, The Program shall inform the person of the MPTN Food Code requirements under [§8-402.11](#) and under [§8-304.11\(F\)](#).
4. If access is still denied, an order will be issued by The Program allowing access to the establishment.

B. Frequency of Inspections

1. Any duly designated employee of The Program shall have the right, without an administrative inspection warrant, to enter upon and into the premises of any licensed establishment at any reasonable time, in order to determine the state of compliance with any rules in force.
2. Such right of entry and inspection shall extend to any premises which The Program has reason to believe is being operated or maintained without a license.
3. Establishments will be assigned categories according to the degree of risk. The risk shall be 1 through 4, with 4 being the highest risk category.

Risk Categorization of Food Establishments		
RISK CATEGORY	DESCRIPTION	FREQUENCY #/YR
1	Examples include most convenience store operations, hot dog carts, coffee shops, and bars. Establishments that serve or sell only pre-packaged, non-TCS foods (non-time/temperature control for safety foods). Establishments that prepare only non-TCS foods. Establishments that heat only commercially processed, TCS foods for hot holding. No cooling of TCS foods.	3
2	Limited menu. Most products are prepared/cooked and served immediately. May involve hot and cold holding of TCS foods after preparation or cooking. Complex preparation of TCS foods requiring cooking, cooling, and reheating for hot holding is limited to only a few TCS foods.	4
3	Extensive menu and handling of raw ingredients. Complex preparation including cooking, cooling, and reheating for hot holding involves many potentially hazardous foods (TCS foods). Variety of processes require hot and cold holding of potentially hazardous food (TCS food).	6
4	Includes establishments serving a highly susceptible population or that conduct specialized processes, e.g., smoking and curing; reduced oxygen packaging for extended shelf-life.	6

4. Inspections shall be conducted at assigned frequencies based on risk. The Program will review the inherent and potential food safety risks of each establishment's operation so that appropriate resources may be allocated to each category. At a minimum each establishment will be inspected according
 - a. Category 1 Establishments – Every four months
 - b. Category 2 Establishments – Quarterly
 - c. Category 3 Establishments – Every other month
*Category 3 Establishments that are located off the reservation and are licensed by the local health departments will be inspected three times a year.
 - d. Category 4 Establishments – Every other month
 - e. Retail Stores – Twice a year
 - f. Salons – Twice a year
 - g. Pools/Spas – Quarterly
*Pools/Spas that are located off the reservation and are licensed by the local health departments will be inspected twice a year.
5. The inspection frequency may be increased based on the inspection findings and whether the violation is a repeat offense.

C. Inspection Form

1. The inspection form used by The Program is designed so that the factors that contribute to foodborne illness and the public health interventions in the MPTN Food Code are prominently identified on the form. Each inspector will complete an inspection report that is clear, legible, concise, and accurately records findings, observations and discussions with the establishment management.
2. The risk factors are food preparation practices and employee behaviors most commonly observed by the US Centers for Disease Control and Prevention during outbreak investigations. They are contributing factors to foodborne illness outbreaks.
3. The contributing risk factors in five broad categories are:
 - a. Food from Unsafe Sources
 - b. Inadequate Cooking
 - c. Improper Holding Temperatures
 - d. Contaminated Equipment
 - e. Poor Personal Hygiene
4. Public health interventions are control measures to prevent foodborne illness and injury. The MPTN Food Code Public Health Interventions are:
 - a. Demonstration of Knowledge
 - b. Implementation of Employee Health Policies
 - c. Prevention of Hands as a Vehicle of Contamination
 - d. Time/Temperature Relationships
 - e. Consumer Advisory
5. Documentation on the Food Inspection Form will provide for four options for compliance action:
 - a. IN compliance,
 - b. OUT of compliance,
 - c. Not Applicable to the establishment's operation, or
 - d. Not Observed at the time of the inspection

D. Conduct of Inspections

1. The inspector must cite the proper MPTN Food Code violation on the inspection report and discuss the report with the Person in Charge. A copy of the report will be emailed to the establishment within three working days. Should the establishment fail the inspection, the inspector must inform the Person in Charge of the administrative remedies. Copies of the six most recent inspection reports must be maintained at the establishment and be made available.
2. Inspectors are to obtain on-site corrective actions, appropriate to the type of violation. For violations of contributing risk factors and MPTN Food Code interventions, the inspector is to give emphasis to Hazard Analysis and Critical Control Point (HACCP) principles. Emphasis will be for those violations that contribute to an increased risk of foodborne illness and that can be corrected immediately. The policy of on-site corrective action is to be emphasized to all inspectors. On-site corrective action as appropriate to the violation may include:
 - a. Destruction of foods that have been subjected to extreme temperature abuse,
 - b. Embargo or destruction of foods from unapproved sources,
 - c. Accelerated cooling of foods when cooling time limits can still be met,
 - d. Reheating when small deviations from hot holding time/temperature have occurred,
 - e. Continued cooking when proper cooking temperatures have not been met,
 - f. Initiated use of gloves, tongs, or utensils to prevent hand contact with ready-to-eat foods, or
 - g. Required hand washing when potential contamination is observed.
 - h. Ill food service employees are restricted or excluded from food handling and preparation. Refer to the Employee Health Policy.

During inspections the inspector will record corrections and any comment for repeat violations and discussions with the Person in Charge.

3. Inspectors are to discuss with operators various options for long-term control of repeated risk factor violations. Long-term control options are appropriate for operators with a history of cyclic violations or a pattern of repeated violations of the same items. Long-term control of out-of-compliance risk factors requires a commitment by the manager of a food establishment to develop effective monitoring and control measures or system changes that address behavior or processes most often associated with foodborne illness. Examples of options for long-term control would be the establishment of Risk Control Plans, Standard Operating Procedures, Buyer Specifications, Menu Modifications, HACCP plans, Utilizing checklist/logs and equipment or facility modifications.
4. Follow-up activities for violations of foodborne illness risk factors.

When a foodborne illness risk factor violation is found, inspectors will take specific follow-up actions. Depending upon the severity of this violation, the follow-up will be specifically stated in the email accompanying the inspection report that goes to the Person in Charge. A specific follow up date will be indicated.
5. The last two Routine inspection reports shall be reviewed to insure that previous issues have been properly addressed. Repeat violations are cause for increased enforcement action.

E. Inspector's Findings

1. The inspector's findings may refer to the compliance history of an establishment, including any prior violations and corrective action.
2. The inspector must note any violations of applicable rules on the inspection report and email a copy of the report to the Person in Charge.
3. Should the establishment fail the inspection, the inspector must inform the Person in Charge of the administrative remedies stated within these rules.
4. The inspector must document details of any denial of access to perform an inspection.
5. When a Person in Charge declines to sign an acknowledgement of receipt of inspection findings, the inspector will state the following items:
 - a. An acknowledgement of receipt does not constitute an agreement with the Investigation Report findings.
 - b. Refusal to sign an acknowledgement of receipt will not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frame specified.
 - c. Refusal to sign an acknowledgement of receipt is noted in the inspection report and conveyed to the department's historical record for the Establishment; and
 - d. Statement of a final request for the Person in Charge to sign an acknowledgement receipt of inspection findings. Should the Person in Charge continue to refuse to sign, the inspector shall document the refusal on the inspection report.

F. Inspection Failure

1. A failed inspection occurs when an establishment:
 - a. Receives 3 or more Risk Factor item violations; or
 - b. Receives 6 or more Good Retail Practices violations
2. Priority item violations must be corrected onsite or within 72 hours, Priority foundation items must be corrected within 10 days unless specifically indicated by the inspector. The licensee must contact The Program when the Priority violation(s) have been addressed.
3. Core item violations must be corrected by a date and time agreed to or specified by the inspector but no later than 90 calendar days after the inspection. Depending on the type of the violations, Inspector may accept photos and email of the corrections from the Person in Charge.
4. If the violations are not corrected within the provided timeline, The Program will issue a letter of warning describing the noncompliance, outlining the actions to resolve the violations and setting a new deadline to correct the violations.
5. Failure to satisfactorily correct the violations at the specified period of time may result in enforcement proceedings by The Program such as issuing a fine or suspension of the food establishment's license to operate.
6. Any failed inspection requires the inspector to follow up with a later inspection, to assure that all corrections were completed and remain corrected.

Enforcement Protocols

A person may not operate a food establishment without a valid permit to operate issued by The Program.

Enforcement protocols are as follows:

1. Operate without a valid license: immediate closure
2. Failure to correct the violations by the date and time agreed on will result in fines not to exceed \$500. The fine schedule is as follows:
 - a. First Time
 - i. Risk Factor violation: \$250 per violation
 - ii. Good Retail Practices violation: \$50 per violation
 - b. Repeat Violations - second and subsequent violations within one year may result in the following fines:
 - i. Risk Factor violation: Not to exceed \$500 per repeat violation
 - ii. Good Retail Practices violation: Not to exceed \$100 per repeat violation
3. Failure to correct a violation after a fine has been issued: closure

Also refer to [Mashantucket Pequot Tribal Laws](#), Title 26, Tribal Food Law.

Plan Review Process

A permit applicant or permit holder shall submit to The Program properly prepared plans and specifications for review and approval before:

1. The construction of a food establishment
2. The conversion of an existing structure for use as a food establishment;
3. The remodeling of a food establishment or a change of type of food establishment or food operation if The Program determines that plans and specifications are necessary to ensure compliance with the MPTN Food Code.

Generally, the above activities require a MPTN Land Use Permit and review by The Program and will be completed as part of that permitting process ([MPTN Land Use Commission](#)).

Required Documents

The following documents must be submitted to The Program for Plan Review:

1. A complete set of construction drawings including the equipment schedule. Provide plans that are a minimum of 11 x 14 inches in size including the layout of the floor plan accurately drawn to a minimum scale of 1/4 inch = 1 foot. This is to allow for ease in reading plans.
2. A complete Plan Review Application. The application is provided by The Program.
3. Proposed menu (including seasonal, off-site and banquet menus)
4. Equipment specifications

Review Standards

The FDA Plan Review Guidelines should be used for new food establishment construction or remodeling of the existing ones.

Variance Requests

1. The Program will permit variances to certain MPTN Food Code requirements. Variance requests will be made on the form provided. Variance documents will be kept on file for periodic review.
2. The information required in the request should provide alternate procedures to code requirements and include a clear justification for the variance.
3. A HACCP plan may be required if it is relevant to the variance being requested (see The MPTN Food Code, [§3-502.11](#) and [§3-502-12](#)).
4. The proposed variance request will be reviewed in light of the alternate procedures and/or HACCP plan submitted.
5. The Program will manually retrieve and review, at a minimum, the last three requests for code variances related to risk factors and interventions. The purpose is to insure that the alternate procedures and/or HACCP plans were followed.
6. The Program will decide if variance will be granted.

Verification and Validation of HACCP Plans Policy

- 1 HACCP plans are required for all such establishments where processes are being undertaken where there is an increased health risk. Examples of such processes are: smoking and other methods of preservation, curing, reduced oxygen packaging, rendering a non-TCS food by acidification or other means, and sprouting.
- 2 The purpose of a HACCP plan is to prevent food safety hazards and the purpose of verification is to provide a level of confidence that the plan is based on solid scientific principles and is adequate to control the hazards associated with your products and processes.
- 3 Verification activities can include things such as a systematic verification that prerequisite programs are functioning properly and effectively, verification that any Critical Limits are adequate to control a stated hazard, and audits of any HACCP records.
- 4 All HACCP plans must include verification for the individual Critical Control Points as well as the overall plan.
- 5 On-site verification of the HACCP plan will be the daily responsibility of the Person in Charge and inquiries to that verification will occur by The Program at every inspection of that establishment. Validation is to include confirming that products, ingredients and processes are still consistent with the original plan and that the plan is still adequate to ensure product safety.

Licensing Procedures

A person may not operate a food establishment without a valid permit to operate issued The Program.

Issuance of License

1. An applicant shall submit an application for a permit at least 30 days before the date planned for opening a food establishment. The application for a permit is provided by The Program.
2. When any applicant is found, based upon an inspection by The Program, not in compliance with the requirements of the MPTN Food Code, The Program may refuse issuance of the initial (first time) license but will issue a conditional license for up to 90 days, except when conditions are found which present a serious danger to the health and safety of the public. If the conditional licensee fails to meet the conditions specified, The Program will void the license, requiring the establishment to cease operation.
3. Employee Food Safety & Sanitation training must be completed prior to opening of the restaurant.

Renewal of License

1. The Program will notify license applicants of an upcoming license renewal at least 30 days prior to the expiration of the current license.
2. All establishments' licenses are renewed annually upon compliance with MPTN Food Code.
3. It is the responsibility of the license applicant to renew licenses prior to the expiration date.
4. No license granted by The Program will be transferable or assignable.
5. The issuance of the license does not provide exemption from other Mashantucket Tribal laws, ordinances or regulations.
6. Licenses erroneously issued by The Program are deemed to have been issued in error and are void and must be returned.

Denial of Application for Licenses, Notice.

If an application for a license to operate is denied, The Program shall provide the applicant with a notice that includes:

1. The specific reasons and relevant regulation citations for the license denial
2. The actions, if any, that the applicant must take to qualify for a license
3. Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in the MPTN Food Law.

Person in Charge (PIC)

1. The permit holder shall be the Person in Charge or shall designate a Person in Charge and shall ensure that a Person in Charge is present at the food establishment during all hours of operation.
2. In a food establishment with two or more separately permitted kitchens that are the legal responsibility of the same permit holder and that are located on the same premises, the permit holder may, during specific time periods when food is not being prepared, packaged, or served, designate a single Person in Charge who is present on the premises during all hours of operation, and who is responsible for each separately permitted food establishment on the premises.
3. Based on the risks inherent to the food operation, during inspections and upon request, the Person in Charge shall demonstrate to the Food Inspector knowledge of foodborne disease prevention, employee health requirements, application of the HACCP principles, proper food handling, preparation, storage, employee food safety training, and all the other requirements of the MPTN Food Code.
4. The Person in Charge must be a Food Protection Manager that is certified by an ACCREDITED Food Protection Manager Certification Program.
5. The Person in Charge must be hired prior to opening of a new food establishment or within 60 days when a PIC leaves employment.
6. Establishments that serve or sell non-TCS food or the retail stores selling pre-packaged TCS food are exempt from having a Person in Charge knowledgeable in food safety.
7. It is the responsibility of the Person in Charge to make sure employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties. Food Service Employees are required to be re-trained every 3 years. Training documentation must be available upon request by The Program.
8. It is the responsibility of the Person in Charge to ensure that food employees are informed of their responsibility to report in accordance with law, to the Person in Charge, information about their health and activities as they relate to diseases that are transmissible through food.

Imminent Health Hazard

Imminent health hazard means a significant threat or danger to health that is considered to exist when there is sufficient evidence to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury.

Ceasing Operations and Reporting:

1. A permit holder shall immediately discontinue operations and notify The Program if an imminent health hazard may exist because of an emergency, such as fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.
2. A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

Resumption of Operations

1. If operation is discontinued, the permit holder must obtain approval from The Program before resuming operations.
2. If operation is discontinued and the permit holder is unable to mitigate the health hazard(s) within the established time period, The Program will suspend the license, in accordance with the requirements of the MPTN Food Law.

Employee Health Policy

All food service employees must complete the *Food Employee Interview Form* and the *Food Employee Reporting Agreement Form*. Forms will be provided by The Program. Completed forms should be kept in employee file.

Employee Illness:

Any food service employee who is suffering from **diarrhea and vomiting** is restricted from working with any food or beverage, clean equipment, utensils, or linens, and single service and single-use articles. **Employee must be symptom free for 24 hours before returning to work.**

An employee who is **at work** suffering from sore throat with fever, jaundice (yellow skin/eyes), open infected sores that cannot be properly covered, has a current illness involving **Salmonella Typhi** (typhoid fever), **Shigella**, **E. coli 0157:H7**, **Shiga toxin-producing E. coli**, **Hepatitis A virus**, **nontyphoidal salmonella**, or **Norovirus** must be sent home. They will need to be evaluated by a health practitioner and found to be free of communicable disease.

Medical clearance from a health practitioner licensed to practice medicine is required for the following employees:

1. Food service employee who is suffering from diarrhea and vomiting for 3 days or longer or suffering from jaundice or sore throat with fever.
2. Food service employee who has a current illness involving, or who lives with a person who is diagnosed with **Salmonella Typhi** (typhoid fever), **Shigella**, **E. coli 0157:H7**, **shiga toxin-producing E. coli**, **Hepatitis A virus**, **nontyphoidal Salmonella** or **Norovirus**.
3. Food service employee who attended an event, or lives with a person who has attended an event or works, in a place which has a confirmed outbreak of any of the listed organisms.

The following are the steps that must be taken by a food service employee prior to returning to work:

1. Employee must obtain a clearance form a physician. The note must state that “The employee has no indication of current illness involving a communicable disease and can return to work in a food service establishment with no restrictions.”
2. The supervisor will retain the physician’s note in the employee’s record.
3. Notify the Program (Food Safety & Sanitation office).

Additional Requirements for Employees of the Mashantucket Pequot Tribe (Foxwoods et. al.)

Employees of the Mashantucket Pequot Tribe who require medical clearance as described above must also be cleared by Cerner Health Center before returning to work (RTW) - the Tribe’s on-site occupational health coordinator.

Employee who is at work and is infected with a skin lesion containing pus such as boil or infected wound that is open or draining and not properly covered must be sent to the Cerner Health Center to be evaluated and receive clearance to return to work.

Supervisors must complete a Medical Work Status (MWS) Report when referring the employee to the Cerner Health Center.

The following are the steps that must be taken by the Foxwoods food service employee before returning to work:

1. Employee must obtain a clearance from a physician. The note must state that “The employee has no indication of current illness involving a communicable disease and can return to work in a food service establishment with no restrictions.”
2. Employee must present the doctor’s note to the Cerner Health Center.
3. The Cerner staff member will review the note and will keep the information in the employee’s medical record.
4. A Cerner staff member will determine if the employee is fit for regular job duties, and issue a written return to work note.
5. The employee will deliver the note from Cerner to his/her supervisor.
6. The supervisor will retain the Cerner note in the employee’s record.
7. Notify the Program (Food Safety & Sanitation office).

Temporary Food Events

A Temporary Food Establishment is an establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

1. Those in need of Temporary Food Service Permit can obtain an application from The Program and should submit it at least two weeks prior to the event.
2. Vendors participating in the event must follow the Temporary Food Event Guidelines. The guidelines will be provided by The Program.
3. Failure to comply with the guidelines may result in termination of the operation of the booth.

Pre-opening inspections as well as inspections during the event will be conducted by The Program.

Mobile Food Trucks

Mobile trucks serving food on the reservation must obtain a permit from The Program.

1. Those in need of a permit can obtain an application from The Program.
2. Participating vendors must follow the Mobile Trucks Guidelines. The guidelines will be provided by The Program.
3. Failure to comply with the guidelines may result in termination of the operation on the reservation.

A Pre-opening inspection will be conducted by The Program prior to issuing the permit and will be subject to periodic inspections.