

2016 Food Regulation Update

Virginia Department of Health

The [Food Regulations](#) were amended to be consistent with the current 2013 Food and Drug Administration's (FDA) Food Code and the Supplement to the 2013 FDA Food Code. Many of the changes simply refine and provide further clarity to our existing regulations. **Significant changes** include:

- ◆ the term "potentially hazardous food" was changed to "time/temperature for safety" (TCS) food to better reflect the nature of the food;
- ◆ cut leafy greens were added to the list of TCS foods that require time and/or temperature control to ensure that the food is safe to consume;
- ◆ by July 1, 2018 each food establishment needs to employ at least one Certified Food Protection Manager who has supervisory and management responsibilities;
- ◆ employees must be aware of food allergens and their dangers;
- ◆ Salmonella (nontyphoidal) has been added to the list of infections that food establishment employees must report to the person in charge;
- ◆ the establishment must have procedures in place for employees to follow when responding to a vomiting or diarrheal event in the food establishment;
- ◆ wild mushrooms cannot be sold unless the establishment has been approved to do so by the regulatory authority;
- ◆ bare hand contact with ready-to-eat food ingredients may be allowed if the food is going to be sufficiently heated before service;
- ◆ requirements for cooking raw animal foods using a noncontinuous cooking method are specified;
- ◆ a food establishment may not offer undercooked ground meat on a children's menu;
- ◆ thawing requirements for fish that has been packaged using a reduced oxygen packaging method are specified;
- ◆ food establishments using reduced oxygen packing (ROP) methods must provide their HACCP Plan to the Health Department prior to using the ROP method;
- ◆ water sampling requirements for food establishments using a private well have been updated to be consistent with the office of drinking water requirements;
- ◆ a new provision specifies requirements for food establishments that wish to allow dogs in an outdoor dining area; and
- ◆ the designation of violations as "Critical" or "Non-critical" has been changed to "Priority", "Priority foundation" and "Core."

The VDH changes are adopted concurrently with the Virginia Department of Agriculture and Consumer Services' (VDACS) adoption of the current 2013 FDA Food Code and the 2013 Supplement.

For those who view this newsletter online, there are links to the sections of the Regulations in each story that you can open to read the Regulation.

If you're viewing a paper copy of this newsletter you can find an electronic version at:

www.vdh.virginia.gov

Go to VDH Programs,
Food Safety



Time Frame for Correction

- **Priority** violations must be corrected at the time of inspection or within **72 hours** if HD allows.
- **Priority foundation** violations must be corrected at the time of the inspection or within **10 days** if the HD allows.
- **Core** violations must be corrected within a **time frame** agreed to by the HD but within 90 days of the inspection unless a compliance plan is arranged for with the HD.

Violation Designation Change

Violations previously [designated](#) as "Critical" or "Non-critical" will now be referred to as "Priority", "Priority foundation" or "Core" to better identify risk-based controls within the Regulations.

- ◆ **Priority** identifies a provision in the Regulations 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.
- ◆ **Priority foundation** identifies a provision in the Regulation whose application supports, facilitates, or enables one or more Priority items.
- ◆ **Core** identifies a provision that is not Priority or Priority foundation and that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities, equipment, or general maintenance.

Reportable Illnesses

Since the last update to the Food Regulations in 2010, employees have been required to inform the person in charge of certain symptoms and illnesses that they are experiencing, or to which they (may) have been exposed. This update adds Salmonella (nontyphoidal) to the list.



Report these:

Symptoms

- Vomiting
- Diarrhea
- Jaundice
- Sore throat with a fever
- Infected cuts or lesions on hand/arms

Diagnosed Infection

1. Norovirus
2. Hepatitis A virus
3. Shigella spp.
4. Shiga toxin-producing E. coli
5. Typhoid fever (cause by Salmonella Typhi)
6. Salmonella (nontyphoidal)

The VDH Guide to Employee Health is your resource for employee health requirements including reporting exposures to illnesses, when to restrict or exclude employees, and when to allow employees to return to work after illness or diagnosis.

Certified Food Protection Manager

By July 1, 2018, food establishments will have to have at least one employee with supervisory and management responsibility and the authority to direct and control food preparation and service who is a [Certified Food Protection Manager \(CFPM\)](#). This requirement does not apply to food establishments that serve only non-TCS food or those where food handling does not exceed reheating, cold holding, and hot holding commercially processed and packaged ready-to-eat foods.

“Food safety certification of kitchen managers appears to be an important outbreak prevention measure.” [J Food Prot. 2006;69\(11\):2697-702..](#)

VDH recognizes the following courses accredited through the Conference for Food Protection:

[The National Registry of Food Safety Professionals](#)
[Prometric](#)
[ServSafe](#)
[360 Training](#)



HACCP Plan?

A [HACCP Plan](#) must be submitted to the Health Department before you implement any of these processes: [Special process](#) requiring a variance, [ROP](#) without a variance, [noncontinuous cooking](#), any request for a [variance](#) from the Regulations.

Allergen Awareness

Employees must be [properly trained](#) in food safety, including food allergy awareness, as it relates to their assigned duties. Food establishments can develop duty specific training for employees so that their employees can safely serve customers with food allergies.



Figure 1: The “Big Eight” Allergens: Tree Nuts, Peanuts, Soy, Egg, Milk, Fish, Wheat and Shellfish.

PHF ➔ TCS

The term "Potentially hazardous food (PHF)" has been replaced with the term "[Time/temperature for safety \(TCS\) food](#)" to better reflect the nature of the food. TCS foods require time and/or temperature control to limit pathogen (bacteria that can cause illness) growth. Any food can be contaminated with microorganisms that can make you sick but microor-



ganisms need certain conditions in order to grow in the food. These conditions: Nutrient availability (Protein), pH, a_w , Oxygen, Time, and Temperature can be controlled. Food that provides the other conditions needed for growth must be held under time/temperature control to slow down pathogen growth.



[Cut leafy greens](#) have been added to the list of TCS foods and include: lettuce, escarole, endive, spring mix, spinach, cabbage, kale, arugula, and chard whose leaves have been cut, shredded, sliced, chopped, or torn. Herbs are not considered "leafy greens".

[Noncontinuous Cooking](#)

A food establishment may cook a raw animal food using a non-continuous process when they follow the prescribed steps. When raw animal foods are cooked using a noncontinuous process the food establishment must ensure that the food does not dwell for extended periods within temperature ranges that allow pathogens to grow .

- The initial heating period must be 60 minutes or less.
- Immediately after the initial heating, the food must be cooled as specified in the Regulations and held at 41°F or less.
- The food must be fully cooked before service or sale. (Cannot be served undercooked)
- If not served, held hot, or under time control after fully cooking, the food must be cooled properly.
- Written procedures must be approved by the Health Department before the process is used and maintained within the food establishment.

Thawing Frozen Fish

Food establishments that receive vacuum packaged frozen fish from the supplier need to [remove the fish](#) from the reduced oxygen environment either:

1. When the fish is removed from the freezer, or
2. Immediately after thawing the fish under running water that is 70°F or less.



Three New Duties of the PIC

There are now 16 duties; the new ones:

- >Ensure employees are verifying that foods delivered during non-operating hours are approved and stored properly.
- >Ensure that hot and cold TCS foods are held at required temperatures
- >Ensure that written records that are required are maintained and implemented as required.

Water Sampling

An operator of a food establishment that uses water from a private well must have the [water tested](#) every 12 months for presence of total coliform bacteria and nitrate. These [test results](#) must be kept on file at the establishment for 5 years . Lab results indicating nitrate above 10 mg/l or presence of coliform bacteria must be reported to the Health Department.

All [16 Duties of the PIC](#) can be found here:
<http://law.lis.virginia.gov/admincode/title12/agency5/chapter421/section70/>



[Food Regulations Link](http://law.lis.virginia.gov/admincode/title12/agency5/chapter421/)

<http://law.lis.virginia.gov/admincode/title12/agency5/chapter421/>



Allowing Dogs on the Premises

The Food Regulations have not allowed animals on the premises, with a few specific exceptions. Animals carry pathogens that can be transmitted to humans through direct and/or indirect contamination of food and food-contact surfaces. This change to the Regulations allows [dogs in outdoor dining areas](#) when public exposure to unnecessary health risks is prevented by meeting the following conditions:

1. The outdoor dining area is not fully enclosed.
2. There is an entrance to the outdoor dining area that is separate from the main entrance and is the sole means of entry for patrons with dogs.
3. A sign is posted at each entrance to the outdoor dining area stating that dogs are allowed in that area and, a sign stating 4-6 below.
4. Dogs are not served food or water in wares used for people.
5. Dogs are not allowed on chairs, seats, or tables.
6. Dogs are kept on a leash and under the control of an adult.
7. There is an effective means for cleaning up dog vomit and feces.

Responding to Vomiting or Diarrheal Accidents

When an employee, customer, or other person becomes ill in a food establishment, there is a real potential for the spread of harmful pathogens, such as Norovirus. Having a [plan to respond](#) to such an event is crucial in minimizing the risk to your employees and customers. Things to consider:

Who is responsible for clean-up?

Have a "kit" that includes personal protective equipment (PPE) and supplies to clean and disinfect the area.

Train employees on the procedure.

High Temperature Dishwashing Machine

If you have a [mechanical dishwasher](#) that utilizes hot water for sanitizing, an irreversible registering temperature indicator must be provided and readily accessible for measuring the utensil or equipment surface temperature.



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