

Food Protection Rules Update

Information for the Food Industry



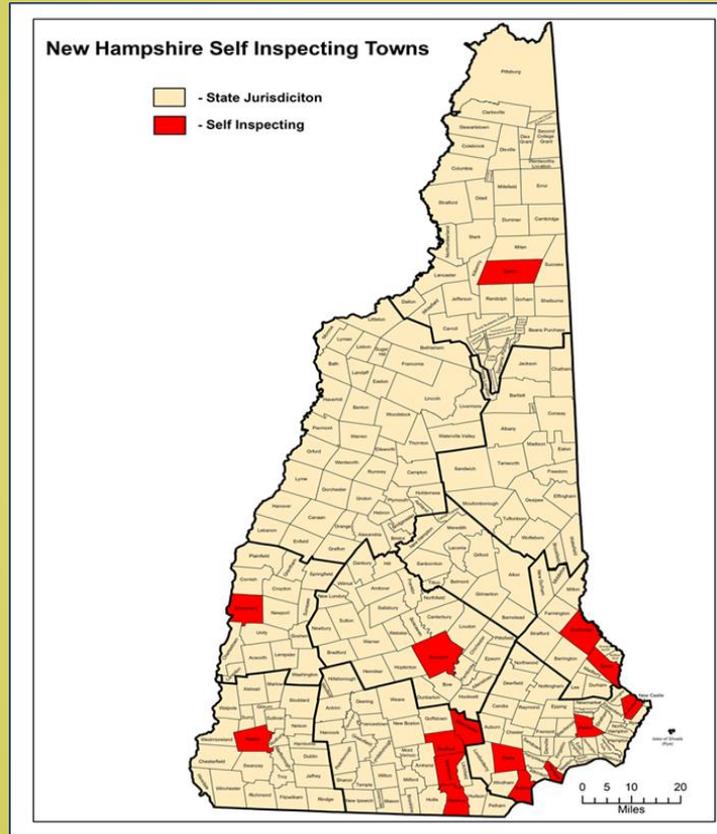
Today's Agenda

- ▶ Importance of the changes and where to find them
- ▶ Explanation of key changes to the rules
- ▶ How to access additional resources

Self inspecting cities in NH

NH DHHS Food Protection has no jurisdictional authority in these locations

- Bedford
- Berlin
- Claremont
- Concord
- Derry
- Dover
- Exeter
- Keene
- Manchester
- Merrimack
- Nashua
- Plaistow
- Portsmouth
- Rochester
- Salem

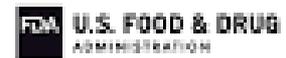


Why update the food rules?

- ▶ Rules expire every 8 years
- ▶ Last major update was in 2011 when the 2009 FDA Food Code was adopted by reference
- ▶ Food Code is updated every 2 years- most recent is 2017
- ▶ Promotion of uniform regulation
- ▶ Most Current Science on Food Safety regulations

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

How can I access the FDA Food Code?

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

The screenshot shows the FDA website interface. At the top, the U.S. Department of Health and Human Services logo is visible, along with the U.S. Food & Drug Administration logo. A search bar and navigation menu are present. The main content area is titled 'Food' and contains a breadcrumb trail: Home > Food > Guidance & Regulation > Retail Food Protection > Food Code. A sidebar on the left lists various food codes, with 'Food Code 2017' selected. The main heading is 'Summary of Changes In the FDA Food Code 2017'. Below the heading are social media sharing options (SHARE, TWEET, LINKEDIN, PIN IT, EMAIL, PRINT) and a 'PDF Printer Version' button. A paragraph of text explains the purpose of the summary, with a red circle highlighting the 'Download Food Code 2017 (PDF: 5.65 MB)' button. Below this is a 'General' section with a bulleted list of changes.

U.S. Department of Health and Human Services

U.S. FOOD & DRUG ADMINISTRATION

A to Z Index | Follow FDA | En Español

Search FDA

Home | Food | Drugs | Medical Devices | Radiation-Emitting Products | Vaccines, Blood & Biologics | Animal & Veterinary | Cosmetics | Tobacco Products

Food

Home > Food > Guidance & Regulation > Retail Food Protection > Food Code

Food Code

- Food Code 2017
- Food Code 2013
- Food Code 2009
- Food Code 2005
- Food Code 2001
- Food Code 1999
- Food Code 1997

Summary of Changes In the FDA Food Code 2017

SHARE TWEET LINKEDIN PIN IT EMAIL PRINT

PDF Printer Version

This Summary provides a synopsis of the textual changes from the 2013 FDA Food Code and the Supplement to the 2013 Food Code Chapters and Annexes to the [2017 edition](#). The primary intent of this record is to capture the nature of the changes rather than to identify every word or editing change. ***This record should not be relied upon as an absolute comparison that identifies each and every change.***

Download Food Code 2017 (PDF: 5.65 MB)

General

- Numerous editing changes were made throughout the document for internal consistency, to correct some errors in the 2013 Code and for clarification.
- Updated the web links throughout the Code and Annexes.
- Converted several Tables, charts, and images throughout the Code to meet web accessibility requirements under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d). Section 508 mandates that all federal agencies eliminate the barriers in accessing electronic and information technology.

Norovirus –Why viruses are so hard to control

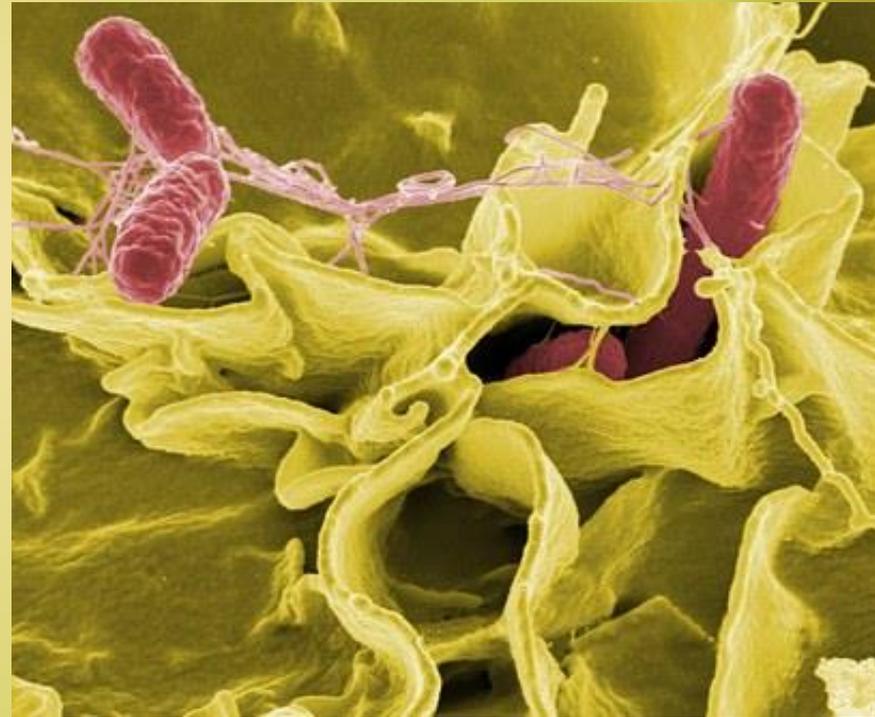
- Norovirus has been shown to survive heating at 140 degrees F for 30 minutes –inactivated by boiling at 212 degrees F
- 1,000,000,000,000 (Trillion) # of viral particles you start with in 1 ml of feces (Teunis & Moe 2008)
- 10,000,000,000 (Billion) # of virus particles left after properly washing your hands (2 log reduction) (Ayliffe et al., 1978)
- 1,000,000,000 (Billion) # of virus particles transferred from an ungloved hand to food (10%) (Montville, 2001)
- In contrast, it takes 1-10 virus particles to make you sick

2-201.11 Responsibilities and Reporting Symptoms and Diagnosis (Health Policy)

The PERMIT HOLDER shall require FOOD EMPLOYEES and CONDITIONAL EMPLOYEES to report to the PERSON IN CHARGE information about their health and activities as they relate to **diseases that are transmissible through FOOD**. A FOOD EMPLOYEE or CONDITIONAL EMPLOYEE shall report the information in a manner that allows the PERSON IN CHARGE to reduce the RISK of foodborne disease transmission.

Sample Policy available on the Food Protection Website

So what's changed?



Big 5 has become the Big 6

Updated Employee Health Policy to include non-typhoidal Salmonella as one of the illnesses that are reportable by a food service worker to the Person In Charge

Norovirus	Hepatitis A	Shigella
E. Coli	Salmonella - Typhi	<i>*New</i> Salmonella - nontyphoidal

3-301.11 Preventing Contamination from Hands.

Handling Ready to Eat Food

- ▶ **READY-TO-EAT FOOD** shall be handled with utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- ▶ Bare hand contact **is allowed** with a ready to eat food that is added as an ingredient to a food that contains a raw animal food **that will be fully cooked**...such as carrots that will be added to beef stew

“Pizza Rule”

food employees could not prepare a pizza with their bare hands.

So what’s changed?

- ▶ ***NEW** When a Ready to Eat Food as an ingredient does not contain a raw animal food but is to be cooked to heat all parts of the food to a temperature of at least (145°F).



Test your knowledge!

- ▶ Is it allowable for a Food Service Worker to handle pepperoni for a pizza with bare hands?

Yes

BUT....the pepperoni has to be dedicated to pizza only; and cannot be in a multi use cooler to be used on a sub sandwich



In summary

- ▶ Ready to eat food should be handled by Food Service workers with gloves, tissue or utensils
- ▶ Exception is when the ready to eat food is an ingredient in a food that will be heated to 145°F
- ▶ However, ready to eat food needs to be dedicated for this purpose

3-201.16 Wild Mushrooms

- ▶ Wild harvested mushrooms have not been allowed to be offered at food establishment as there is no state expert to grant approval
- ▶ **New Code** -more flexibility for regulatory authority to develop an approval process for wild mushroom harvesters
- ▶ A commission met this fall to study the feasibility of a certification program for wild mushroom harvesters; legislation is being proposed.
- ▶ **STAY TUNED!!**



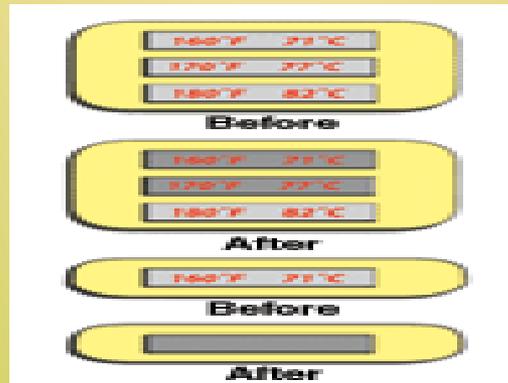
3-304.17 Refilling Returnables

- ▶ Refilling of a take home food container with food is now allowed by code; provided that the container-
 - Designed and constructed for reuse
 - Must have been originally provided by the Food Establishment
 - Returned by the Consumer
 - Cleaned, Sanitized and Visually inspected by the a Food Employee



4-302.13 Temperature Measuring Devices for Mechanical Warewashing

- ▶ Requires the availability of an irreversible temperature measuring indicator for hot water mechanical warewashing operation
- ▶ If using a high temperature dishwasher, you should have a means of testing the temperature
- ▶ 2 options are Heat Tapes or Dish Pucks



Test your knowledge!

- ▶ What is the utensil surface temperature that must be achieved if using hot water for sanitizing in a warewashing machine?

**Answer:
160°F**



PIC (Person in Charge)

What does this mean?

- ▶ Person in charge means the individual present at the food establishment who is responsible for the operation at the time of the inspection
- ▶ A PIC has always been required
- ▶ There are 3 main components to a PIC
 - a. 2-101.11 Assignment (Who is it?)
 - b. 2-102.11 Demonstration (Knowledge)
 - c. 2-103.11 (A-O) Duties (Active Managerial Control)

So what's changed?



2-102.12

****NEW** The PERSON IN CHARGE shall be a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM



(PIC) shall be a Certified Food Protection Manager

Where is training available? UNH Cooperative Extension, HR Food Safe, New Hampshire Lodging and Restaurant Association

- **Program** must be Accredited-Conference for Food Protection
 1. **360training.com, Inc.** (Learn to Serve Manager Certification)
 2. **AboveTraining/StateFoodSafety.com** (Certified Food Protection Manager) exam
 3. **National Registry of Food Safety Professionals** (Food Protection Manager Certification Program, International Certified Food Safety Manager)
 4. **National Restaurant Association** (Servsafe Food Protection Manager Certification)
 5. **Prometric Inc.** (Food Protection Manager Certification Program)

NH requirements for CFPM He-P 2303.02

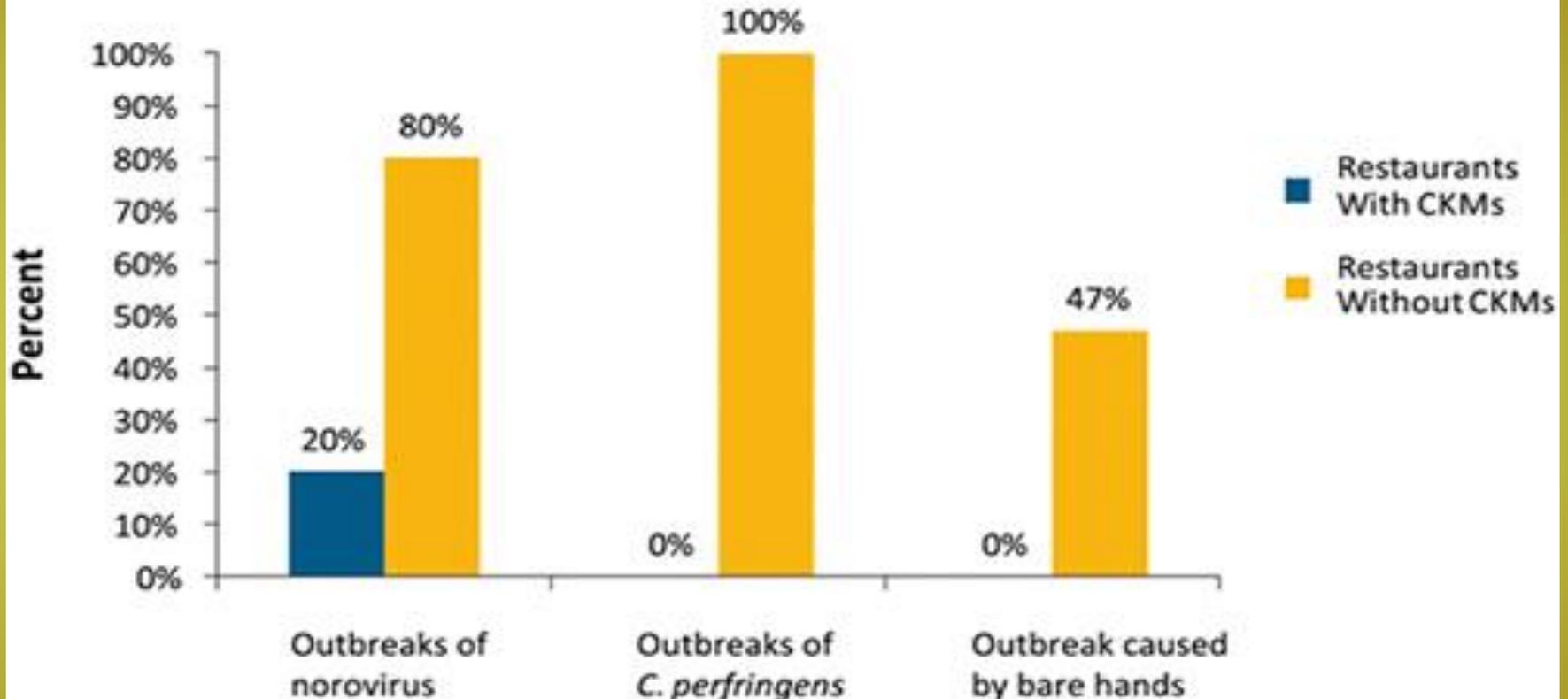
- **New Licensees?** Initial licensing- shall have a certified food protection manager within first 45 days
- **Certified Manager Leaves?** If certified food protection manager ceases his/her employment and renders the food establishment out of compliance with food manager certification requirements, the establishment shall have 90 days to come into compliance;
- **Proof of Certified Manager?** A food establishment shall have available the exam certificate of each certified food protection manager for review by inspection staff.
- **How will this be enforced?** inspector will make notation on report if not in compliance; establishment will have until next routine to comply, \$250 possible fine for non-compliance
- **Do all food establishments need to have a Certified Food Protection Manager?**

CFPM Exemptions

- ▶ All Food Processors, Warehouses/Distributors, Homestead Food Operations
- ▶ Self Service Retail Stores and Stores with no Food Prep
- ▶ Mobile units with no Food Prep-including Pushcarts, Home delivery services
- ▶ Bed and Breakfasts and Lodging with Continental Breakfast
- ▶ Concessions and Bakeries with non-TCS food, Bars with no Food prep

Benefit of having a Certified Food Protection Manager

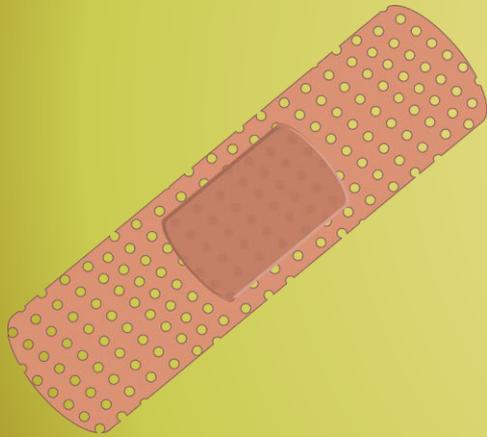
Certified Kitchen Managers (CKMs) Are Linked to Restaurants with Fewer Outbreaks



https://www.cdc.gov/nceh/ehs/ehsnet/plain_language/Differences-Restaurants-Linked-to-Outbreaks.pdf

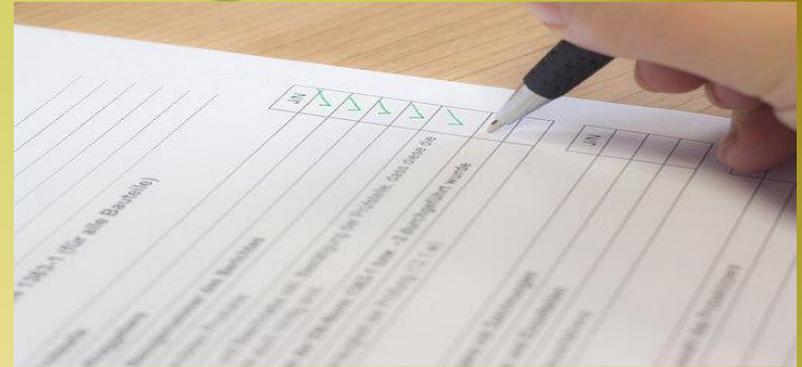
2-401.13 Use of Bandages, Finger Cots, or Finger Stalls

- ▶ If used, an impermeable cover such as a bandage, finger cot or finger stall located on the wrist, hand or finger of a FOOD EMPLOYEE working with exposed FOOD shall be covered with a single-use glove.



2-501.11 Clean-up of Vomiting and Diarrheal Events

- ▶ Procedures for the clean-up of vomiting and diarrheal events for employees to follow shall be written.
- ▶ Plan to address
 - Specific actions employees must take to minimize the spread of contamination
 - Exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.



SAMPLE PLAN FOR CLEAN UP VOMITING AND DIARRRHEAL EVENTS

Clean-up kit consisting of:

- ☐ Disposable non-latex gloves
- ☐ Face mask(s)
- ☐ Disposable gown(s)/apron(s) with sleeves
- ☐ Disposable hair cover
- ☐ Disposable shoe covers
- ☐ Sealable, plastic bag(s) with twist ties
- ☐ Scoop/Scraper
- ☐ Paper Towels
- ☐ Absorbent powder/solidifier (i.e. kitty litter, saw dust, etc.)
- ☐ Disinfectant



Full plan to address staff activities is available on the Food Protection Website.

3-502.12 Reduced Oxygen Packaging Without a Variance

- Amended to; ROP packages held at 41°F, shelf life extended from 14 days to 30 days
- Amended to; HACCP plan is provided to the Regulatory Authority prior to implementation. If using ROP methods, a HACCP plan is not required when the package is to be held at 41 degrees F or less for NO MORE than 48 hours



3-401.14 Non-Continuous Cooking of Raw Animal Foods

What is non-Continuous Cooking?

- ▶ Initial heating is stopped so that the food is cooled and held for complete cooking at a later time
- ▶ Initial Heating no longer than 60 minutes
- ▶ Cooled Properly and then cold held or frozen
- ▶ Prior to sale or service, cooked to proper temperature and time*

***New-used to be all needed to be cooked to 165°F**

- ▶ Procedures should be approved

Other Rule Changes due to Statute Changes

- ❖ **HB 1355** passed in 2016 which allows up to 20,000 uninspected, whole poultry to restaurants (aligns with federal limit)
- ❖ **HB 499** passed in 2016 allowing uninspected bison meat to be offered at licensed restaurants



Notification of Emergencies

- ▶ Department shall be notified at 603-271-4589, or night or during weekends at 603-271-5300, if....
- ▶ (1) ***Interruption of water service that lasts for 2 or more hours;**
- ▶ (2) Whenever a drinking water sample is found to have E. coli bacteria
- ▶ (3) A failed sewer system or a sewage backup into the food establishment;
- ▶ (4) ***Interruption of electrical service for 2 or more hours;**
- ▶ (5) Fire affecting a food establishment;
- ▶ (6) Flooding in a food establishment;
- ▶ (7) Chemical exposure in a food establishment;
- ▶ (8) Any other natural disaster or catastrophic event that could result in contamination of the food supply;
- ▶ (9) An employee has been found to be infected with a communicable disease as described in Food Code subparagraph 2-201.11 (A)(2); or
- ▶ (10) Any other severe unsanitary conditions that threaten to contaminate the food establishment and its food supply.

Update on Emergency Notification

- ▶ Added new exception criteria that Food Protection may agree to continuing operations during an ***extended water or** ***electrical outage**, if ...
 - Written emergency operations plan has been pre-approved by the regulatory authority,
 - Immediate corrective action is taken to eliminate, prevent or control any food safety risk and imminent health hazard associated with the water or electrical outage
 - Food Protection is notified upon implementation of the written plan



Food Protection Website



- Translate this page
- Home
 - About DHHS
 - Organization Structure
 - Media
 - Statistics
 - Online Tools
 - Vendors / RFP
 - Job Opportunities
 - Topics A to Z
 - Contact

[DHHS Home](#) > [Division of Public Health Services](#) >

Food Protection

Keep your family and friends safe this holiday season by following these [food safety tips](#).

Learn how to keep everyone safe and happy this holiday season

About Food Protection

[Food Protection Announces Statewide Training Events for New Food Rules](#)

How do I?

[View Food Inspection Results?](#)

search this site

DHHS Events Calendar

1							2	3
4	5	6	7	8	9	10		
11	12	13	14	15	16	17		
18	19	20	21	22	23	24		
25	26	27	28	29	30			

- #### Program Information
- Beverage & Bottled Water Manufacturers
 - Dairy Farms & Dairy Plants
 - File A Consumer Complaint
 - Food Inspection Results
 - Food Protection Rules
 - Shellfish Harvesters & Dealers
 - Publications
 - Contact Food Protection

- #### Related Resources
- Bad Bug Book

https://www.foodsafety.gov/sites/default/files/2019-05/thanksgiving-turkey-food-safety-infographic.jpg



NH Online portal –Envision Connect

https://newhampshireonline.envisionconnect.com/#/pa1/search

Inspections Results/Inspecti...

New Hampshire Department of Health and Human Services

License Lookup

Payments

Inspections Results

Inspection Results

» Fill in the fields below and press search when ready

Welcome to the online portal for viewing food inspection results. To find inspection results for a particular food facility:

- Enter the food facility name and click the Search button to see a list of matching food facilities. You may also add the street name, city, or zip code to further limit the search results.
- Click on the "Details" button of the desired facility, then on the expand (^) button for any particular inspection.

Food facilities located in the following self inspecting cities and towns are not available here: Bedford, Berlin, Claremont, Concord, Derry, Dover, Exeter, Keene, Manchester, Merrimack, Nashua, Plaistow, Portsmouth, Rochester and Salem. Contact information for these cities and towns is available [here](#).

Hint: by placing a "%" before and after a keyword in your search, all establishments containing this work in any part of the name will appear. For example, %pasta%, provides results for Pasta Barn, Joe's Pasta, All-Pasta

Name

Street Name

City

Zip Code

Search Reset

9:54 AM
10/19/2019

▶ View inspection results

▶ Apply for a license

▶ Pay invoice

Contact Information

NHDPHS Food Protection Section

603-271-4589

29 Hazen Drive

Concord, NH 03301

dhhs.foodprotection@dhhs.nh.gov

www.dhhs.nh.gov/dhhs/foodprotection