

#### 2022 Yankee Conference

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

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September 2022

Plymouth, MA

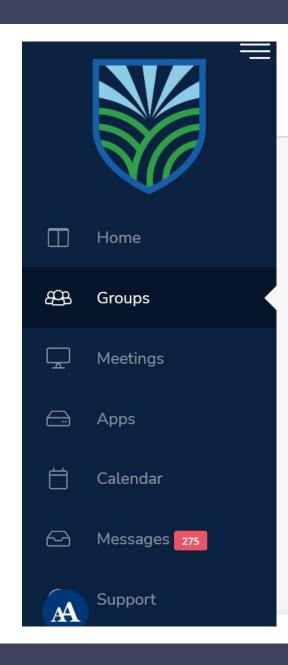


Retail Flexible
Funding Model
Grant Information



# Meeting the Retail Program Standards

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



#### 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:



















I - Standard #9



**Audit Webinars** 

J - Self K - 2022 Retail Assessment/VerificatFood Seminars



Retail Flexible **Funding Model** 

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







## 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 jurisidiction-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











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/foo d-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



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

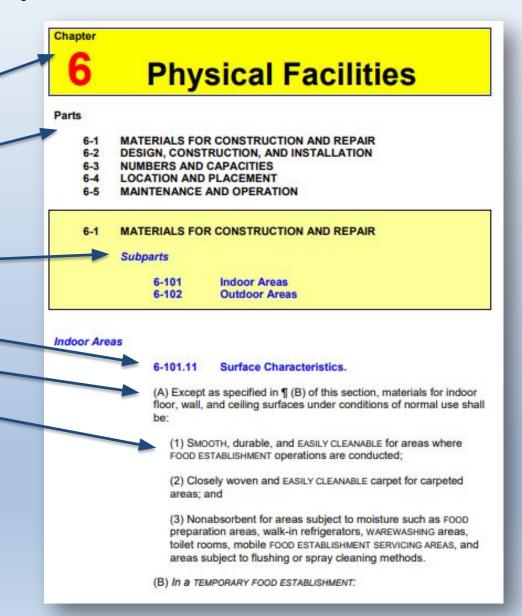


#### Chapter 6



#### **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

#### 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

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#### 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.

#### 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.



#### 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<sup>P</sup> 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.  $^{\rm Pf}$

#### 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 ofFood Safety Practices– Achieving AMC ofFBI 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



#### FORM 3-A

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#### 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



- Make accurate observations.
- Ask open-ended questions.
- Determine code critical limits (CLs).
- Compare observations with CLs.



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#### **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















### 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 <u>food</u> shall be deemed to be adulterated—
  - (a) Poisonous, insanitary, etc., ingredients
  - (1) If it bears or contains <u>any</u> 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 <u>diseased animal</u> or of an animal which has <u>died otherwise than</u> 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



Contaminated equipment/Cross-Contamin ation

4-501.12 Cutting Surfaces

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





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.