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**November 2018 Massachusetts Department of Public Health adopted the**

- 1. 2013 Federal Food Code with 2015 Supplement**
- 2. Updated version of the Massachusetts State Sanitary Code 105CMR 590.000**

105 CMR 590.000 can be viewed at:  
<https://concordma.gov/636/Food-Program>  
<https://www.mass.gov/lists/retail-food>

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**Objectives**

- **Significant changes** from 1999 to the 2013 Federal Food Code
- **Change in Person in Charge (PIC) Responsibilities**
- **Examples of violations and risks**
- **Inspection Form features**
- **Inspection Approaches**

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**FDA**      **2013 Food Code**

**Recognizes CDC 5 risk factors, leading cause of foodborne illness.**

- Poor personal hygiene
- Unsafe food sources
- Improper cooking temps
- Improper holding temps
- Contaminated equipment

**Emphasis is on Active Managerial Control**

1. Establish Procedures
2. Train staff
3. Monitor
4. Verify staff following procedures
5. Verify procedures are effective



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**Definition Changes**

**Time/Temperature Controlled for Safety (TCS)** formally potentially hazardous foods (PHF's)

**TCS foods** require temperature controls to limit pathogenic microorganisms or toxin formation

*Added TCS foods:*

- Cut leafy greens
- Cut melon
- Cut tomato



© Getty Images photo



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**Highly Susceptible Population**

- **Added:** children age 9 or under in school, daycare or similar facility are included in a HSP



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**When You Review the 2013 Regulations look for.....**

<b>Better Identification of Risk Controls</b>	<b>Emphasis on Temperatures and Cleaning &amp; Sanitizing</b>
Former use of "critical" and "non critical" replaced with:	<ul style="list-style-type: none"><li>• Food contact surfaces</li><li>• Non food contact surfaces</li></ul>
<ul style="list-style-type: none"><li>• Priority Item (P)</li><li>• Priority Foundation Item (Pf)</li><li>• Core Item</li></ul>	

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**Priority Items (P)**  
(Eliminates, prevents, reduces risk to acceptable level)

**Examples**

- 3-302-11 Packaged and unpackaged food separation, segregation
- 3-302-15 Washing Fruits and Vegetables - devices and chemicals used in compliance with manufacturer's instructions.
- 3-301.11 No bare hand contact with RTE foods
- 3-304-15(a) Glove use - single task
- 3-501.14 Cooling, Time and Temperature
- 4-501.114 Chemical Sanitizers, temperature of water, pH, concentration and water hardness

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**Priority Foundation Items (Pf)**  
(Supports or facilitates a Priority Item)

**Examples**

- 3-202-18 Shellstock identification
- 3-301.11 Employees shall minimize bare hand and arm contact with exposed Food that is not in a ready to eat form.
- 3-501.15 Cooling Methods
- 4-203-11 Food Thermometers available and accurate
- 4-302-14 Sanitizing Solution, Testing Devices
- 6-301 Soap & paper towels available at handsink

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**Core Items**  
(general sanitation, facility structure, equipment design & general maintenance)

**Examples**

3-302-12 Food Storage Containers identified with Common Name of Food

3-304-14 Wiping Cloths, Use Limitation, clean, dry, wet in sanitizing solution

3-304-15(b)(c)(d) Gloves, use Limitation

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**Chapter 2 Management and Personnel**

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**2-102-12 Certified Food Protection Manager**

**Added:**

- Works as a PIC
- Responsible for **direct supervision and management** for food preparation and service.

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### The Person in Charge (PIC)

- Assigned and present during all operating hours.
- Knowledgeable of duties (**handout**)
- Responsible for food safety!

\*The Primary PIC is a certified Food Protection Manager and responsible for training all other PIC.



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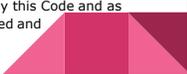
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### 2-103-11 Person in Charge Duties

- (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**)
- (O) Requires verified method for employees to report illness and relative health status. (**Employee Reporting Agreement, Employee Handbook**)
- (P) Written procedures and plans, where specified by this Code and as developed by the Food Establishment, are maintained and implemented as required.



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### 2-201.13 Exclusion & Restriction

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.



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

Establishment must have procedures in place for clean up of vomit and diarrheal events.

A Food Establishment shall have "procedures to address specific actions employees must take to minimize the spread of contamination and exposure of employees, consumers, food and surfaces from vomitus or fecal matter."



Look for "Bodily Fluids Clean-up Kit"

\*Post instructions, train staff on clean-up procedures.

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### Chapter 3 FOOD

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### 3-203.12 Shellstock Tags

- Date the last shellstock from the container is sold shall be recorded on the tag or label. (PF)



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### Kids Menu 3-401-11

- Ground meat – must be fully cooked (beef, pork, lamb and other meats)
- All other undercooked foods are allowed with a consumer advisory.

Fully Cooked (155°F) →



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### 3-304-14 Wiping Cloth, Use and Limitations



Wiping cloths stored in sanitizing buckets, stored off floor (core)

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### If you make fresh juice..... 3-404-11 (P) Treating Juices

- Packaged** juice shall be:
- (a) Treated under a HACCP plan to attain a 5-log reduction of most resistant microorganism of public health significance
  - (b) Labeled if not treated to attain 5-log reduction



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**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.




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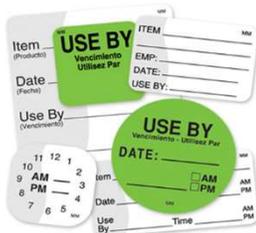
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**3-501.17 (Pf) Date Marking Foods**

- 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!




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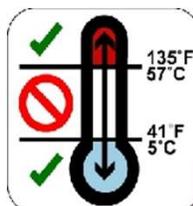
**Temperature Controls**

**New Temperature Danger Zone  
41°F - 135°F**

3-501.14 (P) Cooling 135F - 70F within 2 hours

3-501.16 (P) Hot Holding reduced to 135°F

3-501.19 (P) Time as a Public Health Control




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Written Procedures Specific to Food Process Contact the Health Office to discuss requirements if these apply to your establishment	
Time as a Public Health Control TPHC	Non-Continuous Cooking
<ul style="list-style-type: none"> <li>Written procedure to Health Office for review, available in establishment.</li> <li>Working supply of TCS food before cooking or held for service.</li> <li>Food labeled with time removed from temperature controls and discard time not to exceed 4 hours. (Pf)</li> <li>TCS foods not labeled are subject to discard. (P)</li> </ul>	<ul style="list-style-type: none"> <li>Requires prior approval from Health Office. Submit written procedure.</li> <li>Written Procedure to include:                             <ul style="list-style-type: none"> <li>How requirements will be monitored and documented.</li> <li>What corrective actions will be taken when requirements are not met.</li> </ul> </li> </ul>

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**3-502-11 Special Processes (Pf)**

Variance needed:

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




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**3-801.11 Prohibited Foods for Highly Susceptible Population (HSP)**

- Prepackaged juice requires 5 log reduction or HACCP and variance.
- Fresh made juice (by the glass) for service or sale requires HACCP.
- Time as Public Health Control (TPHC) cannot be used for raw eggs.

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**Chapter 4 Equipment, Utensils & Linens**

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**4-302-13(b) Mechanical Warewashers (Pf)**

**Hi- Temp** Mechanical warewashers must have an irreversible registering temperature indicator for measuring the utensil surface temperature.



*T-sticks*

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**Additional Examples: Irreversible Temperature Indicators**



**Dishtemp by Thermoworks**

**Ecolab Premium 160F/170F/180F Dishwasher Labels**



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**4-302-13 Temperature Measuring Devices, 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 manufacture instructions**



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**Inspections**

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**Inspectors will indicate one of the notations below for each risk factor or intervention on the inspection form.**

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

Sample Inspection Form

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**Inspectors are to verify  
"Priority Item" (P) violations are  
corrected during the inspection.**

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**8.405-11 Time Frame for Corrections**

- Priority Item (P)  
*Corrected at time of inspection.* The Regulatory Authority may allow up to 72 hours for items not feasible to correct immediately.
- Priority Foundation Item (Pf)  
*Corrected at time of inspection.* The Regulatory Authority may allow up to 10 calendars days.
- Re-inspections will be scheduled according to Concord's established policy.

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**8.304-11 Public Notice of Inspections**

Food establishment must notify customers that:

- Most recent inspection report is available to public for review.
- Post a sign or placard in conspicuous location or..... other method acceptable by regulatory authority.

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### Sample Notice

A copy of the most recent  
Concord Health Department  
Food Inspection Report  
is available to interested parties  
upon request.

Please see the Manager.

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

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### Lets Review

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### PIC - Written Procedures

#### All Food Establishments:

1. Vomit and Diarrheal Clean-up
2. Employees are "informed in a verifiable manner" of their responsibility to report to the PIC their health and activities relating to foodborne illness.

#### Specific to the Food Process:

1. TPHC -Time in place of Temperature
2. Non-Continuous Cooking



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**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

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**Active Managerial Control continued**

- Review the code
- Review your food processes
- Review past inspection reports - most common violations?
- *What procedures or training will result in better control and fewer violations?*
- Organize and Use resource material

**Train Staff and Implement Procedures!  
Monitor and Adjust or Re-train!**

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**Post Inspection Report Notice**

A copy of the most recent  
Health Department  
Food Inspection Report  
is available to interested parties  
upon request.

Please see the Manager.

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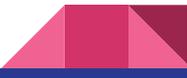
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*Thank You for your Time!*  
*Please contact the Health Office*  
*with your questions.*

<https://concordma.gov/636/Food-Program>



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