

ADOPTION OF THE FDA 2013 FOOD CODE



North Shore Cities & Towns 2016

Cindy Rice, RS, MSPH, CPFS

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
1. Science-based findings
1. Risk assignment to each inspection item (revised from “critical” “non-critical”)
...restaurants and inspectors accurately understand risks of items
1. Reduced Inspector bias/ ambiguity
2. Risk-based inspections
3. Industry: Better understanding of risk, and motivation to correct deficiencies, improved performance





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

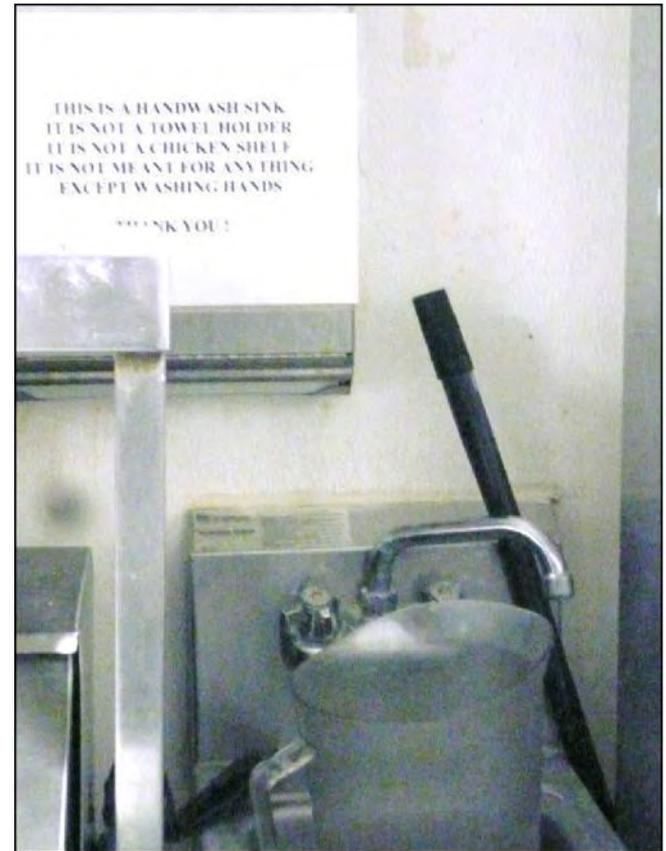


Violations

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



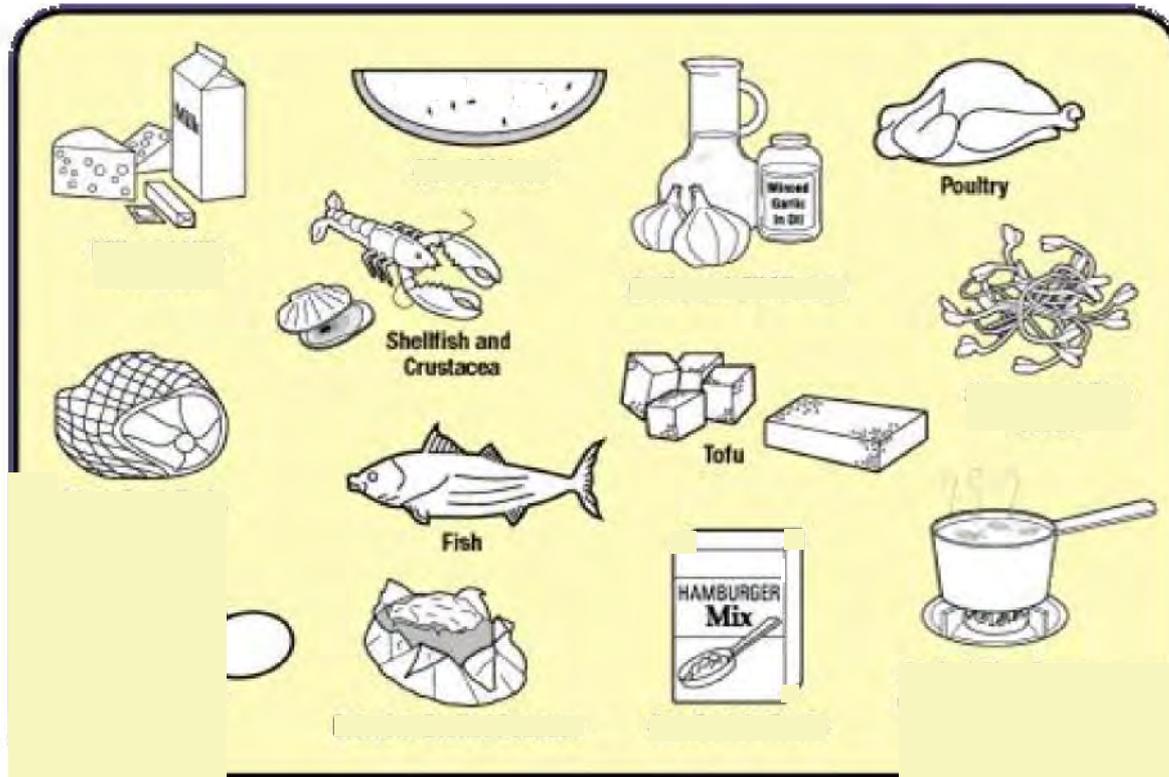
1-201.10 TCS FOODS

Time and Temperature Control for Safety foods

(formerly Potentially Hazardous Foods)

- Proteins, carbohydrates
- Moist
- Neutral, slightly acidic

TCS FOODS



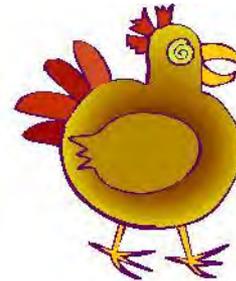
NEW: Cut leafy greens, cut tomatoes, cut melons

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



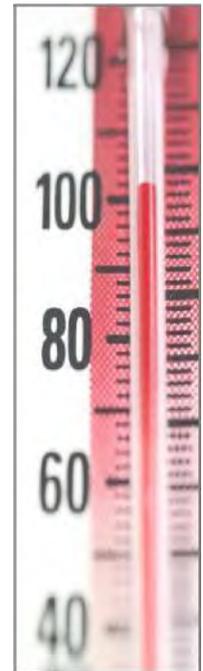
3-501.16

HOT HOLDING TEMPERATURE
REDUCED TO 135° F

“NEW” TEMPERATURE DANGER ZONE

41° F – 135° F

135 ° F



41° 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



3-501.17 DATEMARKING 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

Item _____ PRODUCTO

Prep Date _____ : AM PM
PREPARAR AL DIA

Use By _____ : AM PM
FECHA DE DESECHAR

Shelf Life _____
PERIODO DE CONSERVACION

TCS Cooks Employee (COCHERO)

MON TUE WED THU FRI SAT SUN

SUPERMOVABLE

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 TPCCH
- 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 < 135 F

6 hrs if temp < 70 F

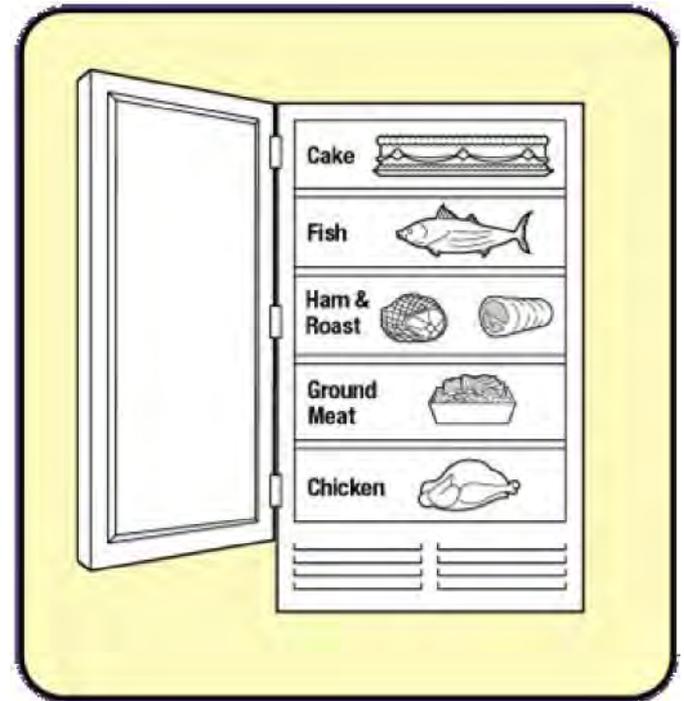
- Written procedures
- Foods must be labeled with time
- After that, remaining foods must be discarded
- No variance needed



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**



3-403.11 REHEATING

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



Priority

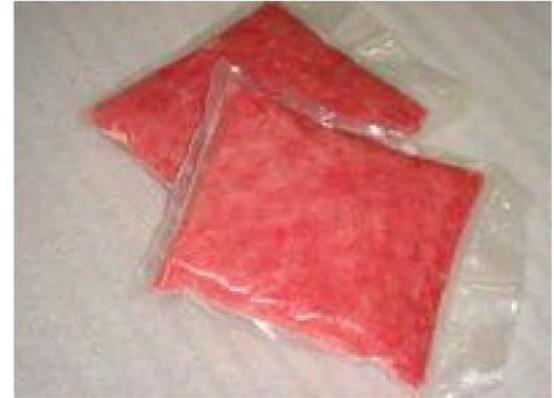
3-502.11 SPECIAL PROCESSES

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

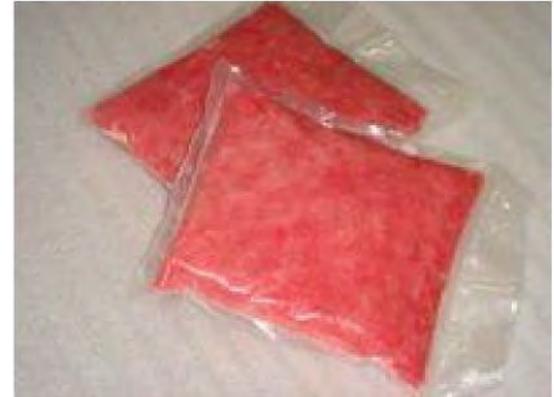
Listeria monocytogenes

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

Priority foundation

3-502.12

ROP, SOUS VIDE



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

3-502.12

ROP FISH



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

Core

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

AUTOMATIC WAREWASHER

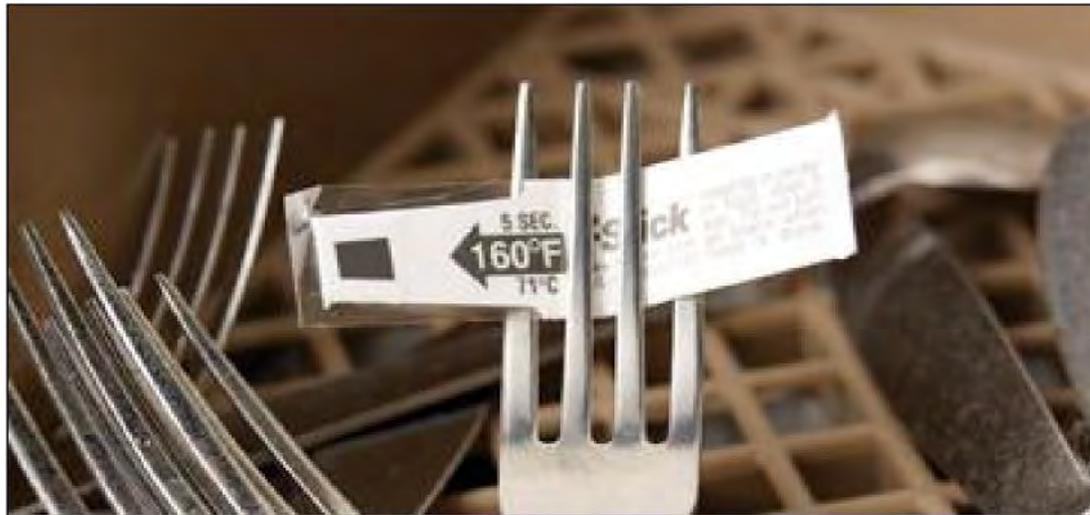
Scrape food debris, grease

- 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



6-501.111 PEST CONTROL

Facility is pest free

Conditions to control entry and harborage



Core

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



3-501.114

SANITIZER CONCENTRATION

Iodine (12.5-25 ppm)

Chlorine (50-200 ppm)

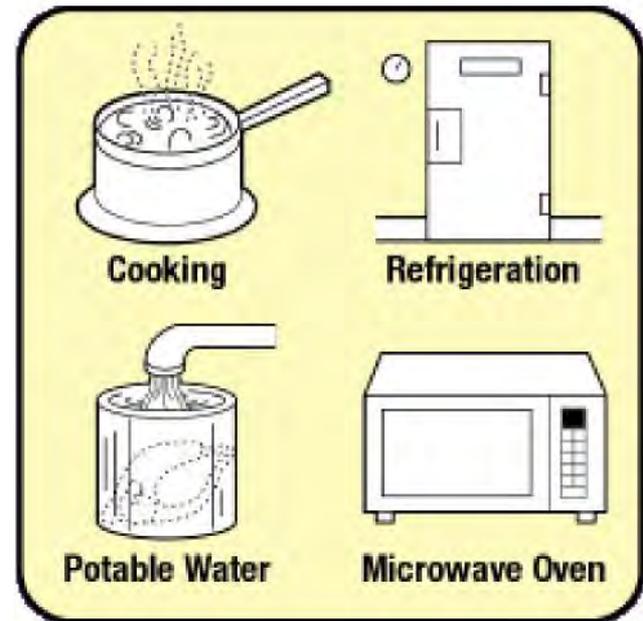
Quats (200-400 ppm)

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



Core

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

FOOD ESTABLISHMENT INSPECTION REPORT			
Name	Date	Type of Operation(s)	Type of Inspection
Address	Risk Level	<input type="checkbox"/> Food Service <input type="checkbox"/> Retail <input type="checkbox"/> Residential Kitchen	<input type="checkbox"/> Routine <input type="checkbox"/> Re-inspection <input type="checkbox"/> Previous Inspection
Telephone	Owner	<input type="checkbox"/> Mobile <input type="checkbox"/> Temporary <input type="checkbox"/> Caterer	<input type="checkbox"/> Pre-operation <input type="checkbox"/> Special Event
Person in Charge (PIC)	HACCP Y/N	<input type="checkbox"/> Del & Srv/Inst. <input type="checkbox"/> HACCP	<input type="checkbox"/> Other
Inspector	Time In/Out	Permit No.	

Each violation checked requires an explanation on the narrative page(s) and a citation of specific provisions violated.

Violations Related to Foodborne Illness Interventions and Risk Factors (Red Items)
 Violations marked may pose an imminent health hazard and require immediate corrective action as determined by the Board of Health. Non-compliance with: 90.000 90.000 PF

<p>FOOD PROTECTION MANAGEMENT</p> <p><input type="checkbox"/> 1. PIC Assigned / Knowledgeable / Duties</p> <p>EMPLOYEE HEALTH</p> <p><input type="checkbox"/> 2. Reporting of Diseases by Food Employees and PIC</p> <p><input type="checkbox"/> 3. Personnel with Infections Restricted/Excluded</p> <p>FOOD FROM APPROVED SOURCE</p> <p><input type="checkbox"/> 4. Food and Water from Approved Source</p> <p><input type="checkbox"/> 5. Receiving/Condition</p> <p><input type="checkbox"/> 6. Tags/Records/Accuracy of Ingredient Statements</p> <p><input type="checkbox"/> 7. Conformance with Approved Procedures/HACCP Plans</p> <p>PROTECTION FROM CONTAMINATION</p> <p><input type="checkbox"/> 8. Separation/ Segregation/ Protection</p> <p><input type="checkbox"/> 9. Food Contact Surfaces Cleaning and Sanitizing</p> <p><input type="checkbox"/> 10. Proper Adequate Handwashing</p> <p><input type="checkbox"/> 11. Good Hygienic Practices</p>	<p><input type="checkbox"/> 12. Prevention of Contamination from Hands</p> <p><input type="checkbox"/> 13. Handwash Facilities</p> <p>PROTECTION FROM CHEMICALS</p> <p><input type="checkbox"/> 14. Approved Food or Color Additives</p> <p><input type="checkbox"/> 15. Toxic Chemicals</p> <p>TEMPERATURE CONTROLS (Priority/ Imminent Food)</p> <p><input type="checkbox"/> 16. Cooking Temperatures</p> <p><input type="checkbox"/> 17. Reheating</p> <p><input type="checkbox"/> 18. Cooling</p> <p><input type="checkbox"/> 19. Hot and Cold Holding</p> <p><input type="checkbox"/> 20. Time As a Public Health Control</p> <p>REQUIREMENTS FOR HIGH-RISK SUSCEPTIBLE POPULATIONS (PF)</p> <p><input type="checkbox"/> 21. Food and Food Preparation for HCP</p> <p>CONSUMER ADVISORY</p> <p><input type="checkbox"/> 22. Posting of Consumer Advisories</p>
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Violations Related to Good Retail Practices (Blue Items) Critical (C) violations marked must be corrected immediately or within 10 days as determined by the Board of Health. Non-critical (N) violations must be corrected immediately or within 90 days as determined by the Board of Health.

<p><input type="checkbox"/> 23. Management and Personnel (FC-3.602.00)</p> <p><input type="checkbox"/> 24. Food and Food Protection (FC-3.603.00)</p> <p><input type="checkbox"/> 25. Equipment and Utensils (FC-4.000.00)</p> <p><input type="checkbox"/> 26. Water, Plumbing and Waste (FC-6.000.00)</p> <p><input type="checkbox"/> 27. Physical Facility (FC-6.000.00)</p> <p><input type="checkbox"/> 28. Poisonous or Toxic Materials (FC-7.000.00)</p> <p><input type="checkbox"/> 29. Special Requirements (FC-03)</p> <p><input type="checkbox"/> 30. Other</p>	<p>Number of Violated Provisions Related To Foodborne Illness Interventions and Risk Factors (Red Items 1-22): <input type="text"/></p> <p>Official Order for Correction: Based on an inspection today, the items checked indicate violations of 105 CMR 500.000/other Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If approved by this order, you have a right to a hearing. Your request must be in writing and submitted to the Board of Health at the above address within 10 days of receipt of this order.</p> <p>DATE OF RE-INSPECTION: <input type="text"/></p>
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Inspector's Signature: _____	Date: _____	
PIC's Signature: _____	Date: _____	Page ___ of ___ Pages

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



8-304.11

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

Core

FOOD ESTABLISHMENT INSPECTION REPORT			
Name	Date	Type of Operation(s) <input type="checkbox"/> Food Service <input type="checkbox"/> Retail <input type="checkbox"/> Residential Kitchen <input type="checkbox"/> Mobile <input type="checkbox"/> Temporary <input type="checkbox"/> Caterer <input type="checkbox"/> Bed & Breakfast	Type of Inspection <input type="checkbox"/> Routine <input type="checkbox"/> Re-inspection <input type="checkbox"/> Previous Inspection Date: <input type="checkbox"/> Pre-operation <input type="checkbox"/> Suspect Illness <input type="checkbox"/> General Complaint <input type="checkbox"/> HACCP <input type="checkbox"/> Other
Address	Risk Level	HACCP Y/N	Permit No.
Telephone		Time In: Out:	
Owner			
Person in Charge (PIC)			
Inspector			

Each violation checked requires an explanation on the narrative page(s) and a citation of specific provision(s) violated.

Violations Related to Foodborne Illness Interventions and Risk Factors (Red Items) **500.000 (F)** **500.000 (F)**

Violations marked may pose an imminent health hazard and require immediate corrective action as determined by the Board of Health.

FOOD PROTECTION MANAGEMENT <input type="checkbox"/> 1. PIC Assigned / Knowledgeable / Duties EMPLOYEE HEALTH <input type="checkbox"/> 2. Reporting of Diseases by Food Employee and PIC <input type="checkbox"/> 3. Personnel with Infections Restricted/Excluded FOOD FROM APPROVED SOURCE <input type="checkbox"/> 4. Food and Water from Approved Source <input type="checkbox"/> 5. Receipt/Condition <input type="checkbox"/> 6. Tags/Records/Accuracy of Ingredient Statements <input type="checkbox"/> 7. Conformance with Approved Procedures/HACCP Plans PROTECTION FROM CONTAMINATION <input type="checkbox"/> 8. Separation/ Segregation/ Protection <input type="checkbox"/> 9. Food Contact Surfaces Cleaning and Sanitizing <input type="checkbox"/> 10. Proper Adequate Handwashing <input type="checkbox"/> 11. Good Hygienic Practices	<input type="checkbox"/> 12. Prevention of Contamination from Hands <input type="checkbox"/> 13. Handwash Facilities PROTECTION FROM CHEMICALS <input type="checkbox"/> 14. Approved Food or Color Additives <input type="checkbox"/> 15. Toxic Chemicals TIME/TEMPERATURE CONTROLS (Potentially Hazardous Foods) <input type="checkbox"/> 16. Cooking Temperatures <input type="checkbox"/> 17. Reheating <input type="checkbox"/> 18. Cooling <input type="checkbox"/> 19. Hot and Cold Holding <input type="checkbox"/> 20. Time As a Public Health Control REQUIREMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS (HSP) <input type="checkbox"/> 21. Food and Food Preparation for HSP CONSUMER ADVISORY <input type="checkbox"/> 22. Posting of Consumer Advisories
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Violations Related to Good Retail Practices (Blue Items) **500.000 (F)**

Critical (C) violations marked must be corrected immediately or within 10 days as determined by the Board of Health. Non-critical (N) violations must be corrected immediately or within 90 days as determined by the Board of Health.

<input type="checkbox"/> 23. Management and Personnel (FC-20500.003)	
<input type="checkbox"/> 24. Food and Food Protection (FC-20500.004)	
<input type="checkbox"/> 25. Equipment and Utensils (FC-40900.005)	
<input type="checkbox"/> 26. Water, Plumbing and Waste (FC-60500.006)	
<input type="checkbox"/> 27. Physical Facility (FC-60500.007)	
<input type="checkbox"/> 28. Poisonous or Toxic Materials (FC-70500.008)	
<input type="checkbox"/> 29. Special Requirements (500.009)	
<input type="checkbox"/> 30. Other	

Number of Violated Provisions Related To Foodborne Illnesses Interventions and Risk Factors (Red Items 1-22):

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DATE OF RE-INSPECTION:

Inspector's Signature:	Print:	
PIC's Signature:	Print:	Page ___ of ___ Pages

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

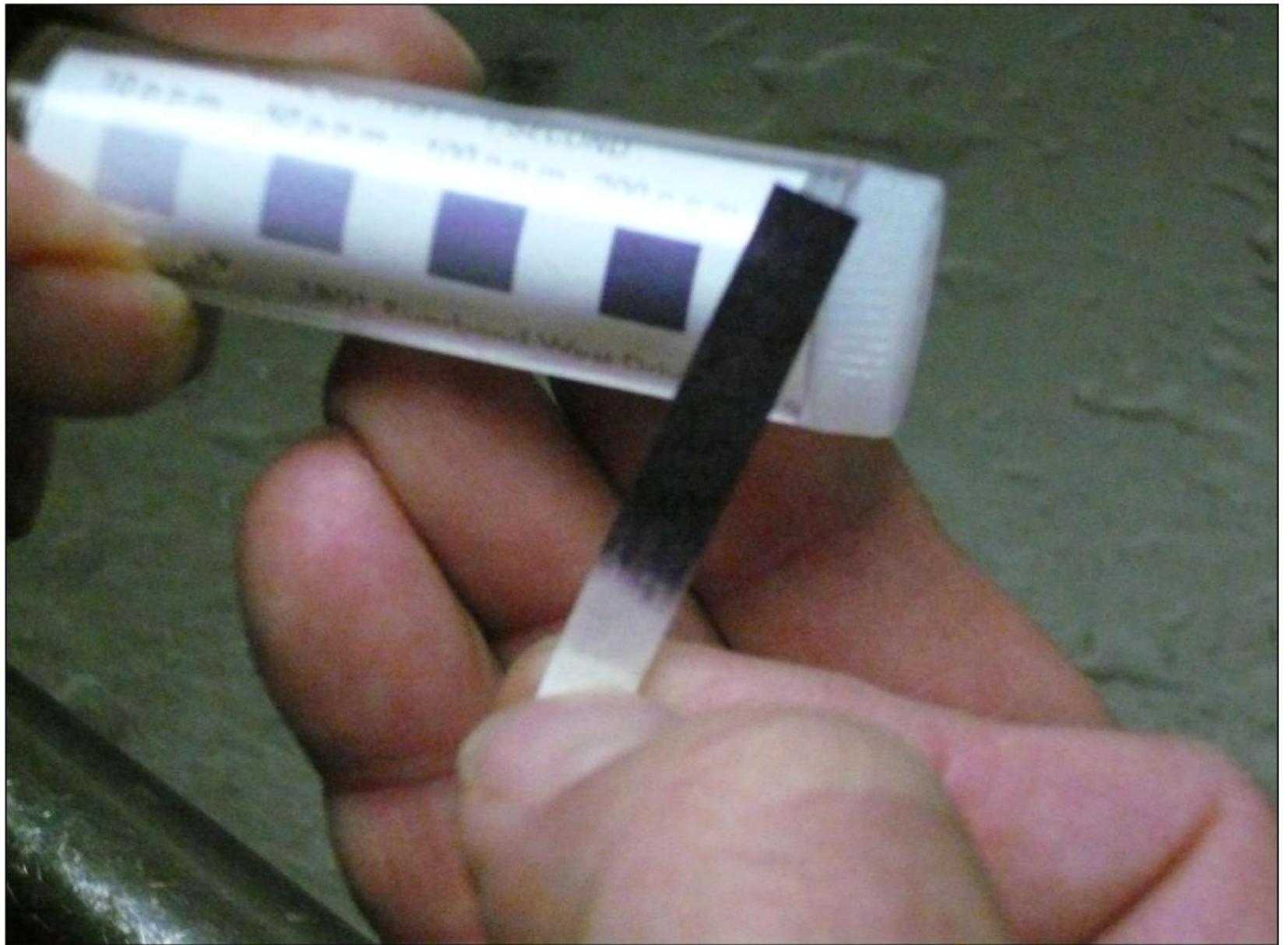
Environmental contamination prevented during storage

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



TRAINING INDUSTRY

Industry in 13 communities

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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%



Retail Risk Factor Study

RESTAURANTS...

TOP 10 VIOLATIONS



6. Improper labeling of commercially-processed, ready-to-eat Foods 55%
1. Bare hand contact with foods 46%
2. Cross contamination of raw animal foods and ready-to-eat foods 43%
1. Inadequate hot holding temperatures for PHF/TCS Foods 40%
1. Improper Reheating of leftovers 41%

QUESTIONS?





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