New Trends Impacting Retail Food Service Establishments’ Food Safety

Lisa M. Berger, CP-FS
Berger Food Safety Consulting
www.servingsafefood.com
# New Trends in Retail Food Service Establishments

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Salmonella confirmed as cause of death

By Laura Martin

Salmonella apparently contracted last month from a Nana’s Restaurant in Waltham. The restaurant led to the death of a Waltham/Waltham woman Sunday, June 30 and from health officials this morning.

Salmonella strain in Waltham, MA.

Lorraine Harper died after becoming ill from food she was brought by her two granddaughters from the store on June 31, according to Waltham Health Director William Sweden.

Her granddaughters also later came down with salmonella.

The person who did the investigation here spoke to the granddaughters. The food was purchased and brought home and consumed upon arrival by the lady. Sweden said.

"That's what we think is the outbreak," said the health director. And, according to an epidemiologist at Columbia Medical Center in New York, where the cases were treated, salmonella patients from Waltham’s store had a suppressed immune system from taking antibiotics.

There have been no facilities involved in the outbreak, state health officials and others.

A total of 42 confirmed cases of salmonella food poisoning coming from the restaurant have been reported. The outbreak has been traced to four areas including Pennsylvania.

According to officials at Dettmers, Waltham Hospital and Waltham health officials, Harper was taken by her daughter, Aline.

"She was Nana to all the kids. Even to my kids she was Nana," said Carmen Carpenter, a close family friend who is also a nurse and worked in the hospital's nursing staff.

"We'd go visit, and she'd say, 'Hi Nana,'" Harper said yesterday. "Today she died a peaceful death and we're all very sad to lose her."

Grandmother was loved by all
Chipotle Mexican Grill

Reports Last 7 Days

**Chipotle Mexican Grill, Red Cliffs Drive, St. George, UT, USA**
May 3 9:47am
**Location:** Chipotle Mexican Grill, Red Cliffs Drive, St. George, UT, USA
**Report Type:** Food Poisoning
**Symptoms:** Diarrhea
**Details:** Chicken burrito,

**Chipotle Mexican Grill, Villa La Jolla Drive, La Jolla, CA, USA**
May 3 10:08am
**Location:** Chipotle Mexican Grill, Villa La Jolla Drive, La Jolla, CA, USA
**Report Type:** Food Poisoning
**Symptoms:** Diarrhea
**Details:** Burrito Bowl, Queso,
The move could be just what's needed to restore Australia's faith in the industry following four gastro outbreaks on Holland America's sister line Princess Cruises over the past 15 months.

The most recent was in January when some 200 passengers went down with the norovirus aboard the Sea Princess during a tour of New Zealand.

Both Holland America and Princess are subsidiaries of the Carnival Corporation, which has a number of cruise lines including P&O Australia.
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Hospitality and Food-Borne Illness Litigation
Salmonellosis is an infection that results from exposure to the bacteria Salmonella. The symptoms of a salmonella infection often dissipate after a week, but some victims require hospitalization. If a salmonella infection spreads into the bloodstream, it can even prove fatal. It is important for anyone exhibiting signs of a salmonella infection to seek medical attention and treatment right away.
FOOD BORNE ILLNESS PRACTICE

Paul L. Kassirer leads the firm's nationally-recognized Foodborne Illness Practice Group and is recognized as a leading attorney in the defense of foodborne claims and lawsuits. Paul is routinely retained to assist primary and excess liability insurers as well as self-insured clients in nationwide, multi-state and local foodborne outbreaks, including defending personal injury and wrongful death claims, analyzing coverage positions, and assisting with crisis and risk-management.
Welcome to NRRDA

Lighting the way to advance the common interests of legal and claims professionals in the retail and restaurant industries.

NRRDA is an independent, non-profit, networking association of attorneys in the retail and restaurant industries. Membership in NRRDA places you at the forefront of the development of strategies to reduce the number and severity of claims, manage common risks, and enhance our defense position in litigated matters.

SAVE THE DATE - 2nd LIGHTHOUSE SEMINAR - Columbus, Ohio

Opening reception, Wednesday evening, October 10.
One day seminar, Thursday, October 11.

Event Listings

NRRDA 2017 Annual Conference

Event Host: NRRDA - National Retail and Restaurant Defense Association

Location: Wyndham San Diego Bayside 1355 N Harbor Dr, San Diego, CA

Date/Time: Wednesday, March 1, 2017 - 7:00pm to Friday, March 3, 2017 - 12:30pm

NRRDA is an independent, non-profit, networking association of legal and claims professionals in the retail and restaurant industries. Membership in NRRDA places you at the forefront of the development of strategies to reduce the number and severity of claims, manage common risks, and enhance our defense position in litigated matters.

The NRRDA Annual Conference provides the chance to learn and share information in one place. This year’s three-day event is full of educational opportunities on a variety of subjects that range from employment law, casualty strategies, technology, crisis management, risk, workers’ compensation, ethics, mediation, experts and deposition preparation.

Jacqueline Canter, a shareholder in the Casualty Department, will be speaking at the National Retail and Restaurant Defense Association 2017 Annual Conference in San Diego.

The Spice is (Not So) Right! Best Practices in Handling Foodborne Illness and Foreign Object Cases

Come on down! And learn the best practices for handling foodborne illness and foreign object claims. Listen to an experienced lawyer and an experienced claims handler discuss what works best and what to avoid. Learn how to gather and preserve vital evidence needed to successfully defend this type of case. Get a glimpse of the type of experts who can help build your defense. Learn what to look for in the laws of each jurisdiction.

For more information, click here.
ACI’s 7th National Forum on Food-Borne Illness Litigation

January 27 - 28, 2016  •  Sheraton Fisherman's Wharf, San Francisco, CA

Overview


At ACI’s acclaimed 7th National Forum on Food-Borne Illness Litigation, you can benchmark your defense strategies with not only the leading defense counsel and in-house counsel from food and beverage companies, but have the unique opportunity to hear directly from those who are bringing the cases against your companies – the plaintiffs’ lawyers. This diversity of perspectives is what sets ACI’s Food Litigation conferences apart from other events.

Designed to minimize time spent out of the office while still providing the most relevant, high-level content, this one-day information-packed conference will deliver proven effective litigation strategies.

ACI has conducted extensive research to design a unique program with an expert faculty to provide practical solutions to addressing your most pressing concerns surrounding:
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New Tools in Epidemiology and Disease Reporting

1996 – PulseNet

Connects FBI cases to detect outbreaks. Uses DNA fingerprinting to detect multi-state outbreaks.

2009 – Reportable Food Registry (RFR)

Identify and contain contaminated ingredients in our food supply. We can now find the source and alert the public sooner.

2009 – National Outbreak Reporting System (NORS)

Web-based platform that allows easy reporting of water and foodborne outbreaks
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Food Code: Key Changes

Item Numbers

Item Numbers: 1-30

Item Numbers: 1-56
Food Code: Key Changes

Risk Assignment

Red Critical
Black/Blue Critical
Non-Critical

Priority
Priority Foundation
Core
PRIORITY ITEM “contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard”

PRIORITY FOUNDATION ITEM “supports, facilitates or enables one or more PRIORITY ITEMS)

CORE ITEM “relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance”
Food Code: Key Changes

Handwashing

Priority (P)
2-301.12 Cleaning Procedure
Observation – Employees not washing hands

Priority Foundation (Pf)
6.301.11 Handwashing Cleanser, Availability
Observation – No soap available at the handwashing sink.

Core (C)
2-301.15 Where to Wash
Observation – Employee washing hands in ware washing sink
Food Code: Key Changes

Terminology / Additions

Potentially Hazardous Foods (PHF’s)  Time/Temperature Control for Safety Food (TCS)

Added:
Cut leafy greens / Sliced Tomatoes
Non-Continuous Cooking requirements identified
Mushrooms – “Mushroom species picked in the wild . . . “
Clean up procedures for vomiting and diarrheal events
Irreversible test strips for high temp. machines
Temperature Issues: Hot/Cold Holding

Item #19  3-501.16 Hot and Cold Holding * (F)  
Red Critical

Item #21  3-501.16 (A) (1) Proper Hot Holding  
Priority

Item #22  3-501.16 (A) (2) and (B) Proper Cold Holding  
Priority

Jewelry

Item #23  2-303.11 Jewelry Prohibitions  
Non-Critical

Item #40  2-303.11 Jewelry Prohibitions  
Core

Clean to Sight & Touch

Item #9  4-601.11 (A) Equip, Food-Contact Surfaces  
Red Critical

Item #16  4-601.11 (A) Equip, Food-Contact Surfaces  
Priority Foundation (Pf)
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1999 vs Now

Inspection Tools

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FOOD ESTABLISHMENT INSPECTION REPORT

Type of Operation(s)
- Food Service
- Retail
- Residential Kitchen
- Mobile
- Temporary Caterer
- Bed & Breakfast

Permit No.

Type of Inspection
- Routine
- Re-inspection

Previous Inspection Date:
- Pre-operation
- Suspect Illness
- General Complaint
- HACCP
- Other

Non-compliance with:

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.

FOOD PROTECTION MANAGEMENT

1. PIC Assigned / Knowledgeable / Duties

EMPLOYEE HEALTH

2. Reporting of Diseases by Food Employee and PIC

3. Personnel with Infections Restricted/Excluded

FOOD FROM APPROVED SOURCE

4. Food and Water from Approved Source

5. Receiving/Condition

6. Tags/Records/Accuracy of Ingredient Statements

7. Conformance with Approved Procedures/HACCP Plans

PROTECTION FROM CONTAMINATION

8. Separation/Segregation/Protection

9. Food Contact Surfaces Cleaning and Sanitizing

10. Proper Adequate Handwashing

11. Good Hygienic Practices

12. Prevention of Contamination from Hands

13. Handwash Facilities

PROTECTION FROM CHEMICALS

14. Approved Food or Color Additives

15. Toxic Chemicals

TIME/TEMPERATURE CONTROLS (Potentially Hazardous Foods)

16. Cooking Temperatures

17. Reheating

18. Cooling

19. Hot and Cold Holding

20. Time As a Public Health Control

REQUIREMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS (HSP)

21. Food and Food Preparation for HSP

CONSUMER ADVISORY

22. Posting of Consumer Advisories

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.

C

N

23. Management and Personnel

24. Food and Food Protection

25. Equipment and Utensils

26. Water, Plumbing and Waste

27. Physical Facility

28. Poisonous or Toxic Materials

29. Special Requirements

30. Other

Official Order for Correction:

Based on an inspection today, the items checked indicate violations of 105 CMR 590.000/federal 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 aggrieved 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.

DATE OF RE-INSPECTION:

Inspector's Signature:

PIC's Signature:

Page___ of___ Pages
Let's take a look!
Things have changed and so must we in our quest to reduce the morbidity and mortality due to foodborne illness

Questions???

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