

CHANGES IN THE 2013 FEDERAL FOOD CODE (WITH 2015 AMENDMENTS) SINCE MA ADOPTED THE 1999 FEDERAL FOOD CODE

Some of these items will not seem new because MA has already instituted them and industry has already been doing them. The code is often "catching up" or clarifying the previous way in which a regulation was written.

Chapter 1: Purpose and Definitions

New Definitions or Additions to Previous Definitions:

asymptomatic	highly susceptible population
balut	juice
casing	major food allergen
commingle	mechanically tenderized
conditional employee	non-continuous cooking
core item	packaged
counter-mounted equipment	priority item
cut leafy greens	priority foundation item
dealer	ratite
disclosure	reduced oxygen packaging
egg	reminder
egg product	re-service
exclude	restrict
FDA	restricted egg
handwashing sink	risk
health practitioner	shiga toxin-producing Escherichia coli
	time/temperature control for safety food

Chapter 2: Management and Personnel

2-101.11 or 590.002(A) Assignment - New Part (B) a food establishment with two or more separately permitted departments that are the legal responsibility of the same permit holder can have one person in charge during specific time periods when food is not being prepared, packaged or served - hours like early morning during deliveries or later at night during closing procedures.

2-102.12 Certified Food Protection Manager - Each food establishment must have at least one full-time equivalent employee who has supervisory and management responsibility and the authority to direct and control food preparation and service. This person must be a certified food protection manager who has passed a test as part of an accredited program. The Health Department may deem some establishments at very low risk for foodborne illness and not require a full-time food protection manager.

2-102.20 Food Protection Manager Certification - This section is more specific about the food protection manager training and test. The difference between part (A) and part (B) in this section is not terribly clear. The bottom line is that the training and the test have to be from an agency recognized by the Conference for Food Protection.

2-103.11 Person in Charge - There are five additional responsibilities of the Person in Charge:

Part (F) make sure that employees are verifying that food delivered during non-operating hours is from approved sources; put into appropriate storage areas, maintained at proper temperatures; protected from contamination, unadulterated and accurately presented;

Part (I) make sure that employees are keeping time/temperature control for safety foods during hot and cold holding at the proper temperatures through daily oversight of the employees' routine monitoring of food temperatures;

Part (N) that employees are properly trained in food safety including food allergy awareness as it relates to their assigned duties;

Part (O) that employees report when they have symptoms of illness, a diagnosis of certain foodborne illnesses or are exposed to certain foodborne illnesses; and

Part (P) make sure that the written procedures and plans as developed by the food establishment, as required by this Code, are maintained and implemented.

2-2 Employee Health

Under employee health, it is the responsibility of the permit holder to make sure that the person in charge is receiving important health information from employees and conditional employees and that the person in charge is appropriately reporting that to the Health Department. We are currently working on a guidance document.

There are new additions explaining which employees must be excluded and restricted and then another section on how to reinstate an employee once they have been excluded or restricted. Norovirus has been added and there is clarification between Typhoid Fever and non-typhoidal Salmonella.

2-301.12 Cleaning Procedure - There is a new section describing thorough handwashing procedures.

2-301.14 When to Wash - They have added that hands must be washed before putting on gloves to initiate a task that involves working with food.

2-301.16 Hand Antiseptics - A large section has been added concerning the use of hand antiseptics; that they have antimicrobial-killing ingredients; that they are approved antiseptics; be applied only to hands cleaned as previously described; and the use of hand dips be followed by thorough washing, or limited to situations that involve no direct contact with food.

2-501.11 Clean-up of Vomiting and Diarrheal Events - Each food establishment must have procedures for employees to follow when responding to vomiting or diarrheal events in the food establishment to minimize the spread of contamination and the exposure of employees, consumers, food and surfaces. We are working on a guidance document for this section.

Chapter 3: Food

3-201.11 Compliance with Food Law - this has to do with labeling and the two new sections are under (E)(2) talking about evidence that steaks meet the definition of whole-muscle, intact beef; and Part (G) that eggs that have not been treated to destroy all viable *Salmonellae* shall be labeled to include safe handling instructions.

3-202.11 Temperature - under specifications for receiving: (C) raw eggs shall be received in refrigerated equipment that maintains an air temperature of 45 degrees F or less; and (D) food received hot shall be at a temperature of 135 degrees F or above.

3-202.13 Eggs - shall be received clean and sound and may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in U.S. Standards, Grades, and Weight Classes for Shell Eggs.

3-202.14 Eggs and Milk Products Pasteurized - Part (B) states that fluid and dry milk products shall be obtained pasteurized and comply with Grade A standards.

3-202.110 Juice Treated - New section, parts (A) and (B), state that pre-packaged juice shall be obtained from a processor with a HACCP system, be pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR Part 120.24 Process Controls.

3-203.11 Molluscan Shellfish, Original Container - Added a Part (D) which allows shucked shellfish to be removed from the original container and repacked in consumer, self-service containers if each consumer container is labeled; that the labeling information is retained and correlates with the dates during which the shellfish are sold or served; that information is retained for 90 days; and that the shellfish are protected from contamination.

3-203.12 Shellstock, Maintaining Identification - Part A already states that the shellstock tags or labels must remain attached to the container until it is empty. a new Part (B) states that the date that the last shellstock is removed from the container and is sold or served shall be recorded on the tag or label and then those tags and labels are kept for 90 days, which you already do. Part (C)(2)(a) and (b) go on to say that you must preserve the source information by using a

record system that keeps the tags or labels in chronological order and that you must ensure that the shellstock from one labeled container is not commingled with shellstock from another container with different certification numbers, different harvest dates or different growing areas.

3-301.11 Preventing Contamination from Hands - There are two new parts (D) and (E) on bare-hand contact, but MA is going to continue to ban all bare-hand contact with Ready-to-Eat food unless there is a variance from the Board of Health.

3-302.15 Washing Fruits and Vegetables - new Part (C) stating that devices used on-site for the generation of chemicals for the washing of raw whole fruits and vegetables shall meet the chemical requirements and be used in accordance with the manufacturer's instructions.

3-304.11 Food Contact with Equipment and Utensils - new Part (B) and (C) has been added that states that food shall also be able to touch single-service and single-use articles or linens if laundered according to this Code.

3-304.14 Wiping Cloths, Use Limitation – Part (A)(1) now states that cloths in-use for wiping food spills should be maintained dry; Part (B)(2) states that they should be laundered daily as specified under Section 4-802.112(D); new Part (E) states that the containers of sanitizers holding the wiping cloths must be stored off the floor and in a manner that prevents contamination of "everything else." New Part (F) states that disposable sanitizer wipes can be used according to EPA-approved instructions.

3-304.17 Refilling Returnables - Part (D) is the original statement of this section. Parts (A), (B), (C) and (E) are new. See 2013 FFC Code for complete text.

3-401.11 Raw Animal Foods - Part (B)(2) has an additional cooking chart that indicates the holding time in seconds for certain higher cooking temperatures. Part (D)(2) of that section also states that food, if served or offered for service by consumer selection from a children's menu, does not contain comminuted meat. MA did institute this a number of years ago, so it is not new here.

3-401.14 Non-Continuous Cooking of Raw Animal Foods - this is a new section with specific instructions for "partially" cooking raw animal foods. See 2013 FFC Code for complete text. It is very specific about the fact that there must be written procedures that receive prior approval from the regulatory authority.

3-402.11 Parasite Destruction - (A)(3) is an additional parameter for freezing - frozen at -35 degrees C (-31 degrees F) or below until solid and stored at -20 degrees C (-4 degrees F) or below for a minimum of 24 hours. Other parts of this

section give temperatures for 7 days and 15 hours. Part (B) describes additional exceptions.

3-402.12 Records, Creation and Retention - new Part (C) if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in Ready-to-Eat form, and the fish are raised and fed as specified in 3-402.11(B)(3), a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in 3-402.11(B)(3) shall be obtained by the person in charge and retained in the records of the food establishment for 90 calendar days beyond the time of service or sale of the fish. This is the responsibility of the PIC, although it is not stated in the "Duties" section.

3-404.11 Treating Juice - Important new section on treating juice with wording for a required label if applicable. See 2013 FFC for complete text.

3-501.13 Thawing - new Part (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 Part (A) of this section; or (2) prior to, or immediately upon completion of, its thawing using procedures specified in Section (B) of this section.

3-501.14 Cooling - Part (A) cooked time/temperature control for safety food shall be cooled (1) within 2 hours from 57 degrees C (135 degrees F) to 21 degrees C (70 degrees F); and (2) within a total of 6 hours from 57 degrees C (135 degrees F) to 5 degrees C (41 degrees F) or less. A new Part (D) states that raw eggs shall be received as specified under Section 3-202.11(C) and immediately placed in refrigerated equipment that maintains an ambient air temperature of 7 degrees C (45 degrees F) or less.

3-501.16 Time/Temperature Control for Safety Food, Hot/Cold Holding Hot holding is now 57 degrees C (135 degrees F) instead of the former 140 degrees F. New Parts (B) and (C) talk about eggs and homogenous liquids. See 2013 FFC for complete text.

3-501.17 Time/Temperature Control for Safety Food, Date Marking This is a lengthy new section on date marking all time/temperature control for safety foods. See 2013 FFC for complete text.

3-501.18 Ready-to-Eat, Time/Temperature Control for Safety Food, Disposition - New section refers to the disposition of food depending on date-marking above. See 2013 FFC for complete text.

3-501.19 Time as a Public Health Control - In addition to a new Part (B)(1) and Part (C), remember that using Time as a Public Health Control requires approval

by the Board of Health through a variance process [590.004(H)]. See 2013 FFC for complete text.

3-502.11 Variance Requirement - in addition to the previous list of things that require a variance, such as smoking, curing, using food additives, reduced oxygen packaging, etc., sprouting seeds or beans has been added.

3-502.12 Reduced Oxygen Packaging - the words, "Without a Variance," have been added to the title of this section. It has added that packaged food, except as specified, must be maintained at 41 degrees F or less, and that the food must be discarded after 30 days unless it was frozen for some of the time or the manufacturer's "sell by" or "use by" date has passed. There are new Parts (D), (E) and (F). See 2013 FFC for complete text.

3-602.11 Food Labels - New Part 7 stating that for any salmonid fish containing canthaxanthin or astaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, discloses the use of canthaxanthin or astaxanthin.

3-8 Special Requirements for Highly Susceptible Populations

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food

(A)(1) For the purposes of this paragraph only, children who are age 9 or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations.

(A)(3) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under a HACCP plan.

(D) Food employees may not contact Ready-to-Eat food under alternative bare hand contact procedures such as, 3-301.11(B) and (D) which MA doesn't allow.

(E) Time only, as a public health control as specified under 3-501.19(D) may not be used for raw eggs.

(G) Food may be re-served as specified under 3-306.14(B)(1) and (2) which describes bottles or containers that can be closed against contamination and items in unopened packages in good condition.

(H) Food may not be re-served from medical isolation areas to those outside and food from the outside may not be re-served to persons in protective environment isolation.

Chapter 4: Equipment, Utensils and Linens

4-203.13 Pressure Measuring Devices, Mechanical Warewashing Equipment

- basically saying that the accuracy of the hot water sanitizing rinse pressure gauge must be in the range indicated on the manufacturer's data plate.

4-204.13 Dispensing Equipment, Protection of Equipment and Food

New Part (E) Dispensing equipment in which Time-Temperature Control for Safety Food in a homogenous liquid form is maintained outside of the temperature control requirements shall be designed and equipped to maintain the commercial sterility of aseptically packaged food for a specified duration from the time of opening the packaging within the equipment and conform to the requirements for this equipment.

4-204.117 Warewashing Machines, Automatic Dispensing of Detergents and Sanitizers. Part (A) now states that a warewashing machine installed after adoption of this Code must be equipped to automatically dispense detergents and sanitizers.

4-302.12 Food Temperature Measuring Devices - New Part (B) A temperature measuring device with a suitable small diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish filets.

4-302.13 Temperature Measuring Devices, Manual and Mechanical Warewashing - New Part (B) In hot water mechanical warewashing operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the utensil surface temperature.

4-303.11 Cleaning Agents and Sanitizers, Availability - This new section Parts (A) and (B) state that cleaning agents and chemical sanitizers must be available for use during all hours of operation.

4-501.113 Mechanical Warewashing Equipment, Sanitization Pressure - a line was added to state that the flow pressure of the fresh hot water sanitizing rinse in a warewashing machine must be in the range specified on the manufacturer's data plate, but may not be less than 5 psi or more than 30 psi.

4-904.14 Rinsing Equipment and Utensils after Cleaning and Sanitizing - This is a new section stating that equipment and utensils that have been cleaned and sanitized shall not be rinsed before air drying or use unless: the rinse is applied directly from a potable water supply by a warewashing machine; and the rinse is applied only after the equipment and utensils have been sanitized and the specific directions for that sanitizer state that it should be rinsed off.

Chapter 5: Water, Plumbing and Waste

5-203.15 Backflow Prevention Device, Carbonator - New section:

(A) If not provided with an air gap as specified under 5-202.13, a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh

to 1 inch shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.

(B) A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided.

5-402.11 Backflow Prevention - New Part (B) is now clarifying that this section is not talking about floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.

Chapter 6: Physical Facilities

6-501.18 Cleaning of Plumbing Fixtures - New section stating that plumbing fixtures such as handwashing sinks, toilets and urinals shall be cleaned as often as necessary to keep them clean.

6-501.115 Prohibiting Animals - Part (B)(4) clarifies that pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities are allowed at times other than during meals if: 1) the area can be closed off from food storage and food preparation areas; 2) condiments and other equipment and utensils used during meals are removed while animals are there; 3) dining areas including tables, countertops and similar surfaces are effectively cleaned before the next meal service.

Chapter 7: Poisonous or Toxic Materials

7-204.11 Sanitizers, Criteria - This is a new section that states that chemical sanitizers must meet specific requirements for food-contact surface sanitizing solutions. Make sure that your packaging states that it is in compliance with 40 CFR 180.940 or 180.2020 and is approved for use on food-contact surfaces.

7-204.12 Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria - New section stating that chemicals, including those generated on-site, used to wash or peel raw, whole fruits and vegetables shall: 1) be an approved food additive listed in 21 CFR 173; or 2) be generally recognized as safe (GRAS) for this intended use; or 3) be the subject of an effective food contact notification for this intended use; and 4) meets the requirements in 40 CFR 156 which are labeling requirements. Part (B) states that ozone can be used but must meet the requirements specified in 21 CFR 173.368, Ozone.

7-204.14 Drying Agents, Criteria - Part (A) was re-written to include seven parts describing how drying agents must be approved AND approved for use with chemical sanitizers. See 2013 FFC for complete text.

Chapter 8: Compliance and Enforcement

8-201.13 When a HACCP Plan is Required - a new Part (B) was added because now you can engage in reduced oxygen packaging without a variance but this section states that you must submit a HACCP plan to the health department before engaging in reduced oxygen packaging.

8-201.14 Contents of a HACCP Plan - See 2013 FFC for complete text; there have been several additions.

8-401.20 Performance- and Risk-Based (Inspections) the new words priority items, priority foundation items and core items are included in the description of the evaluation process for performance-based and risk-based inspections.

8-304.11 Responsibilities of the Permit Holder - New Part (K) that states that you must notify customers that a copy of the most recent establishment inspection report is available upon request by posting a sign or placard in a location in the food establishment that is conspicuous to customers or by another method acceptable to the Regulatory Authority.

8-402.10 Competency of Inspectors – new Parts (A) and (B) state that inspectors must be trained and knowledgeable.

8-405.11 Timely Correction

(A) A permit holder shall at the time of inspection correct violations of a priority item or priority foundation item of this Code and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(B) Regulatory Authority may agree to, or specify, a longer time frame, but not to exceed 72 hours after the inspection to correct priority item violations or 10 calendar days after the inspection for violations of a priority foundation item or HACCP plan deviation.

8-406.11 Time Frame for Correction - Part (A) specifies that the permit holder shall correct core items by a date and time agreed to or specified by the Regulatory Authority but no later than 90 calendar days after the inspection. Part (B) is not new and states that a different compliance schedule than above may be agreed to if no health hazard exists or will result.

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