



# FOOD CODE CHANGES

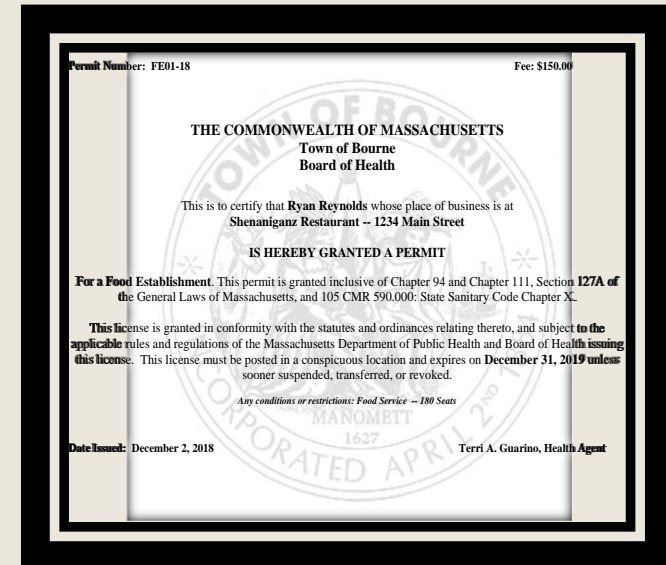
2013 Retail Food Code (105 CMR 590.00) effective  
in Massachusetts October 5, 2018

# What operations must comply with the Retail Food Code?

- All operations which meet the definition of a “Food Establishment” must comply with the Food Code and may not operate without a permit from the local Board of Health.
- Generally a Food Establishment is any operation that serves food directly to the consumer including restaurants, satellite or catered feeding locations, catering operations, and bakeries.
- A Food Establishment can conduct operations in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

# Permits to Operate

- Each Food Establishment will be issued a Permit to operate which will indicate:
  - (1) *Whether the permit is annual, semi-annual, seasonal or temporary; and*
  - (2) *Each of the following operations permitted:*
    - (a) **Food Service** (i.e. handling of unpackaged or exposed food intended for individual service such as sit-down and take-out operations in restaurants, sandwich operations in retail markets and convenience stores, coffee and pastry shops, institutional kitchens);
    - (b) **Retail Food** (i.e. handling of pre-packaged foods or the handling of unpackaged or exposed food not in-tended for individual service such as retail grocery and convenience stores which sell pre-packaged foods, seafood and meat markets, bakeries and bulk deli operations);
    - (c) **Residential kitchen for retail sale; cottage foods;**
    - (d) **Residential kitchen for bed-and-breakfast;**
    - (e) **Mobile/Pushcart;**
    - (f) **Temporary food establishment;**
    - (g) **Caterer; and/or**
    - (h) **Other as described on application.**



# Some operations which do not require a Permit

- An establishment that offers only prepackaged foods that are not time/temperature control for safety foods;
- An operation that only offers whole, uncut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs which are stored and maintained at 45 °F (7.2 °C) or less;
- A residential kitchen if only food that is not time/temperature control for safety food, is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and ***if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority***– see “Potluck Advisory”

# Permit Required

House-made food  
products



Prepackaged TCS Food



# Exemptions

# Prepackaged non-TCS Foods



# Whole, Uncut fruits and vegetables





# Not to be Confused with Cut Leafy Greens!

- **“Cut leafy greens”** means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term “leafy greens” includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard.
- The term “leafy greens” does not include herbs such as cilantro or parsley.
- TCS Food !!



# New Requirements for Food Establishments

## ■ Equipment & Utensils–

- An *irreversible registering temperature indicator (temp strips or maximum registering thermometer)* is provided and readily accessible for measuring the utensil surface temperature for establishments that have a **hot water mechanical warewashing operation**. Low temperature warewashing operations are required to have appropriate test strips for measuring concentration of sanitizer.





# New Requirements for Food Establishments

- Management & Personnel—
  - *Employee health and reporting requirements*
    - More guidance to come from the State Dept. of Public Health
  - *Clean-Up of Vomiting and Diarrheal Events*
    - Written procedures required for every food establishment
    - We have a sample document!

# Date Marking

- *Refrigerated, Ready-to-eat, time/temperature control for safety food prepared and held in a food establishment for more than 24 hours shall be clearly marked to **indicate the date or day** by which the food shall be consumed on the premise, sold, or discarded when held at a temperature of 41°F (5°C) or less for a **maximum of 7 days**. The day of preparation shall be counted as Day 1.*
- *Some exemptions apply*



# New State Inspection Report Form

## Food Establishment Inspection Report –Town of Bourne

Establishment:		Date:	Page 1 of ____
Address:		Time in:	Time out:
Telephone:	Permit No.:	Number of Violated Provisions Related to Foodborne Illness Risk Factors and Interventions (Items 1 through 29):	
Owner:		Number of Repeat Violations Related to Foodborne Illness Risk Factors and Interventions (Items 1 through 29):	
Person-in-charge:			
Inspector:			
<b>FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS</b>			
<b>IN</b> = in compliance <b>OUT</b> = out of compliance <b>N/O</b> = not observed <b>N/A</b> = not applicable <b>COS</b> = corrected on-site during inspection <b>R</b> = repeat violation			

Compliance Status		IN	SUFF	NA	NO	COS	R
<b>Supervision</b>							
1	Person-in-charge present, demonstrates knowledge, and performs duties						
2	Certified Food Protection Manager						
<b>Employee Health</b>							
3	Management, food employee and conditional employee; knowledge, responsibilities and reporting						
4	Proper use of restriction and exclusion						
5	Procedures for responding to vomiting and diarrheal events						
<b>Good Hygienic Practices</b>							
6	Proper eating, tasting, drinking, or tobacco use						
7	No discharge from eyes, nose, and mouth						
<b>Preventing Contamination by Hands</b>							
8	Hands clean & properly washed						
9	No bare hand contact with ready-to-eat food						
10	Adequate handwashing sinks properly supplied and accessible						
<b>Approved Source</b>							
11	Food obtained from approved source						
12	Food received at proper temperature						
13	Food received in good condition, safe, & unadulterated						
14	Required records available: shellstock tags, parasite destruction						

Compliance Status		in	partial	no	close
<b>Protection from Contamination</b>					
15	Food separated and protected				
16	Food-contact surfaces; cleaned & sanitized				
	Proper disposition of returned, previously served, returned & unsafe food				
<b>Time/Temperature Control for Safety</b>					
18	Proper cooking time & temperatures				
19	Proper reheating procedures for hot holding				
20	Proper cooling time and temperature				
21	Proper hot holding temperature				
22	Proper cold holding temperature				
23	Proper date marking and disposition				
24	Time as a Public Health Control				
<b>Consumer Advisory</b>					
25	Consumer advisory provided for raw / undercooked food				
<b>Highly Susceptible Populations</b>					
26	Pasteurized foods used; prohibited foods not offered				
<b>Food/Color Additives and Toxic Substances</b>					
27	Food additives: approved & properly used				
28	Toxic substances properly identified, stored & used				
<b>Conformance with Approved Procedures</b>					
29	Compliance with variance / specialized process / HACCP Plan				

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

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

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

MDPH report form – 10/5/18 version

Establishment: _____	Date: _____	Page 2 of _____
<b>GOOD RETAIL PRACTICES AND MASSACHUSETTS-ONLY SECTIONS</b>		
<b>IN</b> = in compliance <b>OUT</b> = out of compliance <b>N/O</b> = not observed <b>N/A</b> = not applicable <b>COS</b> = corrected on-site during inspection <b>R</b> = repeat violation		

Compliance Status		IN	OUT	NA	N/C	CCS
<b>Safe Food and Water</b>						
30	Pasteurized eggs used where required					
31	Water & ice from approved source					
32	Variance obtained for specialized processing methods					
<b>Food Temperature Control</b>						
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 properly used & accurate					
<b>Food Identification</b>						
37	Food properly labeled; original container					
<b>Prevention of Food Contamination</b>						
38	Insects, rodents, & animals not present					
39	Contamination prevented during food preparation, storage and display					
40	Personal cleanliness					
41	Wiping cloths: properly used & stored					
42	Washing fruits & vegetables					
<b>Proper Use of Utensils</b>						
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					
<b>Utensils, Equipment and Vending</b>						
47	Food & non-food contact surfaces cleanable, properly designed, constructed & used					

Compliance Status		IN	OUT	NA	NO	COS
48	Warewashing facilities: installed, maintained, & used; steel strips					
49	Non-food contact surfaces clean					
<b>Physical Facilities</b>						
50	Hot & cold water available; adequate pressure					
51	Plumbing installed; proper backflow devices					
52	Sewage & waste water properly disposed					
53	Toilet features: properly constructed, supplied, & cleaned					
54	Garbage & refuse properly disposed; facilities maintained					
55	Physical facilities installed, maintained, & clean					
56	Adequate ventilation & lighting; designated areas used					
<b>Additional Requirements listed in 105 CMR 590.011</b>						
M1	Anti-choking procedures in food service establishment					
M2	Food allergy awareness					
<b>Review of Retail Operations listed in 105 CMR 590.010</b>						
M3	Caterer					
M4	Mobile Food Operation					
M5	Temporary Food Establishment					
M6	Public Market; Farmers Market					
M7	Residential Kitchen; Bed-and-Breakfast Operation					
M8	Residential Kitchen: Cottage Food Operation					
M9	School Kitchen; USDA Nutrition Program					
M10	Leased Commercial Kitchen					
M11	Innovative Operation					
<b>Local Requirements</b>						
L1	Local law or regulation					
L2	Other					

<b>Type of Operation(s):</b> Food Service Establishment Retail Food Store Residential: Cottage Foods Residential: Bed & Breakfast Mobile/Pushcart Temporary Food Estab. Other _____	<b>Type of Inspection:</b> Routine Re-inspection Pre-operational Illness investigation General complaint HACCP Other _____	<b>Other Information:</b>  <div></div>
---	---	--

**Signature of Person-in-Charge:**

**Signature of Inspector:**

Date:Date:

Establishment:	Date:	Page ____ of ____
----------------	-------	-------------------

Temperature Observations					
Item / Location	Temp (°F)	Item / Location	Temp (°F)	Item / Location	Temp (°F)

[illegible]

**Signature of Person-in-Charge:**

Signature of Inspector:

Date:Date:

# Sign or Placard Posted on Premises

- *Required in a visible place stating that the last Health inspection report is available upon request if it is not posted.*
- *Responsibility of the Permit Holder*



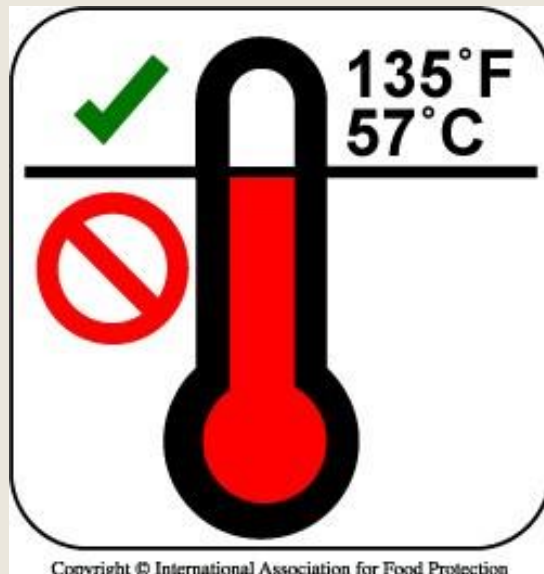
# Vomit Kit and Plan

- A food establishment shall have **procedures** for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures shall address the **specific actions** employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.



# New Hot Holding Temperature

- New Minimum Hot Holding Temperature is **135 degrees Fahrenheit** as measured from the coldest portion of the food product.
- Formerly 140 degrees Fahrenheit.





# Food Safety

- Potentially Hazardous Foods (PHF) are now called **Time/ Temperature Control for Safety Foods (TCS)**. These include:
  - *Food products that require time or temperature to limit microorganism growth or toxin formation;*
  - *Animal foods that are raw or heat-treated;*
  - *A plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation;*
  - *Requires adjustment for acidity and moisture content when determining which foods require temperature controls to limit microorganism growth (see pH table in definition)*

# Violations of Priority Items

- Provision that contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with **foodborne** illness or injury.
- Formerly known as “Critical Item”
- 1<sup>st</sup> page of inspection sheet
- Timely Correction: Discretionary but ***not to exceed 72 hours***.



# Violation of Priority Foundation Item

- A provision 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 industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling
- Timely Correction: Discretionary but ***not to exceed 10 calendar days***

# Violation of a Core Item

- A provision in this Code that is *not designated as a priority item* or a priority foundation item. Includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.
- Timely Correction: Discretionary but *not to exceed 90 calendar days*



QUESTIONS?