

New Food Regulations Effective: January 1, 2010

The Virginia Board of Health adopted revised Virginia Food Regulations effective on January 1, 2010. This newsletter outlines the most significant changes and the impact on foodservice operators.

The Food Regulations are based on the 2007 Supplement to the 2005 FDA Food Code and most of the food safety practices and requirements that you are familiar with have not changed. Your local health department will be able to assist you in meeting the new requirements. Look up the Regulations at: www.vdh.state.va.us/oehs/food/index.htm
The section number is in parentheses after subtitles below.

Demonstration of Knowledge (60)

A “person in charge” (PIC) must be present in the food establishment during all hours of operation. The PIC must demonstrate knowledge of foodborne disease prevention and the requirements of the food regulations in one of three ways:

1. Complying with regulations (no critical violations);
2. Being a certified food protection manager; or
3. Responding correctly to EHS questions about your foodservice operation.

There are up to 17 (entire list is on page 3) areas of operation where you may have to demonstrate knowledge depending on your specific food establishment. The two new changes are presented below:

- Foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction, and
- How the PIC, food employees, and conditional employees comply with employee health reporting responsibilities and the exclusion or restriction of food employees.

Eight Major Food Allergens

- | | |
|-------------|---------|
| ◆ Peanuts | ◆ Eggs |
| ◆ Tree nuts | ◆ Milk |
| ◆ Fish | ◆ Wheat |
| ◆ Shellfish | ◆ Soy |

New Definitions (10)

“Potentially Hazardous Food (time/temperature controlled for safety)” means a food that requires time/temperature control to limit pathogenic microorganism growth or toxin formation. (PHF/TCS Food) *expanded in regulations*

Additional Duties of the Person-in-Charge of a Restaurant (70)

Three of the **thirteen** duties of the person in charge (PIC) were changed or added:

- Consumers who order raw or partially cooked ready-to-eat (RTE) foods of animal origin are informed as specified under 12VAC5-421-930 that the food is not cooked sufficiently to ensure its safety;
- Employees must avoid bare hand contact with ready to eat food unless the local health department has granted approval of alternate safety measures;
- Employees are informed of their responsibility to report information about their health/activities as they relate to diseases transmissible through food.

All **13** are listed on pages 3 and 4.

Reporting Employee Illness (80)

The PIC must ensure that foodservice employees meet certain health requirements.

The food employee (or conditional employee) must report:

- ❑ Symptoms of illness to the PIC including: **Vomiting, Diarrhea, Jaundice, Sore throat** with a fever, or lesions containing pus;
- ❑ Diagnosis with “Big Five” illness to the PIC;

The “Big Five”

Food employees must report these serious illnesses:

- ◆ Typhoid Fever (*Salmonella Typhi*)
- ◆ Shigellosis
- ◆ E. coli O157:H7
- ◆ Hepatitis A
- ◆ Norovirus

- ❑ Diagnosis of *Salmonella Typhi* in past three months, without having received antibiotic therapy:
- ❑ Exposure to/suspected source of a confirmed disease outbreak due to consuming or preparing food implicated in the outbreak, or consuming food at an event prepared by a person who is infected or ill with one of the “Big Five”.
- ❑ Exposure to “Big Five” by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as an individual who works or attends a setting where there is a confirmed disease outbreak, or has been diagnosed with a “Big Five” illness.

An easy way to remember the Big 5:



Hand Antiseptic (180)

This section specifies requirements of hand antiseptic use (previously call hand sanitizer). Must wash hands even if using antiseptic.

Molluscan Shellfish (430)

Added provision to allow repacking shucked shellfish as long as label requirements are met and contamination is avoided.

Shellstock (440)

Added requirement to mark date when the last shellstock are sold/served on the tag/label.

Bare Hand Contact (450)

Sets forth conditions for local health department approval if a food establishment desires to seek approval for bare hand contact with ready to eat food.

Pasteurized Eggs (490)

Added meringue to the list of foods that must be prepared with pasteurized eggs if serving a Highly Susceptible Population (HSP), or if not providing a consumer advisory in a restaurant that serves the general population.

Parasite Destruction (730)

Adds a third method of freezing fish for parasite destruction and includes additions to the list of exempt fish that do not require freezing.

Parasite Destruction Records (740)

Requires written verification to confirm that aqua-cultured fish have been raised and pellet-fed to prevent parasite contamination

Refrigeration (820/1230)

Added specifications for refrigeration equipment to protect commercial sterility of certain potentially hazardous/time-temperature control for safety homogenous liquids if held between 41°F and 135°F.

Time as a Public Health Control (850)

This section specifies requirements for holding potentially hazardous/time-temperature control for safety food for specified time periods outside of the temperature controls outlined in Section -820.

- ✚ Added the provision to allow a 6 hour time control with the condition that the food is $\leq 41^{\circ}\text{F}$ when removed from temperature control and never exceeds 70°F . This provision not only requires a written plan but also mandates a monitoring system.

Reduced Oxygen Packaging (870)

Lists four options for ROP that do not require a variance.

Food Labels (900)

Added requirement to name the food source for each of the Big-8 major allergens contained in the food unless the food source is already part of the common name of the ingredient.

Highly Susceptible Populations (950)

Food served into rooms under contact precautions not re-served, or packages used by others not reserved into areas using contact precautions.

Sanitization pressure (1200/1690)

Pressure of sanitizing rinse in mechanical dishmachines with hot water rinses may be 5-30 PSI as specified on data plate.

Demonstration of Knowledge (60)

The PIC must be able to identify risks inherent to the food operation and respond to the following questions as they relate to their specific food establishment:

1. *Describing* the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;
2. *Explaining* the responsibility of the PIC for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;
3. *Describing* the symptoms associated with the diseases that are transmissible through food;
4. *Explaining* the significance of the relationship between maintaining the time and temperature of potentially hazardous food (time/temperature control for safety food) and the prevention of foodborne illness;
5. *Explaining* the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;
6. *Stating* the required food temperatures and times for safe *cooking* of potentially hazardous food (time/temperature control for safety food) including meat, poultry, eggs, and fish;
7. *Stating* the required temperatures and times for the safe refrigerated *storage*, hot holding, cooling, and reheating of potentially hazardous food (time/temperature control for safety food);
8. *Describing* the relationship between the prevention of foodborne illness and the management and control of the following:
 - (1) Cross contamination,
 - (2) Hand contact with ready-to-eat foods,
 - (3) Handwashing, and
 - (4) Maintaining the food establishment in a clean condition and in good repair;
9. *Describing* the foods identified as major food *allergens* and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction
10. *Explaining* the relationship between food safety and providing equipment that is:
 - (1) Sufficient in number and capacity, and
 - (2) Properly designed, constructed, located, installed, operated, maintained, and cleaned;
11. *Explaining* correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
12. *Identifying* the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
13. *Identifying* poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;
14. *Identifying* control points in the operation from purchasing through sale or service that may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this chapter;
15. *Explaining* the details of how the person in charge and food employees comply with a HACCP plan if such a plan is a voluntary agreement between the regulatory authority and the establishment; and
16. *Explaining* the responsibilities, rights, and authorities assigned by this chapter to the:
 - (1) Food employee,
 - (2) Person in charge,

(3) Regulatory authority; and
17. *Explaining* how the person in charge, food employees, and conditional employees comply with reporting responsibilities and the exclusion or restriction of food employees.

Duties of the Person-in-Charge (70)

The PIC shall ensure that:

1. Food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under 12 VAC 5-421-2990;
2. Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;
3. Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with these regulations;
4. Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
5. Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;
6. Employees are properly cooking potentially hazardous food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures;
7. Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
8. Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under 12VAC5-421-930 that the food is not cooked sufficiently to ensure its safety;
9. Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;
10. Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets;
11. Except when approval is obtained from the regulatory authority as specified in 12VAC5-421-450 D, employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment; and
12. Employees are properly trained in food safety as it relates to their assigned duties; and
13. Food employees and conditional employees are informed of their responsibility to report in accordance with law, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under 12VAC5-421-80.

In addition to the new Food Regulations you also need to be aware of the Virginia Clean Indoor Air Act requirements that went into effect December 1, 2009.

Prohibits smoking in all restaurants in the commonwealth. Operators are responsible for posting no smoking signs or symbols in their non-smoking areas, and also removing ashtrays and other smoking paraphernalia.

Six narrow exemptions are provided in the new law including private clubs, and restaurants that construct designated smoking areas that are structurally separate, vented so that no air is recirculated from the smoking area into the non-smoking areas, and access into the smoking area is thru a door between the two areas and there must be at least one public entrance that directly opens into a non-smoking area of the restaurant

(Acknowledgement for the development of the original document: Peri Pearson, Henrico County Health Department.)