

# 2013 Food Code Update

## Understanding the New Food Code



September 2019

Belmont, MA

617-993-2720

Belmont Health Department



# Belmont Health Department

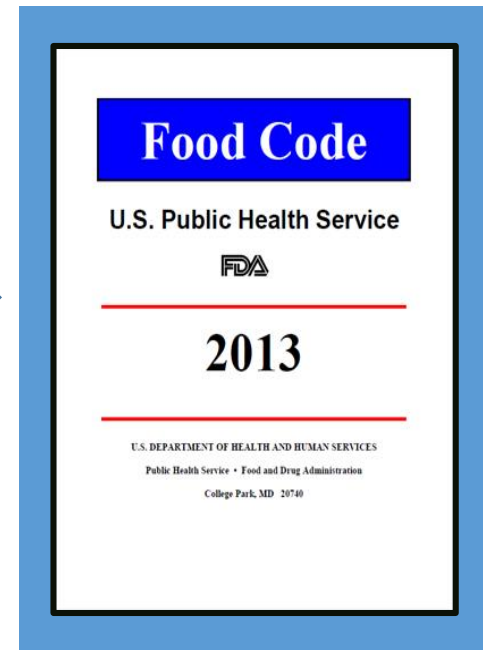
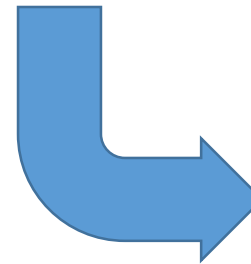
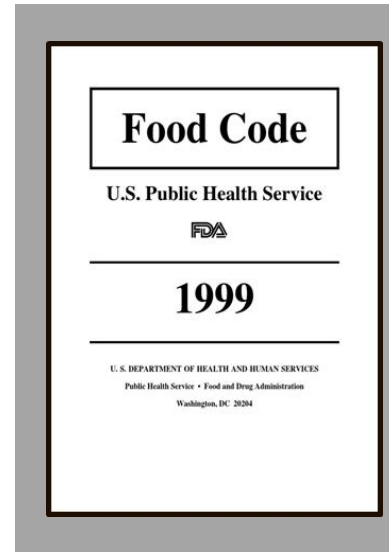
## Introduction and Objectives

### **Review the significant changes in the MA Food Code**

- Definitions and Terminology
- Management and Personnel
- New or changed requirements for food, equipment, and procedures
- Inspection form features and inspection approaches
- Review

# Massachusetts Food Code

- On September 12, 2018, the Massachusetts Department of Public Health amended *105 CMR 590.00: State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments* to include sections of the 2013 FDA Food Code, with amendments made by FDA in 2015.
- The amendments to 105 CMR 590.000 were published in the Massachusetts register on October 5, 2018 and became effective upon publication.





# Belmont Health Department

## Definitions and Terminology

# Time/Temperature Control for Safety Foods (TCS)

**Foods that require cold holding or hot holding during storage and display**



1999

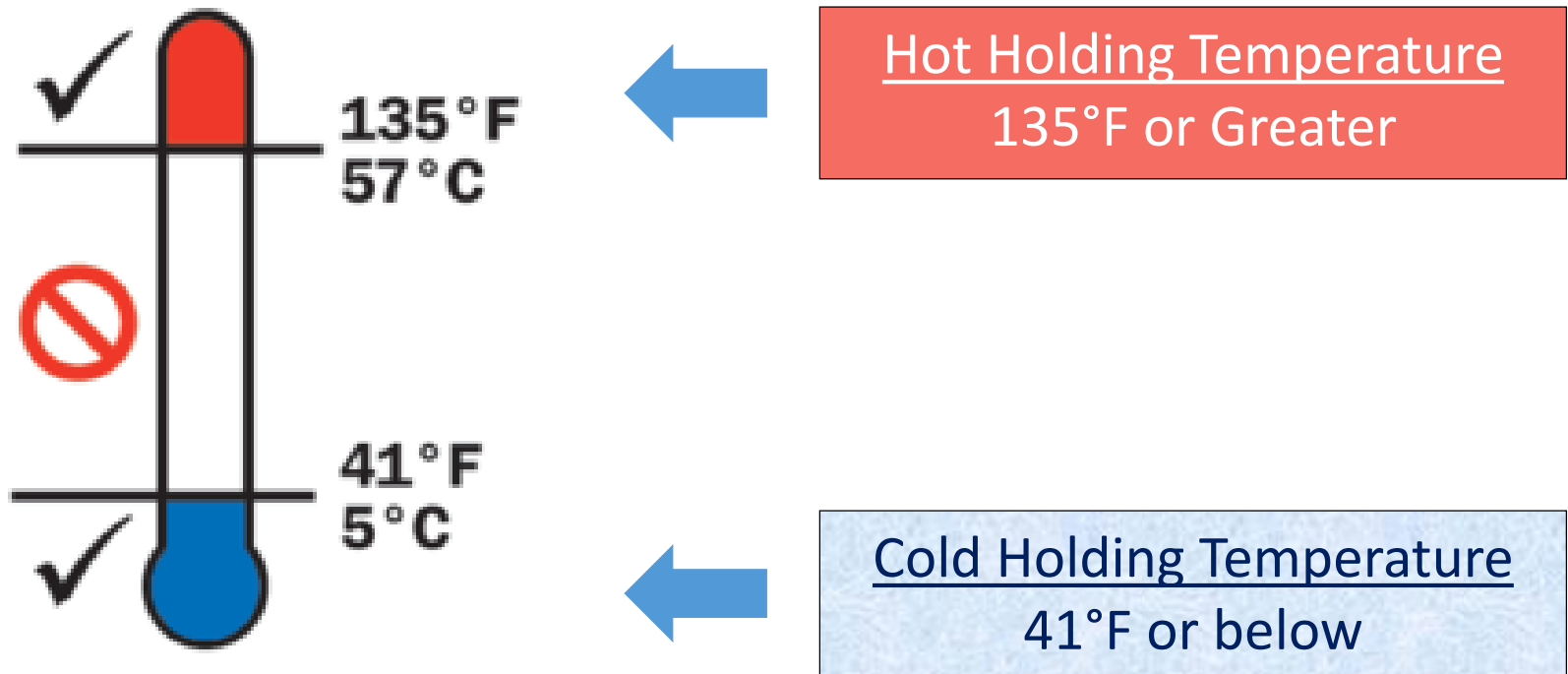
Potentially Hazardous  
Foods “PHFs”



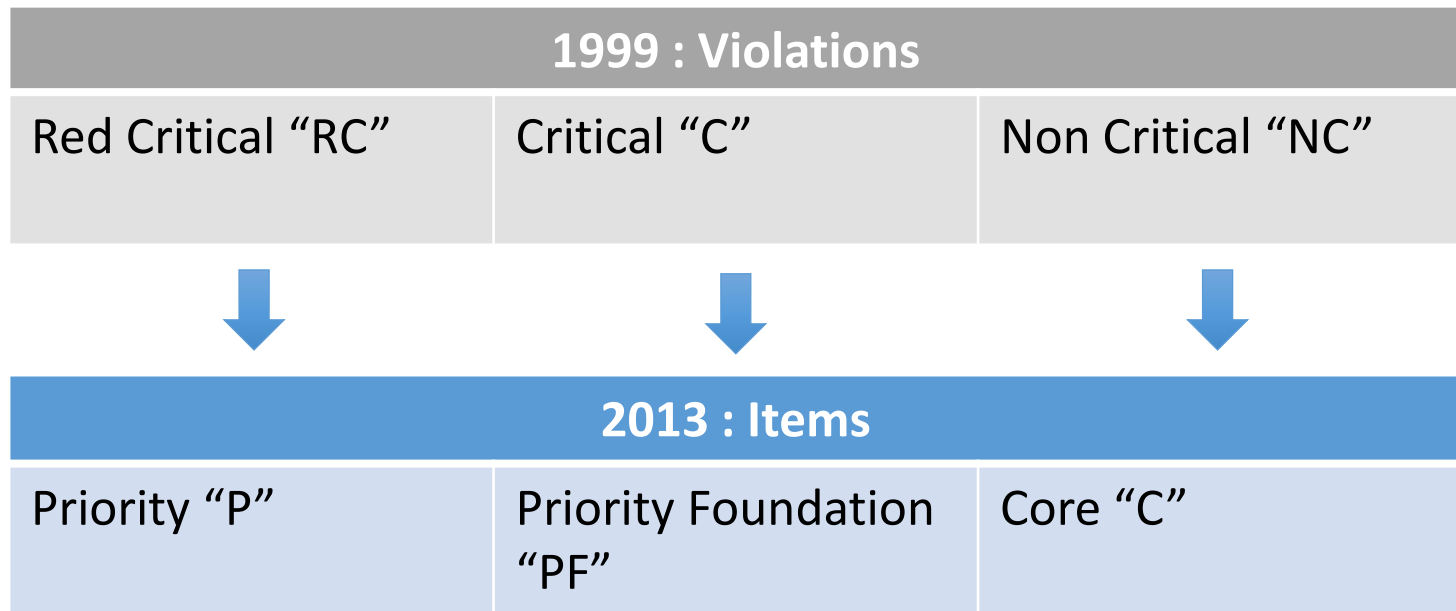
2013

**Time/Temperature Control for  
Safety Foods  
“TCS Foods”**  
**Now includes “cut leafy greens”  
and cut tomatoes**

# Temperature Danger Zone



# New Risk Designations



# 2013 Risk Designations

		Definition	Example	Time
P	Priority Item	Contributes directly to the elimination, prevention or reduction to an acceptable level of hazards associated with foodborne illness or injury.	<u>590.002 FC 2-301.12</u> <u>Cleaning Procedure</u> Observation: Employees not washing hands properly.	Immediate or within 72 hours
Pf	Priority Foundation Item	Supports, facilitates or enables Priority items. Requires specific actions, equipment or procedures for Managers to control risk factors.	<u>590.006 FC 6-301.11</u> <u>Handwashing</u> <u>Cleanser, Availability</u> Observation: No soap available at the handwashing sink.	Within 10 days
C	Core Item	Relates to general sanitation, operational controls, SOPs, facility structure, equipment design and general maintenance.	<u>590.000; FC 6-301.14</u> <u>Handwashing Signage</u> Observation: There is no sign indicating that the sink is a hand wash sink only.	Within 90 days



# Risk Factors and Risk Based Inspections

- The United States Center for Disease Control (CDC) has identified 5 major risk factors that contribute to food borne illness outbreaks.
- Risk Based Inspections focus and prioritize these 5 broad categories of “risk factors”, rather than other violations of the food code that are less likely to lead to illness.

## 5 Major Risk Factors

1. Improper holding temperatures
2. Inadequate cooking
3. Poor personal hygiene
4. Contaminated equipment/cross contamination
5. Food from unsafe sources

# Active Managerial Control



FOOD SAFETY REMINDER: Frequent monitoring is a critical part of Active Managerial Control. Monitoring helps you identify sources of contamination before someone gets hurt.

StateFoodSafety  
Food Safety Training & Certification

Purposeful incorporation of specific actions or procedures by industry management into the operation of their business to attain control over foodborne illness risk factors.



# Belmont Health Department

## Management and Personnel

# Overview - Person in Charge (PIC)

## **Not new, but important!**

- Assigned and present during all operating hours.
- Knowledgeable of duties
- Responsible for **direct supervision and management** of food preparation and service

Belmont requires a PIC who is Certified Food Protection Manager on duty at all times a food establishment is open.

## 2-102.11 Person in Charge – Demonstration/Knowledge (Pf)

- (A) Complying with this Code by having no violations of PRIORITY ITEMS during the current inspection
- (B) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM
- (C) Responding correctly to the inspector's questions as they relate to the specific FOOD operation
  - **(C) (9)** Describing foods identified as major allergens and the symptoms that a major food allergy could cause in a sensitive individual who has an allergic reaction.

## 2-103.11 Person in Charge – Duties (Pf)

**The Person in Charge (PIC) shall ensure that:**

- (F) Employees are verifying that FOODS delivered during **non-operating** hours are from approved sources, placed into appropriate storage locations, temperatures maintained, protected from contamination and unadulterated
- (I) Employees are properly maintaining food temperatures during hot and cold holding. *(use calibrated food thermometer to check temperatures)*
- (M) Employees are preventing cross-contamination of Ready-to-eat food with bare hands by properly using suitable utensils
- (O) Requires verified method for employees to report illness and relative health status. (see “Employee Reporting Agreement)
- (P) Written procedures and plans, where specified by this Code and as developed by the food establishment, are maintained and implemented as required.

## 2-201.20 Prevention of Foodborne Cases of Viral Gastroenteritis (P)

This is a completely new section of 105 CMR 590:

Food handlers who test positive for Norwalk virus, Norwalk-like virus, norovirus, or any other calicivirus shall be excluded from handling duties for either 72 hours past the resolution of symptoms, or 72 hours past the date the positive specimen was provided, whichever occurs last.

In outbreak circumstances consistent with Norwalk virus, Norwalk-like virus, or any other calicivirus infection, affecting patrons or food handlers, food handling facility employees may be required to provide stool specimens for testing.

## 2-201.13 Removal of Exclusion & Restriction (P)

Employee diagnosed with Norovirus may return to work:

- With Doctors note or...
- After symptoms of vomiting or diarrhea resolved, and more than 72 hours have passed since the employee became asymptomatic.





# 2-501.11 Clean-up of Vomit & Diarrhea (Pf)

- Establishment must have procedure and kit in place for clean up of vomiting and diarrheal events.
- ***Provide instructions and train staff on clean-up procedures.***



## VOMIT AND DIARRHEA CLEAN-UP PROCEDURE FOR

\_\_\_\_\_  
(Name of Establishment)

\_\_\_\_\_  
(Address)

### WHY DO WE HAVE THIS PROCEDURE?

Vomiting and diarrhea can be symptoms of several very contagious diseases and it is the responsibility of food service management to protect both employees and customers from transmission of these diseases. The most important ways of accomplishing this task are:

- 1) ensure that employees understand the importance of frequent handwashing and that they know where and how to wash their hands;
- 2) ensure that employees understand their responsibility to report all disease symptoms, such as vomiting, diarrhea, jaundice, fever and sore throat; diagnosis of diseases; and exposure to others who are sick to the Person in Charge;
- 3) ensure that employees are trained and do not handle food that is ready to eat with their bare hands;
- 4) ensure that employees understand the importance of following all regular cleaning and sanitizing procedures on a daily basis and special cleaning and sanitizing procedures such as this one.

New employees will be trained in all of the above-mentioned procedures within the first week of hiring. Reminder trainings will be done for all food service staff on an **ANNUAL** basis.

### VOMIT/DIARRHEA CLEAN-UP KIT

A vomit/diarrhea clean-up kit is stored in a labeled bin in \_\_\_\_\_



# Belmont Health Department

## Food, Equipment, and Procedures

### 3-203.12 Shellstock Tags (Pf)

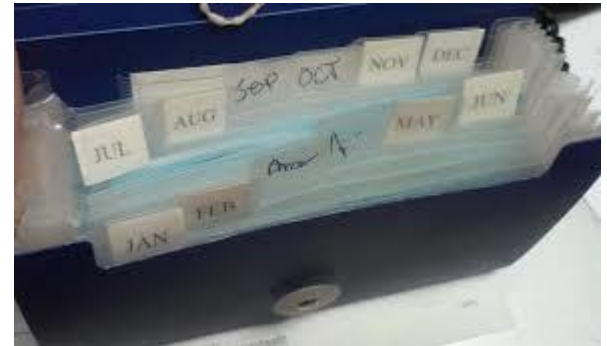


The date when the last shellstock from the container is sold or served shall be recorded on the tag or label.

# 3-203.12 Shellstock Tags (Pf)

**If shellstock are removed from its tagged or labeled container:**

- Preserve source identification by using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label (last sold/served date). Tags must be kept for 90 days after sold by date on tag.
- Ensuring that shellstock from one tagged or labeled container are not commingled with shellstock from another container with different certification numbers; different harvest dates; or different growing areas as identified on the tag or label before being ordered by the consumer.



# 3-401.11(D)(2) Raw Animal Foods - Cooking - Children's Menu (Pf)

- Ground meat – must be fully cooked on children's menu
- All other undercooked foods are allowed with a consumer advisory.



### 3-202.110 Juice Treated (HSP) (P, Pf)

For juice sold/served at an establishment that is purchased or sourced **prepackaged**, the following the requirements must be met.

The prepackaged juice must be:

- Pasteurized or otherwise treated to attain a 5-logreduction of the most resistant microorganism of public health significance.
- Obtained from a processor with a HACCP system.



*If you make fresh juice...*

## 3-404.11 Treating Juices (P)

**Packaged** juice shall be:

- Treated under a HACCP plan to attain a 5-log reduction of most resistant microorganism of public health significance
- Labeled if not treated to attain 5-log reduction





*If you purchase ROP frozen fish...*

### 3-501.13(e) Thawing ROP Fish (core)

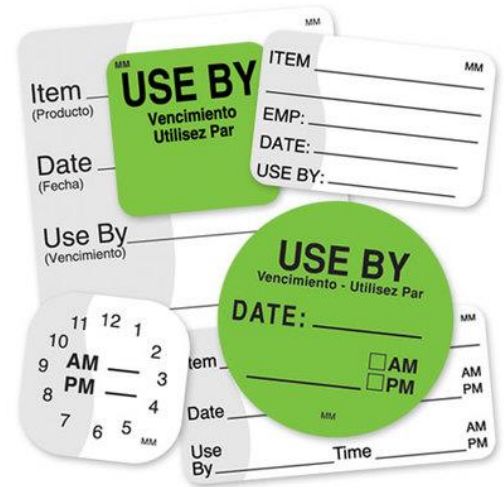
- Refrigeration Method - remove from package prior to thawing in refrigerator.
- Running Water or Microwave Method - remove from package before or immediately after thawing.





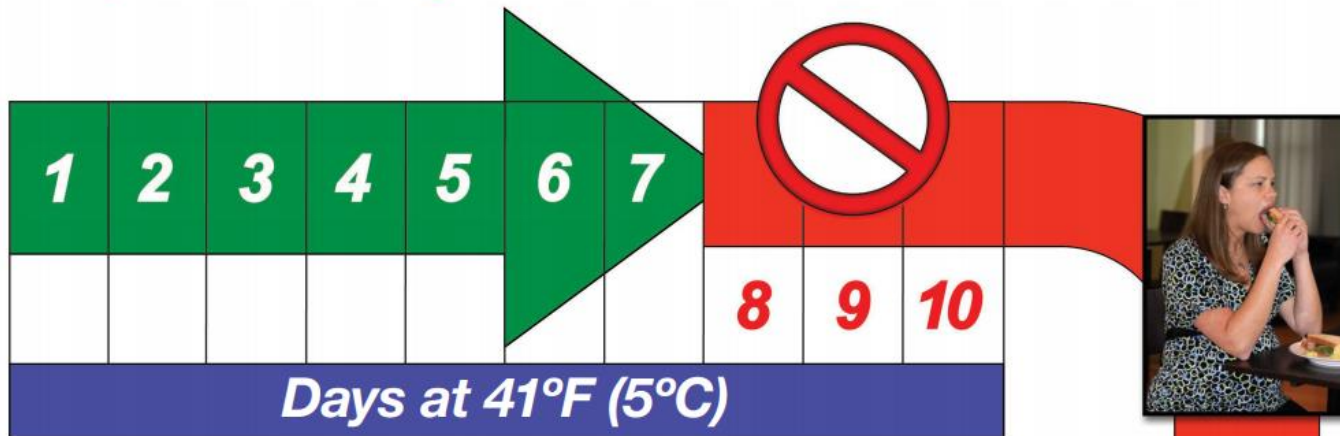
# 3-501.17 Date Marking Foods (Pf)

- Prepared and commercially prepackaged TCS foods held for more than 24 hours require a **USE-BY Date**.
- Maximum of 7 days refrigerated storage
- Day 1 is preparation date
- Cannot exceed manufacturer's date!



# 3-501.17 Date Marking Foods (Pf)

**Keeping prepared foods longer than  
7 days can make your customers sick!**



**Protect People Everywhere.**

**Serve or discard  
refrigerated, prepared  
food within 7 days!**



## 3-501.18 Disposition (P)

### **Food must be discarded if:**

- In a container or package that is not dated.
- The label exceeds the date to be consumed by date.

**If your food is not labeled, it will have to be thrown away!**



# 3-401.14 Non-Continuous Cooking of Raw Animal Foods (P, Pf)

Non-continuous cooking means raw animal food is intentionally cooked to a temperature **below the minimum required temperature** during the first cook/heat and then **cooled**. The cooking process is completed at a later date or time during the second cook.

- ***Requires prior approval*** from Health Department. Submit written procedure.
- Written Procedure to include:
  - ➡ How requirements will be monitored and documented.
  - ➡ What corrective actions will be taken when requirements are not met

# 3.501.19(b) Time as a Public Health Control (P, Pf)

**Hot or Cold Foods** may be held at room temperature for 4 hours.

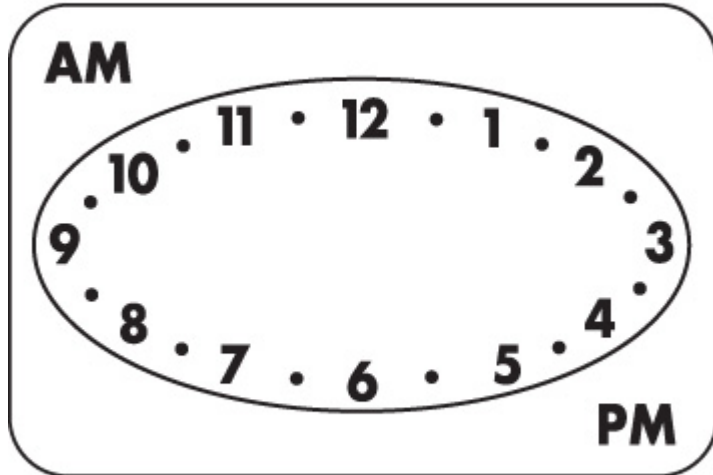
- Food is 41°F or 135°F at start (P)
- Foods marked with time removed from temperature controls & discard time not to exceed 4 hours.(Pf)
- Discard Food - in unmarked containers, or marked to exceed 4 hours. (P)

**Cold Foods** may be held at room temperature for 6 hours.

- Food is 41°F at start (P)
- **Monitor to ensure food does not exceed 70°F within 6 hour holding. (Pf)**
- Foods marked with time removed from temperature controls & discard time (Pf)
- Discard Food - in unmarked containers, or marked to exceed 6 hours, or above 70°F. (P)

# Time as Public Health Control - Monitoring Methods

- Log
- Label
- Wax Pencil



Item:	_____	
Pull/Prep:	_____	am pm
	Date/Time	
Discard:	_____	am pm
	Date/Time	
Initials:	_____	

# 3-502.11 Special Processes (Pf)

Variance needed:

1. Smoking as means of preserving
2. Curing
3. Acidification -render food non TCS
4. Packaging TCS foods using reduced oxygen packaging
5. Raw sprouts production
6. Custom processing animals for personal use
7. Molluscan shellfish tank (mussels, clams, oysters, scallops, abalone)
8. Preparing food by other means that is determined by the regulatory authority to require a variance.





# 3-801.11 Foods for Highly Susceptible Population (HSP) (P)

- Prepackaged unpasteurized juice is not allowed.
- Fresh made juice (by the glass) for service or sale requires HACCP.
- Time as Public Health Control (TPHC) cannot be used for raw eggs.





# 4-302.13 Temperature Measuring Devices (Pf)

## Mechanical Warewashing- Dishwasher

An irreversible registering temperature indicator shall be provided and readily accessible for measuring the utensil surface temperature.

- Final rinse temperature for hot water sanitizing - 180°F (or 165°F for stationary rack, single temp).



## Manual Warewashing- 3 Bay Sink

A thermometer shall be readily accessible to monitor wash and sanitizing water temperatures.

- Wash Water – 110°F minimum
- Sanitizing Water – per manufacturer's instructions





# Belmont Health Department

## Inspection forms and approaches

# New Food Inspection Forms

Inspectors will indicate a notation for each risk factor or intervention on the inspection form.

## Sample Inspection Form

Food Establishment Inspection Report – Town of Belmont		Phone: 617-993-2720	
Establishment:	Date: _____ Page 1 of _____		
Address:	Time in: _____ Time out: _____		
Telephone: _____	Permit No.: _____	Number of Violated Provisions Related to Foodborne Illness Risk Factors and Interventions (Items 1 through 29):	
Owner:		Number of Repeat Violations Related to Foodborne Illness Risk Factors and Interventions (Items 1 through 29):	
Person-in-charge:			
Inspector:			
<b>FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS</b>			
IN = in compliance OUT = out of compliance N/O = not observed N/A = not applicable COS = corrected on-site during inspection			
Compliance Status		Compliance Status	
IN OUT N/A N/O COS R		IN OUT N/A N/O COS R	
<b>Supervision</b>			
1	Person-in-charge present, demonstrates knowledge, and performs duties		
2	Certified Food Protection Manager		
<b>Employee Health</b>			
3	Management, food employee and conditional employee; knowledge, responsibilities and reporting		
4	Proper use of restriction and exclusion		
<b>Protection from Contamination</b>			
15	Food separated and protected		
16	Food-contact surfaces; cleaned & sanitized		
17	Proper disposition of returned, previously served, reconditioned & unsafe food		
<b>Time/Temperature Control for Safety</b>			
18	Proper cooking time & temperatures		
	Proper reheating procedures for hot		

IN In compliance  
OUT Out of compliance  
NA Not applicable  
NO Not observed  
COS Corrected on site  
R Repeat violation

Inspectors are to verify “Priority Item” (P) violations are corrected during the inspection if possible

# 2013 Risk Designations

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# Sample Notice

Per the Food Code, a copy of the most recent  
establishment inspection report  
is available upon request.

*\*\*Post in conspicuous location. Print is large  
enough for customer to read.*



# Belmont Health Department

## Review and Active Managerial Control

# Required Tools and Processes

- Inspection report notice
- Method for date marking
- Vomit and Diarrheal Clean-up kit and procedures
- Irreversible registering temperature indicator for mechanical warewashers
- Verifiable employee illness agreement
- Shellstock tag marking/storage



# Active Managerial Control

## **Be Proactive!**

Priority and priority foundations are to be corrected during the inspection and documented on the report form.

## **Train your Person in Charge (PIC)!**

## **Monitor as often as needed in your establishment!**

- Food Temperatures
- Sanitizer concentrations and water temperatures
- Wash water temperature
- Review your food processes.
- Review past inspection reports - most common violations?
- What procedures or training will result in better control and fewer violations?



ANY  
QUESTIONS  
?

***Thank you for your time!***

***Please contact the Health Department  
with your questions.***

**617-993-2720**

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