ADOPTION OF THE FDA 2013 FOOD CODE

North Shore Cities & Towns 2016
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13 CITIES AND TOWNS . NORTH SHORE

FDA FUNDED PROJECT

Peabody . Salem
Danvers . Swampscott
Gloucester . Topsfield
Beverly . Lynn . Essex
Rockport . Hamilton
Marblehead . Nahant
13 CITIES AND TOWNS . NORTH SHORE

• Significant changes from 1999 FDA code, 105 CMR 590.000
• Inspection Form features
• Examples of violations and risks
2013 MODEL FOOD CODE

Recognizes CDC 5 major risk factors for foodborne illness

- Poor personal hygiene
- Contaminated equipment
- Improper holding temps
- Improper cooking temps
- Unsafe food sources
BENEFITS OF 2013 FOOD CODE ADOPTION

1. Uniformity amongst cities and towns
2. Reduces conflict in companies with multi-units in different towns
3. Science-based findings
4. Risk assignment to each inspection item (revised from “critical” “non-critical”) …restaurants and inspectors accurately understand risks of items
5. Reduced Inspector bias/ ambiguity
6. Risk-based inspections
7. Industry: Better understanding of risk, and motivation to correct deficiencies, improved performance
2013 FOOD CODE MAJOR CHANGES

Elimination of terminology
“Critical” “Minor” “Non-critical violation”

New: Risk Assignment for each item
1-201.10 Violations

Priority P

Priority Foundation Pf

Core
Violations

Priority P

Eliminates, prevents or reduces risk to safe level

- Food separated (Raw away from RTE) 3-302.11
- Improper glove use (contaminated) 3-304.15(a)
- Inadequate cold-holding 3-501.16
Violations

Priority Foundation  Pf

Supports or facilitates a Priority item

- No Person in Charge present  2-101.11
- No Shellstock tags  3-202.18
- Thermometers not accessible or calibrated  4-203.11
Violations

Core

General sanitation, maintenance

- No screens on doors (potential pest entry) 6-501.111
- Environmental contamination not prevented in storage 3-305.11
- Non-food contact surfaces soiled 4-601.11
HANDWASHING
VIOLATIONS

EXAMPLE: HANDWASHING

Priority  P
2-301.12 Employee not washing their hands when dirty

Priority Foundation  Pf
6-301  Handsink has no soap
2-301.15 Using food sink

Core
4-601.11 Handsink is dirty
1-201.10 TCS FOODS

Time and Temperature Control for Safety foods

(formerly Potentially Hazardous Foods)

- Proteins, carbohydrates
- Moist
- Neutral, slightly acidic
TCS FOODS

NEW: Cut leafy greens, cut tomatoes, cut melons
BACTERIA

Salmonella
Raw poultry
Contaminated produce

Vibrio
Raw shellfish, oysters

Listeria
Soft cheeses, deli meats
BACTERIA

E. Coli
Meats, Fecal matter
Contaminated produce

Shigella
Unwashed vegetables
3-501.16

HOT HOLDING TEMPERATURE REDUCED TO 135°F

“NEW” TEMPERATURE DANGER ZONE

41°F – 135°F
3-501.16 HOT AND COLD HOLDING

- Cold TCS foods: 41° F or below
- Hot-holding TCS foods: 135° F or higher
- Discard after 4 hours of total exposure to 41° – 135° F

Priority
TIME & TEMPERATURE CONTROLS

Minimize time at 41° – 135° F, < 4 hrs total for TCS

- Receive & store TCS foods quickly
- Cold foods 41° F or below
- Cook foods to safe internal temperatures
- Hold foods 135° F or above
- Cool, thaw, reheat foods
Label prepared TCS foods with Use-by or sell date

- If not to be used within 24 hours of preparation
- Maximum of 7 days of refrigerated storage
- Day 1 is preparation date
- Cannot exceed Manufacturer’s date

Priority foundation
3-401.14 NON-CONTINUOUS COOKING OF RAW ANIMAL FOODS

- Initial par-cooking time < 60 minutes
- Cooked and cooled properly
- Refrigerated or held under TPCH
- Finish cooking according to FDA required temps

Priority
3-304.15 PROPER GLOVE USE

• Changed when they become soiled

• Every 4 hours during continuous use

• After handling raw meat and before touching cooked or ready-to-eat foods

NEW: Handwashing in between is not required when performing same task

Priority
2-103.11 PERSON IN CHARGE

Additional duties:

• Ensures illness reporting by employees
• Supervising food employee practices
• Ensures employees trained in food safety and allergy safety

Priority foundation
3-501.19
TIME AS A PUBLIC HEALTH CONTROL

Foods may be left out without temperature control for:

- 4 hrs if temp $\leq 135$ F
- 6 hrs if temp $\leq 70$ F

- Written procedures
- Foods must be labeled with time
- After that, remaining foods must be discarded
- No variance needed

Priority foundation
3-302 STORAGE IN COOLERS

- Prevent Cross contamination in refrigerator
  Raw and ready to eat foods **Priority**

- Any storage order- freezer **Core**

- 41° F for TCS foods **Priority**
Currently: Foods prepared in-house, leftovers:
- Reheat to 165° F within 2 hours

**NEW:** Commercially processed and packaged RTE foods
May be reheated to 135° F when being reheated for hot holding
(Approved source: licensed, regulated processing plant)

Priority
3-304.17

REFILLING RETURNABLE CONTAINERS

Containers must be clean, sanitized, visually inspected
Non-TCS beverages:
  Container is rinsed in hot water before filling
  May be filled by consumer or employee if dispensing method is contamination-free transfer process
3-502.11  SPECIAL PROCESSES

Variance needed:

- Sushi
- Vacuum packing, Sous vide
- Curing, smoking meats
- Raw sprouts production (new)
- Selling unpasteurized, unlabeled juice packages
- Mollusk tanks  Priority foundation
3-502.12

**ROP, SOUS VIDE**

Reduced oxygen packaging, sous vide, MAP

Risks: Clostridium botulinum/toxin

Listeria monocytogenes

No variance needed IF: vacuum packaged foods prepared onsite will be used/opened within 48 hours

Priority foundation
Reduced oxygen packaging non-TCS foods

- No HACCP plan required if food is at 41°F or below,
- pH is 4.6 or less or Aw is .92 or less
- Discarded in 30 days

Priority foundation
Reduced oxygen packaging, sous vide

Risks: Clostridium botulinum/toxin
    Listeria monocytogenes

Fish must be frozen before, during and after packaging

Priority
3-501.13  THAWING FROZEN ROP FISH

ROP  Reduced oxygen packaging

Risks: Clostridium botulinum/toxin
      Listeria monocytogenes

- Must be removed from package prior to thawing in refrigerator  OR
- If using running H2O or microwave, remove from package before or immediately after thawing
CLEANING AND SANITATION
2-501.11

CLEAN-UP OF VOMIT, DIARRHEA

Establishment must have procedures in place for clean up of vomit and diarrheal events

Priority foundation
Scrape food debris, grease

- High temperature machine:
  Rinse water temperature 180° F

- Low temperature machine
  (Chemical sanitizing)
4-302.13 MECHANICAL WAREWASHER TEMPERATURES

Must have irreversible registering temperature indicators

Priority foundation
3-304.14
Wiping cloths stored in sanitizer buckets, stored off floor

Core

3-501.114
Sanitizer buckets contain proper concentration

Priority
5-203.13
Service sinks must be provided (Mop sink)
No urinals or toilets for disposing of liquids

6-501.18
Cleaning of plumbing fixtures
(handsinks, toilets, urinals
as often as necessary

Core
Facility is pest free
Conditions to control entry and harborage
EXISTING VIOLATIONS...

AND THEIR RISK DESIGNATIONS
3-401.11 COOKING FOODS

- Cooking foods kills microorganisms to safe levels
- Cooking does not destroy toxins
- Use a food thermometer

Priority
3-501.14 COOLING HOT FOODS

Do it *fast* to prevent harmful bacteria growth

Two-Stage Process

1) Cool from 135°F to 70°F in 2 hrs
2) from 70°F to 41°F in next 4 hrs
   (6 hours total)

Priority
3-301.11 NO BARE HAND CONTACT

• Not allowed with cooked, “Ready-to-eat” foods
• Use some barrier:
  - Gloves
  - Utensils
  - Deli papers

Priority
FOOD PROTECTED FROM CONTAMINATION

3-304.11
Food contacts only clean equipment, linens

3-302.11
Food separated and protected (raw separated from ready-to-eat foods)

Priority
SANITIZER CONCENTRATION

Iodine (12.5-25 ppm)
Chlorine (50-200 ppm)
Quats (200-400 ppm)

Priority
3-501.13 THAWING

- In refrigerator at 41°F or less
- Under running potable water 70°F or below
- In the microwave, cook immediately
- Cook it frozen
4-601.11

FOOD CONTACT SURFACES

Equipment and Utensils must be cleaned
to sight and touch

Priority foundation
2-103.11 ALLERGEN RESPONSIBILITY

- State and local Allergen policies are being followed
- Manager or designated person to be responsible for allergen safety
- PIC must be knowledgeable about allergens

Priority foundation
5-204.11 HANDSINK ACCESSIBILITY

Or not supplied properly

• No Soap
• No paper towels
• No waste basket near sink

Priority foundation
INSPECTION FORM FEATURES
INSPECTION FORM WILL INCLUDE:

- FDA 2013 Food Code references
- Risk designation for each item
  - P  Priority
  - Pf  Priority foundation
  - C  Core
- Massachusetts requirements for Allergen awareness, Chokesaver Tobacco
INSPECTION FORM

FDA Retail Risk Factor Study guidelines

IN  In compliance
OUT Out of compliance
NA  Not applicable
NO  Not observed
COS Corrected on site
R   Repeat violation
PUBLIC NOTICE OF INSPECTIONS

Food establishment must notify customers that:

- Most recent inspection report is available to review
- Post a sign or placard in conspicuous location or
- Other method acceptable by regulatory authority
CHALLENGES, BIAS
FDA 3-302.11
Protection from Contamination

*Food separated and protected* *(Raw from Ready to eat food)*

**Priority**
FDA 3-201.11  
Approved Food Sources

FDA 8-103.12  
Compliance with variance, Specialized process, HACCP plan

Priority
FDA 3-501.16
Time and Temperature Controls

Proper cold holding temperatures

Priority
FDA 4-601.11(a)

Utensils, Equipment and Vending

*Equipment food contact surfaces and utensils are clean*

Priority foundation
FDA 3-501.19
Time and Temperature Controls
*Time as a Public Health Control, written procedures*

Priority foundation
FDA 5-501.16

Physical facilities

Garbage and refuse properly disposed
Facilities maintained

Core
FDA 4-501.14
Utensils, Equipment and Vending

3-compartment sinks clean, for proper warewashing function

Core
FDA 5-402.13
Physical facilities
Sewage and waste water properly disposed

Priority
FDA 3-305.11
Prevention of Food Contamination

*Environmental contamination prevented during storage*

FDA 4-601.11 (c)
Non-food contact surfaces free of accumulated food, debris

Core
FDA 4-501.114
3 compartment sink or sanitizer bucket: Chemical sanitizer of proper concentration

Quats 200-400 ppm
Chlorine 50-200 ppm

Priority
FDA 3-401.11

Time and Temperature Controls

*Proper cooking time and temperature of raw animal foods*

**Priority**
8-405.11
TIME FRAMES FOR CORRECTIONS

Priority item:
Corrected at time of inspection, or Regulatory may allow up to 72 hours

Priority foundation
Corrected at time of inspection, or Regulatory may allow up to 10 calendars days

Core item: Corrected up to 90 days after the inspection, as allowed by Regulatory
TRAINING INDUSTRY

Industry in 13 communities
8 trainings in select North Shore locations
2 hours each

• Review Food Code changes
• Risk level assignments
• Inspection form review
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RESTAURANTS...
TOP 10 VIOLATIONS

1. Improper cooling  79%
2. Inadequate handwashing  76%
3. Improper cold holding temperatures  72%
4. Contaminated food-contact surfaces and utensils  63%
5. Improper Date marking of RTE Foods  58%

FDA  Retail Risk Factor Study
6. Improper labeling of commercially-processed, ready-to-eat Foods  55%

7. Bare hand contact with foods  46%

8. Cross contamination of raw animal foods and ready-to-eat foods  43%

9. Inadequate hot holding temperatures for PHF/TCS Foods  40%

10. Improper Reheating of leftovers  41%
QUESTIONS?