



Food Code Training



Regulatory Updates in 105 CMR 590.000 that adopts by reference the FDA 2013 Food Code and its Supplement (2015)

February 27, 2019 Marlborough - February 28, 2019 Pittsfield

Presenters

Lisa M. Berger, Berger Food Safety Consulting
Pamela Ross-Kung, Safe Food Management
Tom Nerney, FDA

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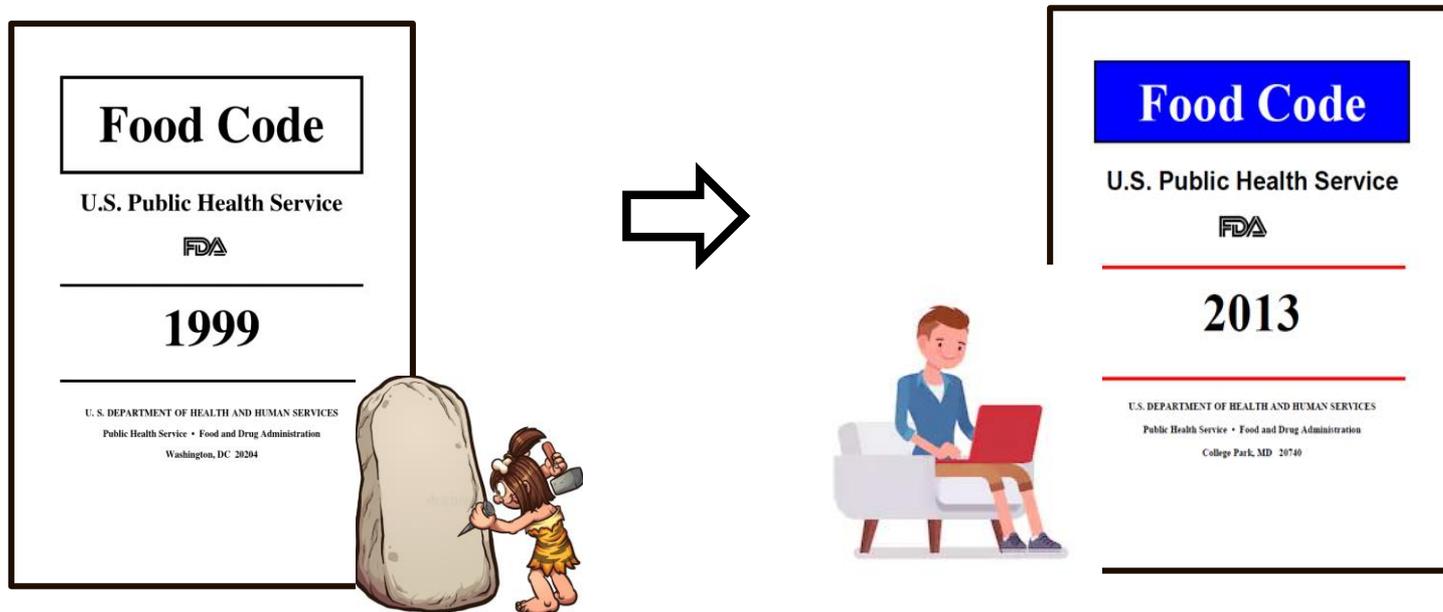


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On September 12, 2018, the Massachusetts Department of Public Health amended *105 CMR 590.00: State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments* to include sections of the 2013 FDA Food Code, with amendments made by 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.



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Agenda

- History/Benefits of the FDA Food Code
- Preface – Information to Assist the User
- New Risk Designations
- Significant Regulatory Changes since 1999 (using the 2013 FDA Food Code, with 2015 supplement, and 105 CMR 590.000)
- DPH Prototype Inspection Report Form and Marking Instructions
- Q & A

Note: This is a partial summary and does not include every change from the previous versions of 105 CMR 590 to the version effective on October 5, 2018. Please refer to the official version of 105 CMR 590 in the MA Register for the full text of the regulation.

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Objectives:

- Understand the benefits of adopting the FDA Food Code
- Overview of how the preface can assist the user
- Identify the new risk designations
- Identify significant regulatory changes since 1999 (using the 2013 FDA Food Code, with 2015 supplement, and 105 CMR 590.000)
- Review the new DPH prototype inspection report form and explain the new marking instructions to assess the food establishment's operation and ensure that risk factors are in control

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Historical Perspective

- Since the first Edition in 1993, government and industry stakeholders have come to recognize the FDA Food Code (FC) as a source of practical, science-based guidance and manageable, enforceable provisions for mitigating known risks of foodborne illness.
- Working with the Conference for Food Protection (CFP) and other stakeholders, FDA has incorporated and addressed key topics in the Food Code over the years.
- By adopting the 2013 FDA Food Code, and the supplement, along with 105 CMR 590.000, changes since 1999 will be enforced.

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Benefits of Adopting the Food Code

- Uniform national standards for retail food safety to reduce complexity and ensure better compliance
- A more standardized approach to inspection and audits of food establishments can be established

Purpose

- The purpose of this Code is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented.

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Preface

Information to Assist the User

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Preface - Information to Assist the User

- FC provisions address four major areas
 - Personnel, Chapter 2
 - Food, Chapter 3
 - Equipment/facilities/supplies, Chapters 4, 5, 6 and 7
 - Compliance and Enforcement, Chapter 8
- Chapter 1: Purpose & Definitions
- Preface: Background & Information to Assist the User

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Preface - Information to Assist the User Cont'd

- Structural Nomenclature
 - Chapter 9
 - Part 9-1
 - Subpart 9-101
 - Section (§) 9-101.11
 - Paragraph (¶) 9-101.11(A)
 - Subparagraph 9-101.11(A)(1)
- Are all Code provisions debitable?
 - Those not intended for debiting
 - Ending in 2 digits after the decimal point and the last is a 0 (1-201.10)
 - Ending in 3 digits after the decimal point and the last two are 0s (8-805.100)

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Preface - Information to Assist the User Cont'd

- Information presented by principle rather than subject
 - Equipment requirements are listed under headings:
 - Materials
 - Design and Construction
 - Numbers and Capacities
 - Location and Installation
 - Maintenance and Operation
 - Not by
 - Refrigerators
 - Sinks
 - Thermometers
 - Requirements need only be stated once, not repeated for each piece of equipment

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Preface - Information to Assist the User Cont'd

Internal cross referencing

- Containing the word “under” – (Sends)
 - Alert the reader to relevant information, and
 - Provide a system by which each violation is recorded under the most appropriate provision
- Contains the word “in” - (Incorporates)
 - Indicate the specific provisions of a separate document (CFR) incorporated by reference of the Code (3-201.11C) or;
 - Refers the reader to a nondebtable FC provision for further information or exception (3-201.16)

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Preface - Information to Assist the User Cont'd

Unique Fonts

Portions written in *italics* (3-304.17)

– Not requirements (not cited)

- Information purposes
- Exceptions/other possibility
- Usually involve “except for,” “may,” “need not” or “does not apply.”

Words in SMALL CAPS are defined terms.

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Preface - Information to Assist the User Cont'd

- Food Code Conventions:
 - Shall = imperative act/command
 - May not = absolute prohibition (2-301.15)
 - May = permissive/act is allowed 2-401.11(B)
 - “Means” is followed by a declared fact (1-201.10)

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Preface - Information to Assist the User Cont'd

- Food Code Annexes
 - 1. Compliance and Enforcement
 - 2. References.
 - 3. Public Health Reasons/Admin Guidelines.
 - 4. Management of Food Safety Practices – Achieving AMC of FBI Risk Factors.
 - 5. Conducting Risk Based Inspections.
 - 6. Food Processing Criteria.
 - 7. Model Forms, Guides and Other Aids

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New Risk Designations

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New Risk Designations

- The former use of “critical” or “non-critical” has been changed in recognition of the need to better identify risk-based controls within the Code’s provisions.
- A “P” or “Pf” designation after a paragraph or subparagraph indicates that the provision within that section is a **PRIORITY ITEM** or **PRIORITY FOUNDATION ITEM**. Any unmarked provisions within a section are **CORE ITEMS**.

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New Risk Designations – Before & After

1999	2013
Violations Related to Foodborne Illness Intervention and Risk Factors (red items)	Priority Items
Critical Violations (blue items)	Priority Foundation Items
Non-critical violations (black items)	Core Items

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New Definition of “Priority Item”

- **Priority item** means a provision in this Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.
- **Priority item** includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing
- **Priority item** is an item that is denoted in this Code with a superscript ^P

The term **Priority Item** implies an importance and need for immediate correction

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New Definition of “Priority Foundation Item”

- **Priority foundation item** means a provision in this Code whose application supports, facilitates or enables one or more Priority Items.
- **Priority foundation item** includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.
- **Priority foundation Item** is an item that is denoted in this Code with a superscript ^{Pf}

The term **Priority Foundation** links the provision to a Priority Item

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New Definition of “Core Item”

- **Core item** means a provision in this Code that is not designated as a Priority Item or a Priority Foundation Item.
- **Core item** includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

A **Core Item** has no specific superscript designation in the Code.

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Examples of Risk Designation

Priority (P)

590.002; FC 2-301.12 Cleaning Procedure

Observation – Employees not washing hands properly.

Priority Foundation (Pf)

590.006; FC 6.301.11 Handwashing Cleanser, Availability

Observation – No soap available at the handwashing sink.

Core (C)

590.00; FC 6-301.14 Handwashing Signage

Observation – There was no sign indicating that employees must wash their hands.

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590.008; FC 8-405.11 & FC 8-406.11 Timely Correction

Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame not to exceed:

- **Priority Item:**
Corrected at time of inspection or 72 hours after inspection
- **Priority Foundation Item:**
Corrected at time of inspection or 10 calendar days after inspection
- **Core Item:**
As agreed to or specified by the regulatory authority, but no later than 90 calendar days after the inspection

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CHAPTER 1

Definitions

FC 1-201.10; 590.001(C)

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Mechanically Tenderized

Added

- (1) "**Mechanically tenderized**" means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins, needles or any mechanical device.
- (2) "**Mechanically tenderized**" does not include processes by which solutions are INJECTED into meat.

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Time/Temperature Control for Safety Food (TCS)

Replaced the term “Potentially Hazardous Food” (PHF) with Time/Temperature Control for Safety Food (TCS Food) to identify foods that require cold holding or hot holding during storage and display.

“Time/Temperature Control for Safety Food” (TCS Food) means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

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TCS Food List **Expanded**

Added cut leafy greens and cut tomatoes or mixture of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.



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Cut Leafy Greens **Defined**

Reference: Cut Leafy Greens, FDA Guidance

<https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/IndustryandRegulatoryAssistanceandTrainingResources/ucm218750.htm>

“Cut leafy greens” means greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term “leafy greens” includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce, spinach, cabbage, kale, arugula and chard. The term “leafy greens” does not include herbs such as cilantro or parsley.



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Determining if a food is TCS:

TCS Food does not include:

1999

An air-cooled hard-boiled egg with shell intact;

2013

*An air-cooled hard-boiled egg with shell intact, **or an egg with shell intact that is not hard boiled, but has been pasteurized to destroy all viable salmonellae;***

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Determining if a food is TCS Cont'd:

TCS Food does not include:

1999

A food with an a_w value of 0.85 or less;

A food with a pH level of 4.6 or below when measured at 24°C (75°F);

2013

A FOOD that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-PHF/non-TCS FOOD in Table A or B of this definition;

Added two interaction tables to take into consideration pH, a_w , pH and a_w , heat treatment, and packaging for a relatively simple determination of whether food requires time/temperature control for safety.

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TCS Food Interaction Tables

Table A. Interaction of pH and A_w for control of spores in FOOD heat-treated to destroy vegetative cells and subsequently **PACKAGED**

A_w values	pH: 4.6 or less	pH: > 4.6 - 5.6	pH: > 5.6
≤ 0.92	non-TCS FOOD*	non-TCS FOOD	non-TCS FOOD
> 0.92 - 0.95	non-TCS FOOD	non-TCS FOOD	PA**
> 0.95	non-TCS FOOD	PA	PA

* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

** PA means Product Assessment required

Examples: All heat treated and packaged

Udon Noodles $A_w = .82$ pH = 6.14

*Parmesan Cheese $A_w = .68-.76$ pH = 6.5

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*Texas Health & Human Services - Publication #-23-14821 – 9/1/2017

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TCS Food Interaction Tables Cont'd.

Table B. Interaction of PH and A_w for control of vegetative cells and spores in FOOD not heat-treated or heat-treated but **not PACKAGED**

A_w values	pH: < 4.2	pH: 4.2 - 4.6	pH: > 4.6 - 5.0	pH: > 5.0
< 0.88	non-TCS food*	Non-TCS food	non-TCS food	non-TCS food
0.88 – 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 – 0.92	non-TCS food	non-TCS food	PA	PA
> 0.92	non-TCS food	PA	PA	PA

* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

** PA means Product Assessment required

Examples:

- *Cantaloupe: $A_w = >.99$ pH = 6.2-7.1 Not heat treated
- Green Curry Sauce: $A_w = .90$ pH = 5.78 Heat treated; not packaged

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*Texas Health & Human Services - Publication #-23-14821 – 9/1/2017





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TCS Food Interaction Tables Cont'd.

(d) A FOOD that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that FOOD is precluded due to:

- (i) Intrinsic factors including added or natural characteristics of the FOOD such as preservatives, antimicrobials, humectants, acidulants or nutrients,
- (ii) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or
- (iii) A combination of intrinsic and extrinsic factors; or.....

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Added

“Cottage Food Operation” means:

A person who produces cottage food products only in the home kitchen of that person’s primary domestic residence and only for sale directly to the consumer.

“Cottage Food Products” means:

Non-TCS baked goods, jams, jellies, and other non-TCS foods produced at a cottage food operation.

“Residential Kitchen” - means a kitchen in a private home.

Note: DPH kept the term residential kitchen, but added the cottage food operation and cottage food product definitions to 590.000 because this is a term used nationally and AFDO (works closely with FDA) has a Regulatory Guidance for Best Practices - Cottage Foods - April 2012 document on their website:

[http://www.afdo.org/resources/Documents/Committee%20Reports%202016-2017/Cottage %20Foods%20Guidelines %20\(Complete\)-FINAL%204-20-2012.pdf](http://www.afdo.org/resources/Documents/Committee%20Reports%202016-2017/Cottage%20Foods%20Guidelines%20(Complete)-FINAL%204-20-2012.pdf)

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Added

“Caterer” means any person who prepares food intended for individual portion service, transports and serves it at another location, or who prepares and serves food at a food establishment, other than the one for which he holds a permit, for service at a single meal, party or similar gathering.

“Farmers Market” means a public market or public market place located in a city or town that operates or occurs more than once per year for the primary purpose for Massachusetts farmers, from more than one farm, to vend food, crops and other farm related items that they have produced directly to the public, or a public market or public market place used by farmers that is established by a municipality under G.L. c.40 §10, or operates on Department of Conservation and Recreation land by special permit under G.L. c.132A §2F.

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Revised

(1) ***"Food establishment"*** means an operation that:

(a) stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; market; vending location; institution; food bank; residential kitchen in a bed-and-breakfast operation; residential kitchen for cottage food operation and, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people not including farm trucks.

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(3) Food establishment **does not include:**

- (a) An establishment that offers only pre-packaged foods that are not TCS foods;
- (b) An operation that only offers whole, uncut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs which are stored and maintained at 45°F (7.2°C) or below;
- (c) A food processing plant; *including those that are located on the premises of a food establishment;*

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Food establishment **does not include** cont'd.

- (d) A **residential kitchen** if only non-TCS food is prepared for sale or service at a function such as a religious or charitable organization's bake sale (if allowed by law)

and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;

- (e) A **residential kitchen that prepares food for distribution to a charitable facility in accordance with M.G.L c. 94, § 328;**

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Food establishment **does not include** cont'd.

- (g) A residential kitchen, such as a family daycare provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed six (6), breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the FC-regulatory authority;

- (i) Cooking classes that are held for educational purposes only.

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Revised

"Food Employee" means an individual working with unpackaged food, food equipment, or utensils, or food contact surfaces, **with the exception of farm workers handling uncut fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs which are stored and maintained at 45° F (7.2° C) or below.**

This could include the owner, individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or any other person working in a food establishment.

Note: These "food employees" are allowed to work in a cottage food operation or a residential kitchen.

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590.010 Chapter 10: Guidance on Retail Operations

Replaces the former 590.009 section for MA specific retail operations

- (A) Caterers**
- (B) Mobile Food Operations**
- (C) Temporary Food Establishments**
- (D) Public Markets and Farmers Markets**
- (E) Residential Kitchens: Bed and Breakfast Operations**
- (F) Residential Kitchens: Cottage Food Operations**
- (G) Schools and USDA Nutrition Programs**
- (H) Leased Commercial Kitchens (Shared Kitchens or Incubators)**
- (J) Innovative Operations**

Permitting and approval requirements, as well as exemptions can be found here.

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CHAPTER 2

Management and Personnel

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Person-in-Charge (PIC) and Certified Food Protection Manager (CFPM)

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590.002 (A); FC 2-101.11 Person in Charge – Assignment^{Pf}

- The permit holder shall be the person in charge (PIC) or shall designate a PIC and shall ensure that a PIC is present at the food establishment at all hours of the operation.
- The owner, or person(s) in charge shall designate an alternate person to be in charge at all times when they can't be present. The alternate, when acting as the PIC, shall be responsible for all duties specified in FC 2-103.11 (PIC Duties) and must be adequately trained by the PIC to ensure that the establishment operates in compliance with 105 CMR 590.00: State sanitary code chapter X: Minimum sanitation standards for food establishments (most recent revision – 10/5/18)

Note: Although the PIC must be a certified food protection manager, the alternate person is not required to be a certified food manager. However, when acting as the PIC, they must meet the requirements stated above.

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PIC – Assignment^{Pf} Cont'd

- In addition, each food establishment shall employ at least one **full-time equivalent (FTE)** PIC who shall be on-site manager or supervisor and is at least 18 years of age and who by being a certified food protection manager has shown proficiency of required information through passing a certification examination that is part of an accredited program recognized by the Department.

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590.002(B); FC 2-102.11 Person in Charge – Demonstration^{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; **AND**
- (C) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. . .

NEW: 2-102.11 (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.

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Certified Food Protection Manager (CFPM) Certificates

As a reminder, the CFPM certificates:

- Shall be prominently posted in the establishment next to the food establishment permit.
- Must be removed when the individual(s) is no longer employed on-site by the establishment.
- Must be replaced if the PIC(s) with demonstrated knowledge of food safety is transferred, terminated, or terminates employment.
 - The owner or permit holder shall notify the health department in writing and have 60 days to employ a replacement.
 - The health department may grant an extension not to exceed an additional 60 days to comply with this requirement if deemed necessary.

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CFPM Exemptions – 590.002 (C); FC 2-102.12 Knowledge^{Pf}

590.002 (C) FC 2-102.12 shall not apply to:

- (a) Temporary food establishments operated by non-profit organizations such as, but not limited to, school sporting events, firemen's picnics, grange and church suppers and fairs;
- (b) Daycare operations which serve only snacks;
- (c) Food establishments restricted to the sale of pre-packaged food and limited preparation of non-time/temperature control for safety food and meat and poultry products processed under USDA supervision with a nitrite level of at least 120 PPM and a minimum brine concentration of 3.5%;
- (d) Satellite feeding sites, which receive prepared meals from commissaries for immediate service;
- (e) Elderly meal site locations where each Nutrition Project serves congregate meals in compliance with the requirements set forth in 651 CMR 4.00 and limits the site supervisors to the preparation of reheating commercially pre-cooked individually quick frozen (IQF) entrees, cooking commercially prepared dry pasta products for immediate service, and preparing salads and/or side dishes from fresh and/or frozen fruits and vegetables for immediate service.

Hosts See Note





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590.002 (D); FC 2-103.11 PIC Duties^{Pf}

(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. ^{Pf}

(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. ^{Pf}

(M) 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. ^{Pf}

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590.002 (D); FC 2-103.11 PIC Duties^{Pf}

(N) EMPLOYEES are properly trained in FOOD safety, **including food allergy awareness**, as it relates to their assigned duties ^{Pf}

(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 ¶ 2-201.11(A). ^{Pf}

(P) Written procedures and plans, where specified by this Code and as developed by the FOOD ESTABLISHMENT, are maintained and implemented as required. ^{Pf}

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590.002(D); 2-103.11
(O) PIC Duties

“Verifiable Manner”

Examples:

“Foodborne Illness Investigation and Control Reference Manual”

Food Employee Reporting Agreement - Sample - Ch. 7

“Instructions for Marking the Food Establishment Inspection Report, Including Food Code References for Risk Factors/Interventions”

#3 under Employee Health/Responding to Contamination Events.



Foodborne Illness Investigation and Control Reference Manual




June 2017

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 590.003(C) 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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Employee Health & Hygiene

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590.002 (E); FC 2-201 Responsibilities of Permit Holder, Person in Charge, Food Employees, and Conditional Employees^P

The following three sections were amended to add *Salmonella* (nontyphoidal) as one of the “Big Six” reportable illnesses:

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590.002 (E)(F); FC 2-201 (11, 12, & 13) Employee Health

590.002 (E); FC 2-201.11 Responsibility of Permit Holder, Person in Charge, and Conditional Employees

- Addition of non-typhoidal *Salmonella* (NTS) as one of the pathogens that triggers employee reporting to establishment management

590.002; FC 2-201.12 Exclusions and Restrictions

- Requires food employees to report a diagnosis with an infection of non-typhoidal *Salmonella* (NTS) to the Person in Charge

590.002 (F); FC 2-201.13 Removal, Adjustment, or Retention of Exclusions and Restrictions

- Prompts Exclusion/Restriction/Reinstatement requirements similar to the 5 pathogens previously identified

Hosts



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590.002 (E); FC 2-201.11 Reportable Symptoms

- Vomiting
- Diarrhea
- Jaundice
- Fever with Sore Throat
- Lesions containing pus on hand, wrist or exposed portions of the arm
- ~~Fever~~ (no longer reportable)

Hosts



Sponsors





Food Code Training



590.002 (E); FC 2-201.11

Reportable Diagnosis and Past Illness

- Norovirus ^P
- Hepatitis A virus ^P
- Shigella spp. ^P
- SHIGA TOXIN-PRODUCING ESCHERICHIA COLI ^P
- Typhoid fever ^P
- **Salmonella (non-typhoidal) ^P**
- **Any other disease transmissible through food so designated in 105 CMR 300.000: Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements.**

and

- A diagnosis of Typhoid Fever within the past 3 months without antibiotics.

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105 CMR 300.000

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 300.000: REPORTABLE DISEASES, SURVEILLANCE, AND ISOLATION AND QUARANTINE REQUIREMENTS

Section

- 300.001: Purpose
- 300.020: Definitions
- 300.100: Diseases Reportable to Local Boards of Health
- 300.110: Case Reports by Local Boards of Health
- 300.120: Confidentiality
- 300.131: Illness Believed to Be Due to Food Consumption
- 300.132: Illness Believed to Be Transmissible Through Food
- 300.133: Illness Believed to Be Unusual
- 300.134: Illness Believed to Be Part of a Suspected or Confirmed Cluster or Outbreak
- 300.135: Reporting of Pediatric Influenza Deaths, Severe and Unusual Illness Due to Lack of Antiviral Treatment or Prophylaxis Failure, and Illness Believed to Be Due to Influenza Viruses
- 300.136: Reporting of Infection or Suspected Infection Believed to Be Transmitted by a Product or Transplanted Organ, Tissue or Tissue Product
- 300.140: Reporting of Animal Diseases with Zoonotic Potential by Veterinarians
- 300.150: Declaring a Disease or Condition Immediately Reportable, under Surveillance, Isolation and Quarantine: Temporary Reporting, Surveillance and/or Isolation
- 300.160: Diseases Reportable by Local Boards of Health to the Department
- 300.170: Laboratory Findings Indicative of Infectious Disease Reportable Directly to the Laboratories
- 300.171: Reporting of Antimicrobial Resistant Organisms and Cumulative Antibiotic Sensitivity Test Results (Antibiograms)
- 300.172: Submission of Selected Isolates and Diagnostic Specimens to the State Public Health Laboratory
- 300.173: Reporting of Certain Negative and Indeterminant Diagnostic Tests Associated with Infection Status
- 300.174: Laboratory Findings Indicative of Infectious Disease Reportable Directly to the Local Board of Health by Point of Care Testing
- 300.175: Potential Exposures to Certain Infectious Agents in Clinical Laboratories and Reporting Directly to the Department
- 300.180: Diseases Reportable Directly to the Department
- 300.181: Reporting Work-related Disease Outbreaks
- 300.182: Joint Authority with Department of Labor and Workforce Development
- 300.190: Surveillance and Control of Diseases Dangerous to the Public Health
- 300.191: Access to Medical Records and Other Information
- 300.192: Surveillance of Diseases Possibly Linked to Environmental Exposures
- 300.193: Surveillance of Injuries Dangerous to Public Health
- 300.200: Isolation and Quarantine Requirements
- 300.210: Procedures for Isolation and Quarantine

300.100: Diseases Reportable to Local Boards of Health

Cases or suspect cases of the diseases listed as follows shall be reported by household members, physicians and other health care providers as defined by M.G.L. c. 111, § 1, and other officials designated by the Department, by telephone, in writing, by facsimile or other electronic means, as deemed acceptable by the Department, including transmission from electronic health records, immediately, but in no case more than 24 hours after diagnosis or identification, to the board of health in the community where the case is diagnosed or suspect case is identified. When available, full demographic, clinical and epidemiologic information, as defined by the Department, must be included for each report. The local board of health's responsibility, upon receipt of a report, is set forth in 105 CMR 300.110 and 300.160. Physicians and other health care providers shall also report the diseases listed as follows when identified to be present through point of care testing.

- Anthrax
- Arbovirus infection, including but not limited to, infection caused by:
 - chikungunya virus, dengue, eastern equine encephalitis virus, Jamestown Canyon virus, West Nile virus, yellow fever virus, and Zika virus
- Botulism
- Brucellosis
- Cholera
- Creutzfeldt-Jakob disease or variant Creutzfeldt-Jakob disease
- Diphtheria
- Foodborne illness due to toxins (including mushroom toxins, ciguatera toxins, scombrotoxin, tetrodotoxin, paralytic shellfish toxin and amnesic shellfish toxin, staphylococcus enterotoxin, and others) Encephalitis, any cause
- Hansen's disease (leprosy)
- Hemolytic uremic syndrome (HUS)
- Hepatitis A
- Hepatitis B
- Hepatitis C
- Hepatitis D
- Hepatitis E
- Hepatitis syndrome, acute
- Lymphocytic choriomeningitis
- Malaria
- Measles
- Meningitis, bacterial, community-acquired
- Meningitis, viral (aseptic) or other infectious (non-bacterial)
- Meningococcal disease, invasive infection (with N. meningitidis)
- Mumps
- Pertussis
- Plague
- Poliomyelitis
- Powassan
- Pox virus infections in humans, including variola (smallpox), monkeypox, vaccinia, and other orthopox or parapox viruses
- Rabies in humans
- Respiratory infection thought to be due to any novel coronavirus, including but not limited to severe acute respiratory syndrome (SARS) and Middle East respiratory syndrome (MERS)

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Ch. 4



Foodborne Illness Investigation and Control Reference Manual



June 2017



COMMUNICABLE AND OTHER INFECTIOUS DISEASES REPORTABLE IN MASSACHUSETTS TO LOCAL BOARDS OF HEALTH

Note: If these diseases are initially reported to MDPH, local boards of health will be notified through MAVEN.

INITIATE INVESTIGATION IMMEDIATELY FOR BOTH SUSPECTED AND CONFIRMED CASES AND NOTIFY MDPH!
Telephone: (617) 983-6800

INITIATE INVESTIGATION AND COMPLETE CASE REPORT AS SOON AS POSSIBLE.
(This may include both suspected and confirmed cases.)
Confidential Fax: (617) 983-6813

- *Entamoeba histolytica*
- *Angiogramma phagocytophilum*
- *Stoolitis anthracis*
- *Babesia* sp.
- *Clostridium botulinum*
- *Brucella* sp.
- *Campylobacter* sp.
- *Vibrio cholerae*
- *St-Jakob disease (CJD) and variant CJD*
- *Cryptococcus neoformans*
- *Cryptosporidium* sp.
- *Cyclospora cayentensis*
- *Corynebacterium diphtheriae*
- *Acute encephalitis*
- *Ehrlichia* sp.
- *Illis, any cause*
- *Shiga toxin-producing E. coli O157:H7, and other shiga-toxin producing*
- *Illness due to toxins (including mushroom toxins, toxins, scabrototoxin, tetrodotoxin, paralytic shellfish and amnesic shellfish toxin, and others)*
- *Giardia* sp.
- *Shigella* sp.
- *Streptococcus, invasive*
- *Streptococcus, invasive*
- *Influenza, invasive*
- *Disease (leptosy)*
- *Uremic syndrome*
- *Hepatitis A (IgMv only)*
- *Hepatitis B*
- *Hepatitis C*
- *Hepatitis D*
- *Hepatitis E*
- *Hepatitis syndrome, acute, possibly infectious*
- *Influenza*
- *Influenza A virus, novel*
- *Influenza, pediatric deaths (<18 years)*
- *Legionellosis (Legionella sp.)*
- *Leptospirosis (Leptospira sp.)*
- *Listeriosis (Listeria sp.)*
- *Lyme disease (Borrelia burgdorferi)*
- *Lymphocytic choriomeningitis*
- *Malaria (Plasmodium sp. including falciparum, P. malariae, P. vivax, P. ovale)*
- *Measles*
- *Melioidosis (Burkholderia pseudomallei)*
- *Meningitis, bacterial, community acquired*
- *Meningitis, viral (aseptic), and other infectious (non-bacterial)*
- *Meningococcal disease, invasive (Neisseria meningitidis)*
- *Mumps*
- *Norovirus*
- *Pertussis (Bordetella pertussis)*
- *Plague (Yersinia pestis)*
- *Pneumococcal disease, invasive (Streptococcus pneumoniae)*
- *Polio*
- *Pox virus infections in humans, including variola (smallpox), monkeypox, vaccinia and other orthopox or parapox viruses*
- *Pittacidae (Chlamydia philipii)*
- *Q fever (Coxiella burnetii)*
- *Rabies in humans*
- *Respiratory infection thought to be due to any novel coronavirus, including severe acute respiratory syndrome (SARS) and Middle East respiratory syndrome (MERS)*
- *Rhyme syndrome*
- *Rheumatic fever*
- *Rickettsialpox (Rickettsia akari)*
- *Rocky Mountain spotted fever (Rickettsia rickettsii)*
- *Rubella*
- *Salmonellosis (Salmonella sp., non typhi)*
- *Shiga-toxin producing organisms*
- *Shigellosis (Shigella sp.)*
- *Tetanus (Clostridium tetani)*
- *Toxic shock syndrome*
- *Trichinosis (Trichinella sp.)*
- *Tularemia (Francisella tularensis)*
- *Typhoid fever (Salmonella typhi)*
- *Typhus (Rickettsia prowazekii)*
- *Varicella (chicken pox)*
- *Vibriosis (Vibrio sp.)*
- *Viral hemorrhagic fevers*
- *West Nile*
- *Yellow fever*
- *Yersiniosis (Yersinia sp.)*

Important Note: During outbreaks, MDPH and local boards of health may require that other diseases be reportable immediately.

105 CMR 300.000 Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements, Effective December 2013

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590.002 (E); FC 2-201.11; FC 2-201.11 Reportable History of Exposure

- Exposure to, or suspicion of causing any confirmed outbreak of the diseases listed below:
- A household member has been diagnosed with one or more of the diseases listed below:
- A household member attended, or is working in a setting experiencing a confirmed outbreak of one of the diseases listed below:
 - Norovirus **within the past 48 hours after last exposure**
 - Shiga toxin-producing *E. coli* (STEC) or *Shigella* spp. **within the past 3 days of the last exposure**
 - *Salmonella typhi* **within the past 14 days of the last exposure**
 - Hepatitis A **within the past 30 days of the last exposure**

Remind employees to report reportable symptoms and ensure compliance with good hygienic practices, handwashing, and no bare hand contact with ready-to-eat foods.

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Food Code Training



590.002; FC 2-301.12 Proper Handwashing Procedure^P

Amended to read:

FOOD EMPLOYEES shall clean their hands and exposed portions of their arms, **including surrogate prosthetic devices for hands or arms** for at least 20 seconds . . .

Procedures:

1. Rinse under clean, **running warm** water;
2. **Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;**
3. Rub together vigorously for at least **10 to 15 seconds . . . Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers;**
4. Thoroughly rinse under clean, **running warm** water; and
5. **Immediately follow the cleaning procedure with thorough drying . . .**

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Food Code Training



590.002; FC 2-301.14 When to Wash Hands^P

Amended to read:

- Food employees shall clean their hands and exposed portions of their arms as specified under 590.002; FC 2-301.12 immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and

(H) Before donning gloves to initiate a task that involves working with food

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Food Code Training



As a reminder:

590.003 (C); FC 3-301.11 Bare hand contact^P

FOOD EMPLOYEES may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT. Single-use natural rubber latex gloves are not recommended for food contact in FOOD ESTABLISHMENTS.

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Food Code Training



590.002 (G); FC 2-201.20

Prevention of Foodborne Cases of Viral Gastroenteritis

This is a completely new section of 105 CMR 590:

Food handlers who test positive for Norwalk virus, Norwalk-like virus, 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.

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Food Code Training



Responding to Contamination Events



590.002; FC 2-501.11 Clean-up of Vomiting & Diarrheal Events

Completely new subpart to Chapter 2 of the FDA Food Code

Requires food establishments to have procedures to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the establishment.

Procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

Putting the proper response into action in a timely manner can help reduce the likelihood that food may become contaminated and that others may become ill as a result of the accident.



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Food Code Training



Why target Norovirus when cleaning after a vomit or diarrheal event?

According to the CDC:

- Norovirus is the leading cause of foodborne disease outbreaks in the United States.
- It is responsible for greater than 50% of all foodborne gastroenteritis outbreaks.
- An estimated 21 million cases of acute gastroenteritis are due to Norovirus infection.
- Transmission occurs via foodborne and person-to-person routes, airborne inhalation of vomitus droplets, and also through contact with contaminated environmental surfaces.
- Norovirus causes acute onset of vomiting (often explosive) and diarrhea (also often explosive) which can contaminate surfaces and become airborne increasing the chances of additional infections.
- Effective clean up of vomitus and fecal matter in a food establishment should involve a more stringent cleaning and disinfecting process.
- Some compounds that are routinely used for sanitizing food-contact surfaces and disinfecting countertops and floors, such as certain quaternary ammonium compounds, may not be effective against Norovirus.
- Food establishments should have procedures for the cleaning and disinfection of vomitus and/or diarrheal contamination events that address the use of proper disinfectants at the proper concentration.

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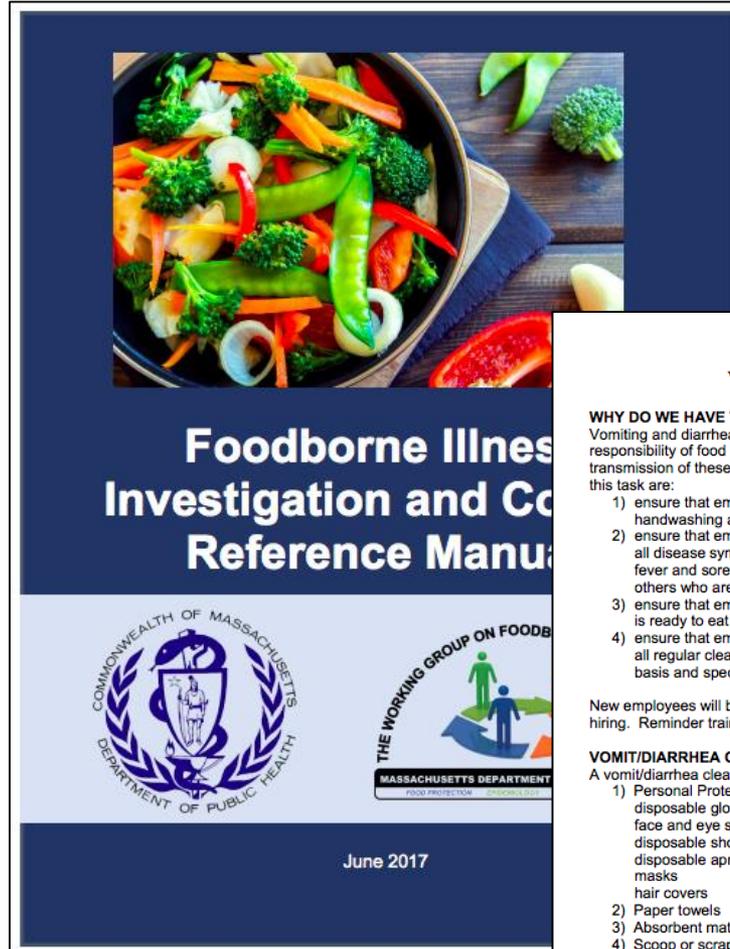




590.002; FC 2-501.11 Clean-up of Vomiting & Diarrheal Events

Vomit and Diarrhea Clean-up Procedure – Sample - Chapter 8

“Foodborne Illness Investigation and Control Reference Manual”



Vomit and Diarrhea Clean-Up Procedure

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 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

Buckets, wiping cloths, detergent and sanitizers will also be needed and are available in various locations throughout the food service area. The Person-in-Charge is responsible for refilling the clean-up kit after use. Extra supplies will be on hand. All supplies will be purchased or ordered at the time of the incident so that the kit is ready for use as soon as possible after the incident.

WHEN A VOMITING OR DIARRHEA INCIDENT OCCURS

- 1) Remove the following from the area if no contact with vomit or diarrhea:
 - a) employees and/or customers
 - b) packaged food or food in closed containers
 - c) portable equipment, linens and open single-use and single-service articles.

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Clean-up of Vomiting & Diarrheal Incidents Cont'd

Other Helpful Resources:

FDA 2013 Annex 3, Chapter 2 lists things to consider when developing a plan that addresses the need for the cleaning and disinfection of a vomitus and/or diarrheal contamination event.

CDC Poster – *Help Prevent the Spread of Norovirus* (using bleach)

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CDC Poster - Help Prevent the Spread of Norovirus

Help Prevent the Spread of Norovirus ("Stomach Bug")

IF NOROVIRUS IS AFFECTING YOUR COMMUNITY, HERE ARE SOME ACTIONS YOU CAN TAKE TO HELP PREVENT FURTHER ILLNESS

1 Clean up surfaces

- a. Clean frequently touched surfaces with soapy water
- b. Rinse thoroughly with plain water
- c. Wipe dry with paper towels
- d. Dispose of paper towels

DON'T STOP HERE: GERMS CAN REMAIN ON SURFACES EVEN AFTER CLEANING!

2 Disinfect surfaces

- a. **Prepare and apply a chlorine bleach solution**
Make bleach solutions fresh daily; keep out of reach of children; never mix bleach solution with other cleaners



1/3 CUP BLEACH + 1 GALLON WATER
CONCENTRATION ~1000 ppm

- b. **Air dry surfaces unlikely to have food or mouth contact**
Or...
- c. **Rinse all surfaces intended for food or mouth contact with plain water before use**

3 Wash your hands thoroughly with soap and water

Hand sanitizers may not be effective against norovirus

Facts about Norovirus

Norovirus is the leading cause of outbreaks of diarrhea and vomiting in the US, and it spreads quickly.

Norovirus spreads by contact with an infected person or by touching a contaminated surface or eating contaminated food or drinking contaminated water. Norovirus particles can even float through the air and then settle on surfaces, spreading contamination.

Norovirus particles are extremely small and billions of them are in the stool and vomit of infected people.

Any vomit or diarrhea may contain norovirus and should be treated as though it does.

People can transfer norovirus to others for at least three days after being sick.

Scientific experts from the U.S. Centers for Disease Control and Prevention (CDC) helped to develop this poster. For more information on norovirus prevention, please see <http://www.cdc.gov/norovirus/preventing-infection.html>.


cu.somerset.nj.us/health


neha.org


waterandhealth.org


americanchemistry.com

disinfect-for-health.org

https://waterandhealth.org/wp-content/themes/acfl/pdfs/NorovirusPrevent_8.5x11_English_Color.pdf

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Food Code Training



Clean up of Vomiting & Diarrheal Incidents Cont'd

Spill Kits – Although not required by regulation, if they make their own, or purchase one, ensure they contain an adequate supply of items (like sorbent, disinfectant, gloves, etc.) and that they refill supplies after use.

If they purchase or make their own spill kits, with the goal of eliminating Norovirus, the CDC recommends that the disinfectant be registered by the EPA as effective against Norovirus.

For more information about disinfectants registered as effective against norovirus by the Environmental Protection Agency (EPA), see:

<https://www.epa.gov/pesticide-registration/list-g-epa-registered-hospital-disinfectants-effective-against-norovirus>

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Spill Kit Content – Sorbant Options



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Examples: EPA Registered Disinfectants



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Food Code Training



CHAPTER 3

Food

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Food Code Training



590.003 (B); FC 3-201.16 Wild Mushrooms

(A) Except as specified in ¶ (B) of this section, mushroom species picked in the wild shall ~~be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert~~ not be offered for sale or service by a food establishment unless the food establishment has been APPROVED to do so. ^P

Hosts



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590.003; FC 3-203.12

Shellstock, Maintaining Identification ^{Pf}



- (A) Except as specified under (C)(2) of this section, shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.
- (B) **The date when the last shellstock from the container is sold or served shall be recorded on the tag or label.**
- (C) The identity of the source of SHELLSTOCK that are sold or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date that is recorded on the tag or label (last sold/served date).



Food Code Training



590.003; FC 3-203.12 (C)(2) Pf

(C)(2) If shellstock are removed from its tagged or labeled container:

- (a) Preserving 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),
- (b) 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.

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Food Code Training



590.003 (B); FC 3-203.11 Shellfish, Original Container

Paragraph (D) was deleted.

Shucked shellfish may NOT be removed from the container in which they were received and repacked in self service containers.

Note: Good Manufacturing Regulations for Food – specifically section 105 CMR 500.020 (B) (2) d and e, prohibits high hazard processing, such as shucking and meat picking, and removing shellfish meats from the shell at the retail level. However, shellfish meat prepared and served "on the half-shell" is permitted by DPH. If a retailer wants to conduct any of these high hazard processes, they must apply for a variance from DPH.

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Food Code Training



590.003; FC 3-401.11 Cooking ^P

(C) A raw or partially cooked animal food may be served or offered for sale upon consumer request or selection in a R-T-E form if:

(D)(2) The food is served or offered for service by consumer selection from a children's menu, does not contain comminuted meat, and

Simply stated: ground *meats* cannot be offered raw or undercooked from a child's menu.

“Meat” means the flesh of animals used as food, including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals as specified under subparagraphs 3-201.17 (s)(3) and (4).

Hosts



Sponsors





Food Code Training



590.003; FC 3-401.14

Non-Continuous Cooking of Raw Animal Foods

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.

NOTE: raw animal foods that are **not cooled** after the initial heat/cook are not included in the definition of non-continuous cooking.

Hosts



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Food Code Training



Non-Continuous Cooking Cont'd.

Raw animal FOODS that are cooked using a NON-CONTINUOUS COOKING process shall be:

- (A) Subject to an initial heating process that is no longer than sixty minutes in duration^P
- (B) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked TCS Food ^P
- (C) After cooling, held frozen or cold, as specified TCS foods; ^P
- (D) Prior to sale or service, cooked using a process that heats all parts of the food to a temperature and for a time as specified in the Food Code; ^P
- (E) Cooled according to the time and temperature parameters specified in the Food Code for TCS foods ^P

Hosts



Sponsors





Food Code Training



Non-Continuous Cooking Cont'd.

(F) Prepared and stored according to written procedures that: ^{Pf}

- (1) Have obtained prior approval from the regulatory authority;
- (2) Are maintained in the food establishment and are available to the regulatory authority upon request;
- (3) Describe how the requirements specified under ¶ (A)-(E) of this Section are to be monitored and documented by the permit holder and the corrective actions to be taken if the requirements are not met;
- (4) Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified under ¶ (D) of this section prior to being offered for sale or service; and
- (5) Describe how the foods, after initial heating but prior to cooking as specified under ¶(D) of this section, are to be separated from ready-to-eat foods

Hosts





Food Code Training



590.003; FC 3-402.11 Parasite Destruction ^P

(A) Except as specified in ¶ (B) of this sections, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish shall be:

- Frozen and stored at a temperature of -4°F or below for a minimum of 7 days
- Frozen at -31°F or below until solid and stored at -31°F or below for a minimum of 15 hours; or
- Frozen at -31°F or below until solid and stored at -4°F or below for a minimum of 24 hours

Hosts



Sponsors





Food Code Training



Parasite Destruction Cont'd.

(B) Paragraph (A) of this section does not apply to:

(1) MOLLUSCAN SHELLFISH;

(2) A scallop product consisting only of the shucked adductor muscle;

(3) Tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern); or

(4) Aquacultured FISH, such as salmon, that:

(a) If raised in open water, are raised in net-pens, or

(b) Are raised in land-based operations such as ponds or tanks, and

(c) Are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured FISH.

(5) FISH eggs that have been removed from the skein and rinsed.

Hosts





Food Code Training



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

590.003; FC 3-202.11

Receiving hot foods - now **135°F** or above.

590.003; FC 3-304.12

In-use utensil – may now be stored in hot water at **135°F** or above.

590.003; FC 3-401.13

Cooking fruits and vegetables for hot holding **135°F** or above
(no cooking requirement if cooked for immediate service).

Hosts



Sponsors





Food Code Training



New Temperature Danger Zone Cont'd.

590.003; FC 3-501.16

Hot holding is now **135°F** or above.

590.003; FC 3-501.14

Cooling - now **135°F** to 70°F in first 2 hours and then from 70°F to 41°F within the next 4 hours. Whole process not to exceed 6 hours.

590.003; FC 3-403.11

Reheating commercially processed TCS foods - must now be reheated to **135°F** or above.

Hosts



Sponsors



590.003; FC 3-501.13 Thawing

(E) Reduced oxygen packaged fish that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment:

- (1) Prior to thawing under refrigeration; or
- (2) Prior to, or immediately upon completion of thawing using procedures specified in ¶ (B) of this section (thawing completely submerged under running water).



Hosts



Food Code Training



590.003; FC 3-501.17 Ready-to-Eat, TCS Food Date Marking^{Pf}

(A) On-premise preparation

Except when packaging food using a ROP method, refrigerated, R-T-E, TCS 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 or less for a maximum of 7 days.

The day of preparation shall be counted as Day 1.

Hosts



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Food Code Training



TCS Food Date Marking Cont'd.

(B) Commercially processed food

Refrigerated, R-T-E, TCS 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 the Food Code and:

- (1) The day the original container is opened in the food establishment shall be counted as Day 1; 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.

Hosts





Food Code Training



TCS Food Date Marking Cont'd.

(C) Combining ingredients:

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.

Hosts





Food Code Training



TCS Food Date Marking Cont'd.

- 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.

Hosts



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Food Code Training



TCS Food Date Marking Cont'd.

- 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 live molluscan shellfish (i.e. clams, mussels, oysters).

Hosts



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Food Code Training



TCS Food Date Marking Cont'd.

This does not apply to the following foods prepared and packaged by a food processing plant:

- 1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad
- 2) Hard cheeses such as cheddar, gruyere, parmesan and reggiano, and romano;
- 3) Semi-soft cheeses such as blue, edam, gorgonzola, gouda, and monterey jack;
- 4) Cultured dairy products 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;
- 6) Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and
- 7) Shelf stable salt-cured products such as prosciutto and Parma (ham).

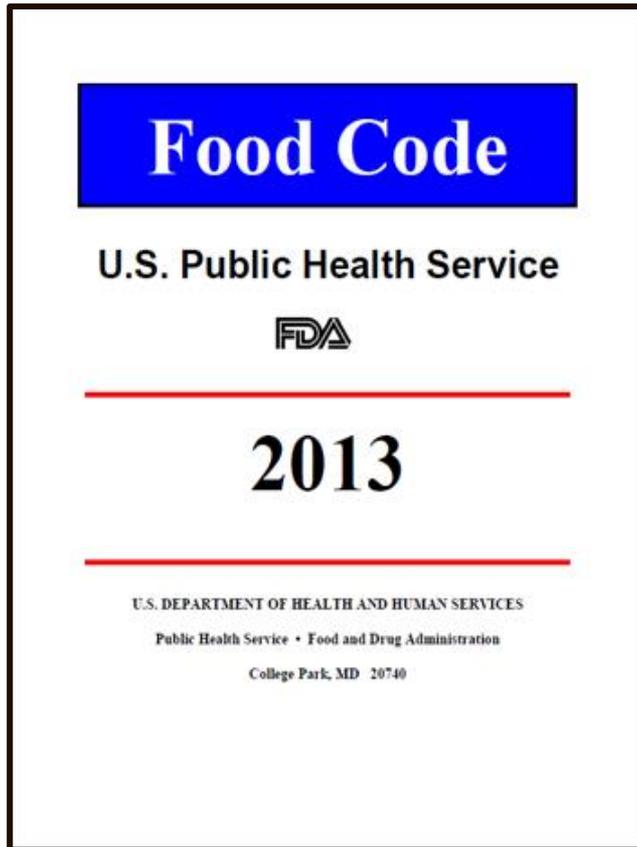
Hosts



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List of Hard and Semi-Soft Cheeses exempt from Date Marking



Annex – pg. 453	
List of Hard Cheeses Exempt from Date Marking	List of Semi-Soft Cheeses Exempt from Date Marking
Asadero	Asiago soft
Abertam	Battelmatt
Appenzeller	Bellelay (blue veined)
Asiago medium or old	Blue
Bra	Brick
Cheddar	Camosum
Christalinna	Chantelle
Colby	Edam
Cotija Anejo	Fontina
Cotija	Gorgonzola (blue veined)
Coon	Gouda
Derby	Havarti
Emmentaler	Konigskase
English Dairy	Limburger
Gex (blue veined)	Milano
Gloucester	Manchego
Gjetost	Monterey
Gruyere	Muenster
Herve	Oka
Lapland	Port du Salut
Lorraine	Provolone
Oaxaca	Queso de Bola
Parmesan	Queso de la Tierra
Pecorino	Robbiole
Queso Anejo	Roquefort (blue veined)
Queso Chihuahua	Samsoe
Queso de Prensa	Tilsiter
Romanello	Trappist
Romano	
Reggiano	
Sapsago	
Sassenage (blue veined)	
Stilton (blue veined)	
Swiss	
Tignard (blue veined)	
Vize	
Wensleydale (blue veined)	

Hosts



Food Code Training



590.003; FC 3-501.18

Ready-to-Eat, TCS Food, Disposition^P

- 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).

Hosts



Sponsors The logo for the New England Public Health Training Center features a stylized lighthouse icon to the left of the text "NEW ENGLAND PUBLIC HEALTH TRAINING CENTER" in a blue box.

The logo for the Berkshire County Boards of Health Association (B.C.B.O.H.A.) features a stylized lighthouse icon to the left of the text "B.C.B.O.H.A. BERKSHIRE COUNTY BOARDS OF HEALTH ASSOCIATION" in a blue box.



Food Code Training



590.003; FC 3-304.17 Refilling Returnables

(A) Except as specified in ¶¶ (B) - (E) of this section, empty c containers returned to a food establishment for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant. ^P

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BERKSHIRE COUNTY BOARDS OF HEALTH ASSOCIATION



Food Code Training



590.003; FC 3-304.17 Refilling Returnables Cont'd

(B) A take-home food container returned to a food establishment may be refilled at a food establishment with food if the food container is:

- (1) Designed and constructed for reuse^P;
- (2) One that was initially provided by the food establishment to the consumer, either empty or filled with food by the food establishment, for the purpose of being returned for reuse;
- (3) Returned to the food establishment by the consumer after use; and
- (4) Subject to the following steps before being refilled with food:
 - (a) Cleaned properly,
 - (b) Sanitized properly; ^P
 - (c) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under Part 4-1 and 4-2; ^P and

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Food Code Training



Refilling Returnables Cont'd

(C) A take-home food container returned to a food establishment may be refilled at a food establishment with a beverage if:

- (1) The beverage is not a time/temperature control for safety food;
- (2) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;
- (3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
- (4) The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and

Hosts





Food Code Training



Refilling Returnables Cont'd

(5) The container is refilled by:

(a) An employee of the food establishment , or

(b) The owner of the container if the BEVERAGE system includes a contamination-free transfer process that cannot be bypassed by the container owner.

(D) Consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups, and promotional BEVERAGE glasses, may be refilled by employees or the consumer if refilling is a contamination-free process.

(E) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

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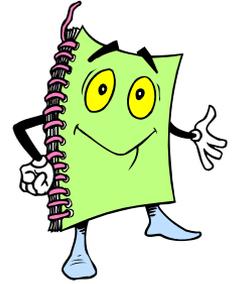




Food Code Training



590.003; FC 3-502.11 Variance Required^{Pf}



- Smoking Food (only as method of food preservation)
- Curing Food
- Using Food Additives (i.e. vinegar) as food preservation or to render food a non TCS food
- Reduced Oxygen Packaging (ROP)
- Molluscan shellfish life-support system display tanks for consumption – must obtain additional variance for wet storage systems from DPH (105 CMR 500.021(D).
- Custom Processing of Animals
- Preparing food by another method that is determined by RA to require a variance
- **Sprouting seeds – NEW!**

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NOTE: HACCP plan required



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Food Code Training



590.003; FC 3-502.12

Reduced Oxygen Packaging Without a Variance (need a HACCP plan)

Various revisions made throughout this section:

- *Listeria monocytogenes* is now identified as a hazard along with *C. Botulinum* for ROP
- ROP packages held at 41°F, shelf life extended from 14 days to 30 days
- HACCP plan must be provided to the Regulatory Authority prior to implementation

Revisions under Cook-Chill or Sous Vide include:

- Limits foods packaged using Sous Vide or Cook- Chill to only those foods which are fully cooked prior to service
- Holding time at 5°C (41°F) or less for a maximum of 7 days unless held at 34°F in which shelf-life is 30 days

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Food Code Training



Reduced Oxygen Packaging Without a Variance Cont'd.

No variance OR HACCP plan required if:

- Always labeled with production time & date
- Held at 41°For lower
- Removed from packaging within 48 hours.

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Food Code Training



590.003 (D); FC 3-501.19

Time as a Public Health Control (TPHC)

If time rather than temperature is used as a public health control for TCS foods:

Cold food may remain out of temperature control for up to 6 hours providing that the product temperature does not exceed 70°F.

Written procedures must be prepared in advance, submitted to the RA for review, maintained in the establishment, and made available to the RA. No variance is required.

No Change:

If food is above 70°F, only 4 hours is allowed out of temperature control. Hot food may remain out of temperature control for up to 4 hours.

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Food Code Training



590.003; FC 3-404.11 Treating Juice

JUICE packaged in a food establishment shall be:

(A) Treated under a HACCP plan as specified in ¶¶ 8-201.14 to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance; ^P or

(B) **Labeled**, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance: ^{Pf}

(1) As specified under § 3-602.11, ^{Pf} and

(2) As specified in 21 CFR 101.17(g) Food labeling, warning, notice, and safe handling statements, juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens with the following, ***“WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.”*** ^{Pf}



NOTE: Previously mentioned under 3-801.11: Pasteurized Foods, Prohibited Reservice, and Prohibited Food (foods that may not be offered for sale or service in an HSP).

Hosts





Food Code Training



590.004; FC 3-304.14 (E) Wiping Cloths, Use Limitation

Containers of chemical sanitizing solutions in which wet wiping cloths are held between uses shall be stored off the floor and in a manner that prevents contamination.

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Food Code Training



CHAPTER 4

Equipment, Utensils and Linens

Hosts



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Food Code Training



590.004; FC 4-302.13 (A)

Temperature Measuring Devices, Manual Warewashing^{Pf}

In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperature. ^{Pf}



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Food Code Training

590.004; FC 4-302.13 (B)

Temperature Measuring Devices, Manual and Mechanical Warewashing^{Pf}

In hot water mechanical warewashing operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the utensil surface temperature.



Hosts



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Food Code Training



590.004; FC 4-303.11

Cleaning Agents & Sanitizers, Availability

- (A) Cleaning agents that are used to clean equipment and utensils shall be provided and available for use during all hours of operation.

- (B) Except for those that are generated on-site at the time of use, chemical sanitizers that are used to sanitize equipment and utensils shall be provided and available for use during all hours of operation.

Found in 2015 Supplement

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Food Code Training



590.004; FC 4-904.14

Rinsing Equipment and Utensils after Cleaning and Sanitizing

After being cleaned and sanitized equipment and utensils shall not be rinsed before air drying or use unless:

- (A) The rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified under Subparts 4-204 and 4-501; and
- (B) The rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose EPA-registered label use instructions call for rinsing off the sanitizer after it is applied in a commercial warewashing machine.

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Food Code Training



CHAPTER 5

Water, Plumbing & Waste

Hosts



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Food Code Training



590.005; FC 5-202.12 Handwashing Sink Installation

Changed:



A handwashing sink shall be equipped to provide water at a temperature of least **100°F** through a mixing valve. ^{Pf}

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Food Code Training



590.005; FC 5-203.13 Service Sink

- At least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.
- Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

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CHAPTER 6

Physical Facilities

Hosts



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Food Code Training



590.006; FC 6-301.12 Hand Drying Provisions

Adds a new (D) to a hand drying device that employs a high velocity, pressurized air at ambient temperatures allow non-heated, fast blowing air for hand drying. ^{Pf}

Hosts





Food Code Training



590.006; FC 6-501.18 Cleaning of Plumbing Fixtures

Plumbing fixtures, such as hand washing sinks, toilets, and urinals shall be cleaned as often as necessary to keep them clean.

Hosts



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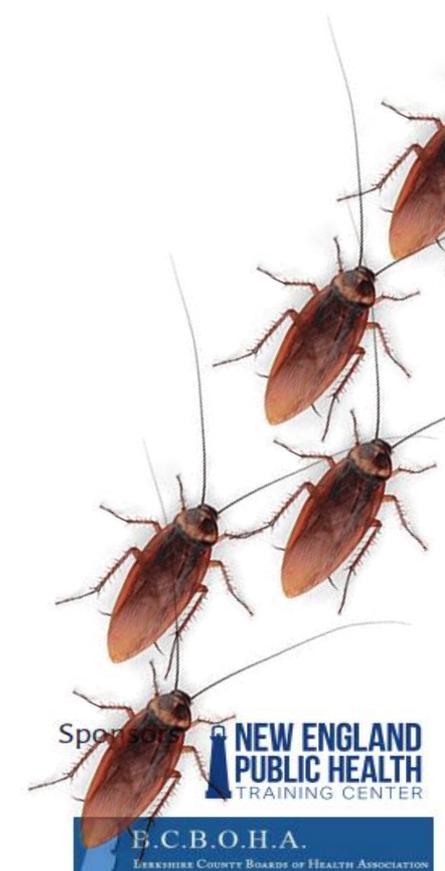
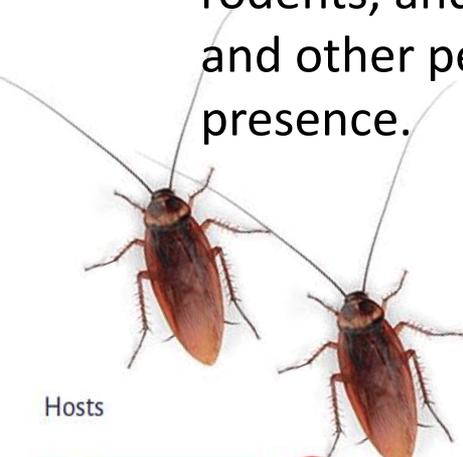
Food Code Training



590.006; FC 6-501.111 Controlling Pests

1999 – The presence of insects, rodents, and other pests shall be *controlled to minimize their presence* on the premises by:.....

2013 - The PREMISES shall be maintained **free** of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence.



Hosts





Food Code Training



CHAPTER 7

Poisonous or Toxic Materials

Hosts



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Food Code Training



590.007; FC 7-206.13

Tracking Powders, Pest Control and Monitoring^P

- (A) Except as specified in (B) of this sections, a tracking powder pesticide may not be used in a food establishment.^P
- (B) If used, a nontoxic tracking powder, such as talcum or flour may not contaminate food, equipment, utensils, linens, and single-use articles.

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Food Code Training



CHAPTER 8

Compliance & Enforcement

Hosts



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Food Code Training



590.008; FC 8-304.11

Responsibilities of the Permit Holder

Amended to add new ¶(K) to include a requirement for the permit holder to notify customers that a copy of the most recent establishment inspection report is available upon request by posting a sign or placard in a location in the food establishment that is conspicuous to customers or by another method acceptable to the regulatory authority.

A copy of our most recent inspection report is available upon request.



Hosts



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Food Code Training



Inspection Form Marking Instructions

Hosts



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Food Code Training



Marking Instructions for DPH Inspection Report

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: _____ Number of Repeat Violations Related to Foodborne Illness Risk Factors and Interventions (Items 1 through 29): _____

Person-in-charge: _____

Inspector: _____

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

IN = in compliance OUT = out of compliance NO = not observed N/A = not applicable COS = corrected on-site during inspection R = repeat violation

Compliance Status	IN	OUT	NO	N/A	COS	R
Supervision						
1 Person-in-charge present, demonstrates knowledge, and performs duties						
2 Certified Food Protection Manager						
Employee Health						
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						
Good Hygienic Practices						
6 Proper eating, tasting, drinking, or tobacco use						
7 No discharge from eyes, nose, and mouth						
Preventing Contamination by Hands						
8 Hands clean & properly washed						
9 No bare hand contact with ready-to-eat food						
10 Adequate handwashing sinks properly supplied and accessible						
Approved Source						
11 Food obtained from approved source						
12 Food received at proper temperature						
13 Food received in good condition, safe, & unadulterated						
14 Required records available: shellstock tags, parasite destruction						
Protection from Contamination						
15 Food separated and protected						
16 Food-contact surfaces; cleaned & sanitized						
17 Proper disposition of returned, previously served, reconditioned & unsafe food						
Time/Temperature Control for Safety						
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						
Consumer Advisory						
25 Consumer advisory provided for raw / undercooked food						
Highly Susceptible Populations						
26 Pasteurized foods used; prohibited foods not offered						
Food/Color Additives and Toxic Substances						
27 Food additives: approved & properly used						
28 Toxic substances properly identified, stored & used						
Conformance with Approved Procedures						
29 Compliance with variance / specialized process / HACCP Plan						

Official Order for Correction: Based on an inspection today, the items marked "OUT" indicated violations of 105 CMR 590.000 and applicable sections of the 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, revocation, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).

Date of Reinspection: _____ Discussion with Person-in-Charge: _____

Signature of Person-in-Charge: _____ Date: _____

Signature of Inspector: _____ Date: _____

MDPH report form - 1/05/18 version

GUIDE 3-B Instructions for Marking the Food Establishment Inspection Report – page 2

GUIDE 3-B Instructions for Marking the Food Establishment Inspection Report, Including Food Code References for Risk Factors/Interventions and Good Retail Practices

All references and code sections in these marking instructions are based on the 2009 Food Code and its Supplement.

A. GENERAL MARKING INSTRUCTIONS

HEADER Information

Establishment Complete this section using the "usual/common name" or "Doing Business As" name of the business. This information should be the same as the license/permit application completed at the initiation of the business.

Address Street address of the actual business location

Zip Code Actual business location

Telephone Contact phone number for the establishment

License/Permit # License number or tracking identification

Permit Holder Name of Owner or Operator as shown on application

Purpose The reason for the inspection – routine, re-inspection, complaint, or follow-up, etc.

Est. Type Description or code for describing the type of facility (e.g. restaurant, market, vehicle, temporary food facility)

Risk Category Designation of risk/priority level for determining frequency of inspection

Number of Risk Factor/Intervention Violations The number of boxes marked OUT in items 1-27 should be counted and the total number placed here

Number of Repeat Risk Factor/Intervention Violations The number of boxes marked R (repeat) in items 1-27 should be counted and the total number placed here

Score (optional) A score is optional for this form. If a jurisdiction has a scoring system, it should be incorporated into the inspection form and the score of an inspection placed here.

Date The date of the inspection including month, day, and year

Time In The actual time the inspection begins

Time Out The actual time the inspection ends

B. RISK FACTORS AND INTERVENTIONS

Risk factors are food preparation practices and employee behaviors most commonly reported to the Centers for Disease Control and Prevention (CDC) as contributing factors in foodborne illness outbreaks. Risk factors include: Food from Unsafe Sources, Improper Holding Temperatures, Inadequate Cooking, Contaminated Equipment, and Poor Personal Hygiene. These items are prominent on the Food Establishment Inspection Report because maintaining these items in compliance is vital to preventing foodborne illness. Additionally, five key public health interventions were introduced in the 1993 Food Code that supplemented the other interventions long-established by the Food and Drug Administration (FDA) model codes and guidances to protect consumer health. The five key interventions are: Demonstration of Knowledge, Employee Health Controls, Controlling Hands as a Vehicle of Contamination, Time and

Note: The marking instructions do not take into consideration supplemental regulations or amendments made by state or local regulatory agencies. Hosts _____ Sponsors _____





Food Code Training



GUIDE 3-B Instructions for Marking the Food Establishment Inspection Report – page 2

GUIDE 3-B Instructions for Marking the Food Establishment Inspection Report, Including Food Code References for Risk Factors/Interventions and Good Retail Practices

All references and code sections in these marking instructions are based on the 2009 Food Code and its Supplement.

A. GENERAL MARKING INSTRUCTIONS

HEADER Information

Establishment	Complete this section using the "usual/common name" or "Doing Business As" name of the business. This information should be the same as the license/permit application completed at the initiation of the business.
Address	Street address of the actual business location
Zip Code	Actual business location
Telephone	Contact phone number for the establishment
License/Permit #	License number or tracking identification
Permit Holder	Name of Owner or Operator as shown on application
Purpose	The reason for the inspection – routine, re-inspection, complaint, or follow-up, etc.
Est. Type	Description or code for describing the type of facility (e.g. restaurant, market, vehicle, temporary food facility)

Risk Category Designation of risk/priority level for determining frequency of inspection

Number of Risk Factor/ Violations The number of boxes marked OUT in items 1-27 should be counted and the total number placed here

Number of Repeat Risk Violations The number of boxes marked R (repeat) in items 1-27 should be counted and the total number placed here

Score (optional) A score is optional for this form. If a jurisdiction has a scoring system, it should be incorporated into the inspection form and the score of an inspection placed here.

Date The date of the inspection including month, day, and year

Time In The actual time the inspection begins

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B. RISK FACTORS AND INTERVENTIONS

Risk factors are food preparation practices and employee behaviors most commonly reported to the Centers for Disease Control and Prevention (CDC) as contributing factors in foodborne illness outbreaks. Risk factors include: Food from Unsafe Sources, Improper Holding Temperatures, Inadequate Cooking, Contaminated Equipment, and Poor Personal Hygiene. These items are prominent on the Food Establishment Inspection Report because maintaining these items in compliance is vital to preventing foodborne illness. Additionally, five key public health interventions were introduced in the 1993 Food Code that supplemented the other interventions long-established by the Food and Drug Administration (FDA) model codes and guidances to protect consumer health. The five key interventions are: Demonstration of Knowledge, Employee Health Controls, Controlling Hands as a Vehicle of Contamination, Time and

Instructions for Marking the Food Establishment Inspection Report

Instructions state, “. . . Based on the 2009 Food Code . . .” (This is actually a typo and instructions are based on 2013 Food Code).

References items 1-27 in two different areas. (These are actually typo's as there are 29 items in the 2013 Food Code).

Hosts



Sponsors





Food Code Training



GUIDE 3-B Instructions for Marking the Food Establishment Inspection Report – page 2

GUIDE 3-B Instructions for Marking the Food Establishment Inspection Report, Including Food Code References for Risk Factors/Interventions and Good Retail Practices

All references and code sections in these marking instructions are based on the 2009 Food Code and its Supplement.

A. GENERAL MARKING INSTRUCTIONS

HEADER Information

Establishment	Complete this section using the "usual/common name" or "Doing Business As" name of the business. This information should be the same as the license/permit application completed at the initiation of the business.
Address	Street address of the actual business location
Zip Code	Actual business location
Telephone	Contact phone number for the establishment
License/Permit #	License number or tracking identification
Purpose	The reason for the inspection – routine, re-inspection, complaint, or follow-up, etc.
Est. Type	Description or code for describing the type of facility (e.g. restaurant, market, vehicle, temporary food facility)
Risk Category	Designation of risk/priority level for determining frequency of inspection
Number of Risk Factor/ Intervention Violations	The number of boxes marked OUT in items 1-27 should be counted and the total number placed here
Number of Repeat Risk Factor/Intervention Violations	The number of boxes marked R (repeat) in items 1-27 should be counted and the total number placed here
Score (optional)	A score is optional for this form. If a jurisdiction has a scoring system, it should be incorporated into the inspection form and the score of an inspection placed here.
Date	The date of the inspection including month, day, and year
Time In	The actual time the inspection begins
Time Out	The actual time the inspection ends

B. RISK FACTORS AND INTERVENTIONS

Risk factors are food preparation practices and employee behaviors most commonly reported to the Centers for Disease Control and Prevention (CDC) as contributing factors in foodborne illness outbreaks. Risk factors include: Food from Unsafe Sources, Improper Holding Temperatures, Inadequate Cooking, Contaminated Equipment, and Poor Personal Hygiene. These items are prominent on the Food Establishment Inspection Report because maintaining these items in compliance is vital to preventing foodborne illness. Additionally, five key public health interventions were introduced in the 1993 Food Code that supplemented the other interventions long-established by the Food and Drug Administration (FDA) model codes and guidances to protect consumer health. The five key interventions are: Demonstration of Knowledge, Employee Health Controls, Controlling Hands as a Vehicle of Contamination, Time and

Instructions for Marking the Food Establishment Inspection Report

- On second page of MA form:
 - Purpose (routine, re-inspection, etc.)
 - Est. Type (FS Est., Retail Food, etc.)
- Scoring (not on either FDA or MA form) must be incorporated if jurisdiction is using a scoring system.

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Food Code Training



Food Establishment Inspection Report

- Complete the establishment information (usual or common name, address, phone, permit #, owner, and PIC)
- Inspector name
- Date with “time in” and “time out”
- Number of violations and repeat violations for FBI Risk Factors and Interventions.

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: _____ Number of Repeat Violations Related to Foodborne Illness Risk Factors and Interventions (Items 1 through 29): _____

Person-in-charge: _____

Inspector: _____

FOODBORNE ILLNESS RISK FACTORS AND INTERVENTIONS

IN = in compliance OUT = out of compliance NO = not observed N/A = not applicable COS = corrected on-site during inspection R = repeat violation

Compliance Status	IN	OUT	NA	COS	R
Supervision					
1 Person-in-charge present, demonstrates knowledge, and performs duties					
2 Certified Food Protection Manager					
Employee Health					
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					
Good Hygienic Practices					
6 Proper eating, tasting, drinking, or tobacco use					
7 No discharge from eyes, nose, and mouth					
Preventing Contamination by Hands					
8 Hands clean & properly washed					
9 No bare hand contact with ready-to-eat food					
10 Adequate handwashing sinks properly supplied and accessible					
Approved Source					
11 Food obtained from approved source					
12 Food received at proper temperature					
13 Food received in good condition, safe, & unadulterated					
14 Required records available: shellstock tags, parasite destruction					
Protection from Contamination					
15 Food separated and protected					
16 Food-contact surfaces; cleaned & sanitized					
17 Proper disposition of returned, previously served, reconditioned & unsafe food					
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23 Proper date marking and disposition					
24 Time as a Public Health Control					
Consumer Advisory					
25 Consumer advisory provided for raw / undercooked food					
Highly Susceptible Populations					
26 Pasteurized foods used; prohibited foods not offered					
Food/Color Additives and Toxic Substances					
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Conformance with Approved Procedures					
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Food Code Training



FBI Risk Factors & Public Health Interventions

This section is prominent in the report because it depicts the foodborne illness risk factors and public health interventions. Maintaining compliance for these items is vital in preventing foodborne illness outbreaks.

Foodborne Illness Risk Factors

- Food from Unsafe Sources
- Improper Holding Temperatures
- Inadequate Cooking
- Contaminated Equipment
- Poor Personal Hygiene

Public Health Interventions

- Demonstration of Knowledge
- Employee Health Controls
- Controlling Hands as a Vehicle for Contamination
- Time & Temperature Parameters for Controlling Pathogens
- Consumer Advisory

Food Establishment Inspection Report – City/Town of _____

Establishment: _____ Date: _____ Page 1 of _____

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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: _____

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

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Food Code Training



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Food Establishment Inspection Report – City/Town of _____

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Food Code Training



COS - Corrected On Site

Inspectors are required to verify that violations involving Priority and Priority Foundation Items are corrected.

When these items are corrected during the inspection, the violation will be marked COS, or Corrected On Site. Alternately, the inspector may elect to set a completion date by which a violation must be corrected. In that case, COS would not be marked and the inspector would be required to make a follow-up visit to the establishment.

R - Repeat Violation

This column allows an inspector to indicate that a violation seen during the current inspection was also noted on the previous inspection.

Food Establishment Inspection Report – City/Town of _____

Establishment: _____ Date: _____ Page 1 of _____

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Food Code Training



N/A - Not Applicable
N/O - Not Observed

If N/A or N/O is not listed as an option for a particular item, this means that this item **must be evaluated** during the inspection and a compliance status must be determined.

OUT – Out of Compliance

If the item is marked OUT, document details of each violation for the item number in “Observations and Corrective Actions” section.

Food Establishment Inspection Report – City/Town of _____

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Food Code Training



An N/A can be used when there are exemptions to the requirement:

Item #2 – Certified Food Protection Manager.

- No CFPM is required in certain establishments (i.e. for a daycare that only serves snacks or a non-profit temporary food service establishment.)

Item # 16 – Food-Contact surfaces: cleaned and sanitized

- There is no requirement to clean equipment and utensils when only prepackaged foods are sold.

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Food Code Training



An N/A can be used when there are exemptions to the requirement:

Item # 25 – CA provided

- The establishment does not serve raw/undercooked food.

Item #26 – Pasteurized Food

- This only applies to HSP's

Item #27 – Food Additives

- The establishment does not use additives.

Item # 29 – Compliance with variance

- The establishment is not required to have a variance or HACCP plan.

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Food Code Training



An N/O can be used when a particular item was not observed:

Item #6, 7, & 8 – Good Hygienic Practices and Prevention of Contamination by Hands.

- An N/O should only be used in RARE circumstances when there are no food workers present at the time of the inspection.

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Food Code Training



All others items can have any of the following marked (IN, OUT, NO, N/A, COS, or R):

Item # 9 – No Bare Hand Contact

Item #12 – Food Rec. at Proper Temps

Item #14 – Required Records: shellstock / parasite destruction

Items #18 - #24 – Time/Temperature Control for Safety

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Conformance with Approved Procedures						
29 Compliance with variance / specialized process / HACCP Plan						

Official Order for Correction: Based on an inspection today, the items marked "OUT" indicated violations of 105 CMR 590.000 and applicable sections of the 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, revocation, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).

Date of Reinspection: _____ Discussion with Person-in-Charge: _____

Signature of Person-in-Charge: _____ Date: _____

Signature of Inspector: _____ Date: _____

MDPH report form – 10/5/18 version

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Good Retail Practices & MA-Only Sections

The GRP's have been given less importance on the inspection form so you'll notice that with some exceptions only items out of compliance need to be marked. Not all these items need to be evaluated.

The goal is to make an overall assessment by looking at trends versus isolated incidents.

Food Establishment Inspection Report – City/Town of _____

Establishment: _____ Date: _____ Page 2 of _____

GOOD RETAIL PRACTICES AND MASSACHUSETTS-ONLY SECTIONS

IN = In compliance OUT = out of compliance NIO = not observed NIA = not applicable COS = corrected on-site during inspection R = repeat violation

Compliance Status	IN	OUT	NA	MD	COS	R
Safe Food and Water						
30 Pasteurized eggs used where required						
31 Water & ice from approved source						
32 Variance obtained for specialized processing methods						
Food Temperature Control						
33 Proper cooling methods used; adequate equipment for temperature control						
34 Plant food properly cooked for hot holding						
35 Approved thawing methods used						
36 Thermometers provided & accurate						
Food Identification						
37 Food properly labeled; original container						
Prevention of Food Contamination						
38 Insects, rodents, & animals not present						
39 Contamination prevented during food preparation, storage and display						
40 Personal cleanliness						
41 Wiping cloths: properly used & stored						
42 Washing fruits & vegetables						
Proper Use of Utensils						
43 In-use utensils properly stored						
44 Utensils, equipment & linens: properly stored, dried, & handled						
45 Single-use / single-service articles: properly stored & used						
46 Gloves used properly						
Utensils, Equipment and Vending						
47 Food & non-food contact surfaces cleanable, properly designed, constructed & used						
Compliance Status						
48 Warewashing facilities: installed, maintained, & used; test strips						
49 Non-food contact surfaces clean						
Physical Facilities						
50 Hot & cold water available; adequate pressure						
51 Plumbing installed; proper backflow devices						
52 Sewage & waste water properly disposed						
53 Toilet features: properly constructed, supplied, & cleaned						
54 Garbage & refuse properly disposed; facilities maintained						
55 Physical facilities installed, maintained, & clean						
56 Adequate ventilation & lighting; designated areas used						
Additional Requirements listed in 105 CMR 350.011						
M1 Anti-choking procedures in food service establishment						
M2 Food allergy awareness						
Review of Retail Operations listed in 105 CMR 590.010						
M3 Caterer						
M4 Mobile Food Operation						
M5 Temporary Food Establishment						
M6 Public Market; Farmers Market						
M7 Residential Kitchen; Bed-and-Breakfast Operation						
M8 Residential Kitchen; Cottage Food Operation						
M9 School Kitchen; USDA Nutrition Program						
M10 Leased Commercial Kitchen						
M11 Innovative Operation						
Local Requirements						
L1 Local law or regulation						
L2 Other						

Type of Operation(s):
 Food Service Establishment
 Retail Food Store
 Residential: Cottage Foods
 Residential: Bed & Breakfast
 Mobile/Pushcart
 Temporary Food Estab.
 Other _____

Type of Inspection:
 Routine
 Re-inspection
 Pre-operational
 Illness Investigation
 General complaint
 HACCP
 Other _____

Other Information: _____

Signature of Person-in-Charge: _____ Date: _____

Signature of Inspector: _____ Date: _____

MOPH report form – 10/10 version

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Good Retail Practices & MA-Only Sections

Exceptions:

All others items have very similar marking instructions as those under Foodborne Illness Risk Factors and Public Health Interventions.

- Items #30 - #35
- Items M1 – M11 from 590.000
- Items L1 and L2 from any local requirements

Food Establishment Inspection Report – City/Town of _____

Establishment: _____ Date: _____ Page 2 of _____

GOOD RETAIL PRACTICES AND MASSACHUSETTS-ONLY SECTIONS

IN = In compliance OUT = out of compliance NIO = not observed NIA = not applicable COB = corrected on-site during inspection R = repeat violation

Compliance Status		IN	OUT	NA	COB	R
Safe Food and Water						
30	Pasteurized eggs used where required					
31	Water & ice from approved source					
32	Variance obtained for specialized processing methods					
Food Temperature Control						
33	Proper cooling methods used; adequate equipment for temperature control					
34	Plant food properly cooked for hot holding					
35	Approved thawing methods used					
36	Thermometers provided & accurate					
Food Identification						
37	Food properly labeled; original container					
Prevention of Food Contamination						
38	Insects, rodents, & animals not present					
39	Contamination prevented during food preparation, storage and display					
40	Personal cleanliness					
41	Wiping cloths: properly used & stored					
42	Washing fruits & vegetables					
Proper Use of Utensils						
43	In-use utensils properly stored					
44	Utensils, equipment & linens: properly stored, dried, & handled					
45	Single-use / single-service articles: properly stored & used					
46	Gloves used properly					
Utensils, Equipment and Vending						
47	Food & non-food contact surfaces cleanable, properly designed, constructed & used					
Type of Operation(s):		Type of Inspection:		Other Information:		
<input type="checkbox"/> Food Service Establishment <input type="checkbox"/> Retail Food Store <input type="checkbox"/> Residential: Cottage Foods <input type="checkbox"/> Residential: Bed & Breakfast <input type="checkbox"/> Mobile/Pushcart <input type="checkbox"/> Temporary Food Estab. <input type="checkbox"/> Other _____		<input type="checkbox"/> Routine <input type="checkbox"/> Re-inspection <input type="checkbox"/> Pre-operational <input type="checkbox"/> Illness investigation <input type="checkbox"/> General complaint <input type="checkbox"/> HACCP <input type="checkbox"/> Other _____				
Signature of Person-in-Charge: _____		Date: _____				
Signature of Inspector: _____		Date: _____				

MOPH report form – 10/18 version



Food Code Training



Renumbering:

- 590.009 now 590.011
- 590.009: Special Requirements replaces the former 105 CMR 590.010: Code Applicability – federal 1999 Food Code Chapter 8-1.
- 590.010: Guidance for Retail Operations replaces the former 105 CMR 590.009: Special Requirements maintaining but revising sections for Caterers, Mobile Food Operations, Temporary Food Establishments, and Residential Kitchens (B&B and Retail Sale) and adds sections for Public Markets and Farmers Markets, Schools and USDA Nutrition Programs, Leased Commercial Kitchens (Shared Kitchen or Incubator), and Innovative Operations.
- 590.011: Statutory Requirements moves some of the sections from the former 105 CMR 590.009: Special Requirements and lists them as additional requirements that include Anti-choking Procedures in Food Service Establishments, Tobacco Products: Notice and Sale, and Food Allergy Awareness Requirements.
- 590.012: Examination and Embargo of Food replaces the former 105 CMR 590.016.
- 590.013: Vending Machines replaces the former 105 CMR 590.018.
- 590.014: Permits: Suspension and Revocation remains the same section.
- 590.015: Service of Orders/Hearings remains the same section.
- 590.016: Criminal Penalties replaces the former 105 CMR 590.019.
- 590.017: Advisory Committee replaces the former 105 CMR 590.020.
- 590.018: Severability replaces the former 105 CMR 590.021.

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Food Code Training



References

105 CMR 590.000: STATE SANITARY CODE CHAPTER X - MINIMUM SANITATION STANDARDS FOR FOOD ESTABLISHMENTS

<https://www.mass.gov/files/documents/2018/10/09/105cmr590.pdf>

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Public Health Service • Food and Drug Administration 2013 Food Code

<https://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM374510.pdf>

Supplement to the 2013 Food Code U.S. Public Health Service FDA U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES College Park, MD:

[20740https://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM451981.pdf](https://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM451981.pdf)

Summary of Changes In the FDA Food Code

[2013https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/ucm374759.htm](https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/ucm374759.htm)

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Food Code Training



References Continued

MA Department of Public Health – Food Protection Program

305 South St., Jamaica Plain, MA 02130

Phone: (617) 983-6712 Fax: (617) 983-6770

Merged Food Code (2013 FDA Food Code, with 2015 Supplemental Regulations, and 105 CMR 590.000).

<https://www.mass.gov/lists/retail-food#dph-regulation-and-fda-code->

Food Illness Investigation and Control Reference Manual

<https://www.mass.gov/lists/foodborne-illness-investigation-and-control-manual>

FDA Marking Instructions for DPH Inspection Report

<https://www.mass.gov/files/documents/2019/01/04/FDA-marking-instructions-for-DPH-Inspection-Report.pdf>

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References Continued

[State House Bookstore](#)

State House, Room 116

Boston, MA 02133

<http://www.sec.state.ma.us/spr/sprcat/agencies/105.htm>

<p>105 CMR 590.000 - 595.000 Sanitary Code Article X - Minimum Sanitation Standards for Food Establishments. \$3.15</p>	<p>Federal Food Code 2013. \$19.25</p> <p>Federal Food Code Annex. \$32.40</p> <p>Federal Food Code Supplement 2013. \$2.45</p>
<p>105 CMR 300.000 - 399.000 Reportable Diseases and Isolation and Quarantine Requirements; Cancer Registry Regulations; Confidential Birth Information; Safe Driving; Cremation of Bodies Received from Outside Massachusetts; The Vaccination of Dogs and Cats against Rabies; Treatment of Persons Exposed to Rabies; Tuberculosis Treatment Unit Standards for Admission, Treatment, and Discharge; Standards for Management of Tuberculosis Outside Hospitals; Approval of Bacteriological and Serological Laboratories. \$6.15</p>	

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References Continued

Electronic Code of Federal Regulations

21 CFR PART 133—CHEESES AND RELATED CHEESE PRODUCTS

<https://www.ecfr.gov/cgi-bin/text-idx?SID=6d7d166d6fd99f57c8f19c77a49776b4&mc=true&node=pt21.2.133&rgn=div5#sp21.2.133.b>

Massachusetts Health Officers Association (MHOA)

<http://mhoa.com/>

Massachusetts Environmental Health Association (MEHA)

<https://maeha.org/>

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Food Code Training



Handouts

- Agenda
- Procedure for Cleaning after a Vomit or Diarrheal Event
- Norovirus Incident – CDC Poster
- Time/Temperature Control for Safety Food – Date Marking and Cheese Exemption Chart from 2013 FDA Food Code - Annex 3
- Non-continuous Cooking
- Refillables
- Reduced Oxygen Packaging without a Variance
- DPH Prototype Inspection Report Form (all 3 pages)
- FDA Marking Instructions for Data Collection

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Questions



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