

Food Code & Food Safety Update

PA Department of Aging Conference

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PA Department of Agriculture
Bureau of Food Safety

Dept of Agriculture

Inspections of Senior Centers

Who needs licensing?

- **Facilities requiring licenses:**

- **Facilities preparing food on site**
- **Facilities serving food on site (from bulk serving trays to individual plates).**

- **EXEMPT Facilities - only handing out individually prepared and delivered meals from another licensed source do not require licensing.**

Licensing

- ❑ The Department was not previously seeking out centers, but was licensing and inspecting when contacted.
- ❑ Two months ago the Department decided to actively pursue licensing of the remaining unlicensed centers that by definition should have licensing.
- ❑ Upon request Dept of Aging provided a list of center sites.
- ❑ Initial efforts will focus on centers that had contacted us, but did not follow through.
- ❑ Secondary efforts will focus on identifying any other existing centers which should be licensed.

General Requirements

- ❑ Center must be in overall compliance with PA Food Code regulations in order to license them (required in the Law).
- ❑ Fee will be \$82. (We will not charge fees for “new” facilities).
- ❑ A plan review application must be completed prior to licensing.
- ❑ Centers will be exempt from needing a PA Food Employee Certified individual (these centers are considered exempt as a non-profit).

Inspection Requirements

- Compliance with PA Food Code, Chapter 46.
- “Risk Factor” Violations
 - Cooking Temperatures
 - Hot Holding Temperature - 135°F
 - Cold Holding Temperature - 41°F
 - Serving within Four Hours, if not temperature controlled
 - No under cooked foods

Inspection Requirements

- “Risk Factor” Violations (continued)
 - Employee Health
 - Employee Hygiene – eating, drinking, cuts
 - Handwashing
 - No Bare Hand Contact with RTE food
 - Food from Approved Sources (no home food)
 - Chemicals stored properly
 - Sanitizing occurring in a proper warewashing

Biggest Compliance Challenges

- ❑ Handwashing facilities in the food service area.
- ❑ Correct warewashing provisions in facilities plating food from bulk serving / hot hold units.
- ❑ Means to test sanitizer concentrations.

Other Inspection Items

- “Good Retail Practices”
 - Pest & Rodent Control
 - Adequate Equipment & Utensils
 - Safe Water & Ice
 - Proper Storage of Equipment & Utensils
 - Proper Glove Use
 - Clean Physical Facility
 - Clean Food & Non-Food Contact Surfaces

End sectin 1

2009 Food Code



2009 FDA Food Code

- ❑ As of the printing of the 2009 Food Code, 49 of 50 states (and 3 of 6 territories) have adopted a version of the Food Code (NC is still in process of adopting)
- ❑ Issued November 2009

MAJOR CHANGES

- Cut leafy greens are now included among the foods that require time and temperature control for safety and a new supporting reference document, *"Recommendations to Food Establishments for Serving or Selling Cut Leafy Greens"* is summarized in Annex 2.

MAJOR CHANGES

“Cut Leafy Greens” Defined

Cut Leafy Greens – fresh leafy greens whose leaves have been cut, shredded, sliced, chopped or torn. The term includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale arugula and chard. The term **DOES NOT** include herbs such as cilantro or parsley.

MAJOR CHANGES

Cut Leafy Greens IS NOT:



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MAJOR CHANGES

Priority, Priority Foundation, Core

Each provision in the FDA Food Code is now designated as a "Priority Item," a "Priority Foundation Item," or a "Core Item," to assist the industry and regulatory community in prioritizing their food safety interventions and their inspections. These designations are based on a qualitative risk assessment and replace the use of "Critical" and "Non-Critical" designations in previous editions of the FDA Food Code

MAJOR CHANGES

Priority Item Defined

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

MAJOR CHANGES

Priority Foundation Item Defined

Priority Foundation Item^{Pf} – a provision in the Code whose application supports, facilitates or enables one or more priority items. (includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by management to attain control of risk factors that contribute to foodborne illness or injury, such as training, necessary equipment, HACCP plans, record keeping, and labeling.

MAJOR CHANGES

Core Item Defined

Core Item – a provision of the Code that is not designated as Priority Item or Priority Foundation Item (includes items that usually relate to general sanitation, operational controls, SSOPs, facility structure, equipment design, and maintenance). No special designation in the Code.

MAJOR CHANGES

- ❑ Requirements were added to improve food worker awareness of food allergen concerns in the foodservice and retail setting. (Section 2-103.11 – Person in Charge)
- ❑ Amended language to exempt frozen commercially processed and packaged raw animal foods from separate storage or display with ready-to-eat foods. (Section 3-302.11 – Packaged & Unpackaged Food – Separation, Packaging & Segregation)
- ❑ Serving hamburgers and other ground meats in an undercooked form upon a consumer's request is no longer an option for items offered on a children's menu. (Section 3-401.11 – Raw Animal Foods)

MAJOR CHANGES

- A new definition and criteria are added in a new FDA Food Code section for the non-continuous cooking of foods comprised of raw animal products to address the safety of this cooking method.
 - Initial Cook no longer than 60 minutes
 - Cooled properly
 - Held frozen or cold
 - Reheated (finish cooking) to 165°F for 15 seconds
 - Cooled properly, hot held properly, served immediately, or held using time as a public health control properly
 - Have written procedures, including documentation of monitoring of appropriate times and temperatures, how food is identified as partially cooked, and how foods are kept separate for ready-to-eat foods

MAJOR CHANGES

- Added the requirement to control growth of *Listeria monocytogenes* (in addition to toxin formation by *Clostridium botulinum*) in Reduced Oxygen Packaging methods
- Several requirements related to the effective cleaning and sanitizing of equipment and surfaces are enhanced or clarified to harmonize with EPA terminology
 - Changed “exposure times” to “contact times”
 - Changed “manufacturer’s label use instruction or directions” to “EPA-registered label use instructions”

POTENTIAL ISSUES FOR 2010

- ❑ Redefining Correction time frames in Chapter 8
- ❑ Hot Holding temperatures 130°F
- ❑ Inspection Report Scoring
- ❑ Barring of Instructor Serving as Proctors for Food Manager Certification Exams
- ❑ PIC Certified (One per facility or ALL PICs)
- ❑ Self Generation of Sanitizers

2010 Conference for Food Protection

- ❑ 2010 CFP is April 10-14 in Providence, RI
- ❑ Issues are available on the website www.foodprotect.org
- ❑ Executive Board Representative for the Atlantic States, and State Voting Delegate for PA
- ❑ Review the issues, and any comments, forward to me

PA Food Safety Legislative Update



House Bill 174

- ❑ Passed the House. In the Senate being reviewed by the Agriculture Committee

- ❑ Once signed, becomes effective in 60 days – except for portions of FEC.

- ❑ Two Sub Chapters
 - Retail Food Facility Safety Act (Act 369)
 - Food Safety Act (Act 70)

- ❑ Amending Chapter 65, FEC Act
 - Food Employee Certification

Sub Chapter A

Retail Food Facility Safety Act

- ❑ For RETAIL food only
- ❑ Local Health would have to do all Retail in their jurisdiction.
- ❑ Local Health would have to report to PDA inspection results. If not inspected/reported PDA would have the right to inspect/license
- ❑ Inspection frequency is yearly, until 'risk based' categories are defined in regulation
- ❑ Sets the minimum standards for ALL retail facilities, regardless of jurisdiction, equal to the state regulations
- ❑ Legislates that the Department use the FDA Food Code as its guide for regulations (will allow reference adoption).
- ❑ Has some mandatory exemptions to 'licensing' for both PDA and Locals. – Raw Ag Commodities, Retail selling on prepackaged Non-PHF food.
- ❑ Other exemptions 'MAY' be accomplished by order – Food Banks, Soup Kitchens, Schools.

Sub Chapter B

Food Safety Act

- ❑ Replaces Act 70– for wholesale, processing, distribution and warehousing of foods.
- ❑ Home Food Processors
- ❑ PDA has jurisdiction in all areas of the Commonwealth
- ❑ Those Act315 currently inspecting wholesale can continue, but no one can start inspecting (Allegheny & Phila)
- ❑ Will adopt all Federal food regulations

Amendments to Chapter 65, FEC

- ❑ PDA will no longer issue a state certificate or approve classes
- ❑ Any ANSI-CFP accredited class can be taken
- ❑ A valid, in date, ANSI-CFP accredited certificate must be posted in the facility
- ❑ Once Regulations are written or within two years of adoption, every PIC must be certified. (one per shift)
- ❑ Authority granted for Licensors to enforce this Act
- ❑ Existing local / county programs may continue

PA Senate Bill 828

- ❑ Amends Act 369
- ❑ If you are licensed under Act 369 the Act shall not apply to **food** that is all of the following:
 - ❑ Food is NON PHF
 - ❑ Prepared in Private Home
 - ❑ Non-profit or not for profit organization or supports extracurricular recreational activities (boosters)
 - ❑ You inform consumer that food was prepared in a private home that is not licensed or inspected
- ❑ Act as written will apply to ALL licensing jurisdictions
- ❑ An amendment has been drafted to modify HB174 with similar language

Menu Labeling

- ❑ Philadelphia Ordinance in effect January 1, 2010
- ❑ Federal Legislation S.1048, currently the Senate LEAN Act, S.3575
- ❑ Several PA Legislative Bills, in 2008. Discussions in 2009, but no pending legislation
- ❑ Department has tried to encourage waiting for federal legislative direction

Federal Legislation

- ❑ Over 30 federal bills pending. Two most prominent are the Waxman Bill (H.R.2749) and the Durbin Bill (S.510).
- ❑ Two bills have many similarities, and the expected legislation will probably be a compromise of these.
- ❑ Federal Legislation WILL affect PA and PA industry.
- ❑ Issues will include Mandatory Recall Authority, Food Facility Registration, Traceback Record Requirements, HACCP / Food Safety Plans, Mandatory FDA inspections every 4 years, Farm GAP, COOL labeling.

Recent Recalls



Salmonella Contaminated HVP

- ❑ HVP – Hydrolyzed Vegetable Protein manufactured by Basic Food Flavors Inc.
- ❑ Flavor enhancer added to processed foods such as sauces, soups & seasonings.
- ❑ NO SICK INDIVIDUALS.....
- ❑ As of April 1, 177 entries on the product list
- ❑ Herbox boullion, McCormick Seasonings, Trader Joe dressings, Herr's & Pringles snacks.

Salmonella in Red & Black Pepper

- ❑ Red & Black Pepper implicated. Still unclear if all sources are identified.
- ❑ Daniele International Inc, found in their Salami products, traced red & black pepper to two suppliers – Mincing Overseas Spice Co, NJ and Wholesome Spice Co, NY
- ❑ 250 Human Illnesses in 44 states.
- ❑ Pepper recalls from Tastefully Simple, Bass Pro, McCain Foods, Wholesome Spice & Mincing Overseas Spice.
- ❑ Expect to grow.

Salmonella in Pistachios

E.coli in Cookie Dough

- ❑ Pistachios manufactured by Setton Pistachios by Terra Bella Foods, Inc., CA
- ❑ NO HUMAN ILLNESSES
- ❑ 664 entries of Food Products
- ❑ Products include candy, ice cream, nut mixes, snack foods.
- ❑ Refrigerated Cookie Dough by Nestle Tollhouse, Danville, VA
- ❑ 76 human illnesses in 31 states
- ❑ Product recalled, but cause never determined and no positives were found in the processing facility.

PA Raw Milk

- ❑ Several Advisories from the Department on permitted raw milk producing farms which tested positive for pathogens.
- ❑ One farm for Listeria, one for Salmonella, and one for Campylobacter.
- ❑ Currently have an outbreak with over 4 ill human cases and 1 critically ill from Campylobacter.

Questions???



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