

2022 Yankee Conference

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

Tom Nerney, Retail Food Specialist

Christine Applewhite, Retail Food Specialist

September 2022



Plymouth, MA

Retail Flexible Funding Model Grant Information



Meeting the Retail Program Standards

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



Home


Groups

Meetings

Apps

Calendar

Messages 275


 Support

Groups


My Groups Access Requests 1

My Groups

Top Visited Groups



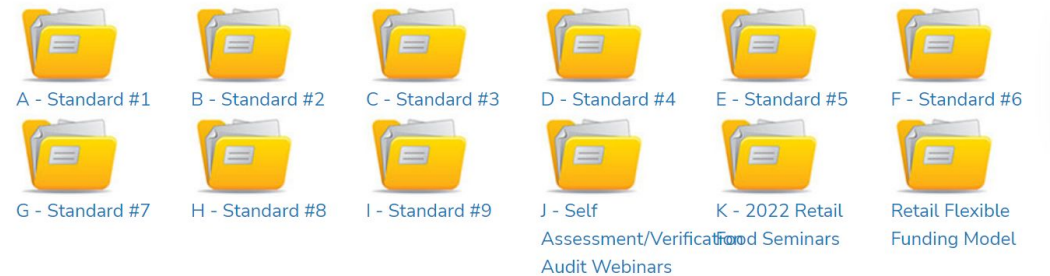
Retail Food Program Standards Resource Center



FoodSHIELD

*****SEMINAR ANNOUNCEMENT** - Want more information on the upcoming 2022 FDA Retail Food Protection Seminar? Click [HERE](#).

Folders:



Foodshield.org

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



Your
Logo



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

Your
Logo



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

Your
Logo



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



SCAN ME

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
- <https://www.fda.gov/food/fda-food-code/food-code-2017>

Food Code

U.S. Public Health Service



2017

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service • Food and Drug Administration

College Park, MD 20740

Food Code 2017 (PDF: 5.65 MB)

Summary of Changes in the Food Code 2017

Supplement to the Food Code 2017 (PDF: 500KB)

Conference for Food Protection

- Government, industry, academia and consumer interests
- 3 Councils: 1 – Laws & regs., 2 – admin, ed., cert., 3- science & tech.
- FDA encourages interested parties to raise issues and suggest solutions



Food Code Organization

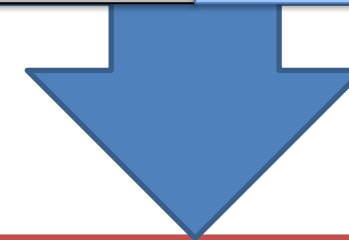
FC provisions address four major areas

**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)

Chapter	
6	Physical Facilities
Parts	
6-1	MATERIALS FOR CONSTRUCTION AND REPAIR
6-2	DESIGN, CONSTRUCTION, AND INSTALLATION
6-3	NUMBERS AND CAPACITIES
6-4	LOCATION AND PLACEMENT
6-5	MAINTENANCE AND OPERATION
6-1 MATERIALS FOR CONSTRUCTION AND REPAIR	
Subparts	
6-101	Indoor Areas
6-102	Outdoor Areas
Indoor Areas	
6-101.11	Surface Characteristics.
(A) Except as specified in ¶ (B) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:	
(1) SMOOTH, durable, and EASILY CLEANABLE for areas where FOOD ESTABLISHMENT operations are conducted;	
(2) Closely woven and EASILY CLEANABLE carpet for carpeted areas; and	
(3) Nonabsorbent for areas subject to moisture such as FOOD preparation areas, walk-in refrigerators, WAREWASHING areas, toilet rooms, mobile FOOD ESTABLISHMENT SERVICING AREAS, and areas subject to flushing or spray cleaning methods.	
(B) In a TEMPORARY FOOD ESTABLISHMENT:	

Information presented by principle rather than subject

Equipment requirements are listed under headings:

- Materials
- Design and Construction
- Numbers and Capacities
- Location and Installation

Not by

- Refrigerators
- Sinks
- Thermometers

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; ^{Pf}

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.

Internal Cross Referencing

Contains the word “in”

- 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. ^{PF}

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: ^{PF}
- (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.*

○ ○ ○ ○ ○ ○	KEEP REFRIGERATED	PROCESSOR NAME	Cert. No.	○ ○ ○ ○ ○ ○	
		Address			
		City, State Zip Code			
		HARVEST DATE:			
		HARVESTED IN: (STATE)			
		HARVEST LOCATION:			
○ ○ ○ ○ ○ ○	PERISHABLE	TYPE OF SHELLFISH:		○ ○ ○ ○ ○ ○	
		QUANTITY OF SHELLFISH:			
		THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS.			
		TO:	RESHIPPER'S CERT. No.		DATES RESHIPPED

RETAILERS, INFORM YOUR CUSTOMERS
Thoroughly cooking to order, such as beef, eggs, fish, poultry, or shellfish, reduces the risk of foodborne illness. Individuals with certain health conditions are at greater risk of severe foodborne illness. To understand, consult your physician or public health official for further information.

Are all Code provisions debitable?

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^P**

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^{PF}**

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-contaminatio
n



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^P and:

- (A) After touching bare human body parts other than clean hands and clean, exposed portions of arms;^P
- (B) After using the toilet room;^P
- (C) After caring for or handling SERVICE ANIMALS or aquatic animals as specified in ¶ 2-403.11(B);^P
- (D) Except as specified in ¶ 2-401.11(B), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;^P



Poor personal
hygiene

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.^{Pf}
- (B) A HANDWASHING SINK may not be used for purposes other than handwashing.^{Pf}

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.

Food Code Conventions

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. ^{Pf}

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

4. Management of
Food Safety Practices
– Achieving AMC of
FBI Risk Factors

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

Food Establishment Inspection Report										Page ____ of ____	
As Governed by State Code Section XXX.XXX				No. of Risk Factor/Intervention Violations				Date			
Do Good County				No. of Repeat Risk Factor/Intervention Violations				Time In			
12344 Any Street, Our Town, State 11111				Score (optional)				Time Out			
Establishment		Address		City/State		Zip Code		Telephone			
License/Permit #		Permit Holder		Purpose of Inspection		Est. Type		Risk Category			
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS											
Circle designated compliance status (IN, OUT, N/A) for each numbered item											
IN=in compliance OUT=not in compliance N/A=not applicable N/A=not applicable											
COS=corrected on-site during inspection R=repeat violation											
Compliance Status											
Supervision											
1 IN OUT Person in charge present, demonstrates knowledge, and performs duties											
2 IN OUT N/A Certified Food Protection Manager											
Employee Health											
3 IN OUT Management, food employee and conditional employee; knowledge, responsibilities and reporting											
4 IN OUT Proper use of restriction and exclusion											
5 IN OUT Procedures for responding to vomiting and diarrheal events											
Good Hygienic Practices											
6 IN OUT N/A Proper eating, tasting, drinking, or tobacco use											
7 IN OUT N/A No discharge from eyes, nose, and mouth											
Preventing Contamination by Hands											
8 IN OUT N/A Hands clean & properly washed											
9 IN OUT N/A N/A No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed											
10 IN OUT Adequate handwashing sinks properly supplied and accessible											
Approved Source											
11 IN OUT Food obtained from approved source											
12 IN OUT N/A N/A Food received at proper temperature											
13 IN OUT Food in good condition, safe, & unadulterated											
14 IN OUT N/A N/A Required records available: shellstock tags, parasite destruction											
Protection from Contamination											
15 IN OUT N/A N/A Food separated and protected											
16 IN OUT N/A Food-contact surfaces: cleaned & sanitized											
GOOD RETAIL PRACTICES											
Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.											
Mark "X" in box if numbered item is not in compliance Mark "X" in appropriate box for COS and/or R COS=corrected on-site during inspection R=repeat violation											
Safe Food and Water											
30 Pasteurized eggs used where required											
31 Water & ice from approved source											
32 Variance obtained for specialized processing methods											
Food Temperature Control											
33 Proper cooling methods used; adequate equipment for temperature control											
34 Plant food properly cooked for hot holding											
35 Approved thawing methods used											
36 Thermometers provided & accurate											
Food Identification											
37 Food properly labeled; original container											
Prevention of Food Contamination											
38 Insects, rodents, & animals not present											
39 Contamination prevented during food preparation, storage & display											
40 Personal cleanliness											
41 Wiping cloths: properly used & stored											
42 Washing fruits & vegetables											
Proper Use of Utensils											
43 In-use utensils: properly stored											
44 Utensils, equipment & linens: properly stored, dried, & handled											
45 Single-use/single-service articles: properly stored & used											
46 Gloves used properly											
Utensils, Equipment and Vending											
47 Food & non-food contact surfaces cleanable, properly designed, constructed, & used											
48 Warewashing facilities: installed, maintained, & used, test strips											
49 Non-food contact surfaces clean											
Physical Facilities											
50 Hot & cold water available; adequate pressure											
51 Plumbing installed; proper backflow devices											
52 Sewage & waste water properly disposed											
53 Toilet facilities: properly constructed, supplied, & cleaned											
54 Garbage & refuse properly disposed; facilities maintained											
55 Physical facilities installed, maintained, & clean											
56 Adequate ventilation & lighting; designated areas used											
Risk factors are important practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public health interventions are control measures to prevent foodborne illness or injury.											
Person in Charge (Signature)										Date:	
Inspector (Signature)										Follow-up: YES NO (Circle one) Follow-up Date:	

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





Lack of pH variance

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





°F

174.9

Thermocouple
Thermometer

LIGHT

HOLD

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.