

Summary of Changes In the FDA Food Code

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

General:

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

Preface

Amended Preface sections 5 and 7 to add updated information and revise dates to make current.

Chapter 1 Purpose and Definitions

Added new term “**Intact Meat**”

Revised “**Vending Machine**” to be more inclusive of the diverse means of payment available.

Chapter 2 Management and Personnel

Amended the Food Code and its Annexes, where applicable, to revise the descriptors of illness caused by *Salmonella* Typhi or nontyphoidal *Salmonella*. This change allows the use of plain language descriptors to simplify the restriction and exclusion criteria.

2-102.12

Amended paragraph **2-102.12(A)** to state that the Person in Charge shall be the Certified Food Protection Manager.

2-102.20

Amended paragraph **2-102.20(B)** to state that it is the Person in Charge who must be a Certified Food Protection Manager to comply with Section 2-102.12.

2-103.11

Amended to add new paragraph (I) to address additional duty requirement for the Person in Charge to ensure employees are routinely monitoring food temperatures during hot and cold holding and re-designate paragraphs (I) - (O) as new paragraphs (J) - (P).

2-201.11

Amended subparagraph **2-201.11(A)(2)(e)** to add the illness, Typhoid fever, to the descriptor for reportable diagnosis of illness diagnosed due to *Salmonella* Typhi so that it reads: "Typhoid fever (caused by *Salmonella* Typhi)".

Amended subparagraph **2-201.11(A)(2)(f)** to add the word, "*Salmonella*", to the descriptor for reportable diagnosis of illness diagnosed due to nontyphoidal *Salmonella* so that it reads: "*Salmonella* (nontyphoidal)".

Amended subparagraph **2-201.11(A)(3)** to replace the phrase, "Had a previous illness" with the phrase "Had Typhoid fever" and to delete the phrase "due to *Salmonella* Typhi".

Amended subparagraph **2-201.11(A)(4)(c)** to replace "*Salmonella* Typhi" with "Typhoid fever".

Amended subparagraph **2-201.11(A)(5)(c)** to add in descriptor text for the illness caused by *Salmonella* Typhi so that it reads: ". . . Typhoid fever (caused by *Salmonella* Typhi)."

Amended subparagraph **2-201.11(C)(2)** to correctly cross-reference paragraph 2-201.13(J).

2-201.12

Amended subparagraph **2-201.12(A)(2)** to replace "nontyphoidal *Salmonella*" with "*Salmonella* (nontyphoidal)".

Amended the **margin tagline for subparagraph 2-201.12(C)** to replace "diagnosis or reported previous infection due to *S. Typhi*" with "diagnosis or reported previous illness with Typhoid fever".

Amended paragraph **2-201.12(C)** to replace “diagnosed with an infection from *Salmonella* Typhi” with “diagnosed with Typhoid fever, or reports having had Typhoid fever”.

Amended paragraph **2-201.12(G)** to replace “nontyphoidal *Salmonella*” with “*Salmonella* (nontyphoidal)”.

2-201.13

Amended to:

- revise paragraph (A) to replace “*Salmonella* Typhi” with “Typhoid fever”
- revise subparagraph (A)(5) to replace “nontyphoidal *Salmonella*” with “*Salmonella* (nontyphoidal)”
- revise the margin tag line for paragraph (C) to replace “S. Typhi diagnosis – removing exclusions” with “Typhoid fever diagnosis – removing exclusions”
- revise subparagraph (C)(2) to replace “S. Typhi infection” with “Typhoid fever”
- revise subparagraph (G)(1) to replace “nontyphoidal *Salmonella* infection” with “*Salmonella* (nontyphoidal) infection”
- revise the margin tagline for subparagraph (J)(3) to replace “S. Typhi” with “Typhoid fever (S. Typhi)”
- revise subparagraph (J)(3) to replace “S. Typhi” with “Typhoid fever (caused by *Salmonella* Typhi)”

2-401.13

Added new Section **2-401.13** Use of Bandages, Finger Cots or Finger Stalls

2-501.11

Amended Section **2-501.11** to indicate that procedures for the clean-up of vomiting and diarrheal events for employees to follow shall be written.

Chapter 3 Food

3-302.11

Added new subparagraph **3-302.11(A)(1)(c)** to indicate separating raw animal foods during storage, preparation, holding and display from fruits and vegetables before they are washed and re-designated existing subparagraph 3-302.11(A)(1)(c) as new subparagraph 3-302.11(A)(1)(d).

3-401.11

Amended subparagraph **3-401.11(A)(1)(b)** to include the term intact meat.

Amended subparagraph **3-401.11(A)(2)** to reflect new cooking time in seconds for ratites, mechanically tenderized and injected meats, comminuted fish, comminuted meat, comminuted game animals commercially raised for food or under voluntary inspection, and raw eggs that are not prepared to a consumer’s order from 15 seconds to 17 seconds.

Amended subparagraph **3-401.11(A)(3)** to reflect new cooking time for poultry, baluts, wild game animals, stuffed foods or stuffing containing fish, meat, poultry or ratites from 15 seconds to <1 second (instantaneous).

Amended paragraph **3-401.11(B)** by reversing the order of subparagraphs (B)(1) and (B)(2), where subparagraph (B)(2) is now subparagraph (B)(1).

3-401.13

Amended Section **3-401.13** to delete the phrase “fruits and vegetables” and replace it with the term “plant foods”.

3-402.11

Amended subparagraph **3-402.11(B)(5)** by italicizing the text to correctly indicate it as an exception.

3-402.12

Amended paragraph **3-402.12(C)** to correctly cross reference subparagraph 3-402.11(B)(4).

3-404.11

Amended paragraph **3-404.11(A)** to replace cross reference to paragraphs 8-201.14(B)-(E) with a cross reference to §8-201.14.

3-501.18

Amended subparagraph **3-501.18(A)(3)** by deleting the term “appropriately” and replacing it with “inappropriately”.

3-501.19

Amended subparagraph **3-501.19(A)(1)(a)** to add a missing cross reference to subparagraph 3-501.19(B)(4) in order to correctly reference subparagraphs 3-501.19(B)(1)-(4).

3-502.12

Amended paragraph **3-502.12(B)** and subparagraphs **(B)(6)(c)**, **(D)(1)**, and **(E)(2)** to replace cross reference to paragraphs 8-201.14 (B) and (D) with a cross reference to paragraphs 8-201.14 (C) and (D).

Amended paragraph **3-502.12(C)** to add in additional exception criteria for fish that is reduced oxygen packaged at retail to bear a label indicating that it is to be kept frozen until time of use.

3-801.11

Amended subparagraph **3-801.11(A)(3)** to replace cross reference to paragraphs 8-201.14 (B)-(E) with a cross reference to paragraphs 8-201.14 (C)-(E).

Chapter 4 Equipment, Utensils, and Linens

Part 4-3 Numbers and Capacities

Amended to add **new Subpart 4-303**, Cleaning Agents and Sanitizers.

Amended to add **new Section 4-303.11** Cleaning Agents and Sanitizers, Availability, to require that equipment and utensil cleaning agents and sanitizers be provided and readily accessible for use.

Chapter 5 Water, Plumbing, and Waste

No Changes.

Chapter 6 Physical Facilities

No Changes.

Chapter 7 Poisonous or Toxic Materials

7-204.12

Amended paragraph **7-204.12(A)** to re-designate it as the lead in paragraph for this section.

Amended subparagraphs **7-204.12(A)(1)-(4)** by re-designating them as paragraphs 7-204.12(A)-(D) in order to be inclusive of all washing chemicals and antimicrobial agents that may be used in the washing and treatment of produce as specified in 21 CFR 173.

Deleted existing paragraph **7-204.12(B)**.

Chapter 8 Compliance and Enforcement

8-103.12

Amended paragraph **8-103.12(B)** to replace existing cross reference to paragraphs 8-201.14 (D) and (E) with a cross reference to paragraph 8.201.14 (D) and subparagraph (E)(3).

8-201.14

Amended to:

- add new paragraph (A) to add a new specification for the permit holder or permit applicant to include general information with the HACCP plan submission;
- add a new paragraph (F) that is not a new requirement within §8-201.14, but rather clarifies what was already required under the previous paragraph (E). This new paragraph (F) requires the permit holder to include any other application or submission information required by the regulatory authority;

- delete paragraph (C) and move the food employee and supervisory training plan provision to new paragraph (E);
- redesignate existing paragraph (A) as new paragraph (B) where the intent of paragraph (B) remains the same, although the paragraph was revised to remove the list of examples;
- redesignate existing paragraph (B) (flow diagram) as new paragraph (C) which keeps its original intent, and includes a more descriptive list of what the flow diagram should include;
- revise subparagraph (D)(3) to clarify that a food employee or person in charge may monitor critical control points;
- revise subparagraph (D)(5) to clarify that a person in charge, or a food employee, may be responsible for taking corrective action when a critical limit is not met; and
- revise paragraph (E) to incorporate the food employee and supervisory training plan from deleted paragraph (C) and included a new requirement for the permit holder's or permit applicant's HACCP plan submission to incorporate copies of blank records forms necessary for implementation of the HACCP Plan.

8-402.10

Amended existing paragraph to re-designate into new paragraph **8-402.10(A)**.

Amended by adding a new paragraph **8-402.10(B)** to address the requirement for the Regulatory Authority to ensure that authorized representatives who inspect food establishments or conduct plan reviews for compliance with this Code have access to training and continuing education as needed to properly identify violations and apply the Code.

8-404.11

Amended by adding subparagraphs **8-404.11(C)(1)-(3)** as new exception criteria indicating that the regulatory authority may agree to continuing operations during an extended water or electrical outage if written operational plans have been approved by the regulatory authority.

Annex 1 Compliance and Enforcement

No Changes.

Annex 2 References

2-102.12

Amended to update web link and date for reference (#11- Pathogens Transmitted by Food Contaminated by Infected Persons Who Handle Food, and Modes of Transmission of Such Pathogens).

3. SUPPORTING DOCUMENTS

Amended to add new section, **U. Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of *Listeria monocytogenes* within Food Establishments, 2nd Edition.**

Amended to add new section **V. Bad Bug Book 2nd Edition, Foodborne Pathogens Microorganisms and Natural Toxins Handbook.**

4. FOOD DEFENSE GUIDANCE FROM FARM TO TABLE

Guidance on Responding to Food Emergencies:

Amended the References for 4. Food Defense Guidance From Farm To Table under the section on Guidance on Responding to Food Emergencies, to add one new reference (#4), **Conference for Food Protection (CFP) Emergency Action Plan for Retail Food Establishments, 2nd Edition**, and make an editorial correction and a web URL update to the existing bulleted list.

Annex 3 Public Health Reasons/Administrative Guidelines

2-103.11

Amended Public Health Reasons for §2-103.11 Person in Charge (Duties) to add a new paragraph 5 that describes why paragraphs (G), (H) and the new (I) are important to the safe operation of a food establishment and to update the paragraphs referencing (M) and (N) to reflect the updated designations for paragraphs that follow the new (I).

2-201.11

Amended Public Health Reason for §2-201.11, Title I of the Americans with Disabilities Act of 1990 (ADA) in paragraph 3 to replace the term “*Salmonella* Typhi” with “Typhoid fever (caused by *Salmonella* Typhi)”.

Amended Public Health Reason for §2-201.11, Title I of the Americans with Disabilities Act of 1990 (ADA), in paragraph 4 (Example 1) to replace the phrase “a disease caused by *Salmonella* Typhi” with the phrase “Typhoid fever (caused by *Salmonella* Typhi)”.

Amended Public Health Reason for §2-201.11, Title I of the Americans with Disabilities Act of 1990 (ADA), in paragraph 9 to update the CDC weblink

Amended Public Health Reason for §2-201.11, Pathogens Transmitted by Food Contaminated by Infected Persons Who Handle Food, and Mode of Transmission of Such Pathogens, in paragraph 1 to add the word “disposable” before the word gloves.

2-201.12

Amended Section 2-201.12 Table 4: History of Exposure and Absent Symptoms or Diagnosis in the section addressing Hepatitis A virus to replace current term HAC with correct term HAV.

2-401.13

Amended to add new Public Health Reason for §2-401.13 Use of Bandages, Finger Cots, or Finger Stalls

2-501.11

Amended paragraph 8 to address the inclusion of written plans for the clean-up of vomiting and diarrheal events.

Amended paragraph 9 to indicate the availability of EPA registered disinfection products that are sufficient to inactivate norovirus.

3-302.11

Amended paragraph 1 to include unwashed fruits and vegetables as foods to keep separated from raw animal foods during storage, prep, holding and display.

3-401.11

Amended paragraph 10 to address dwell times during cooking.

Amended paragraphs 17 and 21 to reflect time/temperature parameter harmonization with USDA/FSIS guidance.

3-602.11

Amended paragraphs 4 through 8 to add reference of 21 CFR 101.11.

4-303.11

Amended Public Health Reason for Chapter 4 Equipment, Utensils, & Linens, to add public health reasons for new §4-303.11 to address accessibility of cleaning agents and sanitizers for use.

5-202.12

Amended title by replacing the term “facility” with “sink” to correctly reflect the title in the codified text of the Food Code.

8-201.12/8-203.10

Amended Public Health Reason in paragraph 10 (the last paragraph) to update the cross reference to paragraph 2-103.11(L) to now cross reference the paragraph as renumbered, paragraph 2-103.11(N).

8-403.50

Amended Public Health Reason for Chapter 8 Compliance and Enforcement to add public health reasons for §8-403.50 Public Information to encourage the use of websites to disseminate regulatory documents that describe the compliance status of a regulated food establishment.

8-404.11

Amended to add new Public Health Rationale that supports the addition of new exception criteria indicating that the regulatory authority may agree to continuing operations during an extended water or electrical outage if written operational plans have been approved by the regulatory authority.

Annex 4 Management of Food Practices-Achieving Active Managerial Control of Foodborne Illness Risk Factors

Amended **Table 2a Naturally Occurring Chemical Hazards at Retail, Along with Their Associated Foods and Control Measures** to correct the spelling of the term “Tetrodoxin” to “Tetrodotoxin” located in the third row.

Amended **Section 3. HACCP Principles, (C) Principle #3 Establish Critical Limits - (2) What are examples of critical limits and (E) Principle #5 Establish Corrective Actions- (1) What are corrective actions** to reflect updated time/temperature cooking parameters in Section 3-401.11.

Amended **Section 4. The Process Approach – A Practical Application of HACCP at Retail to Achieve Active Managerial Control** to revise **Table 4: Examples of Hazards and Control Measure for Same Day Service Items** to reflect updated time/temperature cooking parameters in Section 3-401.11.

Annex 5 Conducting Risk-Based Inspection

No Changes.

Annex 6 Food Processing Criteria

Amended **Section 2. Reduced Oxygen Packaging, Section (I), Hazard Analysis and Critical Control Point (HACCP) Operation** to revise the introductory paragraph to replace the existing cross reference to paragraph 8-201.14(D) with a cross reference to Section 8-201.14.

Annex 7 Models Forms, Guides, and Other Aids

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

Amended the Instructions for Marking the Food Establishment Report in Sections C (Risk Factors) and D (Good Retail Practices) to capture new or updated cross references based on changes made in this Supplement as follows:

Revised Section C, Supervision, **Item #1**, Applicable Code Section, to revise reference to paragraphs 2-103.11 (A)-(O) to be a reference to paragraphs 2-103.11 (A)-(P).

Revised Section C, Supervision, **Item #2**, Certified Food Protection Manager to reflect new change in paragraph 2-102.12(A) that requires the Person in Charge to be a Certified Food Protection Manager.

Revised Section C, Employee Health/Responding to Contamination Events, **Item #3**, under #1, to update existing cross reference to paragraph 2-103.11(M) Person-in-Charge Duties (*P*), and replace it with a cross reference to paragraph 2-103.11(O) and under Applicable Code Section, to replace reference to paragraph 2-103.11(M) with reference to paragraph 2-103.11(O).

Revised Section C, Employee Health/Responding to Contamination Events, **Item #5** Clean-up of Vomiting and Diarrheal Events to indicate that procedures for the clean up of vomiting and diarrheal events for employees to follow shall be written and available.

Revised Section C, Time Temperature Control for Safety Food (TCS Food), **Item #18** Proper Cooking Time and Temperature to reflect updated time/temperature cooking parameters in Section 3-401.11.

Revised Section D, Prevention of Food Contamination, **Item #40**, Personal Cleanliness to add Section 2-401.13 to the list of Applicable Code Sections.

Revised Section D, Prevention of Food Contamination, **Item #40**, Personal Cleanliness to add guidance that addresses the use of single-use gloves over impermeable bandages, finger cots and finger stalls.

Revised Section D, Prevention of Food Contamination, **Item #44**, Utensils, Equipment and Linens; Properly Stored, Dried, Handled to add Section 4-904.14 to the list of Applicable Code Sections.

Revised Section D, Utensils, Equipment, and Vending, **Item #48**, to reflect compliance instructions for new §4-303.11 and add new §4-303.11 into the list of Applicable Code Sections.

Revised **Chart 4-A** Summary Chart for Minimum Cooking Food Temperatures and Holding Times Required by Chapter 3 to reflect updated time/temperature cooking parameters in Section 3-401.11.

Revised **Chart 4-B** Summary Chart for Minimum Food Temperatures and Holding Times Required by Chapter 3 for Reheating Foods for Hot Holding to reflect updated time/temperature cooking parameters in Section 3-401.11.

Revised **Chart 4-B** Summary Chart for Minimum Food Temperatures and Holding Times Required by Chapter 3 for Reheating Foods for Hot Holding to revise the current cross reference of paragraph 3-401.11(B) to correctly cross reference paragraph 3-403.11(A) under Roasts: Option B.

Summary of Changes in the 2022 FDA Food Code

This Summary provides a synopsis of the textual changes from the 2017 FDA Food Code and the Supplement to the 2017 Food Code Chapters and Annexes to the 2022 edition. The primary intent of this record is to capture the nature of the changes rather than to identify every word or editing change. ***This record should not be relied upon as an absolute comparison that identifies each and every change.***

General	2
Preface	2
Chapter 1. Purpose and Definitions	2
Chapter 2. Management and Personnel	3
Chapter 3. Food.....	4
Chapter 4. Equipment, Utensils, and Linens.....	7
Chapter 5. Water, Plumbing, and Waste.....	7
Chapter 6. Physical Facilities.....	8
Chapter 7. Poisonous or Toxic Materials.....	8
Chapter 8. Compliance and Enforcement.....	8
Annex 1. Compliance and Enforcement	9
Annex 2. References	9
Annex 3. Public Health Reasons/Administrative Guidelines	11
Annex 4. Management of Food Practices-Achieving Active Managerial Control of Foodborne Illness Risk Factors	15
Annex 5. Conducting Risk-Based Inspection	16
Annex 6. Food Processing Criteria	16
Annex 7. Models Forms, Guides, and Other Aids.....	16

General

- Numerous editing changes were made throughout the document for internal consistency, to correct some errors in the 2017 Code and for clarification.
- Updated the web links throughout the Code and Annexes.
- Converted several Tables, charts, and images throughout the Code to meet web accessibility requirements under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d). Section 508 mandates that all federal agencies eliminate the barriers in accessing electronic and information technology.

Preface

- Amended the Preface to revise Preface sections 3, 5, 6, and 9 to update internal references and to add an explanation of the change in Food Code release frequency from 2021 to 2022.

Chapter 1. Purpose and Definitions

- Amended § 1-201.10 (B) to revise the definition of the term “Certification Number” to include all the certification and permit codes that may be found on a shellfish tag or label.
- Amended § 1-201.10 (B) to revise the definition of the term “Commingle” to align with the NSSP Model Ordinance.
- Amended § 1-201.10 (B) to add new term “In-Shell Product” meaning non-living, processed shellfish with one or both shells present.
- Amended § 1-201.10 (B) to revise the definition of the term “Intact Meat” to clarify that beef products that are vacuum tumbled with solutions are not considered intact meats.
- Amend §1-201.10 (B) to revise the definition of the term “Intact Meat” to add ‘cubing or pounding’. Note: The parenthesis (including injection) was removed in the Supplement to the 2017 Food Code due to the revised definition of the term “Mechanically Tenderized” that includes injection.
- Amended §1-201.10 (B) to revise the definition of the term “Major food allergen” in subparagraph (1)(a) to add Sesame as the 9th major food allergen, effective January 1, 2023.
- Amended § 1-201.10 (B) to revise the definition of the term “Mechanically Tenderized” to be consistent with the USDA FSIS description of “Mechanically Tenderized” in the 2015 final rule titled Descriptive Designation of Needle- or Blade-Tenderized (Mechanically Tenderized) Beef Product (80 FR 28153). The rule established labeling requirements for raw or partially cooked mechanically tenderized beef products and clarified that

products injected with a marinade or solution are considered mechanically tenderized.

- Amended § 1-201.10 (B) to revise the definition of the term “Molluscan Shellfish” to clarify that the term is inclusive of shellstock, in-shell product, and shucked shellfish.
- Amended § 1-201.10 (B) to revise the definition of the term “Poisonous or toxic material” to include a new fifth category “Restricted Use Pesticide”.
- Amended § 1-201.10 (B) to revise the definition of the term “Ready-to-Eat” to replace “Fruits and vegetables” with “Plant foods” in paragraph (2)(c).
- Amended § 1-201.10 (B) to revise the definition of the term “Ready-to-Eat Food” to indicate what Ready-to-eat Food does not include.
- Amended § 1-201.10 (B) to revise the definition of the term “Reduced oxygen- packaging” in subparagraph 2(d) specific to cook chill packaging, to delete the phrase, “which have the air expelled”.
- Amended § 1-201.10 (B) to revise the definition of the term “Shellstock” to clarify that it is live molluscan shellfish in the shell.
- Amended § 1-201.10 (B) to revise the definition of the term “Shucked Shellfish” to clarify that both shells of this product are removed.
- Amended § 1-201.10 (B) to add a new term “Tobacco Product”.

Chapter 2. Management and Personnel

2-101.11

- Amended § 2-101.11 to add new ¶(C) to address situations where the regulatory authority has deemed a food establishment to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of their operation and extent of food preparation.

2-102.20

- Amended ¶¶ 2-102.20(A) & (B) to correct the title of the Conference for Food Protection Standard to remove the “s” at the end of the word ‘Standards’ so it is not indicated as a plural word. The correct title now reads as, ‘*Conference for Food Protection Standard for Accreditation of Food Protection Manager Certification Programs*’.

2-103.11

- Amended to add new paragraph (J) to address additional duty requirement for the Person in Charge to ensure food employees are properly maintaining the temperatures of time/temperature control for safety foods during thawing and redesignated paragraphs (J) – (P) as new paragraphs (K) –(Q).

- Amended ¶ 2-103.11(N) (now ¶2-103.11(O) in the 2022 Food Code) to indicate what food allergy awareness includes.

2-201.11

- Amended sub¶ 2-201.11(D)(1) to remove cross reference to ¶ 2-201.12(G) to correctly indicate conditions under which the food employee should be excluded.
- Amended sub¶ 2-201.11(D)(2) to add a cross reference to ¶ 2-201.12(G) to correctly indicate conditions under which the food employee should be restricted.

2-301.14

- Amended ¶ 2-301.14(D) to include new term “tobacco products”.

2-401.11

- Amended § 2-401.11 to revise title and paragraph (A) to include the new term “tobacco products”.

2-403.11

- Amended ¶ 2-403.11(A) to include a new cross reference to ¶ 6-501.115(D) that addresses allowance for pet dogs in outdoor dining areas.

Chapter 3. Food**3-201.11**

- Amended ¶ 3-201.11(C) to remove the cross reference to § 3-202.17.
- Amended sub¶ 3-201.11(E)(1) to indicate the type of steak to obtain from a food processing plant.
- Amended sub¶ 3-201.11(E)(3)(a) to remove “labeled by” and replace with “received from a” to clarify what is received from a food processing plant.
- Amended to delete existing sub¶ 3-201.11(E)(3)(c) as it is no longer applicable to this paragraph.

3-202.17 / 3-202.18

- Amended to re-number and merge § 3-202.17 with § 3-202.18 as the new § 3-202.18. Revised ¶ (A), added a new ¶ (B) and renumbered existing ¶ (B) to new ¶ (C) to clarify identification provisions under one section and removes redundant listing of all terms/forms/conditions of labeling/tagging and replaces with cross-reference to the model ordinance.

3-202.19

- Amended § 3-202.19 to re-number as the new § 3-202.17 to clarify flow of product from receipt through service and record keeping. Removed the term

“Shellfish” and replaced with “Shellstock.”

3-203.11

- Amended § 3-203.11 to replace the term “Shellstock” with “Molluscan Shellfish” throughout this section.
- Amended ¶ 3-203.11(B) to include language from the previous sub¶ 3-203.12(C)(2)(b) to clarify prohibition of comingling in original containers.
- Amended ¶ 3-203.11(C) to include In-Shell Product.
- Revised new ¶ 3-203.11(E) (old ¶ (3-203.11D) to update cross-reference § 3-202.17 in sub¶¶ (E)(1)-(2) to correctly indicate § 3-202.18.
- Amended ¶¶ 3-203.11(B)-(D) to renumber as new ¶¶ (C) – (E).

3-203.12

- Amended § 3-203.12 title and entire section to replace the phrase “Shellstock and Shucked Shellfish” with the term “Molluscan Shellfish”.
- Amended ¶ 3-203.12(B) and (C) to include an invoice as appropriate documentation.
- Amended ¶ 3-203.12 (C) to revise sub¶ 3-203.12 (C)(2)(a) and re-designate as the new sub¶ 3-203.12 (C)(1) and (2).
- Amended sub¶ 3-203.12 (C)(2) to include in-shell product and shucked shellfish.
- Deleted sub¶ 3-203.12(C)(2)(b) and re-designated as the new ¶ 3-203.11(B).

3-204

- Added new Subpart 3-204, Food Donation, under Part 3-2 Sources, Specifications, and Original Containers and Records.

3-204.10

- Added a new § 3-204.10 titled Food Donation, to indicate when food may be offered for donation.

3-302.11

- Amended sub¶ 3-302.11(A)(1) to add an additional exception indicating instances when raw animal food does not need separation from RTE food.

3-302.15

- Amended ¶ 3-302.15(B) to include reference for the use of Produce Wash testing devices.

3-305.12

- Amended ¶ 3-305.12(B) to revise risk designation from Core to Priority Foundation.

3-401.11

- Revised sub¶ 3-401.11(A)(2) to delete the terms “mechanically tenderized” and “injected” and replace with the term “nonIntact meat”. Also removed the term “meats” from the listing of comminuted meats as it is already included by definition under the term nonIntact meat.
- Amended sub¶ 3-401.11(C)(2) to align with the Food Safety and Inspection (FSIS) labeling requirements of mechanically tenderized beef products.

3-401.15

- Amended to add a new § 3-401.15 addressing manufactured food cooking instructions.

3-501.13

- Amended sub¶ 3-501.13(C)(1) to add a new cross reference under Thawing to the new § 3-401.15.
- Amended ¶¶ 3-501.13(A)-(C) to re-designate from a Core Item to a Priority Foundation (Pf) Item.
- Amend sub¶ 3-501.13(C)(1) to include new cross-reference to new § 3-401.15 Manufacturer Cooking Instructions.

3-501.17

- Amended sub¶ 3-501.17(G)(1) to update the existing cross reference of 21 CFR 110 with 21 CFR 117.

3-501.19

- Added new sub-¶¶ (B)(2)(a), (b), (c), (d) to 3-501.19(B)(2) to address a READY- TO-EAT produce or hermetically sealed FOOD that is rendered TIME/TEMPERATURE CONTROL FOR SAFETY FOOD upon cutting, chopping, or opening of a hermetically sealed container to begin at 21°C (70°F) or less and remain at 21°C (70°F) or less within a maximum of 4 hours.
- Re-designated existing ¶¶ 3-501.19(B)(2)(3) and (4) as new ¶¶ 3-501.19(B)(3)(4) and (5) respectively.

3-502.12

- Amended to add new sub¶ 3-502.12(D)(2)(e)(iii) to address cook chill/sous vide products cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under §3-501.14 and subsequently cooled to 1°C (34°F) and moved to 5°C (41°F) holding temperature and held for a max of 7 days.

3-602.11

- Amended sub¶ 3-602.11(C)(2) to add a cross reference to sub¶ 3-602.11(B)(5) to address major food allergen labeling in bulk food available for consumer self-dispensing.

3-602.12

- Amended to add new ¶ 3-602.12(C) to inform consumers of major food allergens in unpackaged foods via written means.

3-801.11

- Amended ¶ 3-801.11(C) to add a new sub-¶ (4) with cross-reference to new § 3-401.15 Manufacturer Cooking Instructions.

Chapter 4. Equipment, Utensils, and Linens**4-205.10**

- Amended § 4-205.10 to clarify that equipment that has been certified for conformance to an appropriate American National Standard is deemed to comply with the equipment sanitation provisions contained in Parts 4-1 and 4-2.

4-303.11

- Amended § 4-303.11 to add the risk designation of priority foundation (Pf) item that was inadvertently left off in the 2017 Food Code.

4-401.11

- Amended sub¶ 4-401.11 (A)(2) to revise risk designation from Core to Priority Foundation (Pf) item.

4-903.12

- Amended sub¶ 4-903.12 (A)(2) to revise risk designation from Core to Priority Foundation (Pf) item .

Chapter 5. Water, Plumbing, and Waste**5-202.12**

- Amended ¶ 5-202.12(A) to revise the hot water temperature at the hand sink from at least 38°C (100°F) to at least 29.4°C (85°F).

5-203.11

- Amended § 5-203.11 to delete “¶(C)” and remove any reference to “¶(C)” in this section.

Chapter 6. Physical Facilities

6-403.11

- Amended ¶ 6-403.11(A) to include the new term “tobacco products”.

6-501.115

- Amended § 6-501.115 Prohibiting Animals to add a new exception paragraph (D) to allow for pet dogs in outdoor dining areas, where approved.
- Amended ¶ 6-501.115(A) to add a new cross reference to ¶ 6-501.115(D) to allow for pet dogs in outdoor dining areas, where approved.

Chapter 7. Poisonous or Toxic Materials

7-202.12

- Amended sub¶ 7-202.12(B)(2) to remove “Restricted Use Pesticide” (RUP), as the definition of Poisonous or Toxic Materials has been revised to include RUP as the fifth category.

7-203.11

- Amended to include the prohibition of storage of equipment, utensils, linens, single- service, or single-use articles in containers previously used for storing toxic chemicals. The section previously only mentioned the prohibition of storing food in these containers.

Chapter 8. Compliance and Enforcement

8-101.10

- Amended ¶ 8-101.10(A) to include “or donated” in the application of this Code in public health protection.

8-103.12

- Amended § 8-103.12 to include new ¶(A) addressing maintenance of APPROVED VARIANCE at the FOOD ESTABLISHMENT; Existing ¶¶ (A) and (B) renumbered to ¶¶ (B) and (C).

8-201.12

- Amended ¶8-201.12(C) as part of the sentence was inadvertently left off in the 2017 Food Code.

8-201.14

- Amended §8-201.14 to:
 - Delete sub¶ (C)(2) and add as new sub¶ (E)(2) that speaks to significant

hazards for each critical control point

- Delete sub¶¶ (C)(4) and (C)(5) and merge into newly revised ¶ (D) to highlight documents that should be submitted as a separate document
- Redesignate existing ¶(D) as the new ¶(E)
- Redesignate existing sub¶(D)(5) as the new sub¶ (E)(5) and switched former ¶(E)(4) to follow, so the sequence in new sub¶(E) now follows the sequence of the HACCP Principles of monitoring, corrective actions and verification, where the subparagraphs are now sequenced as:
 - (E)(4) establish *monitoring* procedures,
 - (E)(5) establish *corrective* actions,
 - (E)(6) establish *verification* procedures.
- Redesignated existing ¶(E) as new ¶(F) and existing ¶(F) as new ¶(G)

8-401.10

- Amended sub¶ 8-401.10(B)(1) to reflect updated cross references due to the addition of a new ¶(A) in § 8-103.12.

Annex 1. Compliance and Enforcement

No Changes.

Annex 2. References

1-201.10

- Amended to revise § 1-201.10 to update titles, web links and dates for the following references:
 - #3 - Interactions Affecting the Proliferation and Control of Human Pathogens on Edible Plants.
 - #6 - Code of Federal Regulations, Title 9, Part 301. 2 Terminology; Adulteration and Misbranding Standards Definitions, Livestock.
 - #7 - Code of Federal Regulations, Title 9, Section 590.5 Inspection of Eggs and Egg Products (Egg Products Inspection Act), Terms Defined.
 - #19 - Federal Register: May 7, 2001 (Volume 66, Number 88), Rules and Regulations, Pages 22899-22907, DEPARTMENT OF AGRICULTURE, Food Safety and Inspection Service, 9 CFR Parts 362 and 381, Docket No. 01- 045IF, RIN 0583-AC84, Mandatory Inspection Ratites and Squabs.
 - #20 - Food Allergen Labeling and Consumer Protection Act of 2004. Public Law 108-282.

-
- #22 - Food and Drug Administration/U. S. Public Health Service, 2020. National Shellfish Sanitation Program (NSSP).
 - #23 - Food and Drug Administration/U. S. Public Health Service, 2019 revision. Grade "A" Pasteurized Milk Ordinance.
 - #25 - Institute of Food Technologists (IFT) Report, Evaluation and Definition of Potentially Hazardous Foods, Food and Drug Administration Contract No. 223-98-2333, Task Order No. 4, December 31, 2001.
 - #29 - *Salmonella* spp. and *Listeria monocytogenes* Risk Assessment for Production and Cooking of Blade Tenderized Beef Steaks. Kansas State University.
 - #30 - Hazard Analysis and Critical Control Point System.
 - Amended to revise § 1-201.10 to add new reference (#21 - Food Allergy Safety, Treatment, Education, and Research (FASTER) Act of 2021) and renumbered the subsequent references.

2-401.11

- Amended to revise § 2-401.11 title to include new term “tobacco products”.

2-501.11

- Amended to update reference list to include three new references (#2, #11, #12).

3-201.15

- Amended to update web link and date for reference #1 National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

3-203.11

- Amended to revise title from “Shellstock” to “Molluscan Shellfish, Original Container”.

3-203.12

- Amended to revise title from “Shellstock” to “Molluscan Shellfish, Maintaining Identification”.

3-204.10

- Amended to add new § 3-204.10 and 3 new corresponding references #1, #2 and #3.

3-401.11

- Amended to update weblink for reference #9 “Draft Risk Assessment of the Public Health Impact of *Escherichia coli* O157:H7 in Ground Beef, Executive Summary”.

3-401.14

- Amended to update weblink for reference #1 Appendix B, Compliance Guidelines for Cooling Heat-Treated Meat and Poultry Products (Stabilization).

3-501.17

- Amended reference #5 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking to update the title to 21 CFR 117.
- Amended reference #19 USDA/FSIS Directive 10.240.4 to delete and re-number the remaining references.

3-501.19

- Amended to add five new references in support of the new exception in §3-501.19. Renumbered references alphabetically to align with existing references.

3-502.12

- Amended to update the weblink for reference #20 National Advisory Committee for Microbiological Criteria for Foods.

3. Supporting Documents

- Amended section K. Requirements and Guidance for Retail Facilities Regarding Beef Grinding Logs Tracking Supplier Information to update links and harmonize language based on recent FSIS publications.
- Amended to add new section, W. Minimizing the Risk of *Campylobacter* and *Salmonella* Illnesses Associated with Chicken Livers.
- Amended to add new section X and update section title to Guidance Document for Direct-to-Consumer and Third-Party Delivery Service Food Delivery, 2019.
- Amended to add new section Y. Whole Roaster Pigs: Guidance for Safe Handling and Cooking.
- Amended to add new section Z. National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

Annex 3. Public Health Reasons/Administrative Guidelines**1-201.10**

- Amended to add Public Health Reasons for the term “Certification Number” as a new term and description to the alphabetical listing of terms.
- Amended to add Public Health Reasons for the term “In-Shell Product” as a new term and description to the alphabetical listing of the terms.

-
- Amended to add Public Health Reasons for new defined term “Tobacco Product” after the public health reasons for the term “Time/Temperature Control for Safety Food”.
 - Amended Public Health Reasons for §1-201.10 (B) Terms Defined to add new paragraph 7 under the defined term “Time/Temperature Control for Safety Food” to include information about product assessments.

2-101.11

- Amended Public Health Reason for §2-101.11 Assignment, to add new paragraph 3 that addresses newly added exception for ¶2-101.11(C).

2-103.11

- Amended Public Health Reasons for § 2-103.11 Person in Charge, to revise statement in paragraph 6 from “eight major food allergens” to “nine major food allergens”
- Amended Public Health Reasons for §2-103.11 to add a new paragraph 8 addressing employee training on elements associated with food allergy awareness and what topics food establishments can consider including when developing operational- specific allergen training programs for employees.
- Amended Public Health Reasons for §2-103.11 to revise newly designated paragraph 9 to correctly indicate paragraph (P) in the first sentence due to the newly redesignated paragraphs in §2-103.11.
- Amended Public Health Reasons for §2-103.11 to address additional duty requirement for the Person in Charge to ensure food employees are properly maintaining the temperatures of time/temperature control for safety foods during thawing.

2-301.14

- Amended Public Health Reasons for §2-301.14 to reference new defined term “tobacco products”.

2-401.11

- Amended Public Health Reasons for § 2-401.11 to revise title to include new term “tobacco products”.

3-101.11 / 3-201.11

- Amended Public Health Reasons for § 3-101.11 and § 3-201.11 to update paragraphs 15-22 with revised weblinks and updated information regarding meat and poultry.
- Amended Public Health Reasons for § 3-201.11 to revise paragraph 24 to update information regarding labeling of steaks that are non-intact.

3-202.18

- Amended to re-number and merge Public Health Reasons for § 3-202.17 with § 3-202.18 as the new § 3-202.18.
- Amended Public Health Reasons for new § 3-202.18 to place descriptive paragraph from old § 3-202.18 as paragraph one.
- Amended Public Health Reasons for § 3-202.18 to add new paragraph two and three to describe dual-purpose tags.
- Amended Public Health Reasons for § 3-202.18 to place descriptive paragraph from old § 3-202.17 as paragraph four.

3-202.19

- Amended to delete existing Public Health Reasons for § 3-202.19 and re-number as the new § 3-202.17.

3-203.11

- Amended Public Health Reasons for § 3-203.11 paragraph 2 to update citation from § 3-202.17 to § 3-202.18.

3-203.12

- Amended Public Health Reasons for § 3-203.12 to revise title from “Shellstock, Maintaining Identification” to “Molluscan Shellfish, Maintaining Identification.”
- Amended Public Health Reasons for § 3-203.12 paragraphs 1-4 to replace the term “Shellstock” with “Molluscan Shellfish” wherever the term was used.

3-204.10

- Added new public health reasons for § 3-204.10 to address food donation compliance with law and Code applicability.

3-302.11

- Amended Public Health Reasons for § 3-302.11 to revise paragraph 1 to include information on the additional exception provided in subparagraph (A)(1) indicating instances when raw animal food does not need separation from RTE food.
- Amended Public Health Reasons for § 3-302.11 to revise paragraph 2 to appropriately characterize terminology from allergen cross contamination to allergen cross contact in the last sentence.

3-305.12

- Amended Public Health Reasons for § 3-305.12 to add new paragraph 2 that provides reference to the public health reason for § 2-501.11.

3-401.11

- Amended Public Health Reasons for § 3-401.11 to revise paragraphs 3, 10, 12-16 and add a new paragraph 11 to clarify and update information with revised FSIS policies.

3-401.15

- Added Public Health Reasons for new § 3-401.15 Manufacturer Cooking Instructions.

3-501.14

- Amended Public Health Reasons for § 3-501.14 to revise paragraphs 12 -14 in the section addressing the CFSAN/FSIS Joint Position Paper on Cooling to update and harmonize with revised FSIS policies.

3-501.17

- Amended Public Health Reasons for §3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking, to include reference to a fact sheet developed to assist industry and regulatory authorities to better understand the types of information that may be included on a date marking label and what the disposition time of that product looks like based on the information provided.
- Amended Public Health Reasons for § 3-501.17 to revise the weblink under the “FDA/USDA/CDC *Listeria monocytogenes* Risk Assessment” section in paragraph 1 for the Quantitative Assessment of the Relative Risk to Public Health from the Foodborne *Listeria monocytogenes* Among Selected Categories of Ready-to-Eat Foods.
- Amended Public Health Reasons for § 3-501.17 to revise the weblink under the “*Hard and Semi-soft Cheeses*” section in Paragraph 1 for FDA issuing an exemption from date marking for certain types of hard and semi-soft cheeses.
- Amended Public Health Reasons for § 3-501.17 paragraph 10 (Deli Salads Prepared and Packaged in a Food Processing Plant) to update the existing cross reference of 21 CFR 110 with 21 CFR 117.

3-501.19

- Amended Public Health Reasons for §3-501.19 Time as a Public Health Control to add new paragraph 16 that addresses newly added exception for ¶3-501.19(B)(2).

3-502.12

- Amended Public Health Reasons for §3-502.12, Reduced Oxygen Packaging with One Barrier (Cook-Chill and Sous Vide) to indicate there are “four” options for cooling cook- chill and sous vide TCS foods.

3-602.11

- Amended Public Health Reasons for § 3-602.11 to revise paragraph 1 under the subheading 'Food Allergen Labeling' to clarify how FALCPA amended the FD&C Act and added a new paragraph 2 to provide information on the Food Allergy Safety, Treatment, Education, and Research Act of 2021 (FASTER Act).

3-602.12

- Amended Public Health Reasons for § 3-602.12 to add new paragraph 3 under the subheading "Food Labels and other forms of information" and added a new paragraph 2 and revised existing paragraph 1 under the subheading "Food Allergen Labeling" to address the inclusion of written notification of major food allergens in unpackaged foods.

4-501.114

- Amended Public Health Reasons in § 4-501.114 to clarify intent of paragraph 3 that formulation of food contact surface sanitizers is not limited to chlorine, iodine and quaternary ammonium compounds.

5-202.12

- Amended Public Health Reasons for ¶ 5-202.12(A) to revise paragraphs 1 and 2 to incorporate the revision from the hot water temperature at the hand sink from at least 38°C (100°F) to at least 29.4°C (85°F).

6-501.115

- Amended Public Health Reasons for §6-501.115 Prohibiting Animals to add new paragraph 6 that addresses allowance of pet dogs in outdoor dining areas, where approved.

Annex 4. Management of Food Practices-Achieving Active Managerial Control of Foodborne Illness Risk Factors

- Amended **Section 3. The HACCP Principles, Category (A) (4) Food Allergens As Food Safety Hazards**
 - Amended paragraph 2 to add sesame to the list of major food allergens.
 - Amended paragraph 4 to clarify requirements that are included in FALCPA.
 - Added new paragraph 5 to indicate new requirements as a result of the FASTER Act.
- Amended **Annex 4, Tables 2a-b Common Chemical Hazards at Retail, Along with their Associated Foods and Control Measures**
 - Amended Table 2a. to add "Sesame" in the Associated Foods box

addressing allergens (foods containing or contacted by).

- Amended Table 2b. to remove the columns associated with the flavor enhancer monosodium glutamate (MSG) from the table.
- Amended paragraph 1 in **Section 3. The HACCP Principles. Category (C) Principle #3: Establish Critical Limits (2) What are examples of critical limits** to correctly reference the appropriate pH critical limit for the acidification of sushi rice.

Annex 5. Conducting Risk-Based Inspection

No Changes.

Annex 6. Food Processing Criteria

Amended **Section 2. Reduced Oxygen Packaging, Section (B) Definitions, paragraph (B)(1)** to delete the phrase “which have the air expelled.”.

Annex 7. Models Forms, Guides, and Other Aids

- **Form 3-A Food Establishment Inspection Report**
 - Amended Item #1 Supervision to include an additional compliance status of N/A to address new exception in ¶ 2-101.11(C).
 - Amended Item #6 Proper eating, tasting, drinking or tobacco use to replace “tobacco use” with the new term “tobacco products”.
 - Amended to update Item #14 title to replace the term ‘shellstock tags’ with “molluscan shellfish.”
- **Guide 3-B, Instructions for Marking the Food Establishment Inspection Report, Including Food Code References for Risk Factors/Interventions and Good Retail Practices**

General Marking Instructions. Amended the Instructions for Marking the Food Establishment Report in Sections C (Risk Factors) and D (Good Retail Practices) to capture new or updated cross references based on changes made in this Supplement as follows:

Item #1

Amended Item #1 to include an additional compliance status of N/A to indicate that the item is not applicable for the facility.

Amended Item #1, PIC present, demonstrates knowledge, and performs duties to revise applicable code section for § 2-103.11 to include redesignated paragraphs (A)-(O) and (Q).

Item #3

Amended Item #3, Management and food employee knowledge, and conditional employee; responsibilities and reporting, to revise applicable code section for § 2-103.11 to update it to read as 2-103.11 (P) to match the redesignated paragraph numbering in § 2-103.11.

Item #6

Amended Item #6, Proper, Eating, Tasting, Drinking or Tobacco Use to update the title to include the new term “tobacco products” and include tobacco products in the descriptive narrative and to update the applicable code sections to reflect the revised section title for 2-401.11 to include the new term “tobacco products”.

Item #11

Amended item #11, Approved Source, to rename the title to more appropriately state, “Food From a Source that Complies with Law”.

Amended Item #11 to make an editorial change to clarify the IN/OUT instructions that food must be obtained from sources that comply with Law.

Item #14

Amended Item #14 Required records available: shellstock tags, parasite destruction to revise title and descriptive language to replace the terms “shellstock tags” with “molluscan shellfish identification”.

Amended Item #14 Applicable Code Sections to replace the terms “shellstock tags” with “molluscan shellfish” where applicable.

Item #15

Amended Item #15 Food Separate and Protected to add additional parameters clarifying RTE food may be combined with raw animal food when combined as ingredients for future prep/cooking.

Item #18

Amended Item #18 to update the IN/OUT marking instructions to add additional information about foods bearing manufacturer cooking instructions or a disclosure that the food has not been processed to control pathogens.

Amended Item #18 to update the table of “Internal Cooking Temperature Specifications for Raw Animal Foods” to denote the proper cooking time/temperatures under intact meat and to replace the terms mechanically tenderized and injected with nonIntact Meat to harmonize with the revised definition of Intact meat.

Amended Item #18, Proper cooking time and temperature to add a new Applicable Code Section: 3-401.15 Manufacturer Cooking Instructions.

Item #29

Amended Item #29 to reflect marking the inspection report Out of Compliance when the approved variance in ¶ 8-103.12(A) is not kept at the food establishment.

Item #35

Amended Item #35 to revise the risk designation from a core item to a priority foundation item under the applicable code § 3-501.13 Thawing.

Item #37

Amended Item #37, Food Properly Labeled, Original Container to add guidance that addresses bulk food available for consumer self-dispensing and labeling of major food allergens.

Amended Item #37, Food Properly labeled, Original Container to reflect new addition of consumer written notification of major food allergens as an ingredient in unpackaged foods.

Amended Item #37 Food properly Labeled; Original Container to remove 3-202.17 as an applicable code section.

Item #39

Amended Item #39, Contamination prevented during food preparation, storage and display to add risk designation of Priority Foundation to applicable code section 3-305.12.

Amended Item #39 Contamination prevented during food preparation, storage and display to remove applicable code section 3-202.19 and replace with applicable code section 3-202.17.

Item #44

Amended Item #44, Utensils, equipment and linens; properly stored, dried and handled to add risk designation of Priority Foundation to applicable code section 4-903.12.

Item #47

Amended Item #47, Food and non-food contact surfaces cleanable, properly designed, constructed and used to add risk designation of Priority Foundation to applicable code section 4-401.11.

Item #48

Amended Item #48 to revise the title of § 4-501.110 under the applicable code sections, which was incorrectly written in the 2017 Food Code.

Amended Item #48 to include § 4-501.116 Warewashing Equipment, Determining Chemical Sanitizer Concentration under the applicable code sections that was inadvertently missing in previous versions of the Food Code.

- **Chart 4-D FDA Food Code Mobile Food Establishment Matrix**
 - Revised Chart 4-D FDA Food Code Mobile Food Establishment Matrix to delete reference of ¶ 5-203.11(C) from the following categories: “Personnel”, “Water & Sewage” to reflect the deletion made in § 5-203.11.



**U.S. FOOD & DRUG
ADMINISTRATION**

Human Foods Program

Supplement to the 2022 Food Code

U.S. Public Health Service

FDA

**U.S. DEPARTMENT OF HEALTH AND HUMAN
SERVICES**

College Park, MD 20740

IMPORTANT - Save this Supplement. It is intended to keep the 2022 Food Code up-to-date. Changes, additions, deletions, and format modifications listed herein constitute revisions to the 2022 Food Code effective upon issuance.

Supplement to the 2022 Food Code

The Food Code (and its Supplement) is a model for safeguarding public health and ensuring food is unadulterated and honestly presented when offered to the consumer. It represents the Food and Drug Administration's (FDA) best advice for a uniform system of provisions that address safety and protection of food offered at retail and in food service.

This model is offered for adoption by local, state, territorial, tribal, and federal governmental jurisdictions for administration by the various departments, agencies, bureaus, divisions, and other units within each jurisdiction that have been delegated compliance responsibilities for food service, retail food stores, or food vending operations.

This document is available via the internet in PDF at the following link:
www.fda.gov/foodcode

Table of Contents

INTRODUCTION.....	III
AMENDATORY TERMS.....	IV
PART 1. SUMMARY OF CHANGES.....	1
CHAPTER 1 PURPOSE AND DEFINITIONS	1
CHAPTER 2 MANAGEMENT AND PERSONNEL	2
CHAPTER 3 FOOD.....	2
CHAPTER 4 EQUIPMENT, UTENSILS, AND LINENS	3
CHAPTER 5 WATER, PLUMBING, AND WASTE	4
CHAPTER 6 PHYSICAL FACILITIES.....	4
CHAPTER 7 POISONOUS OR TOXIC MATERIALS	4
CHAPTER 8 COMPLIANCE AND ENFORCEMENT	4
ANNEX 1 COMPLIANCE AND ENFORCEMENT	5
ANNEX 2 REFERENCES	5
ANNEX 3 PUBLIC HEALTH REASONS	5
ANNEX 4 MANAGEMENT OF FOOD SAFETY PRACTICES – ACHIEVING ACTIVE MANAGERIAL CONTROL OF FOODBORNE ILLNESS RISK FACTORS.....	8
ANNEX 5 CONDUCTING RISK-BASED INSPECTIONS.....	8
ANNEX 6 FOOD PROCESSING CRITERIA	8
ANNEX 7 MODELS FORMS, GUIDES, AND OTHER AIDS	9
PART 2. AMENDMENTS, ADDITIONS, DELETIONS, TO CHAPTERS 1-8 AND THE ANNEXES	11
PREFACE.....	11
CHAPTERS, PARTS, AND SUBPARTS	11
CHAPTER 1 PURPOSE AND DEFINITIONS	12
CHAPTER 2 MANAGEMENT AND PERSONNEL	13
CHAPTER 3 FOOD	16
CHAPTER 4 EQUIPMENT, UTENSILS, AND LINENS	18
CHAPTER 5 WATER, PLUMBING, AND WASTE	21
CHAPTER 6 PHYSICAL FACILITIES.....	21
CHAPTER 7 POISONOUS OR TOXIC MATERIALS	21
CHAPTER 8 COMPLIANCE AND ENFORCEMENT	22
ANNEX 1 COMPLIANCE AND ENFORCEMENT	24
ANNEX 2 REFERENCES	24
ANNEX 3 PUBLIC HEALTH REASONS/ADMINISTRATIVE GUIDELINES	30
ANNEX 4 MANAGEMENT OF FOOD SAFETY PRACTICES – ACHIEVING ACTIVE MANAGERIAL CONTROL OF FOODBORNE ILLNESS RISK FACTORS.....	48
ANNEX 5 CONDUCTING RISK-BASED INSPECTIONS	48
ANNEX 6 FOOD PROCESSING CRITERIA	49
ANNEX 7 MODEL FORMS, GUIDES, AND OTHER AIDS.....	51
PART 3. NEW TERMS ADDED TO THE INDEX TO THE FOOD CODE	59

Introduction

The Food and Drug Administration (FDA) is pleased to issue this Supplement to the 2022 Food Code (hereafter referred to as Supplement). This Supplement updates the 2022 Food Code to address several recommendations made at the 2023 Meeting of the Conference for Food Protection (CFP) with which the FDA, Centers for Disease Control and Prevention (CDC), and United States Department of Agriculture (USDA) concur. The changes contained in this Supplement reflect current science and food safety practices to reduce the incidence of risk factors known to cause foodborne illness.

From 1993 through 2001, the complete Food Code was issued every two years. With the support of the CFP, FDA currently issues a new Food Code every 4 years. The next complete revision of the Food Code will be published in 2025. Until that time, this Supplement provides a means of incorporating into the Food Code several changes with which there is substantial concurrence among the federal agencies and the other stakeholders. The Supplement ensures that the most current food safety provisions are available to agencies planning to initiate rule-making activities prior to 2025. This Supplement provides other users of the Food Code, such as educators, trainers, and the food service, retail food, and vending industries, with up-to-date information of how to best mitigate risk factors that contribute to foodborne illness.

The Supplement has been organized to facilitate the adoption of its provisions by federal, state, local, territorial, and tribal authorities. The Supplement is divided into 3 Parts:

- Part 1 - Summary of Changes - a "quick view" of the modifications
- Part 2 - Amendments, Additions, Deletions to the Preface, Chapters 1-8 and the Annexes - actual language modifications
- Part 3 - New Terms added to the Index to the Food Code

For consistency, drafting conventions used in the Federal Register for announcing proposed changes to federal rules are used to announce changes found in the Supplement to the 2022 Food Code. The standard terms used to describe a change are:

Amend. "Amend" means that an existing Food Code provision has changed. Because it is an introductory term, it is always used with one of the following specific amendatory terms to precisely describe the change to the Food Code provision.

Amendatory Terms

Add - means a new provision has been inserted in the Food Code.

Redesignate - means to modify a Food Code provision by reformatting the text of the provision into a new structural nomenclature designation.

Remove - means an existing provision is being taken out of the Food Code.

Revise - means an existing Food Code provision is replaced in part, or in its entirety.

For example:

Amend Section 4-204.110 to **revise** subparagraph (B)(1) and to **add** subparagraph (B)(3) to read as follows: [text of changed subparagraph and newly added subparagraph]

Modifications are organized by Food Code chapter and are identified by Section (§) number and title, and the paragraph (¶), (e.g., ¶9-101.11(A)) or subparagraph (e.g., 9-101.00(A)(1)) to which the change is made. The full text of a Section is provided only if necessary to provide the proper context. Using Chapter 3 as an example, a change is introduced as follows:

Chapter 3 Food

Amend § 3-202.11 to revise paragraph (D) to read as follows:

Specifications for Receiving

3-202.11 Temperature.*

[text of changed paragraph]

The Supplement also contains changes to the informational annexes of the Food Code. Using Annex 3 as an example, a change to the public health reasons for a Food Code provision in Chapter 4 is introduced as follows:

Annex 3 Public Health Reasons/Administrative Guidelines

4-202.15 Can Openers.

Amend Public Health Reason for §4-202.15 to revise to read as follows:

[text of changed paragraph]

We encourage all jurisdictions to examine the level of food safety protection their current rules and implementation strategies provide and take the steps necessary to increase that level in light of the 2022 Food Code and its Supplement. The adoption and implementation of the Food Code in all jurisdictions is an important strategy for achieving uniform national food safety standards and for enhancing the efficiency and effectiveness of our nation's food safety system.

The Department of Health and Human Services (DHHS) and USDA, along with state, local, tribal and other federal government agencies and the food industry, share responsibility for ensuring that our food supply is safe. DHHS and USDA, in partnership with numerous others, will continue to take progressive steps to strengthen our nation's food safety system. We look forward to achieving uniform and effective standards of food safety for food service, retail stores, and other retail-level establishments nationwide.

IMPORTANT. Changes, additions, deletions, and format modifications listed herein constitute revisions to the 2022 Food Code effective upon issuance via web posting or hard copy release.

Part 1. Summary of Changes

The amendments to the 2022 Food Code and its Annexes contained in the Supplement are summarized below. If an amendment relates directly to a recommendation of the Conference for Food Protection (CFP), the CFP issue number is provided in the parenthesis immediately after the summary entry.

Preface

Amended Preface, Part 3 Public Health and Consumer Expectations to include reference to FOOD DEFENSE.

Chapters, Parts and Subparts

Amended List of Chapters, Parts and Subparts to include new Part 4-10 and Subparts 4-1001, 4-1002, 4-1003 addressing new disinfection provisions.

Chapter 1 Purpose and Definitions

Added a new defined term **ACTIVE MANAGERIAL CONTROL** to clarify and provide consistency in application and understanding of the term. (CFP Issue 2023-II-043)

Added a new defined term **DISINFECTION** to make clear its distinction from sanitizers. (CFP Issue 2023-III-015)

Added new defined term **FOOD DEFENSE** to ensure it is adequately addressed in the Food Code. (CFP Issue 2023-II-039)

Added a new defined term **FOOD SAFETY MANAGEMENT SYSTEM** that promotes a preventative strategy that can help manage and control factors that can contribute to foodborne illness. (CFP-Issue 2023-II-043)

Revised to amend the definition of **POISONOUS OR TOXIC MATERIALS** specifically sub¶¶ 1-201.10(1) and 1-201.10(2) to add the term DISINFECTION to make clear that DISINFECTANTS are indeed POISONOUS OR TOXIC MATERIALS. (CFP Issue 2023-III-015)

Revised to amend the definition of **REDUCED OXYGEN PACKAGING** specifically sub¶¶ 1-201.10(2)(d) cook chill PACKAGING to replace the term bags with PACKAGING to clarify intent. (CFP Issue 2023-III-023)

Added a new defined term **WATER-BASED FIRE PROTECTION SYSTEMS** to be more

encompassing and specific to active fire protection systems that include water-based fire protection, such as standpipes, water mist, and fire sprinklers, as well as other water carrying piping. (CFP Issue 2023-I-024)

Chapter 2 Management and Personnel

2-102.11

Amended ¶ 2-102.11(C) to add sub¶ 2-102.11(C)(18) to include an additional area of knowledge of FOOD DEFENSE as it relates to FOOD ESTABLISHMENTS. (CFP Issue 2023-II-039)

2-103.11

Amended lead in sentence in § 2-103.11 to indicate that the PERSON IN CHARGE has a duty to maintain ACTIVE MANAGERIAL CONTROL by ensuring compliance with the requirements outlined in § 2-103.11. (CFP Issue 2023-II-043)

Amended § 2-103.11 to add a new ¶ 2-103.11(R) that addresses EMPLOYEE training on FOOD DEFENSE. (CFP Issue 2023-II-039)

2-201.13

Amended sub¶ 2-201.13 (E)(1), sub¶ 2-201.13 (F)(1) and sub¶ 2-201.13 (G)(1) to revise the requirement for “2 consecutive negative stool culture tests” with the requirement for “2 consecutive negative laboratory test results from a validated test, using a laboratory accredited or certified to handle clinical specimens”.

(CFP Issue 2023-III-30). *** Note-This change adds lab methods for reinstating ill food employees. It replaces mandatory use of stool cultures and allows for additionally using culture-independent diagnostic test (CIDTs) results such as molecular or enzyme-based methods for reinstating ill food employees.*

2-304.11

Amended § 2-304.11 to fix the convention of the defined terms FOOD, EQUIPMENT, UTENSILS, LINENS and SINGLE-SERVICE and SINGLE-USE ARTICLES into small caps, which was inadvertently left off.

Chapter 3 Food

3-201.11

Amended ¶ 3-201.11(B) to remove duplicate language from ¶ 3-201.11(C) that was inadvertently added in the 2022 Food Code and added in the risk designation of Priority foundation in ¶ 3-201.11(C) that was inadvertently left off.

Amended sub¶ 3-201.11(E)(3)(b) to remove the “and” and correctly place it at the end of sub¶ 3-201.11(E)(3)(a) as it was inadvertently misplaced after removing sub¶ 3-201.11(E)(3)(c). Additionally, fixed spelling error for “received” in sub¶ 3-201.11(E)(3)(a). (CFP Issue 2021-I-032)

3-304.11

Amended ¶ 3-304.11(B) to revise the terms SINGLE-SERVICE and SINGLE-USE ARTICLES as small caps were inadvertently left off.

3-304.17

Amended to re-designate existing ¶ 3-304.17(A) to be a new ¶ 3-304.17(C); added new ¶ 3-304.17(A) to clarify when containers may be refilled with FOOD by a FOOD EMPLOYEE or CONSUMER; revised ¶ 3-304.17(B) to clarify how containers may be refilled with food to prevent contamination of the FOOD and the PREMISES; and re-designated existing ¶ 3-304.17(E) to be the new ¶ 3-304.17(D) which is the exception that nonFOOD containers may be refilled at a water VENDING MACHINE. (CFP Issue 2023-III-012)

3-305.12

Amended ¶ 3-305.12(G) to align with 2024 International Fire Code requirements and new defined term WATER-BASED FIRE PROTECTION SYSTEMS. (CFP Issue 2023-I-024)

3-501.13

Amended ¶ 3-501.13(E) to align with the risk designation for ¶ ¶ 3-501.13 (A), (B), and (C) as an editorial update.

Chapter 4 Equipment, Utensils, and Linens

4-302.14

Amended to add new ¶ 4-302.14(B) and make existing paragraph a new ¶ 4-302.14(A) to add in testing kits or other devices to measure disinfecting solution and to revise the tag line (title) to add in the term Disinfecting. (CFP Issue 2023-III-015)

4-401.11

Amended sub¶ 4-401.11(A)(6) to align with 2024 International Fire Code requirements and new defined term WATER-BASED FIRE PROTECTION SYSTEMS. (CFP Issue 2023-I-024)

4-501.116

Amended § 4-501.116 to revise the tag line (title) to include the term “DISINFECTANT” and to make existing paragraph a new paragraph (¶) 4-501.116(A) and add a new paragraph (¶) 4-501.116(B) indicating when a test kit is used to determine the concentration of a SANITIZING solution, it shall be used in accordance with the manufacturer’s label instructions. (CFP Issue 2023-I-018)

4-903.12

Amended ¶ 4-903.12 (A) to align with 2024 International Fire Code requirements and new defined term WATER-BASED FIRE PROTECTION SYSTEMS. (CFP Issue 2023-I-024)

4-1001.11

4-1002.11

4-1003.11

Amended Chapter 4 to add a new Part 4-10 Disinfection of Equipment and Utensils to include corresponding subparts and sections.

Chapter 5 Water, Plumbing, and Waste

5-203.11

Amended ¶ 5-203.11(B) to revise text into stylized italics as was inadvertently left off.

Chapter 6 Physical Facilities

No Change.

Chapter 7 Poisonous or Toxic Materials

Chapter 7 Heading

Amended chapter heading throughout chapter 7 to correctly state Chapter 7.

POISONOUS OR TOXIC MATERIALS at the top right margin as it was inadvertently labeled as Chapter 8.

7-102.11

Amended § 7-102.11 Common Name to add the term DISINFECTANTS.
(CFP Issue 2023-III-015)

7-201.11

Amended § 7-201.11 as small caps were inadvertently left off the defined terms FOOD, EQUIPMENT, UTENSILS, LINENS and SINGLE-SERVICE and SINGLE-USE ARTICLES in the lead in sentence.

7-202.12

Amended ¶ 7-202.12 (C) as small caps were inadvertently left off the defined term RESTRICTED USE PESTICIDE.

Chapter 8 Compliance and Enforcement

8-103.12

Amended ¶ 8-103.12(C) to reflect updated cross references due to the redesignations of ¶(E) and ¶(F) in § 8-201.14 in the 2022 Food Code.

8-201.12

Amended ¶ 8-201.12(E) to replace the term standard procedures with the term FOOD SAFETY MANAGEMENT SYSTEM. (CFP Issue 2023-II-043)

8-201.15

Amended to add new § 8-201.15 titled When a Food Safety Management System is Required to establish requirements for a FOOD SAFETY MANAGEMENT SYSTEM.
(CFP Issue 2023-II-043)

8-201.16

Amended Subpart 8-201 to add new § 8-201.16 as a reserved provision.

8-402.11

Amended § 8-402.11 heading as the number 8 was inadvertently left off the section number and to remove highlighted box designated for Subparts.

Annex 1 Compliance and Enforcement

No Change.

Annex 2 References

3-304.17

Amended to remove outdated reference 1. Food and Drug Administration, 1985. Food Protection – Refilling of take-home beverage containers (8/29/85). Retail Food Protection Program Information Manual.

Supporting Documents

Amended to add new section, **AA. Guidance for Retail Food Establishments in Developing their Food Safety Management Systems.** (CFP 2023-II-043)

Amended to add new section, **BB. Major Food Allergen Framework.** (CFP Issue 2023-II-051)

Amended to add new section, **CC. Guidance for Safe Use of Reusable Containers.** (CFP Issue 2023-III-010)

Amended to add new section, **DD. Guidance Document for Retail Sushi HACCP Standardization.** (CFP Issue 2023-III-006)

Amended to revise **Section 4. Food Defense Guidance from Farm to Table** to fix outdated and broken links and provide the most updated resources from FDA and USDA. (CFP Issue 2023-II-040)

Annex 3 Public Health Reasons

1-201.10

Amended Public Health Reasons for §1-201.10 to revised the CFP Standard Title by deleting the letter “s” to make the word “Standard” singular rather than plural in paragraph 5 under Accredited Program.

Amended Public Health Reasons for §1-201.10 Statement of Application and Listing of Terms to add 3 new paragraphs that address newly defined term “Food Defense”. (CFP Issue 2023-II-039)

Amended to add Public Health Reasons for §1-201.10 Statement of Application and Listing of Terms to add 5 new paragraphs that address newly defined term “Food Safety Management System”. (CFP Issue 2023-II-043)

2-102.10

Amended Public Health Reason for §2-102.10 Food Protection Manager Certification to replace the term “American National Standards Institute (ANSI)” with new name “ANSI National Accreditation Board (ANAB)” throughout and to revise the CFP Standard Title by deleting the letter “s” to make the word “Standard” singular rather than plural in paragraphs 3-4, 6-10 (including footnote).

2-103.11

Amended Public Health Reason for §2-103.11 Person in Charge to add a new paragraph 1 and make existing paragraph 1 into new paragraph 2 to address the addition of active managerial control. (CFP Issue 2023-II-043)

Amended Public Health Reason for §2-103.11 Person in Charge to add new paragraph 13 that addresses new paragraph R on employee awareness of food defense. (CFP Issue 2023-II-039)

2-201.13

Amended Public Health Reasons for § 2-201.13 to add a new header titled: “Culture-Independent Diagnostic Tests (CIDT) for Medical Clearance” after paragraph 3; add new paragraphs 4 and 5 after existing paragraph 3 to provide rationale for adding the option of using CIDT tests in addition to stool culture tests for reinstatement of food employees diagnosed with STEC, *Shigella* or Non-Typhoidal *Salmonella*; add a new header titled: “Reinstatement of Asymptomatic Food Employees” above new designated paragraph 6 (previous paragraph 4) to provide information to the reader that subsequent paragraphs after the new paragraph 6 return to previous information provided on reinstating asymptomatic diagnosed food employees.

2-301.12

Amended Annex 3 Public Health Reasons for § 2-301.12 to add new paragraphs 3, 5, 8, 9 and shift existing paragraphs 3, 5, 8 to be new paragraphs 4, 5 and 10 respectively to provide more context on hand contamination. (CFP Issue 2023-III-031)

2-301.16

Amended Annex 3 Public Health Reason for § 2-301.16 Hand Antiseptics to revise paragraphs 2 and 3 to clarify the intent of hand antiseptics. (CFP Issue 2023-III-016)

2-501.11

Amended Annex 3 Public Health Reasons for § 2-501.11 Clean-up of Vomiting and Diarrheal Events to revise paragraph 6 to include reference to EPA-registered DISINFECTANTS and to revise paragraph 9 by rearranging bulleted list of items to consider

when developing a written plan to ensure the steps listed reflect the order of actions covered by the plan. (CFP Issue 2023-III-017)

3-201.11

Amended Annex 3 Public Health Reasons for § 3-201.11 to delete the word “not” between “have” and “undergone” in sentence 3 under the section Labeling for Whole-muscle, Intact Beef Steaks. This was a typographical error.

3-301.11

Amended Public Health Reasons for § 3-301.11 to add new paragraphs 3, 4 and 5 to introduce additional control measures, provide more background describing what a double handwash is and to include information on fingernail brushes from the Public Health Reasons found in § 2-301.12. (CFP Issue 2023-I-017)

3-304.17

Amended Annex 3 Public Health Reason for § 3-304.17 Refilling Returnables to add new paragraphs 1-3 and 5-6; revise old paragraph 1 to be new paragraphs 4 and 5 and revise old paragraph 2 to be new paragraphs 7 and 8 to include new language to align with codified text revisions. (CFP Issue 2023-III-010)

3-305.11 Food Storage.

3-305.12 Food Storage, Prohibited Areas.

Amended Annex 3 Public Health Reasons for § 3-305.12 to add pipes, tubes, and hoses to be inclusive of all water carrying piping and correlates to health and plumbing codes. (CFP Issue 2023-I-024)

3-502.11

Amended Annex 3 Public Health Reasons for § 3-502.11 Variance Requirement to add new paragraph 8 that addresses food preservation techniques as it relates to variance requests, (CFP Issue 2023-III-027)

4-302.14

Amended Annex 3 Public Health Reasons for § 4-302.14 Sanitizing Solutions, Testing Devices to revise the section title to add the term “Disinfecting” and revise the paragraph to include language regarding disinfectants and testing devices. (CFP Issue 2023-III-015)

4-501.116

Amended Annex 3 Public Health Reason for § 4-501.116 to revise the section tag line (title) to include the term “Disinfectant” and to update language to include the term disinfectant throughout the paragraph. (CFP Issue 2023-III-015)

4-601.11

Amended Annex 3 Public Health Reasons for § 4-601.11 to revise the term nonfood contact to nonfood-contact to make it grammatically consistent throughout the Food Code.

4-602.13

Amended Annex 3 Public Health Reasons for § 4-602.13 to revise the term nonfood contact to nonfood-contact to make it grammatically consistent throughout the Food Code.

4-1001.11**4-1002.11****4-1003.11**

Added new Annex 3 Public Health Reasons for §§ 4-1001.11, 4-1002.11, 4-1003.11 to address new codified provisions added under new Part 4-10 addressing disinfection. (CFP Issue 2023-III-015)

6-202.15

Amended Public Health Reasons for § 6-202.15 to reference the newest edition of the National Fire Protection Association's NFPA 101, Life Safety Code within paragraph two.

7-102.11

Amended Annex 3 Public Health Reasons for § 7-102.11 Common Name to include the term disinfectants after the term sanitizers in sentence 1. (CFP Issue 2023-III-015)

8-201.12**8-203.10**

Amended Annex 3 Public Health Reasons for §§ 8-201.12 and 8-203.10 to add a new header § 8-201.15 When a Food Safety Management System is Required and revise existing paragraphs 2-4 to reflect new codified language in § 8-201.15. (CFP 2023-II-043)

Annex 4 Management of Food Safety Practices – Achieving Active Managerial Control of Foodborne Illness Risk Factors

No Change.

Annex 5 Conducting Risk-based Inspections

No Change.

Annex 6 Food Processing Criteria**Section 2. Reduced Oxygen Packaging**

Amended Annex 6 Section 2. Reduced Oxygen Packaging, Part (B) Definitions to reflect the revised definition of Reduced Oxygen Packaging and to align with codified text. (CFP 2023-III-023)

Section 4. Acidification (Sushi Rice) - New

Amended Annex 6 Food Processing Criteria to add new Section 4 Acidification (Sushi Rice) to include further explanation in critical limits associated with sushi rice.

(CFP Issue 2023-III-008)

Annex 7 Models Forms, Guides, and Other Aids

Form 3-A Food Establishment Inspection Report

Amended form 3-A Food Establishment Inspection Report, Item #1 Supervision to include an additional compliance status of N/A to address new exception in ¶2-101.11(C). (CFP Issue 2018-I-003)

Guide 3-B, Instructions for Marking the Food Establishment Inspection Report, Item 1

Amended Guide 3B, Section C, Supervision, Item #1, to add new paragraphs for inclusion in B(3) and under applicable code sections §2-102.11 and §2-103.11.

Guide 3-B, Instructions for Marking the Food Establishment Inspection Report, Item 6

Amended Guide 3B, Section C, Proper eating, tasting, drinking, or tobacco products use, Item #6, to revise the term nonfood contact to nonfood-contact to make it grammatically consistent throughout the Food Code in sentence #2.

Guide 3-B, Instructions for Marking the Food Establishment Inspection Report, Item 16

Amended Guide 3B, Section C Item #16 Food-contact surfaces, cleaned and sanitized to revise the title of the section, update the marking instructions and include new applicable Code sections. (CFP Issue 2023-III-015)

Guide 3-B, Instructions for Marking the Food Establishment Inspection Report, Item 28

Amended Guide 3B, Section C. Toxic Substances properly identified, stored, and used; held for retail sale, properly stored, Item #28 to include disinfectant as a toxic substance. (CFP Issue 2023-III-015)

Guide 3-B, Instructions for Marking the Food Establishment Inspection Report, Item 35

Amended Guide 3B, Section D, Approved Thawing Methods Used, Item #35, to add new risk designation to 3-305.13 in the applicable code section.

Guide 3-B, Instructions for Marking the Food Establishment Inspection Report, Item 47

Amended Guide 3B, Section D, Food and nonfood-contact surfaces cleanable, properly designed, constructed and used, Item #47, to remove hyphen between the word non-food throughout; add new marking instructions and add new risk designation of Core to 3-304.17 in the Applicable Code Section.
(CFP Issue 2023-III-012)

Guide 3-B, Instructions for Marking the Food Establishment Inspection Report, Item 48

Amended Guide 3B, Section D, Warewashing Facilities, Installed, Maintained, Used, Test Strips, Item #48 to revise the title of §§ 4-302.14 and 4-501.116 to include the word “disinfecting” under the applicable code sections and to revise the marking instructions to include guidance on when to mark out of compliance when testing solution concentrations. (CFP Issue 2023-I-018)

Part 2. Amendments, Additions, Deletions, to Chapters 1-8 and the Annexes

Preface

Amended Preface, Part 3 Public Health and Consumer Expectations to include reference to food defense to read as follows:

3. Public Health and Consumer Expectations

It is a shared responsibility of the food industry and the government to ensure that food provided to the consumer is safe and does not become a vehicle in a disease outbreak, in the transmission of a communicable disease or part of an intentional act of adulteration or tampering. This shared responsibility extends to ensuring that consumer expectations are met, and that food is safe, unadulterated, prepared in a clean environment, and honestly presented.

Under FDA's Mission Statement the agency is responsible for protecting the public health by ensuring the safety of our nation's food supply...and for advancing the public health by helping the public get accurate, science-based information they need about foods to maintain and improve their health.

Accordingly, the provisions of the Food Code provide a system of prevention and overlapping safeguards designed to minimize foodborne illness; ensure employee health, industry manager knowledge, safe food, nontoxic and cleanable equipment, and acceptable levels of sanitation on food establishment premises; and promote fair dealings with the consumer.

Chapters, Parts, and Subparts

Amended List of Chapters, Parts and Subparts to include new Part 4-10 and subparts 4-1001, 4-1002, 4-1003 addressing new disinfection provisions to read as follows:

...NO CHANGE...

4-10 Disinfection of Equipment and Utensils

4-1001 Objectives

4-1002 Frequency

4-1003 Methods

Chapter 1 Purpose and Definitions

Amend §1-201.10 to revise in paragraph (B) the following defined terms to read as follows:

“Active Managerial Control” means the purposeful incorporation of specific actions or procedures by industry management into the operation of their business to attain control over foodborne illness RISK factors. It embodies a preventive rather than reactive approach to FOOD safety through a continuous system of monitoring and verification.

“Disinfection” means the application of a substance, or mixture of substances, that destroys or irreversibly inactivates bacteria, fungi, and viruses, but not necessarily bacterial spores.

“Food Defense” is the effort to protect FOOD from acts of intentional ADULTERATION or tampering.

Food Safety Management System

- (1) **“FOOD SAFETY MANAGEMENT SYSTEM”** means a specific set of actions taken by the EMPLOYEE to prevent the occurrence of foodborne illness RISK factors based on the type of operation, type of FOOD preparation, and FOODS prepared within the FOOD ESTABLISHMENT.
- (2) **“FOOD SAFETY MANAGEMENT SYSTEM”** includes written procedures, training plans, and monitoring records to control specific operational steps in a FOOD ESTABLISHMENT that contribute to foodborne illness.

“Poisonous or toxic materials” means substances that are not intended for ingestion and are included in 5 categories:

- (1) Cleaners, SANITIZERS and DISINFECTANTS, which include cleaning, SANITIZING and DISINFECTING agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- (2) Pesticides, except SANITIZERS and DISINFECTANTS, which include substances such as insecticides and rodenticides;
- (3) – (5) NO CHANGE

Reduced Oxygen Packaging

- (2) **“Reduced oxygen packaging”** includes:
 - (a) – (c) NO CHANGE
 - (d) Cook chill PACKAGING, in which cooked FOOD is hot filled into impermeable PACKAGING (such as a bag or film on trays) that is then sealed or crimped closed. The PACKAGED FOOD is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotropic pathogens; or
 - (e) NO CHANGE

“Water-based fire protection systems” means automatic or manual fire systems using water as a primary agent, which are used to detect, extinguish, or control a fire.

Chapter 2 Management and Personnel

Amend ¶ 2-102.11(C) to add new sub¶ (C)(18) to read as follows:

2-102.11 Demonstration.

Based on the RISKS inherent to the FOOD operation, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of foodborne disease prevention, application of the HAZARD Analysis and CRITICAL CONTROL POINT principles, and the requirements of this Code. The PERSON IN CHARGE shall demonstrate this knowledge by:

(A) Complying with this Code by having no violations of PRIORITY ITEMS during the current inspection; ^{Pf}

(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; ^{Pf} or

(C) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. The areas of knowledge include:

...NO CHANGE...

(18) Explaining steps that are taken to prevent intentional ADULTERATION by CONSUMERS, EMPLOYEES, or other PERSONS including monitoring operations, ingredients, supplies, and finished products for unusual or suspicious activities, or other FOOD DEFENSE activities. ^{Pf}

Amend §2-103.11 to revise the lead in sentence and to add new ¶ (R) to read as follows:

2-103.11 Person in Charge.

The PERSON IN CHARGE shall maintain ACTIVE MANAGERIAL CONTROL of foodborne illness RISK factors by ensuring that:

...NO CHANGE...

(R) EMPLOYEES are aware of FOOD DEFENSE, such as signs of intentional acts of ADULTERATION as it relates to their assigned duties, and report suspicious activity to the PERSON IN CHARGE. ^{Pf}

Amend sub-¶¶¶ 2-201.13 (E)(1) and 2-201.13 (F)(1) and 2-201.13 (G)(1) to replace the requirement for 2 consecutive negative stool culture tests with: 2 consecutive negative laboratory test results from a validated test, using a laboratory

accredited or certified to handle clinical specimens as an additional option to allow for the use of culture-independent diagnostic test results to read as follows:

Managing Exclusions and Restrictions

2-201.13 Removal, Adjustment, or Retention of Exclusions and Restrictions.

The person in charge shall adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of a food employee:

...NO CHANGE...

Shigella spp. Diagnosis - Removing Exclusion or Restriction

(E) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraphs 2201.12(A)(2) or (E)(1) or who was RESTRICTED under Subparagraph 2201.12(E)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

- (1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a *Shigella* spp. infection based on 2 consecutive negative laboratory test results from a validated test, using a laboratory accredited or certified to handle clinical specimens and obtained from stool specimens that are taken:
 - (a) Not earlier than 48 hours after discontinuance of antibiotics, ^P and
 - (b) At least 24 hours apart; ^P
- (2) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than 7 calendar days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC: ^P or
- (3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 7 calendar days have passed since the FOOD EMPLOYEE was diagnosed. ^P

STEC Diagnosis - Removing Exclusion or Restriction

(F) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 2-201.12(A)(2) or (F)(1) or who was RESTRICTED under Subparagraph 2-201.12(F)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

- (1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of an infection from SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* based on 2 consecutive negative laboratory test results from a validated test, using a laboratory accredited or certified to handle clinical specimens, and obtained from stool specimens that are taken:

- (a) Not earlier than 48 hours after discontinuance of antibiotics; ^P and
- (b) At least 24 hours apart; ^P
- (2) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved and more than 7 calendar days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC : ^P or
- (3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 7 days have passed since the FOOD EMPLOYEE was diagnosed. ^P

Nontyphoidal Salmonella - Removing Exclusion or Restriction

(G) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraph 2-201.12(A)(2) or who was RESTRICTED as specified under ¶ 2-201.12(G) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

- (1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a *Salmonella* (nontyphoidal) infection based on test results showing 2 consecutive negative laboratory test results from a validated test, using a laboratory accredited or certified to handle clinical specimens and obtained from stool specimens that are taken:
 - (a) Not earlier than 48 hours after discontinuance of antibiotics, ^P and
 - (b) At least 24 hours apart; ^P
- (2) The FOOD EMPLOYEE was RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than 30 days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC: ^P or
- (3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 30 days have passed since the FOOD EMPLOYEE was diagnosed. ^P

...NO CHANGE...

Amend §2-304.11 to revise convention of defined terms into small caps to read as follows:

2-304.11 Clean Condition.

FOOD employees shall wear clean outer clothing to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

Chapter 3 Food

Amend ¶ 3-201.11 (B) to remove duplicate language and add in the risk designation of Priority foundation in ¶ 3-201.11(C) and amend sub¶ 3-201.11(E)(3)(b) to remove the “and” and correctly place it at the end of sub¶ 3-201.11(E)(3)(a) and fix spelling error for “received” in sub¶ 3-201.11(E)(3)(a) to read as follows:

3-201.11 Compliance with Food Law.

(A) FOOD shall be obtained from sources that comply with LAW.^P

(B) FOOD prepared in a private home may not be used or offered for human consumption in a FOOD ESTABLISHMENT.^P

(C) PACKAGED FOOD shall be labeled as specified in LAW, including 21 CFR 101 FOOD Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under § 3-202.18.^{Pf}

...NO CHANGE...

(E) WHOLE-MUSCLE, INTACT BEEF steaks that are intended for consumption in an undercooked form without a CONSUMER advisory as specified in ¶ 3-401.11(C) shall be:

(1) Obtained from a FOOD PROCESSING PLANT that does not MECHANICALLY TENDERIZE, vacuum tumble with solutions, reconstruct, cube or pound these WHOLE-MUSCLE, INTACT BEEF STEAKS,^{Pf} or

(2) Deemed acceptable by the REGULATORY AUTHORITY based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of WHOLE-MUSCLE, INTACT BEEF,^{Pf} and

(3) If individually cut in a FOOD ESTABLISHMENT:

(a) Cut from WHOLE-MUSCLE INTACT BEEF that is received from a FOOD PROCESSING PLANT as specified in Subparagraph (E)(1) of this section or identified as specified in Subparagraph (E)(2) of this section,^P and

(b) Prepared so they remain intact.^{Pf}

...NO CHANGE...

Amend ¶ 3-304.11(B) as small caps were inadvertently left off the defined terms SINGLE-SERVICE and SINGLE-USE ARTICLES to read as follows:

3-304.11 Food Contact with Equipment and Utensils.

Food shall only contact surfaces of:

(A) EQUIPMENT and UTENSILS that are cleaned as specified under Part 4-6 of this Code and SANITIZED as specified under Part 4-7 of this Code;^P

(B) SINGLE-SERVICE and SINGLE-USE ARTICLES;^P or

(C) LINENS, such as cloth napkins, as specified under § 3-304.13 that are laundered as specified under Part 4-8 of this Code.^P

Amend to re-designate existing ¶ 3-304.17(A) to be a new ¶ 3-304.17(C); added new ¶ 3-304.17(A); revised ¶ 3-304.17(B); and re-designated existing ¶ 3-304.17(E) to be the new ¶ 3-304.17(D) to read as follows:

3-304.17 Refilling Returnables.

(A) Containers may be refilled with FOOD either by a FOOD EMPLOYEE or the CONSUMER, if:

(1) The container is designed and constructed for multiuse in accordance with the requirements specified under § 4-101.11, § 4-201.11, and 4-202.11 of this Code, and

(2) The container is cleaned and SANITIZED following procedures as specified under § 4-601.11, § 4-602.11, § 4-701.10, § 4-702.11 and §4-703.11 of this Code prior to refilling, and,

(3) The container is visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified prior to use.^{Pf}

(B) Except as specified in ¶ (D) of this section, containers refilled in a FOOD ESTABLISHMENT shall be refilled so that:

(1) The container is refilled in a contamination-free transfer process;^{Pf}

(2) The container is handled to prevent direct contact with FOOD-CONTACT SURFACES; and^{Pf}

(3) FOOD-CONTACT SURFACES are cleaned as specified under Part 4-6 and SANITIZED as specified under Part 4-7 of this Code by a FOOD EMPLOYEE.^{Pf}

(C) Containers returned to a FOOD ESTABLISHMENT for cleaning and refilling in a regulated FOOD PROCESSING PLANT shall not be refilled at a FOOD ESTABLISHMENT.

(D) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.

Amend ¶ 3-305.12 (G) to align with 2024 International Fire Code requirements and new defined term WATER-BASED FIRE PROTECTION SYSTEMS to read as follows:

3-305.12 Food Storage, Prohibited Areas.

FOOD may not be stored:

- (A) In locker rooms;
- (B) In toilet rooms; ^{Pf}
- (C) In dressing rooms;
- (D) In garbage rooms;
- (E) In mechanical rooms;
- (F) Under sewer lines that are not shielded to intercept potential drips;
- (G) Under leaking or where water is condensed on pipes, tubes, or hoses, including plumbing, heating, air conditioning and WATER-BASED FIRE PROTECTION SYSTEMS.
- (H) Under open stairwells; or
- (I) Under other sources of contamination.

Amend ¶ 3-501.13 (E) to align with the risk designation for ¶ ¶ 3-501.13 (A), (B), and (C) as an editorial update to read as follows:

3-501.13 Thawing.

Except as specified in ¶ (D) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be thawed:

...NO CHANGE...

(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 its thawing under refrigeration as specified in ¶(A) of this section; ^{Pf} or
- (2) Prior to, or immediately upon completion of, its thawing using procedures specified in ¶ (B) of this section. ^{Pf}

Chapter 4 Equipment, Utensils, and Linens

Amend § 4-302.14 to add new ¶ 4-302.14(B) and make existing paragraph into new ¶ 4-302.14(A) and to add in the term Disinfecting to the Tag line (title) to read as follows:

4-302.14 Sanitizing and Disinfecting Solutions, Testing Devices.

(A) A test kit or other device that accurately measures the concentration in MG/L of SANITIZING solutions shall be provided. ^{Pf}

(B) A test kit of other device that accurately measures the concentration of DISINFECTING solutions shall be provided. ^{Pf}

Amend ¶ 4-401.11(A) to align with 2024 International Fire Code requirements and new defined term WATER-BASED FIRE PROTECTION SYSTEMS to read as follows:

4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention.

(A) Except as specified in ¶ (B) of this section, EQUIPMENT, a cabinet used for the storage of FOOD, or a cabinet that is used to store cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be located:

- (1) In locker rooms;
- (2) In toilet rooms; ^{Pf}
- (3) In garbage rooms;
- (4) In mechanical rooms;
- (5) Under sewer lines that are not shielded to intercept potential drips;
- (6) Under leaking or where water is condensed on pipes, tubes, or hoses, including plumbing, heating, air conditioning and WATER-BASED FIRE PROTECTION SYSTEMS;

...NO CHANGE...

Amend § 4-501.116 to revise the tag line (title) to include the term “DISINFECTANT” and to make existing paragraph a new paragraph (¶) (A) and add a new paragraph (¶) (B) to read as follows:

4-501.116 Warewashing Equipment, Determining Chemical Sanitizer or Disinfectant Concentration.

(A) Concentration of the SANITIZING or DISINFECTING solution shall be accurately determined by using a test kit or other device. ^{Pf}

(B) A test kit, used to determine the concentration of a SANITIZING or DISINFECTING solution shall be used in accordance with the manufacturer’s label instructions.

Amend ¶ 4-903.12 (A) to align with 2024 International Fire Code requirements and new defined term WATER-BASED FIRE PROTECTION SYSTEMS to read as follows:

4-903.12 Prohibitions.

(A) Except as specified in ¶ (B) of this section, cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be stored:

- (1) In locker rooms;

- (2) In toilet rooms; ^{Pf}
- (3) In garbage rooms;
- (4) In mechanical rooms;
- (5) Under sewer lines that are not shielded to intercept potential drips;
- (6) Under leaking or where water is condensed on pipes, tubes, or hoses, including plumbing, heating, air conditioning and WATER-BASED FIRE PROTECTION SYSTEMS.

...NO CHANGE...

Amend Chapter 4 to add a new Part 4-10 Disinfection of Equipment and Utensils to include corresponding subparts and sections to read as follows:

CHAPTER 4 EQUIPMENT, UTENSILS, AND LINENS

Parts:

- 4-1 Materials for Construction and Repair
- 4-2 Design and Construction
- 4-3 Numbers and Capacities
- 4-4 Location and Installation
- 4-5 Maintenance and Operation
- 4-6 Cleaning of Equipment and Utensils
- 4-7 Sanitization of Equipment and Utensils
- 4-8 Laundering
- 4-9 Protection of Clean Items
- 4-10 Disinfection of Equipment and Utensils

...NO CHANGE...

4-10 Disinfection of Equipment and Utensils

4-1001 Objective

4-1001.11 Food-Contact, nonFood-Contact Surfaces and Utensils

EQUIPMENT, FOOD-CONTACT SURFACES, nonFOOD-CONTACT SURFACES, and UTENSILS shall be DISINFECTED when pathogens of concern are not controlled by available SANITIZERS.^P

4-1002 Frequency

4-1002.11 Disinfectant Use

When pathogens of concern are not controlled by available SANITIZERS, EQUIPMENT, FOOD-CONTACT SURFACES, nonFOOD-CONTACT SURFACES, and UTENSILS shall be DISINFECTED:

- (A) When contaminated with vomitus, fecal matter, blood, or any other bodily fluid that can lead to disease transmission;^P or
- (B) During a FOODBORNE DISEASE OUTBREAK or IMMINENT HEALTH HAZARD.^P

4-1003 Methods

4-1003.11 Chemical

- (A) FOOD-CONTACT SURFACES and nonFOOD-CONTACT SURFACES shall be DISINFECTED in accordance with the EPA-registered label use directions.^P
- (B) DISINFECTANTS applied to a FOOD-CONTACT SURFACE shall be rinsed with potable water, unless otherwise specified on the EPA-registered label use directions.^P

Chapter 5 Water, Plumbing, and Waste

Amend ¶5-203.11(B) to revise text into stylized italics to read as follows:

5-203.11 Handwashing Sinks.

(A) Except as specified in ¶¶ (B) of this section, at least 1 HANDWASHING SINK, a number of HANDWASHING SINKS necessary for their convenient use by EMPLOYEES in areas specified under § 5-204.11, and not fewer than the number of HANDWASHING SINKS required by LAW shall be provided.^{Pf}

(B) If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, automatic handwashing facilities may be substituted for HANDWASHING SINKS in a FOOD ESTABLISHMENT that has at least 1 HANDWASHING SINK.

Chapter 6 Physical Facilities

No Change.

Chapter 7 Poisonous or Toxic Materials

Amend Chapter 7 Chapter heading at the top right margin throughout Chapter 7 to read as follows:

Chapter 7. Poisonous or Toxic Materials

Amend § 7-102.11 to add the term DISINFECTANTS to read as follows:

7-102.11 Common Name.

Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners, SANITIZERS and DISINFECTANTS taken from bulk supplies shall be clearly and individually identified with the common name of the material. ^{Pf}

Amend § 7-201.11 as small caps were inadvertently left off the defined terms to read as follows:

7-201.11 Separation.

POISONOUS OR TOXIC MATERIALS shall be stored so they can not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

...NO CHANGE...

Amend ¶ 7-202.12 (C) as small caps were inadvertently left off the defined term RESTRICTED USE PESTICIDE to read as follows:

7-202.12 Conditions of Use.

POISONOUS OR TOXIC MATERIALS shall be:

...NO CHANGE...

(C) A RESTRICTED USE PESTICIDE shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide, and Rodenticide Act, or a PERSON under the direct supervision of a certified applicator. ^{Pf}

Chapter 8 Compliance and Enforcement

Amend ¶ 8-103.12(C) to reflect updated cross references due to the redesignations of ¶(E) and ¶(F) in § 8-201.14 in the 2022 Food Code to read as follows:

8-103.12 Conformance with Approved Procedures.

...NO CHANGE...

(C) Maintain and provide to the REGULATORY AUTHORITY, upon request, records specified under ¶ 8-201.14(E) and sub¶ 8-201.14(F)(3) that demonstrate that the following are routinely employed;

- (1) Procedures for monitoring the CRITICAL CONTROL POINTS, ^{Pf}
- (2) Monitoring of the CRITICAL CONTROL POINTS, ^{Pf}
- (3) Verification of the effectiveness of the operation or process, ^{Pf} and
- (4) Necessary corrective actions if there is failure at a CRITICAL CONTROL POINT. ^{Pf}

Amend ¶8-201.12(E) to replace the term standard procedures with the term food safety management system to read as follows:

8-201.12 Contents of the Plans and Specifications.

The plans and specifications for a FOOD ESTABLISHMENT, including a FOOD ESTABLISHMENT specified under § 8-201.13, shall include, as required by the REGULATORY AUTHORITY based on the type of operation, type of FOOD preparation, and FOODS prepared, the following information to demonstrate conformance with Code provisions:

...NO CHANGE...

(E) Evidence that a FOOD SAFETY MANAGEMENT SYSTEM that ensures compliance with the requirements of this Code are developed or are being developed; and

...NO CHANGE...

Amend to add new § 8-201.15 titled When a Food Safety Management System is Required to establish requirements for a food safety management system to read as follows:

8-201.15 When a Food Safety Management System is Required.

(A) Within 4 years of the REGULATORY AUTHORITY'S adoption of this Code, a written FOOD SAFETY MANAGEMENT SYSTEM shall be:

- (1) Developed and maintained to ensure compliance with requirements of this Code as specified in 2-103.11.
- (2) Implemented in the FOOD ESTABLISHMENT during all hours of operation, and
- (3) Made available to the REGULATORY AUTHORITY upon request.

(B) This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the REGULATORY AUTHORITY to pose minimal RISK of causing, or contributing to, foodborne illness based on the nature of the operation and extent of the FOOD preparation.

Amend Subpart 8-201 to add new § 8-201.16 as a reserved provision to read as follows:

8-201.16 Contents of a food safety management system.

RESERVED.

Amended § 8-402.11 heading as the number 8 was inadvertently left off of the section number and to remove highlighted box designated for Subparts to read as follows:

8-402.11 Allowed at Reasonable Times after Due Notice.

...NO CHANGE...

Annex 1 Compliance and Enforcement

No Change.

Annex 2 References

Amend 2. Bibliography to remove outdated reference 1. Food and Drug Administration, 1985. Food Protection – Refilling of take-home beverage containers (8/29/85)-Retail Food Protection Program Information Manual to read as follows:

*****Reference outdated, removed and no longer available***

Amend 3. Supporting Documents to add the following new sections AA., BB., CC., DD. to read as follows:

3. SUPPORTING DOCUMENTS

FDA is providing the following guidance documents for reference. A brief summary for each document is provided.

...No Change...

AA. Guidance for Retail Food Establishments in Developing their Food Safety Management Systems

USDA Food Nutrition Service (FNS) in partnership with the Institute of Child Nutrition (ICN) developed HACCP-based food safety management tools for child nutrition

professionals and serve as a good resource for food establishments that need to develop or enhance their current food safety management systems. The resources include a workshop that provide helpful training and tools that food establishments can refer to as they work to build their food safety management system. The materials can be used as a model to build checklists, activities, standard operating procedures, SOPs, and log templates. The workshop to aid in writing, updating, and revising a HACCP-Based Food Safety Plan is located at <https://theicn.org/icn-resources-a-z/writing-a-haacp-based-food-safety-plan-for-schools/>. In addition, there are Food Safety SOP Resources that incorporate HACCP-based Standard Operating Procedures located at: <https://theicn.org/icn-resources-a-z/food-safety/#66da58d4edcafd35f>. This resource may be used as a template to design or evaluate a food establishment's current food safety management systems. The materials serve as a model for example standard operating procedures, logs, templates, and SOP summary tables.

BB. Major Food Allergen Framework

The need for effective management of major food allergens within food establishments is ever-growing. This document provides a voluntary operational framework for food allergy prevention and control for food establishments. This document outlines practices that may assist food establishments in allergen control including topics such as training of food handlers, food handling policies and practices, tools to notify consumers about major food allergens, food allergy reaction and emergency response, and equal consideration for other community food sources.

This document and summary document are available for download at:

<http://www.foodprotect.org/media/guide/major-food-allergen-framework.pdf>

<http://www.foodprotect.org/media/guide/major-food-allergen-framework-summary.pdf>

CC: Guidance Document for Safe Use of Reusable Containers, Conference for Food Protection.

This document is designed to guide the safe use of reusable containers for retail food establishment operators intending to use these types of containers and to provide guidance to regulatory authorities evaluating or approving retail refilling operations.

At the 2023 Conference for Food Protection meeting the Safe Use of Reusable Containers committee conveyed the concern that the Food Code did not align with practices in the field as it pertains to refilling reusable containers at retail. The committee agreed the filling of customer-owned containers and third-party supplied reusable containers in retail food establishments was common despite limited allowance in the Food Code. The committee also agreed that local, national, and global legislation and movements to reduce solid waste from disposable food containers would increase reuse requirements and the demand for reusable container options from consumers,

businesses, and environmental groups. In addition, legislative bodies will likely look toward reusable container options for food service packaging to help address issues of waste, human health, and climate change.

This document is accessible for download at:

[Guidance Document for the Safe Reuse of Containers | Conference-Developed Guides and Documents | Conference for Food Protection](https://www.foodprotect.org/guides-documents/guidance-document-for-the-safe-reuse-of-containers/)
(<https://www.foodprotect.org/guides-documents/guidance-document-for-the-safe-reuse-of-containers/>)

DD. Guidance Document for Retail Sushi HACCP Standardization

The Guidance for Retail Sushi HACCP Standardization document has been developed as a tool for the purpose of assisting regulatory and industry personnel. In achieving greater uniformity. This document was created to supplement the templates and guidance provided for acidified rice that are part of the Conference for Food Protection Conference-developed Guides and Documents. The goal of this guidance is to help jurisdictions achieve a more standardized review of HACCP Plans.

This document can be accessed at the following web site:

<http://www.foodprotect.org/media/guide/final-doc-cfp-c3-sushi-rice-standardization-5-2023.pdf>.

Amend 4. Supporting Documents to revise Section 4. Food Defense Guidance from Farm to Table with updated content to read as follows:

4. FOOD DEFENSE GUIDANCE FROM FARM TO TABLE

The following is a summary of available resources on food defense that is of interest to the retail and food service food community. This listing is provided below and is not all inclusive. It contains links to websites and describes publications from federal agencies (primarily FDA, CDC, and USDA) and industry groups with information of interest for regulators, industry, and consumers. Responsibility for updating the web pages lies with the listed organization and those listed are up to date as of the release of the current Food Code.

U.S. Food and Drug Administration:

The FDA has developed food defense tools, resources, and regulation and guidance documents to help food establishments and food facilities prevent, prepare for, respond to, and recover from acts of intentional adulteration of the food supply.

These resources can be found by visiting Food Defense | FDA (www.fda.gov/food/fooddefense) website or by searching U.S. Food and Drug Administration (fda.gov) on the FDA website includes:

- **Guidance for Industry: Food Security Preventive Measures Guidance for Retail Food Stores and Food Service Establishments:** This guidance is designed as an aid to operators of retail food stores and food service establishments (for example, bakeries, bars, bed-and-breakfast operations, cafeterias, camps, child and adult day care providers, church kitchens, commissaries, community fundraisers, convenience stores, fairs, food banks, grocery stores, interstate conveyances, meal services for home-bound persons, mobile food carts, restaurants, and vending machine operators). This guidance identifies the kinds of preventive measures they may take to minimize the risk that food under their control will be subject to tampering or other malicious, criminal, or terrorist actions.
- **Food Defense 101 - Front-line Employee Training:** The web-based course provides front-line employees with simple procedures to protect the food supply against an intentional attack.
- **Food Defense Plan Builder:** This is a user-friendly tool designed to help owners and operators of a food facility in the development of a food defense plan that is specific to their facility. The plan builder is designed for food manufacturers and processors but can also be used by retail and foodservice operators to develop food defense plans.
- **Food Related Emergency Exercise Bundle (FREE-B):** Exercise scenarios based on both intentional and unintentional food contamination events. FREE-B assists government regulatory and public health agencies in assessing the readiness of their entity to respond to a food contamination event. The FREE-B is designed to allow for multiple jurisdictions and organizations (medical community, private sector, law enforcement, first responder communities) to 'play' with the host agency, or, quite simply, for an individual agency to test their own plans, protocols, and procedures independently.
- **Food Defense Mitigation Strategies Database (FDMSD):** Online database designed to help owners and operators of a food facility with identifying mitigation strategies to protect the food against intentional adulteration. The FDMSD includes mitigation strategies for some common points, steps, and procedures that are often found at food facilities.
- **"See Something, Say Something" Poster:** FDA collaborated with partner agencies in the Food and Agriculture Sector Council to develop a poster for food facilities and food establishments to raise awareness of the indicators of terrorism and terrorism related crime, as well as the importance of reporting suspicious activity to state and local law enforcement.

Other FDA Resources:

- To report an emergency involving food, drugs, medical devices, dietary supplements, or cosmetics, call 1-866-300-4374 or 1-301-796-8240.
- To report a problem with FDA-regulated products by phone: Call 1-888-INFO-FDA (1-888-463-6332) or Consumer Complaint Coordinators | FDA.
- Use the MedWatch Online Voluntary Reporting Form ([fda.gov](https://www.fda.gov/medwatch)) to report adverse events with human food and medical products.
- Use the Safety Reporting Portal ([hhs.gov](https://www.hhs.gov)) online form to report problems with pet food, dietary supplements, and tobacco products. This form also accepts mandatory reports, such as Reportable Food Registry for Industry.

U.S. Department of Agriculture:

USDA Food Safety and Inspection Service (FSIS) promotes food defense by encouraging establishments to voluntarily adopt a functional food defense plan; implement food defense practices (including inside, outside, and personnel security measures); and conduct training and exercises to ensure preparedness. (Note: resources may be found by searching [Home | Food Safety and Inspection Service](https://www.fsis.usda.gov) ([fsis.usda.gov](https://www.fsis.usda.gov)) for keywords Food Defense, Security, and other similar keywords or visiting [Food Defense | Food Safety and Inspection Service](https://www.fsis.usda.gov/food-safety/food-defense-and-emergency-response/food-defense) ([fsis.usda.gov/food-safety/food-defense-and-emergency-response/food-defense](https://www.fsis.usda.gov/food-safety/food-defense-and-emergency-response/food-defense))).

[Food Defense | Food Safety and Inspection Service](https://www.fsis.usda.gov/food-safety/food-defense-and-emergency-response/food-defense) ([fsis.usda.gov/food-safety/food-defense-and-emergency-response/food-defense](https://www.fsis.usda.gov/food-safety/food-defense-and-emergency-response/food-defense)): This site discusses a comprehensive approach that addresses food defense.

- Food Defense for In-Commerce Firms: Provides resources and information on food defense for in-commerce firms.
- Food Defense Guidelines for the transportation and Distribution of Meat, Poultry and Processed Egg Products: The FSIS Food Defense Guidelines for the Transportation and Distribution of Meat, Poultry, and Processed Egg Products is designed to assist those handling food products during transportation and storage. These guidelines provide a list of defense measures that can be taken to prevent intentional contamination of meat, poultry, and processed egg products during loading, unloading, transportation, and in-transit storage.

USDA Food and Nutrition Resources (FNS) for Schools:

- A Biosecurity Checklist - School Foodservice Programs | Missouri Department of Elementary and Secondary Education ([mo.gov](https://www.mo.gov)): USDA FNS has prepared a Biosecurity Checklist for School Foodservice Programs for developing a biosecurity management

plan. Its purpose is to help protect the health of the children and adults in the school by strengthening the safety of the foodservice operation.

- [Emergency_readiness_plan_a_guide_for_the_school_foodservice_operation.pdf](#) (hhs.gov): Emergency Readiness Plan: Forms for the School Foodservice Operation includes several prototype forms to assist foodservice professionals when writing an emergency readiness plan.
- [Responding_Food_Recall_FNS_05302014.pdf](#) (azureedge.us): Provides an overview of the recall process for USDA foods with a focus on school meals programs. Particular attention is given to the roles of various entities in communicating information to ensure that recalls are handled in a timely and effective manner.

Other USDA Resources:

- USDA Meat & Poultry Hotline: 1-888-MPHotline (1-888-674-6854).

Industry Publications:

A variety of resource are available from industry groups. *(Note: these documents may also be found by searching for keywords Food Defense, Security, and other similar keywords):*

- National Restaurant Association | National Restaurant Association: provides access to security information and guidelines targeted specifically the restaurant industry.
- FMI | The Food Industry Association: provides access to security information and guidelines targeted specifically to food retailers.
- FMI | Voice of The Food Industry Blog: provides access to information.
- Conference-Developed Guides and Documents | Conference for Food Protection: Provides guidance documents related to retail food safety.

Guidance on Responding to Food Emergencies

- Environmental Health Services Program Home | EHS | CDC: This site provides free tools and guidance, training, and research for environmental health practitioners and programs serving states, tribes, localities, and territories.
- Information on Specific Types of Emergencies| Emergency Preparedness and Response (cdc.gov): Provides resources for preparedness and response to specific types of emergencies.

- Conference for Food Protection: Provides resources, specifically emergency action plan information: Emergency Action Plan for Retail Food Establishments | Conference of Food Protection)

Annex 3 Public Health Reasons/Administrative Guidelines

Amend Public Health Reasons § 1-201.10 to remove the “s” in the title Standards for Accreditation of Food Protection Manager Certification Programs in paragraph 5 under Accredited Program to read as follows:

1-201.10 Statement of Application and Listing of Terms

...NO CHANGE...

Accredited Program.

...NO CHANGE...

Program accreditation standards known to be relevant to food protection manager certification programs include those contained in the *Standard for Accreditation of Food Protection Manager Certification Programs* available from the Conference for Food Protection, 2792 Miramar Lane, Lincoln, CA 95648 and found at <http://www.foodprotect.org/>

...NO CHANGE...

Amend Public Health Reasons § 1-201.10 to add new public health reason for defined terms “Food Defense” and “Food Safety Management System” after the term “Food establishment and food processing plant” and before the term “In-Shell Product” to read as follows:

1-201.10 Statement of Application and Listing of Terms

...NO CHANGE...

Food Defense.

Food defense was added as a defined term to address the recommendations made by the Conference for Food Protection Food Defense Committee during the 2021-2023 biennium. Adding the definition of food defense broadens the scope of the Food Code and addresses the desires from the retail food stakeholders to protect our food supply.

While intentional adulteration occurs infrequently, its consequences when it does occur, can be impactful on those involved. There have been several intentional adulteration events related to food establishments in the United States. Examples include:

- 1984 Intentional adulteration by the Rajneeshee group of 10 salad bars in Oregon

- 2002-2003 Intentional adulteration of meat in grocery stores with nicotine in Michigan
- 2009 Intentional adulteration of salsa with pesticides at a restaurant in Kansas
- 2016 Intentional adulteration of produce at local grocery stores in Michigan
- 2016 Intentional adulteration of food at restaurants in South Lake Tahoe in California

The development and implementation of food defense measures may prevent or minimize acts of intentional adulteration.

Food Safety Management System.

The definition of food safety management system includes tools such as operating procedures, training plans, and monitoring functions and components that are developed and implemented to address the Person in Charge duties under § 2-103.11 that contribute to foodborne illness. Food safety management systems will vary among food establishments because they are based on the specific operations that will be conducted.

Procedures are a set of actions adopted by management for accomplishing a task in a way that minimizes food safety risks. These can be in the form of, but not limited to, instructions/illustrations, recipe cards with process instructions, wall charts, standard operating procedures, wallet cards, employee health policies, etc. so food employees can use them as a reference when performing operational tasks. The goal is to have well-documented systems that include written procedures describing who, what, where, when, and how the activity must be performed.

Training educates employees on food safety tasks/procedures within the food establishment and how to implement them. Information may be presented in various formats such as computer-based training, on-the-job training, instructions/illustrations, recipe cards with instructions, wall charts, wallet cards, live demonstration, or other methods used to familiarize and train the food employees on the procedures used within the food establishment. The goal is to provide and document training for all food safety tasks in a format and frequency adequate to ensure employees have the knowledge to carry out the procedures consistently and effectively.

Monitoring encompasses routine observations and measurements to determine if food safety procedures are being followed. Monitoring systems may include but are not limited to automated systems, digital thermometers, logs, charts, checklists, and other job aids and tools to monitor the critical limits. The monitoring system should also include who, what, where when and how monitoring is to be performed. The goal is to have a well-documented system that can be verified.

Overall, maintaining documentation of activities within a food safety management system is vital to its success.

Amend Public Health Reasons for § 2-102.10 to replace the term “American National Standards Institute (ANSI)” with new name “ANSI National Accreditation Board (ANAB)” and removed the “s” in the word “Standard” in paragraphs 3-4, 6-10 (including footnote) to read as follows:

2-102.20 Food Protection Manager Certification.

Many food protection manager certification programs have shared a desire to have the food manager certificates they issue universally recognized and accepted by others – especially by the increasing number of regulatory authorities that require food manager certification.

Needed has been a mechanism for regulatory authorities to use in determining which certificates should be considered credible based on which certificate issuing programs meet sound organizational and certification procedures and use defensible processes in their test development and administration.

After a multi-year effort involving a diversity of stakeholder groups, the Conference for Food Protection (CFP) completed work on its ***Standard for Accreditation of Food Protection Manager Certification Programs*** found at: <http://www.foodprotect.org/food-protection-manager-certification/>. In 2002 the Conference entered into a cooperative agreement with the ANSI National Accreditation Board (ANAB) to provide independent third-party evaluation and accreditation of certification bodies determined to be in conformance with these Conference standards. ANAB published its first listing of accredited certifiers in 2003.

The Acting Commissioner of the Food and Drug Administration, in his address before the 2004 biennial meeting of the Conference for Food Protection, commended this Conference achievement and encouraged universal acceptance based on the ANAB-CFP Accreditation Program.

Distributed at this meeting was the following letter addressed to the Conference Chair and signed by the Director of FDA’s Center for Food Safety and Applied Nutrition. The letter puts forth the Agency’s basis for its support of universal acceptance of food protection manager certifications.

“The 2004 biennial meeting of the **Conference for Food Protection** is a fitting occasion for FDA’s Center for Food Safety and Applied Nutrition to commend the Conference for its significant achievements in support of State and local food safety programs.

The FDA in a Memorandum of Understanding recognizes the Conference for Food Protection as a voluntary national organization qualified to develop standards to promote food protection. Conference recommendations contribute to improvements in the model FDA Food Code and help jurisdictions justify, adopt and implement its provisions.

Conference mechanisms involving active participation by representatives

of diverse stakeholder groups produce consensus standards of the highest quality. An excellent example is the Conference's ***Standard for Accreditation of Food Protection Manager Certification Programs***, and its announcement of the new on-line listing of accredited certifiers of industry food protection managers. Many years in their development, these Conference standards identify the essential components necessary for a credible certification program. Components cover a wide range of requirements such as detailed criteria for exam development and administration, and responsibilities of the certification organization to candidates and the public.

FDA applauds the Conference for this significant achievement and encourages agencies at all levels of government to accept certificates issued by listed certifiers as meeting their jurisdictions' food safety knowledge and certification requirements. The ANSI National Accreditation Board (ANAB) has independently evaluated these certification programs under an agreement with the Conference for Food Protection. Governments and industry widely recognize and respect ANSI as an accrediting organization. ANAB has found certifiers it lists as accredited (<http://www.ansi.org/>) under "conformity assessment" – "personnel certification accreditation" to conform to the Conference's ***Standard for Accreditation of Food Protection Manager Certification Programs***.*

The Food Code states the person in charge of a food establishment is accountable for developing, carrying out, and enforcing procedures aimed at preventing food-borne illness. Section 2-102.11 states that one means by which a person in charge may demonstrate required knowledge of food safety is through certification as a food protection manager by passing an examination that is part of an accredited program.**

FDA encourages food regulatory authorities and others evaluating credentials for food protection managers to recognize the Conference for Food Protection/ANAB means of accrediting certification programs. This procedure provides a means for universal acceptance of individuals who successfully demonstrate knowledge of food safety. The procedure provides officials assurance that food safety certification is based on valid, reliable, and legally defensible criteria. In addition, universal acceptance eliminates the inconvenience and unnecessary expense of repeating training and testing when managers work across jurisdictional boundaries.

FDA, along with State, local, tribal, and other Federal agencies and the food industry, share the responsibility for ensuring that our food supply is safe. It is anticipated that this new Conference for Food Protection/ANAB program will lead to enhanced consumer protection, improve the overall level of food safety, and be an important component of a seamless national food safety system.

Footnote:

*The ANAB-CFP Accreditation Program list of accredited organizations utilizing the Conference for Food Protection (CFP) Standards may be viewed on-line by going to: <https://www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuID=8&prgID=8&status=4>

** Accredited program does not refer to training functions or educational programs.

Amend Public Health Reasons § 2-103.11 to add a new paragraph 1 and make existing paragraph 1 into new paragraph 2; and add new paragraph 13 to read as follows:

2-103.11 Person in Charge.

A primary responsibility of the person in charge is to ensure compliance with Code requirements. During an inspection, the inspector needs to determine the systems or controls the PIC has put into practice regarding oversight and/or routine monitoring of the Duties listed in § 2-103.11 Person in Charge. This is accomplished by having discussions with the PIC and verified through observation that the systems or controls are being implemented. This concept is commonly referred to as Active Managerial Control.

Any individual present in areas of a food establishment where food and food-contact items are exposed presents a potential contamination risk. By controlling who is allowed in those areas and when visits are scheduled and by assuring that all authorized persons in the establishment, such as delivery, maintenance and service personnel, and pest control operators, comply with the Code requirements, the person in charge establishes an important barrier to food contamination.

...NO CHANGE...

Paragraph (R) "EMPLOYEES are aware of food defense, such as signs of intentional acts of adulteration as it relates to their assigned duties..." allows for flexibility in the operation to develop and implement operational-specific awareness programs for food employees to make sure they are aware of food defense and the role the employee plays in protecting our food supply from intentional adulteration. Food establishments may consider reviewing topics such as, but not limited to:

- Understanding what food defense is and the difference between food safety and food defense;
- Recognizing the importance of the role of the employee and how it can play into food defense measures;
- Implementation of food defense measures;

- Identifying signs of potential suspicious activities or threats; and
- Actions employees should take if a suspicious activity or threat is identified within the food establishment.

Amend Annex 3 Public Health Reasons § 2-201.13 to add a new header titled: “Culture-Independent Diagnostic Tests (CIDT) for Medical Clearance” after paragraph 3; add new paragraphs 4 and 5 after existing paragraph 3; add a new header titled: “Reinstatement of Asymptomatic Food Employees” above newly designated paragraph 6 (previous paragraph 4) to read as follows:

2-201.13 Removal of Exclusions and Restrictions.¹

Food employees diagnosed with Norovirus, hepatitis A virus, *Shigella spp.*, *E. coli* O157:H7 or other STEC, nontyphoidal *Salmonella* and symptomatic with diarrhea, vomiting, or jaundice, are excluded under subparagraph 2-201.12 (A)(2) or 2-201.12(B)(2). However, these symptomatic, diagnosed food employees differ from symptomatic, undiagnosed food employees in the requirements that must be met before returning to work in a full capacity after symptoms resolve.

The person in charge may allow undiagnosed food employees who are initially symptomatic and whose symptoms have resolved to return to work in a full capacity 24 hours after symptoms resolve.

However, diagnosis with a listed pathogen invokes additional requirements before the person in charge may allow diagnosed food employees to return to work in full capacity.

Culture-Independent Diagnostic Tests (CIDT) For Medical Clearance

Detection of Shiga-toxin producing *Escherichia coli*, Shiga-toxin producing species, and nontyphoidal *Salmonella* Stool culture tests have largely been replaced by culture-independent diagnostic tests (CIDT) (tests that determine microbial presence without growing the bacterium in the laboratory). These tests have a higher degree of specificity than culture-based testing and are generally much faster than culture-based tests, and are more likely to have false positive test results than false-negative results, since they capture all microbes, including non-viable microbes. The use of these tests is less likely to allow infected asymptomatic employees back to work while still shedding pathogenic microbes, and allow another more widely accessible, faster test option for all.

¹In order to comply with Title I of the Americans with Disabilities Act, an exclusion must also be removed if the employee is entitled to a reasonable accommodation that would eliminate the risk of transmitting the disease. Reasonable accommodation may include reassignment to another position in which the individual would not work around food. The steps an employer must take when an excluded employee requests reasonable accommodation are briefly described in Annex 3, § 2-201.11. However, it is not possible to explain all relevant aspects of the ADA within this Annex. When faced with an apparent conflict between the ADA and the Food Code's exclusion and restriction requirements, employers should contact the U.S. Equal Employment Opportunity Commission.

The allowance of these tests as an option for medical clearance does not replace stool culture tests, but instead provides other options for the employee that provide the same degree of public health protection from infected employees.

Reinstatement of Asymptomatic Food Employees

Asymptomatic food employees diagnosed with Norovirus, *Shigella* spp., *E. coli* O157:H7 or other STEC may not return to work in a full capacity for at least 24 hours after symptoms resolve. The person in charge shall only allow these food employees to work on a restricted basis 24 hours after symptoms resolve and they shall only allow this if not in a food establishment that serves a highly susceptible population. These restricted food employees remain restricted until they are medically cleared or otherwise meet the criteria for removal from restriction as specified under subparagraphs 2-201.13(D) (1)-(2); 2-201.13(E)(1)-(2); or 2-201.13(F)(1)-(2).

...NO CHANGE...

Amend Public Health Reasons § 2-301.12 Cleaning Procedure, to add new paragraphs 3, 5, 8, 9; revised old paragraph 3 to be new paragraph 4; revised old paragraph 5 to be new paragraph 6; paragraph 7 remained the same; revised old paragraph 8 to be new paragraph 10 to read as follows:

2-301.12 Cleaning Procedure.

Handwashing is a critical factor in reducing fecal-oral pathogens that can be transmitted from hands to RTE food as well as other pathogens that can be transmitted from environmental sources. Many employees fail to wash their hands as often as necessary and even those who do may use flawed techniques.

In the case of a food worker with one hand or a hand-like prosthesis, the Equal Employment Opportunity Commission has agreed that this requirement for thorough handwashing can be met through reasonable accommodation in accordance with the Americans with Disabilities Act. Devices are available which can be attached to a lavatory to enable the food worker with one hand to adequately generate the necessary friction to achieve the intent of this requirement.

Hand Contamination:

Food contaminated by the hands of food employees is a major source of foodborne illness outbreaks traced to retail food establishments. Hand contamination in the food service industry can result from a variety of activities, such as exposure to raw animal products, raw produce products with soil contamination, organic refuse, and bodily fluid residue (e.g., human saliva, mucus, sweat, vomitus, or feces) from other food employees or consumers. The types of activities conducted by food service employees may also lead to increased levels of fatty and proteinaceous material contamination of their hands. This fatty and proteinaceous material and all other types of hand contamination may or may not be visible on the hands.

The greatest concentration of microbes exists around and under the fingernails of the hands. The area under the fingernails, known as the “subungal space”, has by far the largest concentration of microbes on the hand and this is also the most difficult area of the hand to decontaminate. There are two different types of microbes on the hands, transient and resident microbes. A moderate number of these organisms can be removed with adequate handwashing. Resident microbes consist of a relatively stable population that survive and multiply on the skin, and they are not easily washed off the hands. Resident microbes on the hands are usually not a concern for potential contamination of food and food-contact surfaces, but in some cases when food employees are exposed to foodborne pathogenic microbes on a long-term basis, these pathogens have been found also as residents on food employee hands^{1,2}.

Handwashing:

Soap, friction, and running water effectively remove proteinaceous and fatty material contamination from hands and reduce pathogens of concern. Soap has a surfactant effect in removing grease, soil, and debris from the hands. Most of the soil contamination on food employee hands is insoluble or oil soluble, rather than water soluble soil. Soap is necessary to remove this insoluble soil from the hands, through what is known as “emulsification” of this oily film. Transient microorganisms are part of this insoluble soil on the hands and are removed through this emulsification process. The emulsification, or mechanical “scrubbing” of the hands has been reported to play a greater role in removing transient pathogens from the hands, than the actual “bactericidal” action of any soap³. The temperature of the water used in handwashing is an important variable in the solubility or emulsification of the soil since the solubility of most types of soil increases as the temperature is increased. Generally, solubility increases with warmer water temperatures, however, skin damage can occur with repeated handwashing using high water temperatures.

All aspects of proper handwashing are important in reducing microbial transients on the hands. However, friction and water have been found to play the most important role. This is why the amount of time spent scrubbing the hands is critical in proper handwashing. It takes more than just the use of soap and running water to remove the transient pathogens that may be present. It is the abrasive action obtained by vigorously rubbing the surfaces being cleaned that loosens the transient microorganisms on the hands.

The amount of soap required is equivalent to the amount necessary to emulsify the soil or oil and organic contaminants on the hands. When an antimicrobial soap is used, at least 3-5 ml is recommended for best results⁴. Research has shown a minimum 10-15 second scrub is necessary to remove transient pathogens from the hands and when an antimicrobial soap is used, a minimum of 15 seconds is required⁴.

Every stage in handwashing has an additive effect in transient microbial reduction. Therefore, effective handwashing must include scrubbing, rinsing, and drying the hands. When done properly, each stage of handwashing further decreases the

transient microbial load on the hands. It is equally important to avoid recontaminating hands by avoiding direct hand contact with heavily contaminated environmental sources, such as manually operated handwashing sink faucets, paper towel dispensers, and rest room door handles after the handwashing procedure. This can be accomplished by obtaining a paper towel from its dispenser before the handwashing procedure, then, after handwashing, using the paper towel to operate the hand sink faucet handles and restroom door handles.

Poorly maintained bulk soap dispensers have also been identified as a potential source of food employee hand contamination^{5,6,8}. Practices such as “topping off” a bulk soap dispenser, or refilling a used bulk soap dispenser, or even diluting a used soap dispenser without prior dismantling, cleaning and sanitization of the dispenser before refilling, are likely to become the source of biofilm formation within the dispenser and result in contaminated soap. This microbial contamination in bulk soap dispensers has been traced to contaminated hands after handwashing with the contaminated soap⁶.

Unless the bulk soap dispenser and the pump within the dispenser can be completely dismantled, cleaned, and sanitized between refills, the soap dispenser should be discarded and replaced with a new dispenser and/or soap pump, to ensure the prevention of biofilm formation and soap free of contamination⁷. Also soap in a bulk soap dispenser that has been diluted with water more than soap manufacturer recommended levels, will not adequately emulsify organic and fatty proteinaceous contamination of the hands, and is also more likely to be highly contaminated. Diluting soap containers with water beyond manufacturers recommendations or refilling bulk soap dispensers without dismantling, cleaning, and sanitizing prior to refilling should be considered a violation of providing adequate soap for handwashing in a food establishment.

Handwashing done properly can result in a 2-3 log reduction in transient bacteria and a 2-log reduction in transient viruses and protozoa. With heavy contamination of transient microbial pathogens, (i.e., $> 10^4$ microbes, as found on hands contaminated with bodily wastes and infected bodily fluids) handwashing may be ineffective in completely decontaminating the hands. Therefore, a further intervention such as a barrier between hands and ready-to-eat food is necessary.

Footnote References:

1. Kerr, K.G., Birkenhead, D., Seale, K., Major, J., and Hawkey, P.M., 1993. Prevalence of *Listeria* spp. on the hands of food workers. J.F.P., 56(6): 525-527.
2. Seligmann, R., and S. Rosenbluth. 1975. Comparison of bacterial flora on hands of personnel engaged in non-food and in food industries: a study of transient and resident bacteria. J. Milk Food Technol. 38: 673-677.
3. Lane, C.G., and Blank, I.H., 1942. Cutaneous Detergents. J.A.M.A. 118 (10): 804-816.
4. Larson, E.L., 1995. APIC Guideline for handwashing and hand antisepsis in health care settings, AJIC, 23(4): 251-269.

5. Schaffner, D.W., Jensen, D., Gerba, C.P., Shumaker, D., and Arbogast, J.W., 2018. Influence of soap characteristics and food service facility type on the degree of bacterial contamination of open, refillable bulk soaps. J.F.P. 81 (2): 218-225.

6, Zapka, C.A., Campbell, E.J., Maxwell, S.L., Gerba, C.P., Dolan, M.J., Arbogast, J.W., and Macinga, D.R., 2011. Bacterial hand contamination and transfer after use of contaminated bulk-soap-refillable dispensers. App. Env. Microbiol., May, 2898-2904. Doi:10.1128/AEM.02632-10.

7. Lorenz, L.A., B.D. Ramsey, D.M. Goeres, M.W. Fields, C.A. Zapka, and D.R. Macinga. 2012. Evaluation and remediation of bulk Soap dispensers for biofilm. Biofouling. 28: 99-109.

Amend Public Health Reasons § 2-301.16 to revise paragraphs 2 and 3 to read as follows:

2-301.16 Hand Antiseptics

...NO CHANGE...

The term “sanitizer” is typically used to describe control of bacterial contamination of inert objects or articles, or equipment and utensils, and other cleaned food-contact surfaces. The Food Code definition of “sanitizer” (a form of the defined term “sanitization”) requires a minimum microbial reduction of 5 logs, which is equal to a 99.999% reduction. The FDA bases the 5-log reduction on the AOAC International’s “Official Methods of Analysis 2003,” which requires a minimum 5-log reduction in microorganisms to achieve “sanitization.”

Reducing microorganisms from human skin is a totally different process than sanitizing surfaces and sterilization of human skin is nearly impossible to achieve without damaging the skin. Many antimicrobial hand agents typically achieve a much smaller reduction in microorganisms on hands than the 5-log reduction required for “sanitization.” Therefore, the effect achieved from using antimicrobial hand agents (often called “hand sanitizers”) is not consistent with the definition of “sanitization” in the Food Code.

...NO CHANGE...

Amend Public Health Reasons § 2-501.11 to revise paragraphs 6 and 9 to read as follows:

2-501.11 Clean-up of Vomiting and Diarrheal Events.

...No Change...

Effective clean-up of vomitus and fecal matter in a food establishment should be handled differently from routine cleaning procedures. It should involve a detailed cleaning and disinfecting process. Some compounds that are routinely used for sanitizing food-contact and nonfood-contact surfaces may not be effective against some viruses such as norovirus. It is therefore important that food establishments have

procedures for the cleaning and disinfection of vomitus and/or diarrheal contamination events that include the use of EPA-registered disinfectants against norovirus.

Consumers are at risk of contracting Norovirus illness from direct exposure to vomitus or from exposure to airborne Norovirus from vomitus. Additionally, exposed food employees are also at risk of contracting Norovirus illness and can subsequently transfer the virus to ready-to-eat food items served to consumers.

The Food Code specifies that the Person in Charge is to exclude or restrict a food employee who exhibits, or reports a symptom, or who reports a diagnosed illness or a history of exposure to Norovirus. A clean-up and response plan is intended to address situations where a food employee or other individual becomes physically ill in areas where food may be prepared, stored or served. Once such an episode has occurred, timely effective clean-up is imperative. Key to achieving an appropriate, timely response by food employees is the availability and access to a written plan upon which to refer to for reference.

When developing a written plan that addresses the need for the cleaning and disinfection of a vomitus and/or diarrheal contamination event, a food establishment should consider:

- The conditions under which the plan will be implemented;
- The availability of effective disinfectants, such as EPA registered disinfection products sufficient to inactivate norovirus, personal protective equipment, and other cleaning and disinfecting tools (such as mops, buckets, etc.) intended for response and their proper use;
- The circumstances under which a food employee is to wear personal protective equipment for cleaning and disinfecting of a contaminated area;
- Notification to food employees on the proper use of personal protective equipment and procedures to follow in containing, cleaning, and disinfecting a contaminated area;
- The procedures for minimizing risk of disease transmission through the prompt removal of ill customers and others from areas of food preparation, service, and storage;
- The segregation of areas that may have been contaminated so as to minimize the unnecessary exposure of employees, customers, and others in the facility to the discharges or to surfaces or food that may have become contaminated;
- The procedures for containment and removal of any discharges, including airborne particulates;
- The procedure for cleaning and disinfecting of any surfaces that may have become contaminated;
- The procedures for the evaluation and disposal of any food that may have been exposed to discharges;
- Procedures for the disposal and/or cleaning and disinfection of tools and equipment used to clean up vomitus or fecal matter; and

- The procedures for minimizing risk of disease transmission through the exclusion and restriction of ill employees as specified in §2-201.12 of the Food Code.

...NO CHANGE...

Amend Annex 3 Public Health Reasons for § 3-201.11 under the section Labeling for Whole-muscle, Intact Beef Steaks to delete the word “not” between “have” and “undergone” in sentence 3 to read as follows:

3-201.11 Compliance with Food Law.

...NO CHANGE...

Labeling for Whole-muscle, Intact Beef Steaks

In the past, some steaks were labeled “intact” in order for a food establishment operator to determine a steak is a whole muscle, intact cut of beef that could therefore be undercooked and served without a consumer advisory. Processors could accommodate this need at the retail level by developing proposed labels, obtaining the necessary USDA Food Safety Inspection Service review and approval, and appropriately affixing the labels to their products. However, such intact labeling in practice was very rare. Rather, FSIS regulations and policies identify steaks that are non-intact (i.e., steaks that have undergone mechanical tenderization including injection, vacuum tumbling with solutions, reconstruction, cubing, or pounding). Therefore, Section 3-201.11 has been revised to better reflect that a food establishment operator should obtain steaks that are either not labeled as non-intact (e.g., mechanically tenderized, blade tenderized, needle tenderized, contains X% added solutions, or formed) or do not appear non-intact due to cubing or pounding. FDA has also developed an intact steak decision-tree to help food establishment operators determine whether a steak is intact or non-intact and can be found at the following link: www.fda.gov/media/163808/download

Amend Public Health Reasons § 3-301.11 to add new paragraphs 3, 4 and 5 to follow existing paragraph 2 to read as follows:

3-301.11 Preventing Contamination from Hands.

...NO CHANGE...

3-301.11(E) Prior Approval for Food Employees to Touch Ready-to-Eat Food with Bare Hands

...NO CHANGE...

In the rare situations when a barrier between the hands and ready-to-eat food will not be feasible, it is vital to add additional measures to the handwashing procedure as outlined in ¶3-301.11(E) as an additional layer of protection to prevent the spread of

pathogenic microbes from the hands to ready-to-eat food items. In addition to other required control measures, food employees must utilize at least two of the five listed additional control measures, including: 1. Double handwashing; 2. Nail brush use; 3. Hand antiseptic after handwashing as specified under §2-301.16; 4. Incentive programs such as paid sick leave that assist or encourage food employees not to work when ill; or 5. Other control measures approved by the regulatory authority.

Using a second handwash, or “double handwashing” can result in decreasing the level of contamination on the hands beyond what could be achieved from a single handwash procedure. Using a second handwash procedure can reduce microbial contamination on the hands by an additional half-log to 1 log from that achieved with a single handwash procedure. Double handwashing, as listed in ¶3-301.11(E)(6)(a), means handwashing 2 times (subsequentially) and at the same location immediately before handling RTE food with bare hands. This is in addition to other required handwashing events for food employees, such as after using the restroom. The double handwash technique involves washing and drying the hands at the handwashing sink as described in §2-301.12, and immediately repeating the handwash procedure (including rinsing, applying a hand cleanser, scrubbing, rinsing, and drying the hands with an approved hand drying device) at the same handwashing sink.

Fingernail brushes, if used properly, have been found to be effective tools in decontaminating the area under fingernails on the hand. Proper use of single-use, disposable fingernail brushes, or designated individual fingernail brushes for each employee, during the handwashing procedure can achieve up to a 5-log reduction in microorganisms on the hands. If fingernail brushes are used, they must be for individual use only, and not shared by other employees. Fingernail brushes cannot be shared by employees because they may become the source of spreading microbial pathogens from one employee to the next employee without a means to disinfect the used brush between employees.

...NO CHANGE...

Amend Public Health Reasons § 3-304.17 to add new paragraphs 1-3 and 5-6; revise old paragraph 1 to be new paragraphs 4 and 5 and revise old paragraph 2 to be new paragraphs 7 and 8 to read as follows:

3-304.17 Refilling Returnables

The CFP convened the 2020 Biennial Meeting and three issues related to refillable containers submitted to CFP Council I were transferred to Council III at the 2021 meeting. Issue 2020 I-024 Creation of a Committee to Address Reusable Scenarios in Food Retail was combined with Issue 2020 I-022, Amend Food Code to Harmonize the Definition of Reusable Container and Issue 2020 I-023, Amend Food Code to Address New Reusable Scenarios in Food Retail. Council III voted, and subsequently approved, to create the Safe Use of Reusable Containers Committee.

At the 2023 Conference for Food Protection meeting the committee conveyed the

concern that the Food Code did not align with practices in the field as it pertains to refilling reusable containers at retail. The committee agreed the filling of customer-owned containers and third-party supplied reusable containers in retail food establishments was common despite limited allowance in the Food Code. The committee also agreed that local, national, and global legislation and movements to reduce solid waste from disposable food containers would increase reuse requirements and the demand for reusable container options from consumers, businesses, and environmental groups. In addition, legislative bodies will likely look toward reusable container options for food service packaging to help address issues of waste, human health, and climate change.

With this feedback, FDA agreed to amend §3-304.17 Refilling Returnables to provide guidance on the minimum standards that must be met to protect food safety when refillable containers are used and allow wider and more standardized use of reusable containers.

Food establishments may allow the use of reusable containers for refilling, such as consumer owned containers, third-party provided containers, or an in-house program for return and exchange for cleaned and sanitized containers. Containers pose a risk of cross-contamination and must be cleaned, sanitized, inspected, and care must be given to prevent contamination of the premises. If not handled correctly, pathogens or chemicals may be transferred to food by consumers or employees directly, or indirectly.

The existing provisions in the Food Code, specifically the cleaning and sanitization provisions in Parts 4-6 and 4-7, if carried out properly, are sufficient to ensure that the container is safe to refill or reuse if performed in conjunction with a visual inspection by a food employee to verify that the container still meets the intent of the provisions in Parts 4-1 and 4-2.

As amended, §3-304.17 requires the minimum standards that the container be appropriate for reuse, via cross-reference to Parts 4-1 and 4-2, cleaned and sanitized via cross-reference to Parts 4-6 and 4-7, and visually inspected by a food employee. Reusing single-service and single-use articles is prohibited by the Food Code.

Paragraphs (A) and (B) of §3-304.17 are written with flexibility in mind as three common sources of reusable containers exist: consumer-owned, facility owned, and third-party owned. If a facility chooses to refill a container, they may ask for necessary information on materials, condition, and cleaning and sanitizing methods used to meet the intent of these paragraphs. This can be done in conjunction with the required visual inspection by a food employee. These requirements can also be written into a contract or certificate of analysis (COA) if a third-party is utilized. Depending on the information gathered by the employee or listed in the contract or COA, the container may be deemed ready for use, rejected for use, or needing additional cleaning and sanitizing. This method ensures a risk-assessment is made and appropriate actions are taken to ensure the container meets minimum standards

and poses little risk for cross-contamination before refilling.

Additionally, equipment must be designed to prevent the contamination of the premises when refilling. This could be done through equipment design, the use of utensils, secondary containers, or other effective means as outlined in ¶3-304.17(B).

Amend Public Health Reasons § 3-502.12 to revise paragraph 1 to read as follows:

3-305.11 Food Storage.

3-305.12 Food Storage, Prohibited Areas.

Pathogens can contaminate and/or grow in food that is not stored properly. Leaks and drips of condensate from pipes, tubes, and hoses, and drafts of unfiltered air can be sources of microbial contamination for stored food. Shoes carry contamination onto the floors of food preparation and storage areas. Even trace amounts of refuse or wastes in rooms used as toilets or for dressing, storing garbage or implements, or housing machinery can become sources of food contamination. Moist conditions in storage areas promote microbial growth.

Refer also to the public health reasons for § 2-501.11.

Amend Public Health Reasons §3-502.11 to add new paragraph 8 to read as follows:

3-502.11 Variance Requirement.

...NO CHANGE...

Section 3-502.11 describes specialized processes in which a variance must be obtained from the regulatory authority before preparing the food product in such a manner. Specialized processes such as smoking, using food additives or components such as vinegar, or curing food are examples of food preservation techniques used to prevent spoilage in food. There may be other technologies that are emerging as alternatives for extension of product shelf life and reduction of pathogenic organisms and may require prior approval through a variance. Traditionally, the most popular preservation techniques used for the reduction of microbial contamination of food have been the manipulation of the water activity and/or pH, heat treatment, the addition of chemical preservatives, and the control of storage temperature of foods. Whether the specialized processing methods in §3-502.11 are referred to as food preservation or not, an establishment is required to provide scientific evidence or analysis that shows the rationale for how the potential public health hazards will be addressed and how food safety would not be compromised along with the actual variance request. Refer to Annex 6: Food Processing Criteria for more detailed information on food preservation techniques such as smoking and curing.

Amend Annex 3 Public Health Reasons § 4-302.14 to revise the section title to add the term “Disinfecting” and revise the paragraph to include language regarding

disinfectants and testing devices to read as follows:

4-302.14 Sanitizing and Disinfecting Solutions, Testing Devices.

Testing devices to measure the concentration of sanitizing and disinfecting solutions are required for 2 reasons:

1. The use of chemical sanitizers or disinfectants require minimum concentrations of the sanitizer or disinfectant during the sanitization or disinfectant step to ensure sanitization or disinfection.
2. Too much sanitizer or disinfectant in the final step could be toxic.

Amend Annex 3 Public Health Reasons § 4-501.116 to revise the section tag line (title) to include the term “Disinfectant” and to update language to include the term disinfectant throughout the paragraph to read as follows:

4-501.116 Warewashing Equipment, Determining Chemical Sanitizer or Disinfectant Concentration.

The effectiveness of chemical sanitizers and disinfectants are determined primarily by the concentration and pH of the sanitizer or disinfectant solution. Therefore, a test kit is necessary to accurately determine the concentration of the chemical sanitizer or disinfectant solution.

Amend Annex 3 Public Health Reasons § 4-601.11 to revise the term nonfood contact to nonfood-contact to make it grammatically consistent throughout the Food Code to read as follows:

4-601.11 Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils.

The objective of cleaning focuses on the need to remove organic matter from food-contact surfaces so that sanitization can occur and to remove soil from nonfood-contact surfaces so that pathogenic microorganisms will not be allowed to accumulate, and insects and rodents will not be attracted.

Amend Annex 3 Public Health Reasons §4-602.13 to revise the term nonfood contact to nonfood-contact to make it grammatically consistent throughout the Food Code to read as follows:

4-602.13 Nonfood-Contact Surfaces.

The presence of food debris or dirt on nonfood-contact surfaces may provide a suitable environment for the growth of microorganisms which employees may inadvertently transfer to food. If these areas are not kept clean, they may also provide harborage for insects, rodents, and other pests.

Add Annex 3 Public Health Reasons § 4-1001.11 to address disinfection to read as follows:

Objective

4-1001.11 Food-Contact Surfaces, Non-Food-Contact Surfaces, and Utensils.

Food establishments must be able to control microorganisms that pose a risk to employees and patrons to protect public health within their establishment. Since sanitizers only reduce, as opposed to eliminate, the number of microorganisms on a surface and do not control all types of microorganisms, i.e., bacteria, fungi, viruses, and spores, a disinfectant with an appropriate EPA-registered efficacy claim may be required.

Several examples of situations when a higher level of antimicrobial efficacy may be warranted are listed below:

- Clean-up of bodily fluid spills
- Microorganism of concern is not listed on the product label, (i.e., viruses, biofilm, fungus)
- A higher level of antimicrobial efficacy is warranted
- When required by a regulatory authority

Add Annex 3 Public Health Reasons § 4-1002.11 to address disinfection to read as follows:

Frequency

4-1002.11 Disinfectant Use

Frequency of disinfection varies depending on circumstances at the time of disinfection. During outbreaks surfaces should be disinfected at the frequency recommended by public health officials or other regulatory authorities. Surfaces should also be disinfected immediately after a bodily fluid event.

Add Annex 3 Public Health Reasons § 4-1003.11 to address disinfection to read as follows:

Methods

4-1003.11 Chemical.

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Amend Annex 3 Public Health Reasons § 6-202.15 to revise paragraph 2 to read as follows:

6-202.15 Outer Openings, Protected.

...NO CHANGE...

In the National Fire Protection Association's NFPA 101, Life Safety Code, 2024 Edition, doors to exit enclosures such as stairs, horizontal exits, or exit passageways are required to be self closing. The Life Safety Code does not require exterior doors used as exits to be self closing, but they can be.

...NO CHANGE...

Amend Annex 3 Public Health Reasons § 7-102.11 to include the term disinfectants after the term sanitizers in sentence 1 to read as follows:

7-102.11 Common Name.

It is common practice in food establishments to purchase many poisonous or toxic materials including cleaners, sanitizers, and disinfectants in bulk containers. Working containers are frequently used to convey these materials to areas where they will be used, resulting in working containers being stored in different locations in the establishment. Identification of these containers with the common name of the material helps prevent the dangerous misuse of the contents.

Amend Annex 3 Public Health Reasons §§ 8-201.12 and 8-203.10 to add new header and revise paragraphs 2-4 to read as follows:

Construction inspection and approval

8-201.12 Contents of the Plans and Specifications.

8-201.15 When a Food Safety Management System is Required.

8-203.10 Preoperational Inspections.

In conjunction with the Conference for Food Protection Plan Review committee, FDA has participated in developing a document that is intended to assist regulators in reviewing food establishment plans, and industry in understanding what is expected in the plan review process. For several years, this FDA/CFP Food Establishment Plan Review Guide – 2000 has been used in the FDA State Training Team Plan Review courses. It can be accessed through

<http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/IndustryandRegulatoryAssistanceandTrainingResources/ucm101639.htm>.

At the plan review stage, the regulatory authority may be dealing with an agent of the permit applicant who is seeking a building permit and who is not in a position to discuss plans for safely conducting the food operation. Nonetheless, the plan review step presents a unique

opportunity to lay a foundation that enables the proposed operation to proactively sustain compliance with the Code over time. Food Safety Management Systems (FSMSs) are a part of that foundation and, ideally, are developed in tandem with designing the facility. Consequently, as an integral part of the plan review process, discussion needs to occur about FSMSs and their scope.

FSMSs play an important role in controlling hazards in retail food establishments by incorporating a specific set of actions (e.g. procedures, training and monitoring) to help achieve active managerial control of foodborne illness risk factors. The Conference for Food Protection requested that FSMSs as defined be incorporated into the Food Code. FDA Retail Food Risk Factor Study results found that food establishments with well-developed and documented systems (i.e., a FSMS that is complete, consistent, and primarily written) had the greatest impact on compliance and maintaining the FSMS documentation was vital to its success. To further support this conclusion, the study results revealed that FSMSs were the strongest predictor of data items being out-of-compliance in both fast food and full-service restaurants and those with well-developed FSMSs had significantly fewer food safety behaviors/practices out-of-compliance than those with less developed FSMSs.

Food safety management systems should be developed or in the process of being developed by the time of the preoperational inspection and put into effect when the food operation begins. Within 4 years of the regulatory authority's adoption of this Code, § 8-201.15 requires food safety management systems to be developed and maintained, available for reference by the person in charge, conveyed to the appropriate employees, and available for review by the regulatory authority during inspections. Operating procedures, training plans, and monitoring records should include definitive practices and expectations that ensure compliance with the requirements of this Code as specified in § 2-103.11.

During the plan review stage, the regulatory authority and a management representative of the proposed food establishment should discuss available training options that may be used to train food employees and the person in charge regarding food safety as it relates to their assigned duties. By the time of the preoperational inspection, operating procedures for training should include definitive practices and expectations of how the management of the proposed food establishment plans to comply with paragraph 2-103.11(O) of this Code which requires the person in charge to assure that food employees are properly trained in food safety as it relates to their assigned duties.

Annex 4 Management of Food Safety Practices – Achieving Active Managerial Control of Foodborne Illness Risk Factors

No Change in Annex 4.

Annex 5 Conducting Risk-based Inspections

No Change in Annex 5.

Annex 6 Food Processing Criteria

Amended Section 2. Reduced Oxygen Packaging, Part (B)(1) Definitions to read as follows:

2. Reduced Oxygen Packaging

(A) Introduction

...NO CHANGE...

(B) Definitions

The term ROP can be used to describe any packaging procedure that results in a reduced oxygen level in a sealed package. The term is often used because it is an inclusive term and can include packaging options such as:

(1) *Cook-chill* packaging, in which cooked food is hot filled into impermeable packaging (such as bag or film on trays) that are then sealed or crimped closed. The packaged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

...NO CHANGE...

Amended Annex 6 Food Processing Criteria to add new Section 4 Acidification (Sushi Rice) to read as follows:

Annex 6 Food Processing Criteria

1. Introduction

2. Reduced Oxygen Packaging

3. Smoking and Curing

4. Acidification (Sushi Rice)

...NO CHANGE...

4. Acidification (Sushi Rice)

Rice and potatoes have a history of association with foodborne illness caused by *Bacillus cereus*, therefore products containing rice, or potatoes should be evaluated for time/temperature control requirements. Rice is often used as a basis for sushi, which can include a combination of sushi rice, cooked and uncooked seafood, vegetables, and seaweed in various shapes and sizes.

Cooked rice is a Time/temperature control for safety food (TCS) with known hazards associated with it. For a TCS product to be stored without temperature control, there

must be processes in place to assure that the rapid and progressive growth or toxin production of infectious or toxigenic microorganisms cannot occur. This is commonly done by modifying the pH of the cooked rice to a pH of <4.2 or below. Proper acidification and distribution of acid is essential to prevent bacterial growth, especially *Bacillus cereus*.

Acidification of TCS foods with the intent of making them non-TCS is considered a special process in the Food Code. In the case of sushi rice, this process takes a TCS food (cooked rice) and adds acid (typically vinegar) to drop the pH and allow the cooked rice to be held without time or temperature controls. This acid addition needs to adjust the equilibrium pH to less than 4.2 to control the identified hazards. Addition of vinegar for flavor only, when pH is not monitored, is not considered a special process and rice must be temperature controlled just like any other TCS food. It is also important to remember once the acidified rice is combined with other sushi ingredients the final product would be considered TCS again requiring time and temperature control.

Retail food establishments that wish to handle food outside the Food Code parameters can do so by use of a Variance and HACCP Plan. HACCP plans specify the process and how food safety hazards will be controlled. §8-103.11 Documentation of Proposed Variance and Justification outlines criteria for obtaining a regulatory variance, and §8-201.14 Contents of a HACCP Plan identifies required elements needed in a HACCP plan. The variance issued by the regulatory authority allows the food establishment to implement the HACCP plan which controls food safety hazards in an alternate manner. Refer to §8-103.10 Modifications and Waivers for additional information about variances.

Most HACCP Plans for sushi rice have a critical limit of 4.2 pH or less. A critical limit is a prescribed parameter (e.g. minimum and/or maximum value) that must be met to ensure that food safety hazards are controlled at each critical control point (CCP). A critical limit is used to distinguish between safe and unsafe operating conditions at a CCP. Each control measure at a CCP has one or more associated critical limits. Critical limits may be based upon factors like temperature, time, moisture level, water activity or pH. They must be scientifically based and measurable.

When establishing a critical limit using pH, a food establishment can refer to the interaction tables in §1-210.10 under the definition for Time/Temperature Control for Safety Food. The tables show whether a food can support microbial growth based on the interaction between pH and A_w .

The critical limit for acidification of cooked rice is a pH of 4.2 or less. This assumes that the cooking process destroys all the vegetative pathogens, and the only concern is either recontamination or spores that survive the cooking process, which can germinate and produce toxin. *Clostridium botulinum* is not generally the concern with rice because it requires an anaerobic environment. *Salmonella* and *Staphylococcus aureus* could be contaminants in rice but are typically destroyed with normal cooking processes. *Bacillus cereus* is of concern. Several sources of information show the lower growth

limit for *Bacillus cereus* at pH 4.6 – 5.0 but the National Advisory Committee On Microbiological Criteria For Foods (NACMCF) (https://www.fsis.usda.gov/sites/default/files/media_file/documents/JFP-Parameters-Determining-Inoculated-Pack-Challenge-Study-2009.pdf) uses the more conservative growth limit at pH of 4.3.

In addition, even though the rice is acidified, the pH of the cooked rice has little impact on acidifying raw fish or fillings for the sushi roll so these sushi rolls will still require refrigeration if they contain other fillings that are considered TCS.

The Conference for Food Protection Single Hazard Special Processes HACCP Committee created a guidance document and standardized template for preparing sushi rice. It is currently available on the CFP website at: <http://www.foodprotect.org/guides-documents/single-hazard-special-process-haccp-template-guidance-document-and-sample-templates/> along with the Guidance Document for Retail Sushi HACCP Standardization: <https://www.foodprotect.org/guides-documents/guidance-document-for-retail-sushi-haccp-standardization/>.

Reference:

Center for Agriculture and Food Security and Preparedness. nd. Cultural Food Safety App [Smartphone and Tablet Application | The Center for Agriculture and Food Security and Preparedness](#)

Annex 7 Model Forms, Guides, and Other Aids

Amend Form 3-A Food Establishment Inspection Report Item #16 to add in the term “disinfectant” to read as follows:

Food Establishment Inspection Report										Page ____ of ____	
As Governed by State Code Section XXX.XXX				No. of Risk Factor/Intervention Violations				Date			
Do Good County				No. of Repeat Risk Factor/Intervention Violations				Time In			
12344 Any Street, Our Town, State 11111				Score (optional)				Time Out			
Establishment			Address		City/State			Zip Code		Telephone	
License/Permit #			Permit Holder		Purpose of Inspection			Est. Type		Risk Category	
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS											
Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item Mark "X" in appropriate box for COS and/or R IN=in compliance OUT=not in compliance N/O=not observed N/A=not applicable COS=corrected on-site during inspection R=repeat violation											
Compliance Status						COS		R			
Supervision											
1	IN OUT	Person in charge present, demonstrates knowledge, and performs duties									
2	IN OUT N/A	Certified Food Protection Manager									
Employee Health											
3	IN OUT	Management, food employee and conditional employee; knowledge, responsibilities and reporting									
4	IN OUT	Proper use of restriction and exclusion									
5	IN OUT	Procedures for responding to vomiting and diarrheal events									
Good Hygienic Practices											
6	IN OUT	N/O	Proper eating, tasting, drinking, or tobacco use								
7	IN OUT	N/O	No discharge from eyes, nose, and mouth								
Preventing Contamination by Hands											
8	IN OUT	N/O	Hands clean & properly washed								
9	IN OUT N/A N/O	No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed									
10	IN OUT	Adequate handwashing sinks properly supplied and accessible									
Approved Source											
11	IN OUT	Food obtained from approved source									
12	IN OUT N/A N/O	Food received at proper temperature									
13	IN OUT	Food in good condition, safe, & unadulterated									
14	IN OUT N/A N/O	Required records available: shellstock tags, parasite destruction									
Protection from Contamination											
15	IN OUT N/A N/O	Food separated and protected									
16	IN OUT N/A	Food-contact surfaces; cleaned, sanitized & disinfected									
GOOD RETAIL PRACTICES											
Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods. Mark "X" in box if numbered item is not in compliance Mark "X" in appropriate box for COS and/or R COS=corrected on-site during inspection R=repeat violation											
Safe Food and Water						COS		R			
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 & 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									
48		Warewashing facilities: installed, maintained, & used; test strips									
49											

[illegible]

[illegible]

Amend Guide 3B, Section C, Supervision, Item #1, to add new paragraphs for inclusion in B(3) and under applicable code sections §2-102.11 and §2-103.11 to read as follows:

Guide 3B

Instructions for Making the Food Establishment Inspection Report, Including Food Code References for Risk Factors/Interventions and Good Retail Practices

Supervision

1. PIC present, demonstrates knowledge, and performs duties

IN/OUT This item must be marked IN or OUT of compliance. The person in charge (PIC) has three assigned responsibilities – Presence; Demonstration of Knowledge; and Duties. This item is marked OUT of compliance if any **one** of the responsibilities is not met.

- A. **Person in charge** is present. This item is marked OUT of compliance if there is no PIC per 2-101.11(A) and (B).
 - B. **Demonstration of Knowledge.** The PIC has three options for demonstrating knowledge. This item is marked **IN** compliance if the PIC meets at least **one** of the options. The three options for demonstration of knowledge allowed by the Food Code are:
 - 1. Certification by an ACCREDITED PROGRAM as specified in 2-102-20.
 - 2. Complying with this Code by having no violations of priority items during the current inspection; or
 - 3. Correct responses to the inspector's questions regarding public health practices and principles applicable to the operation. The inspector should assess this item by asking open-ended questions that would evaluate the PIC's knowledge in each of the areas enumerated in ¶ 2-102.11(C)(1), (4)-(16) and (18). Questions can be asked during the initial interview, menu review, or throughout the inspection as appropriate. The Inspector should ask a sufficient number of questions to enable the inspector to make an informed decision concerning the PIC's knowledge of the Code requirements and public health principles as they apply to the operation. The dialogue should be extensive enough to reveal whether or not that person is enabled by a clear understanding of the Code and its public health principles to follow sound food safety practices and to produce foods that are safe, wholesome, unadulterated, and accurately represented.
 - C. **Duties of the PIC.** This item must be marked IN or OUT of compliance based on the interaction and observation with the PIC and food employee. The inspector needs to determine the systems or controls the PIC has put into practice regarding oversight and/or routine monitoring of the Duties listed in § 2-103.11. This is accomplished by 1) discussion with the PIC, and 2) verified through observation that the systems or controls are actually being implemented. This concept is commonly referred to as Active Managerial Control. This item must be marked OUT of compliance when there is a pattern of non-compliance and obvious failure by the PIC to ensure employees are complying with the duties listed in § 2-103.11. Since marking this item out of compliance requires judgment, it is important that this item not be marked for an isolated incident, but rather for an overall evaluation of the PIC's ability to ensure compliance with the duties described in § 2-103.11.
- N.A.** This item may be marked N.A. if the establishment is deemed by the Regulatory Authority to not apply due to the minimal risk of causing, or contributing to foodborne illness based on the nature

of the operation and extent of the food operation.
N.O. Do Not Mark this item N.O.

Applicable Code Section:

2-101.11 Assignment ^(Pf)

2-102.11(A), B) and (C)(1), (4)-(16) (18) Demonstration ^{(Pf), (C)}

2-103.11 (A)-(O) and (Q-R) Person-In-Charge-Duties ^(Pf)

Amend Guide 3B, Section C, Proper eating, tasting, drinking, or tobacco products use, Item #6, to revise the term nonfood contact to nonfood-contact to read as follows:

Good Hygienic Practices

6. Proper eating, tasting, drinking, or tobacco products use

IN/OUT This item should be marked IN or OUT of compliance based on direct observations or discussions of the appropriate hygienic practices of food employees. This item should be marked IN compliance when a food employee is observed drinking from a closed beverage container subsequently stored on a nonfood-contact surface and separate from exposed food, clean equipment, and unwrapped single-service and single-use articles. This item should be marked OUT of compliance when food employees are observed improperly tasting food, eating, drinking, or using tobacco products, or there is supporting evidence of these activities taking place in non-designated areas of the establishment. An open container of liquid in the kitchen preparation area does not necessarily constitute marking this item OUT. Further discussion with a food employee or the PIC may be needed to determine if the liquid, if labeled, is used as an ingredient in food, or may be an employee beverage that is consumed in another designated area. If the liquid is an open beverage that is consumed in a designated area, it must still be stored in a manner to prevent the contamination of food, equipment, utensils, linens and single-service/single-use articles.

...NO CHANGE...

Amend Guide 3B, Section C, Supervision, Item #16, to revise the title of the section, update the marking instructions and include new applicable Code sections to read as follows:

16. Food-contact and nonfood-contact surfaces: cleaned, sanitized and disinfected

IN/OUT This item must be marked IN or OUT of compliance based on direct observations of food-contact surfaces and non food-contact surfaces (when required) of equipment and utensils; actual measurements/readings of chemical sanitizer concentration, hot water sanitizing temperature, pH, hardness, water pressure, etc. using test strips, heat-sensitive tapes, and equipment gauges; observations of disinfecting when required and cleaning and sanitizing procedures; and discussion of disinfecting, cleaning and sanitizing procedures and frequency with the PIC or other food employees. This item must be marked IN compliance when manual and/or mechanical methods of disinfecting, cleaning and sanitizing are effective and performed at the prescribed frequency. There should be an overall assessment of the food-contact surfaces of equipment and utensils in clean storage and in use to determine compliance. For example, this item is not marked OUT of compliance based on one visibly soiled utensil, such as a plate or knife. This item must be marked OUT of compliance when manual and/or mechanical methods of cleaning, sanitizing and disinfecting (when required) of food-contact surfaces of equipment and utensils are ineffective, or if one multiuse piece of equipment such as a slicer or can opener is visibly soiled and being used at the time of the inspection. This item is also marked OUT if it is observed that equipment or utensils that have

come into contact with a major food allergen such as fish was not cleaned and sanitized prior to use for other types of raw animal foods or food-contact and non-food contact equipment come in contact with a bodily fluid.

- N.A.** This item may be marked N.A. only when there is no requirement to clean equipment and utensils such as when only prepackaged foods are sold.
- N.O.** **Do Not Mark** this item N.O.

Applicable Code Sections:

...NO CHANGE...

4-1001.11 Food-Contact, nonFood-Contact Surfaces and Utensils ^(P)
4-1002.11 Disinfectant Use ^(P)
4-1003.11 Chemical ^(P)

Amend Guide 3B, Section C, Food/Color Additives and Toxic Substances, Item #28, to include disinfection to read as follows:

28. Toxic substances properly identified, stored, and used; held for retail sale, properly stored

IN/OUT This item should be marked IN or OUT of compliance based on direct observations of food labeling, storage, reconstitution, and application of bulk and working containers of cleaning agents, sanitizers, and disinfectants, personal care items, first aid supplies, medicines, pesticides, and potential toxic and poisonous substances. This item should be marked IN compliance when bulk and working containers of cleaning agents, sanitizers and disinfectants are labeled; sanitizing and disinfecting solutions are not exceeding the maximum concentrations; personal care items, first aid supplies, medicines, and chemicals are stored separate from and not above food, equipment, utensils, linens, and single-service and single-use articles; and restricted use pesticides are applied only by or under the supervision of a certified applicator. This item should be marked OUT of compliance if a cleaning agent, sanitizer or disinfectant is not properly identified and stored; if a sanitizing or disinfecting solution has a higher concentration than prescribed and medicines and first aid kits are improperly labeled and stored. Violations of solutions exceeding the recommended concentration in chemical washes for fruits and vegetables (§7-204.12) would be marked under Item #42.

Amend Guide 3B, Section D, Approved Thawing Methods Used, Item #35, to add new risk designation to 3-305.13 in the applicable code section to read as follows:

35. Approved thawing methods used

Observing and then gaining an understanding of the establishment's thawing method(s) will help in determining whether a violation exists from the approved thawing methods found under § 3-501.13 as well as the level of risk imposed. Keep in mind that various food products especially those destined for deep-fat frying are often slacked (not thawed) prior to cooking.

Applicable Code Sections:

3-501.12 Time/Temperature Control for Safety Food, Slacking (C)
3-501.13 (A), (B), (C), and (E) Thawing ^(Pf)

Amend Guide 3B, Section D, Food and nonfood-contact surfaces cleanable, properly designed, constructed and used, Item #47, to remove hyphen between the terms non-food; to add new marking instructions; and to add new risk designation to 3-304.17 in the applicable code section to read as follows:

Utensils, Equipment and Vending

47. Food and nonfood-contact surfaces cleanable, properly designed, constructed and used

Equipment and utensils must be properly designed and constructed, and in good repair. Refillable containers must be cleaned, sanitized, and inspected prior to filling, and must not contaminate the premises. Proper installation and location of equipment in the food establishment are important factors to consider for ease of cleaning in preventing accumulation of debris and attractants for insects and rodents. The components in a vending machine must be properly designed to facilitate cleaning and protect food products (e.g., equipped with automatic shutoff, etc.) from potential contamination. Equipment must be properly used and in proper adjustment, such as calibrated food thermometers.

Applicable Code Sections:

3-304.16 Using Clean Tableware for Second Portions and Refills ^(C)

3-304.17 Refilling Returnables ^{(Pf)(C)}

...NO CHANGE...

Amend Guide 3B, Section D, Warewashing facilities, installed, maintained, used, test strips, Item #48, to revise the marking instructions and Applicable Code Sections to read as follows:

48. Warewashing facilities, installed, maintained, used, test kit or other device

Adequate Warewashing facilities must be available and used for the cleaning and sanitization of food-contact surfaces, including the availability of means to monitor its use and the effectiveness of the sanitization. For example, an irreversible registering temperature indicator is provided and readily accessible for measuring the utensil surface temperature for establishments that have a hot water mechanical Warewashing operation. Observation of manual and mechanical Warewashing methods are made to assess the procedure for cleaning and sanitizing equipment and utensils. This item is marked OUT of compliance when cleaners and sanitizers are not available for use within the food establishment or when the concentration of the sanitizing or disinfecting solution is not accurately determined by using a test kit or other device in accordance with the manufacturer's label instructions.

Applicable Code Sections:

...NO CHANGE...

4-302.14 Sanitizing and Disinfecting Solutions, Testing Devices ^(Pf)

...NO CHANGE...

4-501.116 (A-B) Warewashing Equipment, Determining Chemical Sanitizer or Disinfectant Concentration ^{(Pf) (C)}

...NO CHANGE...

Amend Guide 3B, Section D, Non-food-contact surfaces clean, Item #49, to remove hyphen between the terms non-food in the Item number title and in the applicable code section title to read as follows:

49. Nonfood-contact surfaces clean

Observations should be made to determine if the frequency of cleaning is adequate to prevent soil accumulations on non-food-contact surfaces.

Applicable Code Sections:

- 4-601.11(B) and (C) Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils ^(C)
- 4-602.13 Nonfood-Contact Surfaces ^(C)

Part 3. New Terms Added to the Index to the Food Code

Active Managerial Control

Disinfection

Food Defense

Food Safety Management System

Medical Clearance

Laboratory tests for reinstatement after exclusion with STEC, *Shigella* or *Non-Typhoidal Salmonella*

Water-based Fire Protection System