

# UPDATES TO THE FOOD CODE



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**Foxborough Board of Health**  
March 11, 2019



## OBJECTIVES

- To inform operators about major changes and updates to the state food code.
- Provide resources related to those changes.

## GOALS

- Operators will be better informed regarding new requirements and changes.
- Establishments are provided with resources to help maintain safe and compliant operations.



## LINKS

- [Foxborough Board of Health](http://www.foxboroughma.gov/Pages/FoxboroughMA_Health/index)
  - [2013 Food Code Information](http://www.foxboroughma.gov/Pages/FoxboroughMA_Health/index)
  - This Presentation
- [Massachusetts DPH](https://www.mass.gov/lists/retail-food)



**1-102.10** “THE PURPOSE OF THIS CODE IS TO SAFEGUARD PUBLIC HEALTH AND PROVIDE TO CONSUMERS FOOD THAT IS SAFE, UNADULTERATED, AND HONESTLY PRESENTED.”

COPY OF FOOD CODE  
AVAILABLE ON SITE

- 105 CMR 590.000
- 2013 FDA Food Code with 2015 Amendments
- Merged Food Code and Digital access are acceptable



## RISK BASED FOCUS

The updated code is science based and focuses on risk factors of foodborne illness.

The goal is to prevent or limit those risks.

This presentation is intended to be a summary of many of the changes and additions to the food code and does not cover all changes.



## RISK FACTORS FOR FOODBORNE ILLNESS

Foxborough has already implemented risk based inspections

- Food from unapproved sources
- Inadequate cooking temperatures
- Improper holding temperatures
- Contaminated equipment
- Poor personal hygiene



## **NEW TERMINOLOGY AND DEFINITIONS**

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**Foods previously known as PHFs,  
Now called TCS foods**

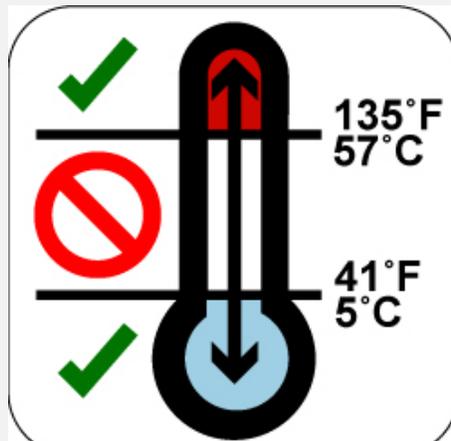
**Time/Temperature Control for Safety**

TCS foods also include:

Cut leafy greens and cut tomatoes.

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NEW DANGER ZONE - 41° TO 135° F



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## Violations

Critical Violations are now  
**Priority** and **Priority Foundation**

Non-Critical Violations are now **Core**

**Priority (P):**

Contributes directly to the elimination, prevention or reduction to an acceptable level of hazards associated with foodborne illness or injury.

**Priority Foundation (Pf):**

Supports, facilitates or enables Priority items. Requires specific actions, equipment or procedures for Managers to control risk factors.

**Core:**

Relates to general sanitation, operational controls, SOPs, facility structure, equipment design and general maintenance.

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**Priority**

Example: 4-501.111<sup>P</sup>: Bar dishwasher sanitizing rinse registers less than the required 50ppm.

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## Priority Foundation

Example: 4-302.13<sup>Pf</sup>: PIC could not produce an irreversible temperature measuring indicator for use at the “high temp” dishwasher. (New)

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## Core

Example: 4-601.11: Glass rack at Bar dishwasher observed to have a build up of food debris and grime.

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**TIME TO CORRECT**  
COS IF POSSIBLE - 8-405.11(A)

<b>Priority</b> Up to 72 hours 8-405.11(B)	<b>Priority Foundation</b> Up to 10 days 8-405.11(B)	<b>Core</b> Up to 90 days 8-406.11
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**CHAPTER 2 -  
MANAGEMENT AND PERSONNEL**

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## LOOKING FOR: ACTIVE MANAGERIAL CONTROL

Active Managerial Control is about managing risk factors through **SPECIFIC ACTIONS**

**This is achieved by:**

- **Identifying Risks**
- **Creating Specifications**
  - **Training**



## Person In Charge: Duties 2-103.11<sup>Pf</sup>

**The PIC shall ensure:**

- Operations are not conducted in a home;
- Unnecessary persons are kept out of food prep, storage or dishwashing areas;
- Persons entering food prep, storage and ware washing areas comply with code;
- Employees are effectively cleaning their hands by monitoring hand washing;
- Employees are visibly observing foods at receiving for risk factors;
- Foods received during non-operating hours are properly handled;
- Employees are properly cooking TCS foods and using a calibrated thermometer;
- Employees are using proper cooling methods to rapidly cool TCS foods;
- Employees are properly maintaining hot and cold holding temperatures;



## Person In Charge: Duties 2-103.11<sup>Pf</sup>

### The PIC shall ensure (continued):

- The Consumer Advisory is in place;
- Proper sanitizing is occurring;
- Consumers are notified to use clean table ware when returning to self-service areas;
- No bare hand contact is occurring with RTE foods;
- Staff is trained in food safety, including allergen awareness;
- Employees are informed of their responsibilities related to illness reporting;
- Written procedures and plans are implemented.

### DUTIES OF THE "PERSON IN CHARGE or "PIC" 2-103.11 and 590.002(D) Person in Charge

*(All PIC duties are Priority Foundation Items.)*

The Person in charge shall ensure that:

- A) Food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under Section 6-202.111;
- B) Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or ware-washing areas, except that brief visits and tours may be authorized by the PIC if steps are taken to ensure that exposed food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles are protected from contamination;
- C) Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and ware-washing areas comply with this Code;
- D) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
- E) Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;
- F) Employees are verifying that foods delivered to the food establishment during non-operating hours are from approved sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unadulterated, and accurately presented;
- G) Employees are properly cooking time/temperature control for safety food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under Section 4-203.11 and 5-502.11(B);
- H) Employees are using proper methods to rapidly cool time/temperature control for safety foods that are not held hot or are not for consumption within 4 hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;

I) Employees are properly maintaining the temperatures of time/temperature control for safety foods during hot and cold holding through daily oversight of the employees' routine monitoring of food temperatures;

J) Consumers who order raw, or partially cooked ready-to-eat foods of animal origin, are informed as specified under Section 3-603.11 that the food is not cooked sufficiently to ensure its safety;

K) Employees are properly sanitizing clean multiuse equipment and utensils before they are re-used, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;

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 Section 3-304.16;

M) Except when approval is obtained from the regulatory authority as specified in Section 3-301.11(D), employees are preventing cross contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment; (Federal Code does allow some bare-hand contact with regulatory approval, but MA does not.)

N) Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties;

O) Food employees and conditional employees are informed in a verifiable manner of their responsibility to report in accordance with law, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under Section 2-201.11(A) [590.000(E)]; and

P) Written procedures and plans, where specified by this Code and as developed by the food establishment, are maintained and implemented as required.

(Document updated November, 2018 after MA adopted the 2013 Federal Food Code and the 2015 Amendments.)

## PERSON IN CHARGE

### Demonstration:

- No Priority Violations
- Certified, AND
- Answering Inspector's questions correctly

### Note:

- PIC onsite at all times
- An alternate can be appointed
- Alternate must be trained

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## HYGIENE

- Employee Health
- Employee Illness Reporting Policy
- Exclusion/Restriction
- Hand washing
- Procedures for cleanup of vomit and diarrheal events

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# EMPLOYEE REPORTING

Permit holder shall require employees to report to the PIC information about their health and activities as they relate to diseases transmissible through food.

2-201.11(P)

Employee must report these symptoms:

- Vomiting
- Diarrhea
- Jaundice
- Sore throat with fever
- A lesion containing pus that is open and draining

Employees must report these diagnoses:

- Norovirus
- Hep A
- Shigella spp
- Shiga Toxin-Producing Escherichia Coli
- Salmonella
- Several others, see “Guidance Document” handout

## Guidance Document for Local Boards of Health, Health Department Staff and Food Service “Persons in Charge”

### Employee Health, Chapter 2-2

This document exists to clarify the requirements under “Employee Health,” Chapter 2-2, from the current MA Food Code, 105 CMR 590.000, and the 2013 Federal Food Code with the 2015 Amendments. (In some instances, 105 CMR 300.00, Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements will take precedence.)

Red ink shall indicate Massachusetts’ specific requirements. Please highlight these if printing this document in black and white.

#### IMPORTANT RESOURCES

Food Protection Program	617-983-6712
Epidemiology Program	617-983-6800 (Regular & Emergency)

#### 2-2 EMPLOYEE HEALTH

For purposes of this guidance document, in addition to the definitions given in the above-mentioned codes (which are repeated here and underlined), the following are definitions pertaining to “Employee Health.”

“asymptomatic,” means (1) without obvious symptoms, not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice; and (2) includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

“confirmed disease outbreak,” means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

“diarrhea” means loose, watery stools that occur more frequently than usual; at least three episodes within a 24-hour period.

“exclude,” means to prevent a person from working as an employee in a food establishment or entering a food establishment as an employee.

“fever” means a measured temperature of at least 100 degrees F (37.8 degrees C) A measured temperature is preferred, but a history of feeling feverish, having chills and warmer than usual to the touch is considered a fever.

“health practitioner” means a physician licensed to practice medicine, or if allowed by LAW, a nurse practitioner, physician assistant, or similar medical professional.

“highly susceptible population” (HSP) means persons who are more likely than other people in the general population to experience foodborne disease because they are: 1) immunocompromised; preschool age children, or older adults; and 2) obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

Table 3: Food Employee or Conditional Employee Meets One or More of These High-Risk Conditions:

- a) Is suspected of being the source of a confirmed disease outbreak because he/she prepared or consumed food implicated in the outbreak;
- b) Is suspected of being exposed to a confirmed disease outbreak because he/she attended or worked in a setting where there is a confirmed disease outbreak;
- c) Has consumed food at an event prepared by a person who is ill;
- d) Lives in the same household as a person diagnosed with 1-5 below; or
- e) Lives in the same household as, and has knowledge about, a person who attends or works in a setting where there is a confirmed disease outbreak of a disease listed below:
  - 1) Norovirus within the past 48 hours of the last exposure
  - 2) Shiga toxin-producing *E. coli* within the past 3 days of the last exposure
  - 3) *Shigella* spp. within the past 3 days of the last exposure
  - 4) Typhoid fever within the past 14 days of the last exposure
  - 5) Hepatitis A virus within the past 30 days of the last exposure

## Exclusions and Restrictions of Food Employees and Conditional Employees

↓ ↓ ↓  
Refer to Tables 4 through 9

**The Permit Holder must make sure Employees understand the requirement to report illnesses.**

**The State Model Food Employee Reporting Agreement is included in your packet and is one method for meeting this requirement.**

**Consider keeping a signed copy on file and sending a second copy home with the employee. It is a good practice to review every six months.**

**Operators can also do training with sign off.**

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**Food Employee Reporting Agreement**  
 Preventing Transmission of Diseases through Food by Infected Food Employees

The purpose of this agreement is to ensure that Food Employees and Conditional Employees notify the Person in Charge when they experience any of the conditions listed so that the Person in charge can take appropriate steps to preclude the transmission of foodborne illness.

**I AGREE TO REPORT TO THE PERSON IN CHARGE:**

**A. SYMPTOMS OF:**  
 diarrhea, fever, vomiting, jaundice, sore throat with fever, and lesions containing pus on the hand, wrist, or an exposed body part (such as boils and infected wounds, however small.)

**B. MEDICAL DIAGNOSIS OF BEING ILL WITH:**  
 norovirus, shiga toxin-producing *E. coli*, *S. typhi* (typhoid fever), *Shigella* spp., non-typhoidal *Salmonella*, and Hepatitis A, as well as other diseases that may be transmitted through food per 105 CMR 300.000. Contact the Food Protection Program at 617-983-6712 or The Epidemiology Program at 617-983-6800 for additional information.

**C. PAST MEDICAL DIAGNOSIS OF DISEASES LISTED ABOVE:**  
 Have you ever been diagnosed as being ill with one of the diseases listed above? \_\_\_\_\_  
 If you have, what was the date of the diagnosis? \_\_\_\_\_

**D. HIGH-RISK CONDITIONS:**

- Exposure to or suspicion of causing any confirmed outbreak of the diseases listed under Part B above.
- A household member has been diagnosed with diseases listed in Part B above.
- A household member attending or working in a setting experiencing a confirmed outbreak of one of the diseases listed in part B above.

I have read (or had explained to me) and understand the requirements concerning my responsibilities under 105 CMR 590.2013 Food Code and this agreement to comply with the reporting requirements specified above involving symptoms, diagnoses, and high-risk conditions specified. I also understand that should I experience one of the above symptoms or high-risk conditions, or should I be diagnosed with one of the above illnesses, I may be asked to change my job or to stop working altogether until such symptoms or illnesses have resolved.

I understand that failure to comply with the terms of this agreement could lead to action by the food establishment or the food regulatory authority that may jeopardize my employment and may involve legal action against me.

**Food Employee or Conditional Food Employee Name (Please Print)** \_\_\_\_\_

**Signature of Above-named Individual** \_\_\_\_\_ **Date** \_\_\_\_\_

**Signature of Permit Holder or Representative** \_\_\_\_\_ **Date** \_\_\_\_\_

This is a model form created by MA Department of Public Health which is offered as a tool for industry to use to aid in compliance with 105 CMR 590.003(C) and the Federal Food Code 2-201.11. The use of this form is voluntary and is not required by state regulation. Revised: June, 2017

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### Can Restaurant Managers Talk with Sick Workers? 3 Things Restaurant Managers Need To Know

Restaurant managers: Talk to your employees about their symptoms and diagnoses so you can make sure sick workers don't spread foodborne illness.

- Nearly half of restaurant-related outbreaks are caused by sick food workers.
- Managers need to know if their workers are sick so they can decide if they should handle food.




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#### Three Things To Know

- 1** *The Food Code encourages employee and manager conversations about foodborne illness.*
  - The Food Code is a science-based model code published by the Food and Drug Administration that states can use to develop or update their food safety rules to help prevent illness and outbreaks.
  - It says that employees should tell their managers about possible foodborne illness symptoms and that it is the manager's responsibility to ensure employees are aware of these reporting requirements.
  - Most state and local food codes in the United States are modeled on the FDA Food Code.
- 2** *The Health Insurance Portability and Accountability Act of 1996 (HIPAA) does not prevent restaurant managers from asking employees about foodborne illness symptoms and diagnoses.*
  - HIPAA sets privacy standards for protected health information.
  - HIPAA does prevent a health care provider from sharing health information about an employee with that employee's manager but it does not prevent a restaurant manager from asking an employee about their illness symptoms.
- 3** *The Americans with Disabilities Act of 1990 (ADA) does not prevent managers from asking employees about foodborne illness symptoms and diagnoses.*
  - ADA seeks to prevent discrimination and ensure equal opportunity for persons with disabilities.
  - Most foodborne illnesses are mild and short-term and are not considered disabilities under ADA.
  - If an employee does not have an ADA disability, the manager can follow the Food Code's guidance without considering the ADA. And in the rare event that an employee does have a foodborne illness that is considered a disability, employers would consider both ADA and the Food Code.

**Restaurant managers and employees can work together to prevent the spread of foodborne illnesses.**

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#### Where Can I Learn More?

For access to the full article this content is based on and other helpful links, visit [www.cdc.gov/nceh/ebs/activities/can-restaurant-managers-talk-with-sick-workers](http://www.cdc.gov/nceh/ebs/activities/can-restaurant-managers-talk-with-sick-workers)

National Center for Environmental Health  
Division of Environmental Health Science and Practice

CS28757A





## Prevention of Foodborne Cases of Gastroenteritis

### 2-201.20

Food Workers who test positive for Norwalk Virus, Norovirus or other Calicivirus are excluded for 72 hours after symptoms end or 72 hours after a positive specimen, which ever comes last. Food workers may be required to submit stool samples in the case of an outbreak.

**Please review the Employee Health handouts included in your packets, including guides for Exclusion and Restriction of Food Employees.**

**KEEP HANDS CLEAN - 2-301.11(P)**  
**POST A SIGN AT EACH SINK FOOD WORKERS USE**

**How to wash - 2-301.12(P)**

- Rinse hands under running water (100°)
  - Apply soap
  - Rub hands together for 15 seconds
  - Rinse thoroughly
  - Dry completely
- (Drying is just as important as washing)

**When - 2-301.14(P)**

- Before food prep or working with clean utensils
- After touching other body parts
- After using restroom
- After coughing, sneezing, smoking, eating
- After handling soiled equipment
- As often as necessary to remove soil
- When switching from raw food to RTE food
- Before donning gloves
- Whenever contaminated



**HAND WASHING**

(2-301.11 Cleaning Procedure and 2-301.14 When to Wash)

Food employees shall clean their hands, exposed portions of their arms, including surrogate prosthetic devices, for at least 20 seconds, using a cleaning compound in a handwashing sink.



**How to Wash:**

- ▶ Rinse under clean, running warm (at least 100 degrees F) water;
- ▶ Apply adequate cleaning compound (soap);
- ▶ Rub hands together vigorously for at least 10 to 15 seconds;
  - Remove dirt under the fingernails;
  - Create friction on the surfaces of hands and arms, finger tips; and areas between the fingers;
- ▶ Rinse thoroughly under clean, running, warm water;
- ▶ Dry immediately with single-use paper towels, a continuous towel system or a heated-air hand drying device.
- ▶ Use a disposable paper towel or other barrier when touching surfaces like door handles and faucets to avoid re-contamination.

**When to Wash:**

- ▶ Before engaging in food preparation including working with exposed food, clean equipment and utensils and unwrapped single-service and single-use articles;
- ▶ After touching bare human body parts other than clean hands and arms;
- ▶ After using the toilet room;
- ▶ After caring for, or handling, service or aquatic animals;
- ▶ After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking;
- ▶ After handling soiled equipment or utensils;
- ▶ During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
- ▶ When switching between working with raw food and working with Ready-to-Eat food;
- ▶ Before putting on gloves to initiate a task that involves food;
- ▶ After engaging in other activities that contaminate hands.



**CLEAN-UP OF VOMIT AND DIARRHEAL  
EVENTS - 2-501.11 (PF)**

This new requirement was put in place in part because Norovirus is so highly contagious.

A person may become infected by ingesting, inhaling or even absorbing just a few particles. Consider that Vomit can distribute particles up to 25 feet.

Some smaller establishments may need to close due to an incident.

Clean up with bleach or EPA approved for effectively treat for Norovirus.

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**CLEAN-UP OF VOMIT AND DIARRHEAL  
EVENTS - 2-501.11 (PF)**

A clean-up kit (or a way to clean up) is required as well as a policy for these events.

Employees need to be trained on your establishment's procedure, where the kit is and how to use it - before you need it.

Review the clean-up procedure document in the packet. Keep in mind that sanitizing with a bleach solution may not always be an option such as with carpet and upholstery. EPA approved products for treating Norovirus are available.

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## CLEAN-UP OF VOMITING AND DIARRHEAL EVENTS - 2-501.11(PF)



### Contents???????

Refer to "VOMIT AND DIARRHEA CLEAN-UP PROCEDURE" Document



Purchase a pre-made one (not required)



OR

Make your own!  
Must be clearly labeled



### 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 \_\_\_\_\_

\_\_\_\_\_

*(Describe location of supplies and extra supplies)*

#### Contents of Clean-up Kit:

- 1) Personal Protective Equipment (PPE)
  - disposable gloves, nitrile or non-latex
  - face and eye shields (clean and sanitize after use)
  - disposable shoe covers
  - disposable aprons
  - masks
  - hair covers
- 2) Paper towels
- 3) Absorbent material: baking soda, Red Z powder, or kitty litter
- 4) Scoop or scraper, preferably disposable
- 5) Large plastic bags with twist ties
- 6) Caution tape for closing off areas

## CHAPTER 3 - FOOD

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Shellfish tags stay with shell stock until date of last sale noted on tag.  
3-203.12(Pf)

Plant food cooked for hot holding cooked to 135°  
3-401.13(Pf)

Reheating food for HH all parts reach 165° within 2 hours then held 135°  
3-403.11(P)

Commercially processed, RTE canned food heated to and then HH 135°  
3-403.11(P)

## WIPING CLOTHS - 3-304.14

- Cloths maintained clean and dry
- Cloths stored in proper concentration solution, no food particles or visible soil
- Sanitizer buckets stored off the floor and to prevent contamination of food and utensils
- Cleaning and sanitizer buckets must be available at all prep areas whenever food preparation is occurring

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### WIPING CLOTHS IN FOOD SERVICE

#### 3-304.14 Wiping Cloths, Use Limitation

A) Cloths in-use for wiping spills from tableware and carry-out containers, that occur as food is being served, shall be maintained dry and used for no other purpose.

B) Cloths in-use for wiping counters and other equipment surfaces shall be held between uses in a chemical sanitizer solution at a concentration specified under Section 4-501.114 (See Code for charts on Concentration Range, Minimum Temperature, and pH levels for chlorine, iodine and quaternary ammonium compound solutions.)<sup>2</sup> and laundered daily as specified under 4-802.11(D) as below.

C) Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.

D) Dry wiping cloths and the chemical sanitizing solutions specified in Subparagraph (B) of this section, in which wet wiping cloths are held between uses, shall be free of food debris and visible soil.

E) Containers of chemical sanitizing solutions specified in subparagraph (B) of this section in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.

F) Single-use disposable sanitizer wipes shall be used in accordance with EPA-approved manufacturer's label use instructions. Be careful of the sanitizer strength!

#### 4-301.15 Clothes Washers and Dryers

(B) If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under Section 4-901.12, a mechanical clothes washer and dryer need not be provided.

#### 4-802.11 Specifications

(D) Wet wiping cloths shall be laundered daily.

(E) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

#### 4-901.12 Wiping Cloths, Air-Drying Locations

Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer as specified in section 4-301.15(B) shall be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, and single-service and single-use articles and the wiping cloths. This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under section 4-501.114.

(Document updated November, 2018 after MA adopted the 2013 Federal Food Code and the 2015 Amendments.)

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<p><b>Cooling: 2 hours to get from 135-70° and total of 6 hours to go from 135-41° or less</b> <b>3-501.14(P)</b></p>	<p><b>Thawing ROP fish: Remove fish from bag at cooler or immediately after thawing under cold running water</b> <b>3-501.13</b></p>
<p><b>New Danger Zone</b> <b>41-135°</b></p>	<p><b>Hot and Cold Holding</b> <b>3-501.16 (P)</b></p>

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**Date Marking - 3-501.17(Pf)**

- Refrigerated, RTE, TCS food held for more than 24 hours are to be clearly marked with a use by date.
- No longer than 7 days. Prep day counts as day one. (Really 6 days+1)
- Mark commercially processed container when they are opened. (Day 1)
- Cannot exceed manufacturer's use by date.
- When ingredients are combined, the date marking will be for the earliest ingredient.

**Disposition - 3-501.18(P)**

Food will be discarded if:

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

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**3-501.17 Time/Temperature Control for Safety Food, Date Marking**

A) Except when packaging food using a reduced oxygen packaging method as specified under Section 3-502.12, and except as specified in (E) and (F) of this section, refrigerated, ready-to-eat, time/temperature control for safety food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded when held at a temperature of 41°F (5°C) or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. <sup>PI</sup>

B) Except as specified in (E) through (G) of this section, refrigerated, ready-to-eat, time/temperature control for safety food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in (A) of this section and: <sup>PI</sup>

- 1) The day the original container is opened in the food establishment shall be counted as Day 1; <sup>PI</sup> and
- 2) The day or date marked by the food establishment may not exceed a manufacturer's use-by-date if the manufacturer determined the use-by date based on food safety. <sup>PI</sup>

C) A refrigerated, ready-to-eat, time/temperature control for safety food ingredient or a portion of a refrigerated, ready-to-eat, time/temperature control for safety food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest prepared or first prepared ingredient. <sup>PI</sup>

D) A date marking system that meets the criteria stated in (A) and (B) of this section may include:

- 1) Using a method approved by the regulatory authority for refrigerated, ready-to-eat time/temperature control for safety food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;
- 2) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under (A) of this section;
- 3) Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under (B) of this section; or
- 4) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the regulatory authority upon request.

E) Paragraphs (A) and (B) of this section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

F) Paragraphs (A) and (B) of this section do not apply to shellstock.

G) Paragraph (B) of this section does not apply to the following foods prepared and packaged by a food processing plant inspected by a regulatory authority:

- 1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110, Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food;
- 2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133, Cheeses and Related Cheese Products, such as cheddar, gruyere, parmesan and reggiano, and romano;
- 3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in the same reference as #2 above, such as blue, edam, gorgonzola, gouda, and monterey jack;
- 4) Cultured dairy products as defined in 21 CFR 131, Milk and Cream, such as yogurt, sour cream, and buttermilk;
- 5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114, Acidified Foods;
- 6) Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and
- 7) Shelf stable salt-cured products such as prosciutto and Parma (ham).

**3-501.18 Ready-to-Eat, Time/Temperature Control for Safety Food, Disposition**

A) A food specified in Section 3-501.17(A) or (B) shall be discarded if it:

- 1) Exceeds the temperature and time combination specified in Section 3-501.17(A), except time that the product is frozen;
- 2) Is in a container or package that does not bear a date or day; or
- 3) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Section 3-501.17(A).

B) Refrigerated, ready-to-eat, time/temperature control for safety food prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds a temperature and time combination as specified in 3-501.17(A).

(Document updated November, 2018 after MA adopted the 2013 Federal Food Code and the 2015 Amendments.)



# CHAPTER 4 - EQUIPMENT, UTENSILS AND LINENS



Need a thermometer with a small diameter probe for measuring thin foods.

4-302.12(B) (Pf)

Temperature measuring at 3 bay: wash water must be 110°F. Need to have a thermometer available.

4-501.19 (Pf)

Note: Remember sanitizers have temperature requirements, read manufacturer's labels.

**HIGH TEMPERATURE DISHWASHING  
IRREVERSIBLE REGISTERING TEMPERATURE  
INDICATOR - 4-302.13 (PF)**

160°F T-sticks (Not just for food!)



THERMOSTRIP®  
DL



DishTemp by Thermoworks



Ecolab Premium 160°F  
Dishwasher Labels

### New Requirement for Dish Washing Machines

#### **4-302.13 Temperature Measuring Devices, Manual Warewashing.**

(A) In manual WAREWASHING operations, a TEMPERATURE MEASURING DEVICE shall be provided and readily accessible for frequently measuring the washing and SANITIZING temperatures. <sup>Pf</sup>

(B) In hot water mechanical WAREWASHING operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the UTENSIL surface temperature. <sup>Pf</sup>

This requirement is for high temperature dish washing machines, not for machines that use chemical sanitizer. The factory mounted thermometer on the dish machines does not meet this requirement. Indicators come in the form of reusable tools and single use strips. Temperature indicators are to be used periodically to monitor the machine and are not required to be used for every wash load.

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## CHAPTER 6 - PHYSICAL FACILITIES

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Hand washing signage required at all hand washing sinks food workers use. Refer to earlier poster.

**6-301.14**

Plumbing fixtures such as hand washing sinks, toilets and urinals shall be cleaned “as often as necessary to keep them clean.” (Due to Norovirus)

**6-501.18**

“The premises shall be maintained free of insects, rodents and other pests.”

**6-501.111**

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## CHAPTER 8

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NEW REQUIREMENT: NOTIFY CUSTOMERS THAT  
A COPY OF THE MOST RECENT INSPECTION  
REPORT IS AVAILABLE - 8-304.11(K)

The following must be posted for public  
view:

“Per the food code, a copy of the most  
recent establishment inspection report is  
available upon request.”



MISCELLANEOUS

### UPDATED INSPECTION FORM

**Food Establishment Inspection Report – City/Town of \_\_\_\_\_**

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:			
Person-in-charge:		Number of Repeat Violations Related to Foodborne Illness Risk Factors and Interventions (Items 1 through 29):	
Inspector:			

**FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

IN = in compliance    OUT= out of compliance    N/O = not observed    N/A = not applicable    COS = corrected on-site during inspection    R = repeat violation

Compliance Status	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						
5 Procedures for responding to vomiting and diarrheal events						
<b>Good Hygienic Practices</b>						
6 Proper eating, tasting, drinking, or tobacco use						
7 No discharge from eyes, nose, and mouth						
<b>Preventing Contamination by Hands</b>						
8 Hands clean & properly washed						
9 No bare hand contact with ready-to-eat food						
10 Adequate handwashing sinks properly supplied and accessible						
<b>Approved Sources</b>						
<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						
19 Proper reheating procedures for hot holding						
20 Proper cooling time and temperature						
21 Proper hot holding temperature						
22 Proper cold holding temperature						
23 Proper date marking and disposition						
24 Time as a Public Health Control						
<b>Consumer Advisory</b>						
25 Consumer advisory provided for raw / undercooked food						
<b>Highly Susceptible Populations</b>						
26 Pasteurized foods used; prohibited foods not offered						



## INCLUDED IN YOUR PACKET:

**State Summary of Food Code Updates**

**Diane's Summary of Food Code Updates with examples**

**Self inspection checklist**

**Several handouts related to common violations seen during inspections**

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## UPCOMING TRAININGS

**ServSafe Certification Training and Testing**

**Wheelwright Consultants**

**April 23, 2019**

**Animals in Establishments - A Workshop About Service Animals**

**Presented by Massachusetts Office on Disability**

**April 29, 2019**

**Fats, Oil and Grease (FOG) Training**

**Presented by Kevin Ducquette**

**May 22, 2019**

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**QUESTIONS?**

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**Thank You!**

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