

# FDA Updates to the 2009 Food Code with Kevin Smith, FDA, CFSAN

Webinar December 13, 2011

**NSF International**  
Public Health and Safety



# Your Presenters Today

## Kevin Smith

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Programs Coordination Staff  
FDA – CFSAN

## Ron Grimes

Manager Environmental Health  
Programs

# Agenda

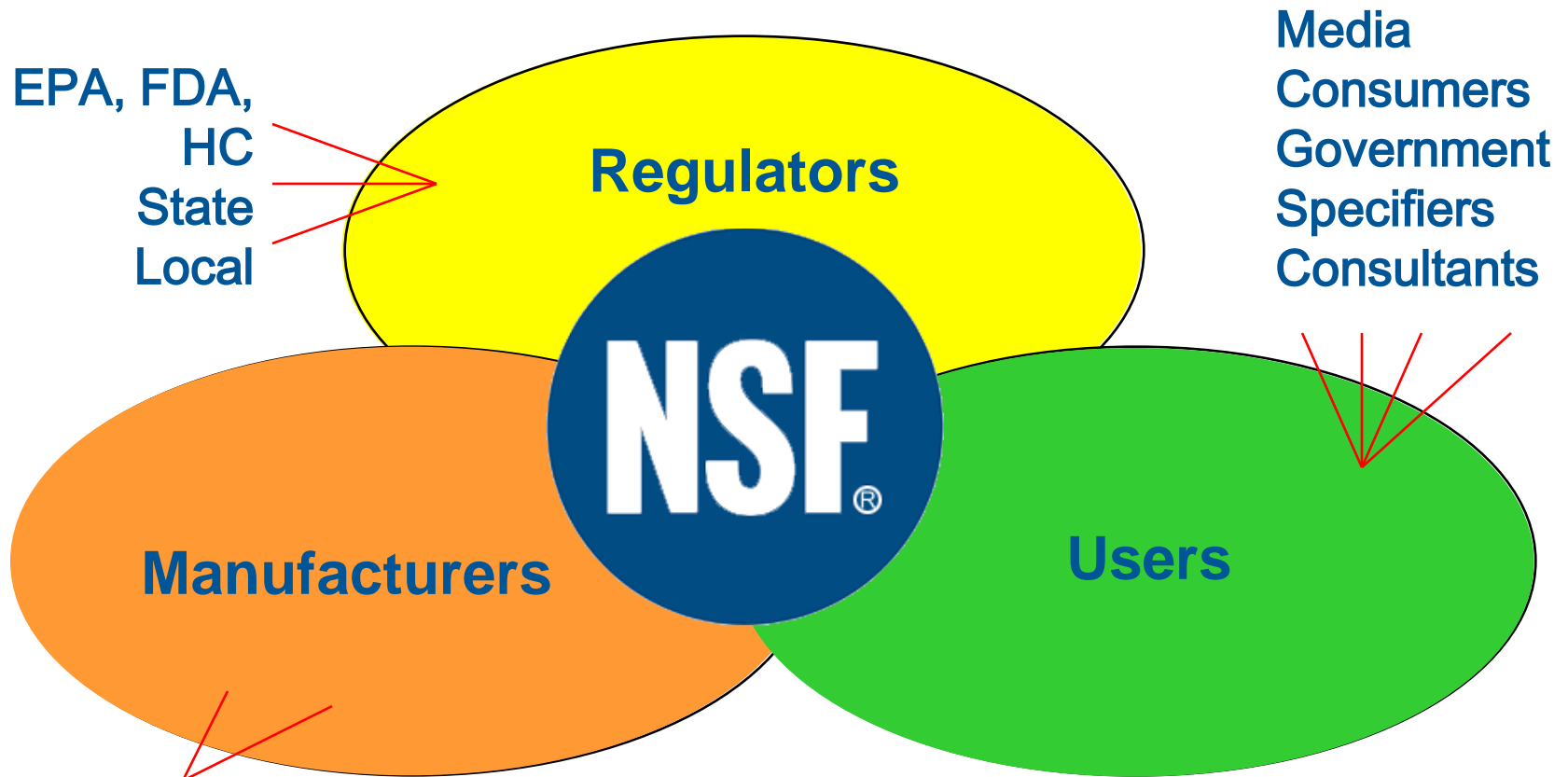
- Introduction
- About NSF
- About the FDA Food Code
- Major Additions to the 2009 FDA Food Code

## About NSF

- **Founded as National Sanitation Foundation at the University of Michigan, School of Public Health in 1944**
- **Develop Standards, Certify Equipment for consistent application of regulations**
- **Today, we are NSF International, with headquarters in Ann Arbor, MI and operations in more than 28 countries.**



# About NSF – Standards Development Process



**Balance in  
Representation**

# American National Standards

- Water, food equipment, dietary supplements, plumbing, and more
- ANSI accredited developer
- Consensus process
- NSF CPHC oversight ensures public health ratification



# Inspection, Testing And Certification

- Seven step process with contract and annual recertification
- Specially trained auditors, toxicologists, chemists, engineers, microbiologists, regulatory specialists, and information systems experts.
- Online listing updated daily
- Product marking



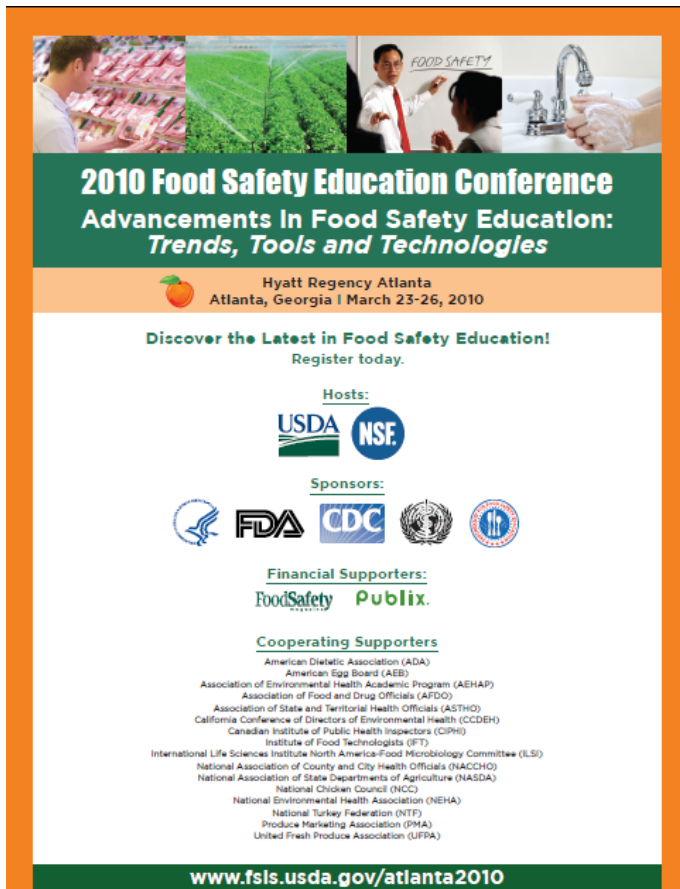
# Management Systems Registration Services

- ISO 27000 (Information Security)
- ISO 13485 (Medical Devices)
- ISO 22000 (Food Safety)
- ISO 9000 / QS-9000
- TE SUPPLEMENT
- ISO 14001
- ISO/TS 16949
- AS 9100
- And more.....



# Training And Education


- Classroom, Onsite, Webinars
- Conferences





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 American Egg Board (AEB)  
 Association of Environmental Health Academic Program (AEHAP)  
 Association of Food and Drug Officials (AFDO)  
 Association of State and Territorial Health Officials (ASTHO)  
 California Conference of Directors of Environmental Health (CCDEH)  
 Canadian Institute of Public Health Inspectors (CIPHI)  
 Institute of Food Technologists (IFT)  
 International Life Sciences Institute North America-Food Microbiology Committee (LSI)  
 National Association of County and City Health Officials (NACCHO)  
 National Association of State Departments of Agriculture (NASDA)  
 National Chicken Council (NCC)  
 National Environmental Health Association (NEHA)  
 National Turkey Federation (NTF)  
 Produce Marketing Association (PMA)  
 United Fresh Produce Association (UFPAA)

[www.fsis.usda.gov/atlanta2010](http://www.fsis.usda.gov/atlanta2010)



# NSF Collaborations

- NSF is a World Health Organization Collaborating Centre for:
  - Food Safety
  - Water Safety
    - Drinking Water Quality Guidelines
    - Recreational Water Safety Guidelines
  - Indoor Environment
- Work closely with International, Federal State and Local Regulators and Associations:
  - NEHA, AFDO, CFP





# The Supplement to the 2009 FDA Food Code

Kevin Smith, MPH  
US FDA / CFSAN – Office of Food Safety

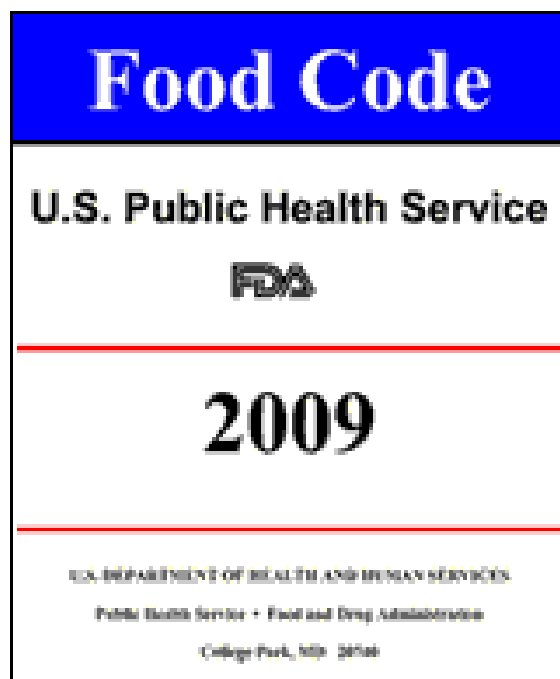
December 13, 2011

# Scope of Retail Food Protection in US

- Growing Retail & Foodservice Industry:
  - ~1M restaurants serving 70 billion meals/year
  - ~250,000 supermarkets, grocery stores, c-stores
  - ~100,000 schools
  - ~24,000 nursing homes and hospitals
  - Mobile Units
  - Temporary events
  - Farmers markets
  - Vending operations

# 2009 Food Code

- Published – November 5, 2009



To order the 2009 FDA Food Code please go to:

<http://www.ntis.gov/products/food-code.aspx>

7<sup>th</sup> Edition - First Edition in 1993

# Food Code - Overview

- Comprehensive Prevention-Based Requirements for Retail Operations
- Designed to cover entire range of retail, foodservice and vending
- A model for regulations – a basis for inspection, compliance and enforcement
- Informational Annexes
- Used by both Industry and Regulator
- Developed and maintained with input from industry, states, local agencies, academia and the public
  - Conference for Food Protection (CFP) primary vetting mechanism (next biennial meeting April 2012 –Indianapolis)

# FDA Food Code

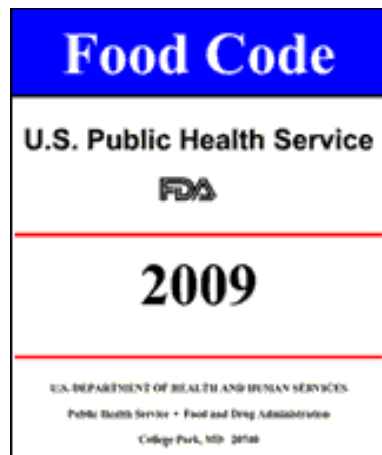
- Chapter 1 – Purpose and Definitions
- Chapter 2 – Management & Personnel
- Chapter 3 – Food
- Chapter 4 – Equipment, Utensils & Linens
- Chapter 5 – Water, Plumbing & Waste
- Chapter 6 – Physical Facilities
- Chapter 7 – Poisonous or Toxic Materials
- Chapter 8 – Compliance & Enforcement

# FDA Food Code

- Annex 1 – Compliance & Enforcement
- Annex 2 – References
- Annex 3 – Public Health Reasons & Administrative Guidelines
- Annex 4 – Management of Food Practices, Achieving Active Managerial Control of Foodborne Illness Risk Factors
- Annex 5 – Conducting Risk Based Inspections
- Annex 6 – Food Processing Criteria
- Annex 7 – Model Forms, Guides & Other Aids

# Supplement to 2009 Food Code

- Modifies the 2009 Food Code
- Posted in September 2011
- Addresses 13 of 16 Food Code recommendations made at 2010 Meeting of the Conference for Food Protection





# Supplement to the 2009 FDA Food Code

Available on-line direct link at:

<http://www.fda.gov/FoodCode>

# Contents of the Supplement

- Introduction
- Part 1 – Summary of Changes
- Part 2 – Amendments, Additions, Deletions to Chapters 1-8 and the Annexes.
- Part 3 – New Terms added to the Index to the Food Code (none in this edition)

# Chapter 2 – Management & Personnel

- Mandatory Certified Food Protection Manager (New section)
- Enhanced duties of the Person In Charge
- Requires procedures for responding to contamination events (New section)



## 2-102.12 Certified Food Protection Manager

(A) At least one EMPLOYEE that has supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified FOOD protection manager.

CFP Issue 2010-II-021



## 2-102.12 Certified Food Protection Manager

(B) This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the REGULATORY AUTHORITY to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation.

CFP Issue 2010-II-021

**NEW!**

## 2-102.20 Food Protection Manager Certification

(B) A FOOD ESTABLISHMENT that has an EMPLOYEE that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with 2-102.12.

# Food Protection Manager Certification Recap

At least one employee be a Certified Food Protection Manager (new 2-102.12)

- Management & supervisory role
- Exceptions may appropriate for types of establishment, but Food Code does not specify which ones; Annex 3 elaborates
- Existing requirements PIC Demonstration of Knowledge were retained
- Recognizes Accredited Certification Programs



## 2-103.11 Person in Charge

The PERSON IN CHARGE shall ensure that:

(F) EMPLOYEES are verifying that FOODS delivered to the FOOD ESTABLISHMENT during non-operating hours are from APPROVED sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unADULTERATED, and accurately presented;<sup>Pf</sup>

**NEW!**

## 2-103.11 Person in Charge

The PERSON IN CHARGE shall ensure that:

(N) FOOD EMPLOYEES and CONDITIONAL EMPLOYEES are informed **in a verifiable manner** 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 ¶2-201.11(A);<sup>Pf</sup> and



## 2-103.11 Person in Charge

The PERSON IN CHARGE shall ensure that:

- (O) Written procedures and plans, where specified by this Code and as developed by the FOOD ESTABLISHMENT, are maintained and implemented as required. <sup>Pf</sup>

**NEW!**

2-501.11

## Clean-up of Vomiting and Diarrheal

### Events.

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. <sup>Pf</sup>

# Clean-up Procedures

## Annex 3- ***Public Health Reasons***

- Describes importance of having a plan for the containment and clean-up of vomiting and diarrheal events.
- Controlling spread of viruses can limit the number of cases
- Identifies what should be considered in developing a plan

## Chapter 3 - Food

- Clarification on application of no bare hand contact with RTE foods
- Storage of meats to prevent cross contamination
- Use of devices for on-site for generation of chemicals for washing fruits and vegetables
- Wiping clothes (Annex 3 changes only)



## 3-301.11 Preventing Contamination from Hands

*(D) Paragraph (B) of this section does not apply to a FOOD EMPLOYEE that contacts exposed, READY-TO-EAT FOOD with bare hands at the time the READY-TO-EAT FOOD is being added as an ingredient to a FOOD that:*

*(1) contains a raw animal FOOD and is to be cooked in the FOOD ESTABLISHMENT to heat all parts of the FOOD to the minimum temperatures specified in §§3-401.11(A)-(B) or 3-401.12; or*

*(2) does not contain a raw animal FOOD but is to be cooked in the FOOD ESTABLISHMENT to heat all parts of the FOOD to a temperature of at least 74 C (165 ).*



**NEW!**

## 3-302.11 Packaged and Unpackaged Food – Separation, Packaging, and Segregation

(A) FOOD shall be protected from cross contamination by:

(1) No change (separating raw from ready to eat)

(2) No change (separating different species/types)

**(3) Not storing and displaying COMMINUTED or otherwise non-intact MEATS above whole-muscle intact cuts of MEAT unless they are PACKAGED in a manner that precludes the potential for cross-contamination;**



## 3-302.15 Washing Fruits and Vegetables

- (A) No change
- (B) No change
- (C) Devices used for on-site generation of chemicals for washing raw, whole fruits and vegetables shall be used in accordance with the manufacturer's instructions and shall meet the requirements specified in 21 CFR 173.315 - Chemicals used in the washing or to assist in the peeling of fruits and vegetables.**

# Annex 3

## Public Health Reasons / Administrative Guidelines

- Amended Public Health Reason for 3-304.14 Wiping Cloths, Use Limitations to provide clarification about appropriate use of dry towels and spray cleaners/sanitizers



# Chapter 4 – Equipment, Utensils, and Linens

**NEW!**

# 4-501.114 ...Chemical Sanitization...

A chemical SANITIZER... shall be used as follows...

(F) If a chemical SANITIZER is generated by a device located on-site at the FOOD ESTABLISHMENT it shall be used as specified in ¶¶(A)-(D) of this section and shall be produced by a device that:

(1) Complies with regulation as specified in 2(q)(1) and 12 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),<sup>P</sup>

(2) Complies with 40 CFR 152.500 Requirement for Devices and 40 CFR 156.10 Labeling Requirements,<sup>P</sup>

(3) Displays the EPA device manufacturing facility registration number on the device,<sup>Pf</sup> and

(4) Is operated and maintained in accordance with manufacturer's instructions<sup>Pf</sup>.



# Chapter 7 – Poisonous or Toxic Materials



## 7-204.11 Sanitizers, Criteria

Chemical sanitizers, including chemical sanitizing solutions generated on-site, and other chemical antimicrobials applied to food-contact surfaces shall:

- (A) Meet the requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions) <sup>P</sup>, or
- (B) Meet the requirements as specified in 40 CFR 180.2020 Pesticide Chemicals Not Requiring a Tolerance or Exemption from Tolerance-Non-food determinations. <sup>P</sup>

**NEW!**

## 7-204.12 Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria

- (A) Chemicals, **including those generated on-site**, used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315 Chemicals used in washing or to assist in the peeling of fruits and vegetables. <sup>P</sup>



# Chapter 8 – Compliance and Enforcement

## 8-405.11 Timely Correction

- (A) No Change (Immediate correction of violations expected)
- (B) *Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, **not to exceed: 72 hours after the inspection, for the permit holder to correct violations of a priority item; or 10 calendar days after the inspection, for the permit holder to correct violations of a priority foundation item or HACCP plan deviations.***

## Annex 2 - References

- Added several references to the Bibliography for the following sections:

Preface

2-102.12 Certified Food Protection Mgr

2-201.12 Exclusions & Restrictions

2-501.11 Clean-Up of Vomit & Diarrheal Events

3-301.11 Preventing Contamination from Hands

3-401.14 Non-Continuous Cooking

4-501.114 Manual & Mechanical Warewashing

7-204.11 Sanitizers, Criteria

7-204.14 Drying Agents, Criteria

# 2010 CFP Recommendations not in Supplement

- III-006 - Wash solution temperature (manual warewashing)
- III-007 – Reduced Minimum Temperatures for Mechanical Warewashing Equipment
- III-015 – Temperature of Water for Handwashing Sinks



# Supplement to the 2009 FDA Food Code

**Available on-line direct link at:**

**<http://www.fda.gov/FoodCode>**



# Any Questions?

Please visit the Retail Food Protection Team website at:

<http://www.fda.gov/RetailFoodProtection> or email the Team at:

[retailfoodprotectionteam@fda.hhs.gov](mailto:retailfoodprotectionteam@fda.hhs.gov)

# Your Presenters Today

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