2022 Yankee Conference

Understanding the Food Code, Writing Accurate Inspection Report Forms and Citing Violations Correctly, RFFM

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Plymouth, MA

www.fda.gov
Meeting the Retail Program Standards

- RFFM grant provides funds for jurisdictions to work on meeting Standards
- FoodSHIELD
- Mentorship Program
NACCHO Mentorship Program

**Retail Food Regulatory Standards:** The National Association of County and City Health Officials (NACCHO) Mentorship Program connects retail food regulatory program practitioners who are experienced in applying the Retail Program Standards with those who are newly enrolled and looking for assistance, resources, and recommendations for achieving a specific standard. Eligible participants include food regulatory programs operating at the state, local, tribal, and territorial level.

https://www.naccho.org/opportunities/opportunities/mentorship-programs
Grant portal opens on

August 17!

NEHA.org/RetailGrants
What is the same for Year 2?

- Registration and information at: NEHA.org/RetailGrants
- Use the same Grant Portal to apply, using your Year 1 Login and Password
- Most Grant Program rules unchanged
- Retail Program Standards enrollment is required
What is new or different for Year 2?

• No new, 3-year grants this year

• Improved Track 1 and Track 2 Development Base Grant applications

• An earlier application period, August 17 – October 12, 2022

• A full-year grant performance period: January 1 - December 31, 2023
New to the Retail Program Standards and the NEHA-FDA RFFM Grant Program?

- ENROLL now in the Retail Program Standards
- REGISTER now for the RFFM Grant Program
- Sign up for RFFM email communications
- Consider a Track 1 Development Base Grant (see the Grant Guidance for details)
Questions?

NEHA-FDA RFFM Grant Program Support Team
Email: RetailGrants@NEHA.org
Toll-Free: 1-833-575-2404
WE NEED YOUR HELP.

RETAIL FOOD SAFETY REGULATORY TRAINING NEEDS ASSESSMENT

Be part of this historical national assessment to:

- Identify strengths and gaps in educational resources for the retail food safety regulatory professional
- Give input on jurisdiction-level training needs
- Help continue to build a robust national Integrated Food Safety System

Outcomes

- Bolster educational resources
- Reduce knowledge gaps in training materials
- Improve workforce capabilities

WWW.NEHA.ORG/RETAILGRANTS/RPSS/NEEDS-ASSESSMENT
Understanding the Food Code
Background

What is the FDA Food Code?

- Model code and reference document
  - State, city, county and tribal agencies
  - Retail Food Establishments
  - Science based guidance for mitigating risk factors
- Used by all 50 states and 3 of 6 territories
- Updated every 4 years
- May have supplements published between Code Updates
Conference for Food Protection

- Government, industry, academia and consumer interests
- FDA encourages interested parties to raise issues and suggest solutions
Food Code
Organization

FC provisions address four major areas

Personnel
Chapter 2

Food
Chapter 3

Equipment/
facilities/supplies
Chapters 4, 5, 6
and 7

Compliance and
Enforcement
Chapter 8

Food Code Preface: Information to Assist the User
Chapter 6

Structural Nomenclature

- Chapter 6
- Part 6-1
- Subpart 6-101
- Section (§) 6-101.11
- Paragraph (¶) 6-101.11(A)
- Subparagraph 6-101.11(A)(1)
Information presented by principle rather than subject

<table>
<thead>
<tr>
<th>Equipment requirements are listed under headings:</th>
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<tbody>
<tr>
<td>• Materials</td>
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<tr>
<td>• Design and Construction</td>
</tr>
<tr>
<td>• Numbers and Capacities</td>
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<td>• Location and Installation</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Not by</th>
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</thead>
<tbody>
<tr>
<td>• Refrigerators</td>
</tr>
<tr>
<td>• Sinks</td>
</tr>
<tr>
<td>• Thermometers</td>
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</tbody>
</table>

Requirements need only be stated once, not repeated for each piece of equipment.
Internal cross referencing

Containing the word “under”

• Alert the reader to relevant information, and

• Provide a system by which each violation is recorded under the most appropriate provision

2-103.11 Person in Charge.
The PERSON IN CHARGE shall ensure that:
(L) CONSUMERS are notified that clean TABLEWARE is to be used when they return to self-service areas such as salad bars and buffets as specified under § 3-304.16; 

3-304.16 Using Clean Tableware for Second Portions and Refills.
(B) ....self-service CONSUMERS may not be allowed to use soiled TABLEWARE, including SINGLE-SERVICE ARTICLES, to obtain additional FOOD from the display and serving EQUIPMENT.
• Indicate the specific provisions of a separate document incorporated by reference of the Code; or
• Refers the reader to a nondebatable FC provision for further information or exception

Examples:

3-201.11 Compliance with Food Law.
– (C) PACKAGED FOOD shall be labeled as specified in LAW, including 21 CFR 101 FOOD Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under §§ 3-202.17 and 3-202.18.

3-202.18 Shellstock Identification.
– (2) Except as specified in ¶ (D) of this section, on each DEALER’S tag or label, the following information in the following order:
– (D) If the harvester’s tag or label is designed to accommodate each DEALER’s identification as specified under Subparagraphs (A)(2)(a) and (b) of this section, individual DEALER tags or labels need not be provided.
Nondebitable provisions are those:

- Ending in 2 digits after the decimal point and the last is a 0 (1-201.10)
- Ending in 3 digits after the decimal point and the last two are 0 (8-805.100)

3-403.10 Preparation for Immediate Service.

Cooked and refrigerated FOOD that is prepared for immediate service in response to an individual CONSUMER order, such as a roast beef sandwich au jus, may be served at any temperature.
Requirements in the Code are placed in one of three Categories of Importance

1. **Priority Item**
   A provision of the Code whose application 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.

2. **Priority Foundation Item**
   A provision in this Code whose application supports, facilitates or enables one or more PRIORITY ITEMS

3. **Core Item (Not Designated P or PF)**
   Usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.
Risk Factors

- Improper holding temperatures
- Inadequate cooking
- Contaminated equipment/Cross-contamination
- Food from unsafe sources
- Poor personal hygiene
Risk Factor: Poor Personal Hygiene

2-301.14 When to Wash.

FOOD EMPLOYEES shall clean their hands and exposed portions of their arms as specified under § 2-301.12 immediately before engaging in FOOD preparation including working with exposed FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES and:

(A) After touching bare human body parts other than clean hands and clean, exposed portions of arms;

(B) After using the toilet room;

(C) After caring for or handling SERVICE ANIMALS or aquatic animals as specified in ¶ 2-403.11(B),

(D) Except as specified in ¶ 2-401.11(B), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.

5-205.11 Using a Handwashing Sink.

(A) A HANDWASHING SINK shall be maintained so that it is accessible at all times for EMPLOYEE use.

(B) A HANDWASHING SINK may not be used for purposes other than handwashing.

6-301.14 Handwashing Signage.

A sign or poster that notifies FOOD EMPLOYEES to wash their hands shall be provided at all HANDWASHING SINKS used by FOOD EMPLOYEES and shall be clearly visible to FOOD EMPLOYEES.
Shall = imperative act/command
May not = absolute prohibition

2-301.15 Where to Wash

FOOD EMPLOYEES shall clean their hands in a HANDWASHING SINK or APPROVED automatic handwashing facility and may not clean their hands in a sink used for FOOD preparation or WAREWASHING, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.
**May** = permissive/act is allowed

2-401.11 Eating, Drinking, or Using Tobacco

(B) A FOOD EMPLOYEE may drink from a closed BEVERAGE container if the container is handled to prevent contamination of:

» (1) The EMPLOYEE'S hands;

» (2) The container; and

» (3) Exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

“Means” is followed by a declared fact

"aw" means water activity which is a measure of the free moisture in a FOOD, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature and is indicated by the symbol AW.
Food Code Annexes

1. Compliance and Enforcement
2. References
3. Public Health Reasons/Admin Guidelines
5. Conducting Risk Based Inspections
6. Food Processing Criteria
7. Model Forms, Guides and Other Aids
Writing Accurate Inspection Report Forms and Citing Violations Correctly
FDA 2017 Food Code Inspection Form
Guide 3-B, Annex 7

Instructions for marking the food establishment inspection report, including Food Code reference for risk-factors/interventions and GRPs
STEPS FOR ASSESSING CODE COMPLIANCE

1. Make accurate observations.
2. Ask open-ended questions.
3. Determine code critical limits (CLs).
4. Compare observations with CLs.
Documenting Violations

1. Write the violation observed, not the corrective action
2. Provide details i.e. what was observed, where was it observed
3. Document all measurements taken
4. Remember, if it isn’t documented then it didn’t happen!
What’s the violation, Risk Factor, Food Code Provision, and Corrective Action?
Unclean food contact surface

Contaminated equipment

4-601.11 Equipment, Food-contact surfaces, nonfood-contact surfaces, and utensils

Disassemble and have someone wash, rinse, and sanitize the slicer
Unlabeled chemicals

Cross Contamination

7-102.11 Common name

Ask an employee to label the containers
During a routine inspection, you discover a restaurant is acidifying sushi rice to make it non-TCS food.

You were not previously aware this activity was performed at this establishment.

You confirm no variance request was received or approved by your regulatory agency.

Lack of required variance
3-502.11 / 8-103.11
Cease acidification process until establishment obtains proper variance from the regulatory authority.
Eggrolls stored in a public hallway near public restroom

Improper Holding Temperature
3-501.16 Time/Temperature Control for Safety Food, Hot and Cold Holding

Other provisions noted based on this picture
3-305.11 Food Storage
6-201.11 Floor, Walls and Ceilings

Move to refrigerator unit and cover product
Blocked, unclean and in disrepair hand washing sink

Contaminated equipment, poor personal hygiene
- 5-202.11 (B) easily cleanable
- 5-205.11 Using a handwashing sink
- 6-201.16 Wall and ceiling coverings and coatings
- 6-101.11 Surface Characteristics

Move trash can and clean HWS
Moldy Garlic

Food from unsafe sources

3-101.11 Safe, Unadulterated, and Honestly Presented

3-701.11 Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food

Discard!
FD&C Act, Sec. 402
[21 U.S.C § 342 - Adulterated food]

• A **food** shall be deemed to be adulterated—
  • (a) **Poisonous, insanitary, etc., ingredients**
  • (1) If it bears or contains **any** poisonous or deleterious substance which may render it injurious to health; (but if not an added substance ok if quantity would not render it injurious).
  • (2)(A) if it bears or contains any **added** poisonous or added deleterious substance (other than a pesticide chemical residue, a food additive, a color additive, or a new animal drug) that is unsafe within the meaning of section 346 of this title; or (B) unless the pesticide levels, etc. are unsafe.
FD&C Act, Sec. 402
[21 U.S.C § 342 - Adulterated food]

- (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise unfit for food; or
- (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or may have been rendered injurious to health; or
- (5) if it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter; or
- (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
- (7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation.
FD&C Act, Sec. 402 [21 U.S.C § 342 - Adulterated food]

- **(b) Absence, Substitution, or Addition of Constituents**
  - (1) If any valuable constituent has been in whole or in part removed; or
  - (2) if any substance has been substituted wholly or in part; or
  - (3) if damage or inferiority has been concealed; or
  - (4) if any substance has been added or mixed or packed to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

- **(c) Color Additives**
  - If it is, or it bears or contains, a color additive which is unsafe within the meaning of section 379e(a) of this title.

- **(d) Confectionery Containing Alcohol or Nonnutritive Substance**

- **(e) Oleomargarine Containing Filthy, Putrid, Etc., Matter**

- **(f) Dietary Supplement or Ingredient: Safety**
Deeply scored cutting board

Contaminated equipment/Cross-Contamination

4-501.12 Cutting Surfaces

Replace cutting board with a new one or sand out grooves if feasible to do so
Chicken Cacciatore

Improper holding temperatures

3-501.14 Cooling

3-501.15 Cooling methods

3-501.16 TCS Hot and Cold Holding

Discard chicken
Shrimp thawing overnight in 3-bay sink

Improper holding temperatures
3-501.16 TCS food hot and cold holding

Discard
Exposed desserts under frozen condensate

Cross Contamination

3-307.11 Miscellaneous Sources of Contamination

Discard exposed food that may be contaminated
Improper storage of foods

Cross contamination

3-302.11 Packaged and Unpackaged Food-Separation, Packaging, and Segregation

Rearrange foods to proper location. Possibly discard foods that may have become contaminated.