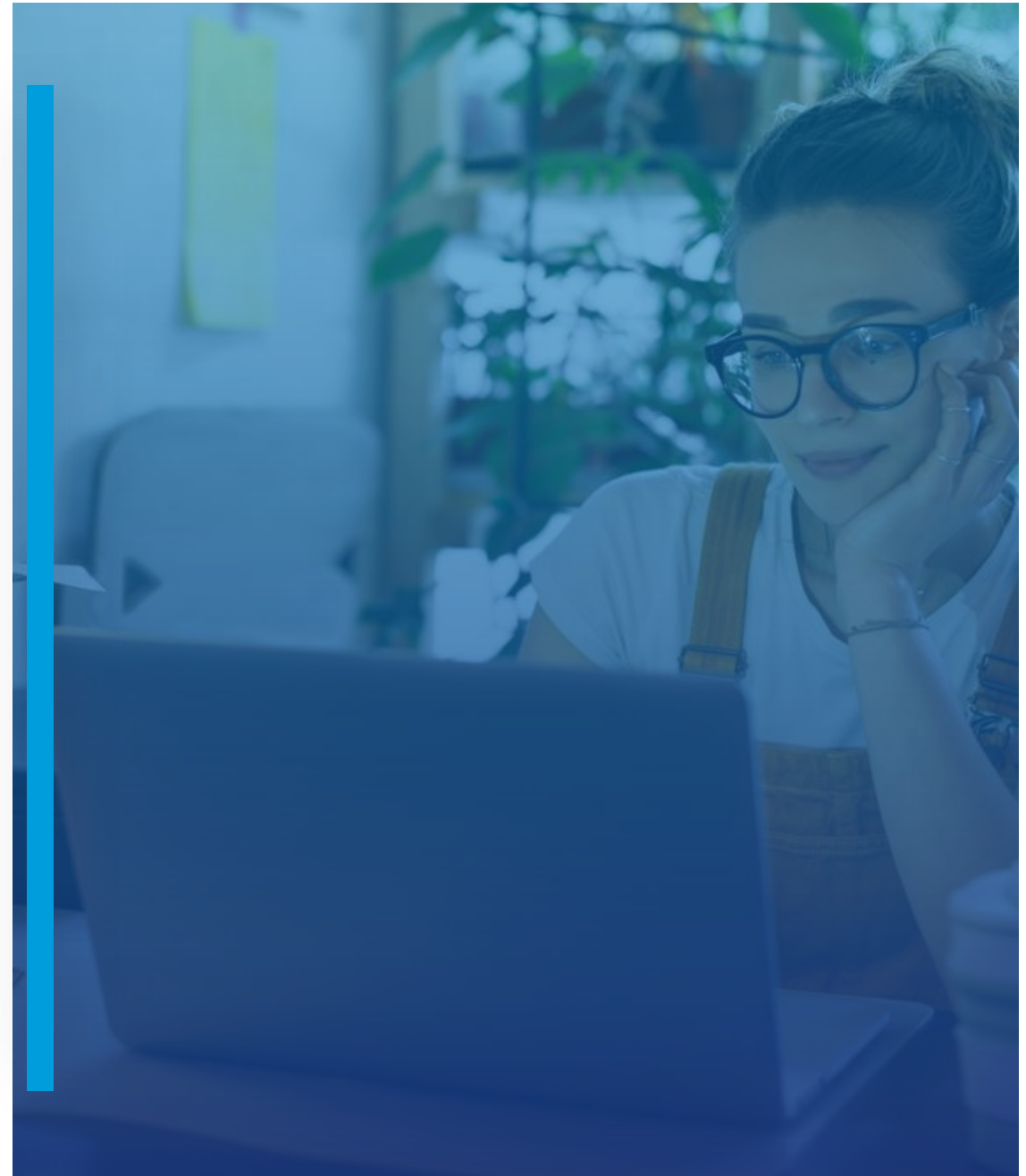


# Food Code and You: How Both Work Together to Ensure Guest Safety

**RestaurantOwner.com**



**SPEAKER**



**Patrick Guzzle**

Vice President, Food Science and Safety  
National Restaurant Association

## CONFERENCE FOR FOOD PROTECTION

2023 Biennial Meeting Houston, Texas | April 24 - 28

2023 BIENNIAL MEETING

PREVIOUS MEETINGS



## 2023 BIENNIAL MEETING

APRIL 24-28, 2023 -- HOUSTON, TEXAS

LEARN MORE

## + CONFERENCE FOR FOOD PROTECTION

We welcome you to the Conference for Food Protection (CFP) website. We are honored to serve as the Chair and Vice Chair of the CFP, and we encourage you to become a member of this outstanding organization.

The Conference for Food Protection is a non-profit organization which originated in 1971. It was created to provide a formal process

## + RECENT NEWS

May 24, 2023

### Deadline to submit a Committee Volunteer Application has been extended!

The deadline to submit an Committee Volunteer Application has been extended to June 2, 2023 at 11:59 PM Eastern Daylight Time.

May 17, 2023

### Final Issue Recommendations from the 2023 Biennial Meeting

FDA FOOD CODE

BECOME A MEMBER

UPDATE CONTACT INFORMATION

SUPPORT CFP AS A SPONSOR OR DONOR

SUSTAINING SUPPORTER APPLICATION

# Conference for Food Protection

## MISSION

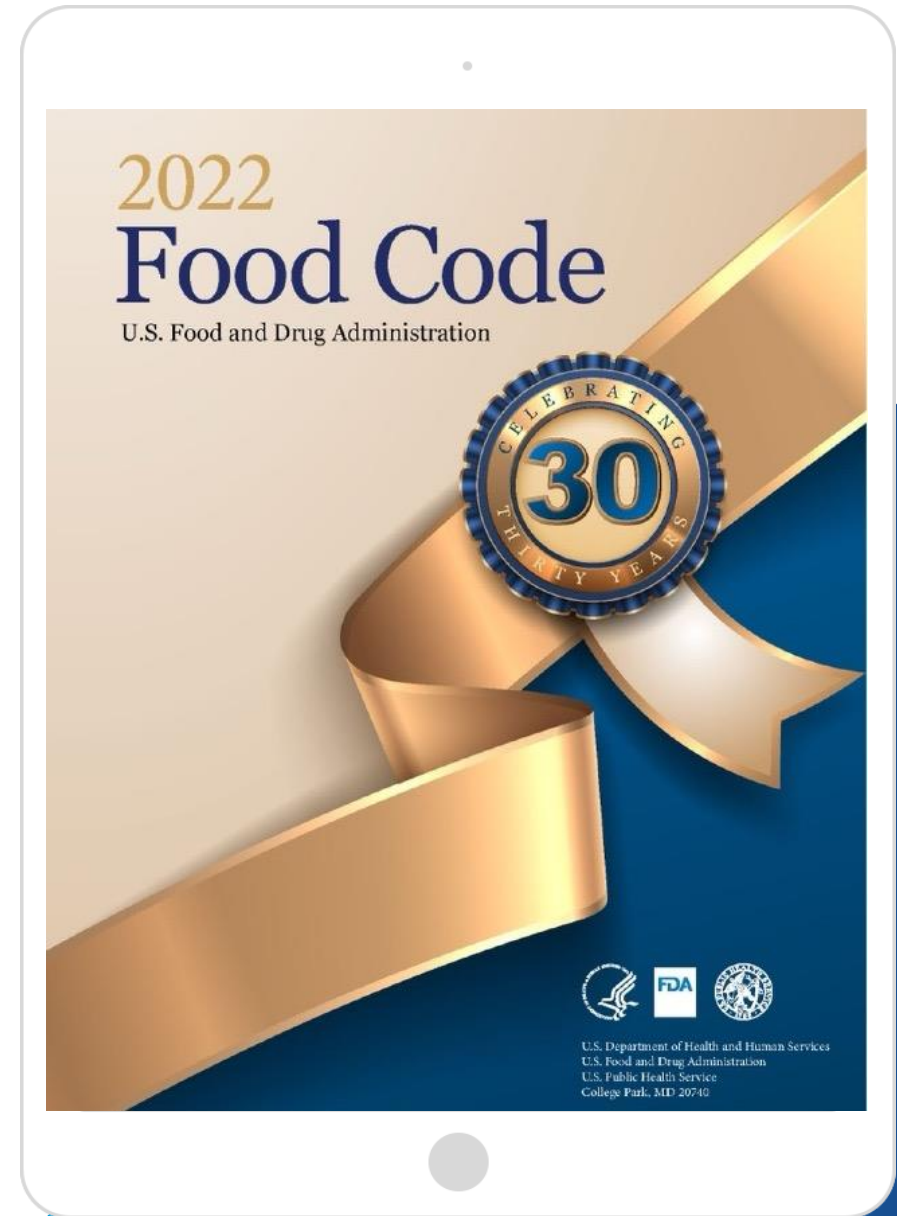
Though federal, state, and local governments are primarily responsible for setting food safety standards, many other organizations share a stake in carrying out enforcement of the standards. The Conference for Food Protection brings together representatives from the food industry, government, academia, and consumer organizations to identify and address emerging problems of food safety and to formulate recommendations. The Conference seeks to balance the interests of regulatory and industry while providing an open forum for the consideration of ideas from any source. The Conference meets biennially to provide this forum. Though the Conference has no formal regulatory authority, it is a powerful organization that profoundly influences model laws and regulations among all government agencies and minimizes disparate interpretations and implementation.

The Conference for Food Protection is honored to have established Memoranda of Understanding with foremost food safety organizations.

- [US Food and Drug Administration MOU](#)
- [USDA Food Safety and Inspection Service MOU](#)
- [US Centers for Disease Control MOU](#)
- [Association of Food and Drug Officials MOU](#)
- [National Association of County and City Health Officials MOU](#)

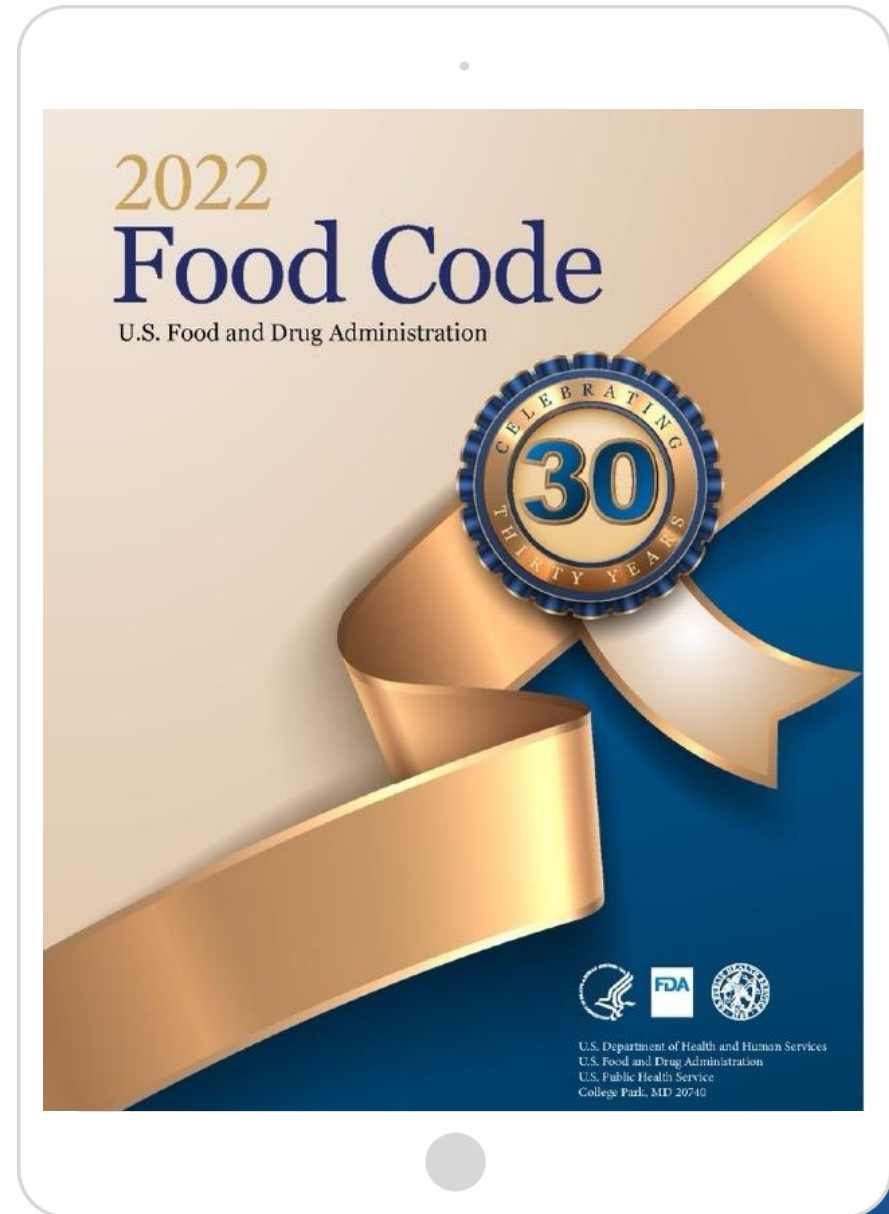
# STATE ADOPTION OF FDA FOOD CODE

- States can adopt at any point, but they must go through their own processes to adopt.
- For example, MI and WA will adopt, by reference, the most recently published version. ID and OH will undergo a legislative process and specify which version of the code they are adopting



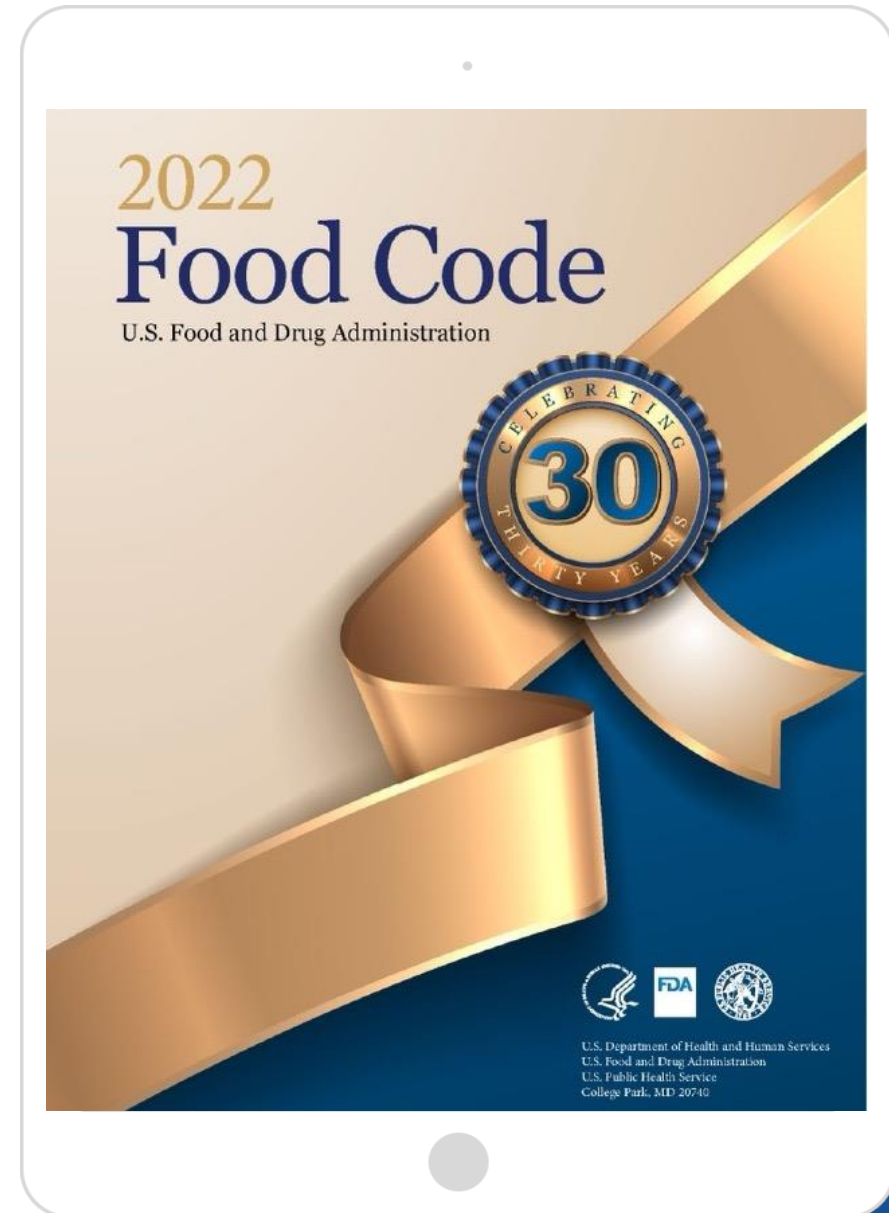
# How it can all come together

- We monitor State specific information and keep it updated
- Work with your State Restaurant Association and get in touch with us and we can help you know which version of the food code your State uses



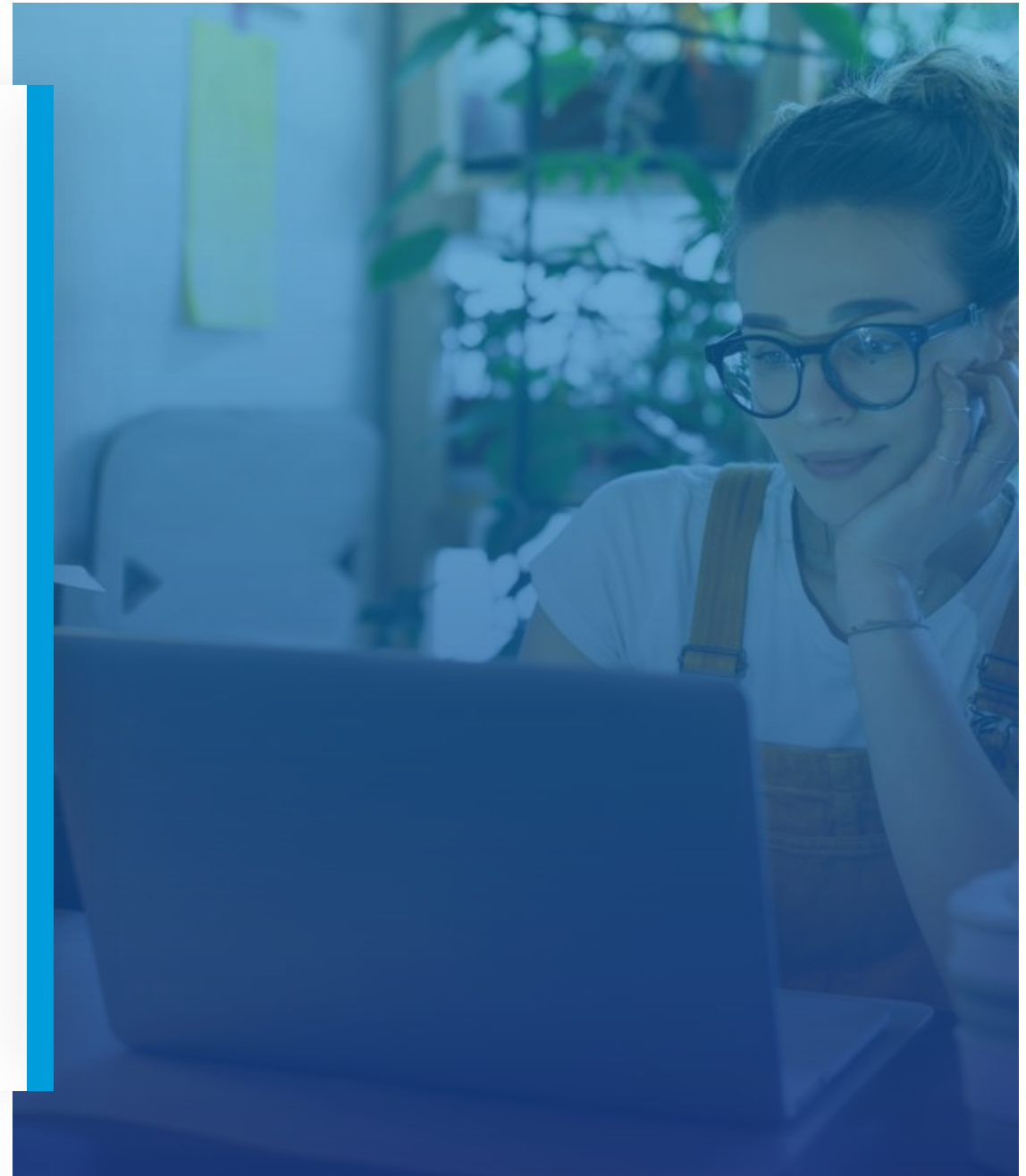
# Your expectations

- Many within industry use the Food Code to craft their own internal policies
- It is YOUR responsibility to ensure safe food – the Health Department visit isn't daily so don't rely on that alone
- The most recent versions of the Food Code put a lot of responsibility on you and your staff – let's look at some





# The 2022 FDA Food Code



# SESAME

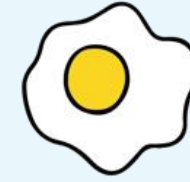


## § 1-201.10 (B)

1. "Major food allergen" means:
  - a. Milk, egg, fish (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, soybeans **and sesame**



Wheat



Eggs



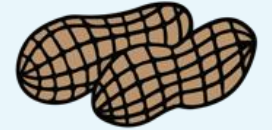
Fish



Shellfish



Soy



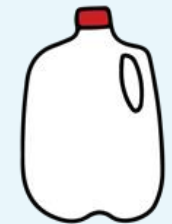
Peanuts



Sesame



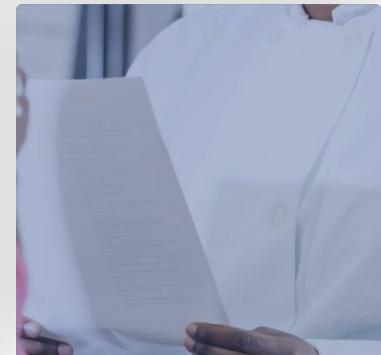
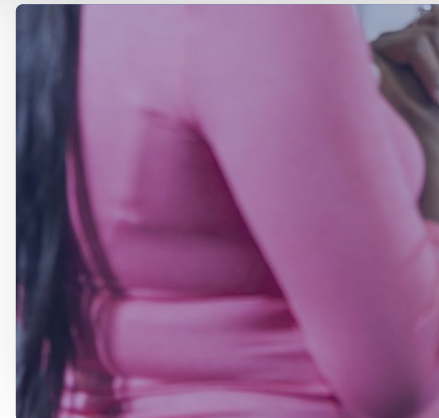
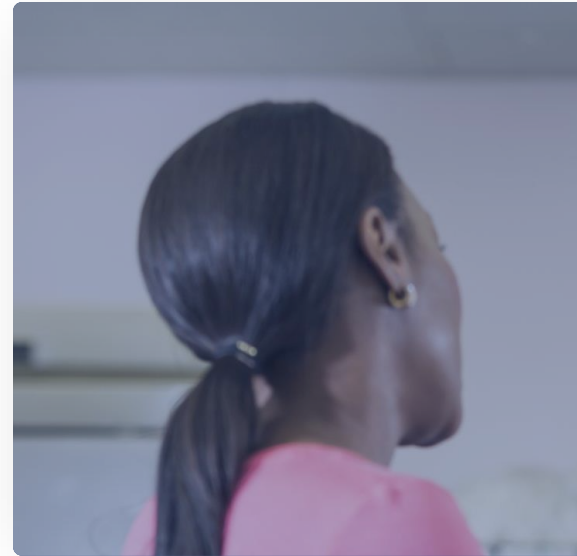
Tree Nuts



Dairy

## SECTION 2-103.11 (O)

- ▶ EMPLOYEES are properly trained in FOOD safety, including FOOD allergy awareness, as it relates to their assigned duties.
- ▶ FOOD allergy awareness includes describing 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





## LABELING

- ▶ Section 3-602.11 requires any bulk foods for consumer purchase be labeled
- ▶ Any items in salad bars that contain sesame or sesame seeds could need to be labeled

# CONCERNS WITH COMPLIANCE

01

Reports of intentional addition of sesame

02

Hidden allergens as sub-ingredients

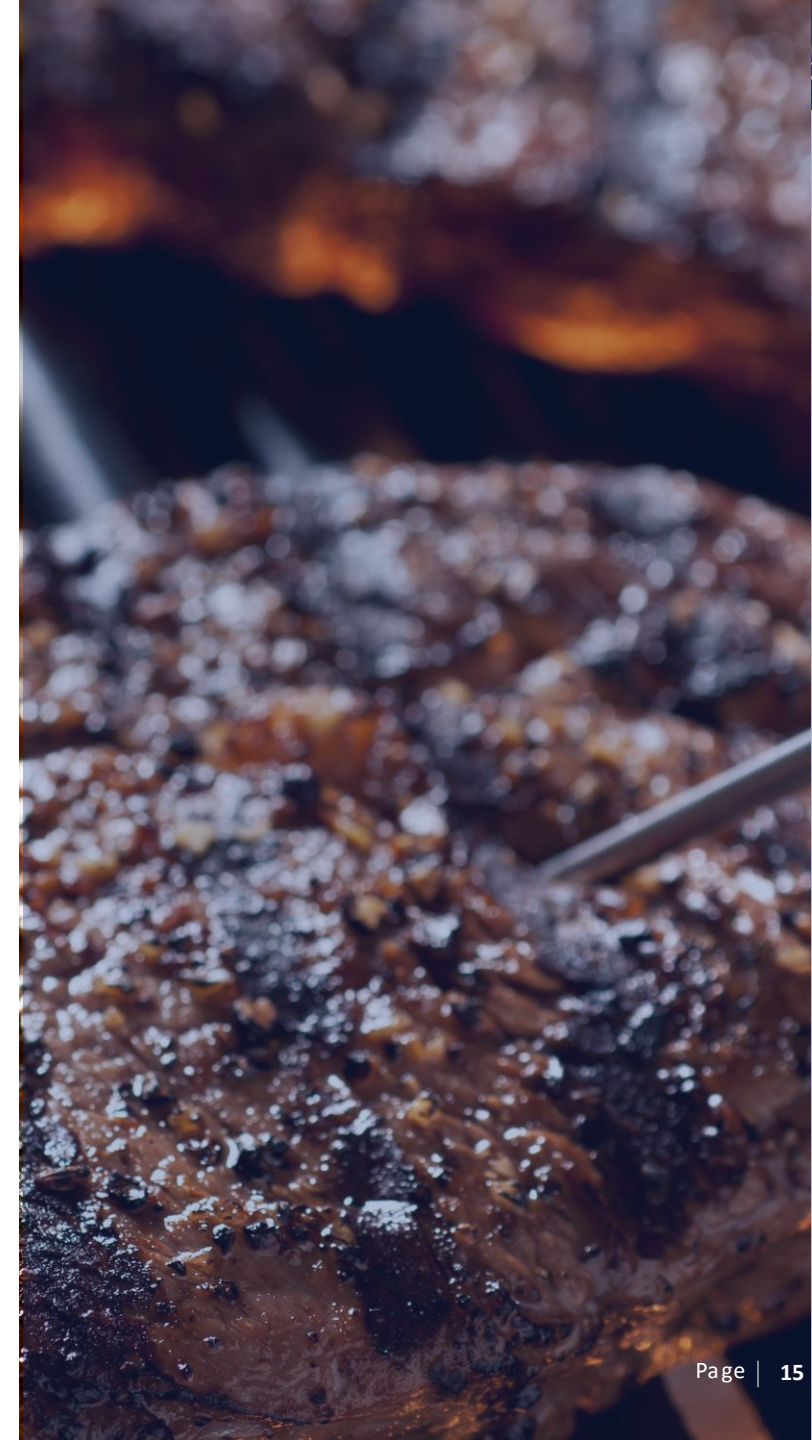


# TIME AS A PUBLIC HEALTH CONTROL

# § 3-501.19 TIME AS A PUBLIC HEALTH CONTROL

**(B)** If time without temperature control is used as the public health control up to a maximum of 4 hours:

- 2)** The FOOD may have an initial temperature of 21°C (70°F) or less if;
  - c)** It is a ready-to-eat fruit or vegetable that upon cutting is rendered a time/temperature control for safety food as defined in ¶1-201.10(B), or
  - d)** It is a ready-to-eat hermetically sealed food that upon opening is rendered a time/temperature control for safety food as defined in ¶1-201.10(B),
  - e)** The food temperature does not exceed 21°C (70°F) within a maximum time period of 4 hours from the time it was rendered a time/temperature control for safety food; and
  - f)** The food is marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is rendered a time/temperature control for safety food



## IS ONUS NOW ON EMPLOYEES?



- ▶ EMPLOYEES are using proper methods to rapidly cool TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are not held hot or are not for consumption within 4 hours, through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures during cooling;
- (I) EMPLOYEES are properly maintaining the
- ▶ temperatures of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS during hot and cold holding through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures

A close-up, microscopic view of human skin, showing the intricate texture of the epidermis and dermis. The image is overlaid with a semi-transparent blue circular graphic. The word "HANDWASHING" is written in large, white, bold, sans-serif capital letters across the center of the image.

# HANDWASHING

## § 5-202 DESIGN, CONSTRUCTION, AND INSTALLATION

### 5-202.12 Handwashing Sink, Installation

(A) A HANDWASHING SINK shall be equipped to provide water at a temperature of at least **29.4°C (85°F)** through a mixing valve or combination faucet.



## HANDWASHING SINK WATER TEMPERATURE

- ▶ The requirement for water to be at least 85°F corresponds with Uniform Plumbing Code range
- ▶ Science is clear – temperature of water DOES NOT MATTER



# ANIMALS IN OUTDOOR DINING AREAS



## § 6-501.115 PROHIBITING ANIMALS

- A. Except as specified in ¶¶ (B), (C) and (D) of this section, live animals may not be allowed on the PREMISES of a FOOD ESTABLISHMENT.
- D. If approved by the regulatory authority, food establishments may allow pet dogs in outdoor dining areas.

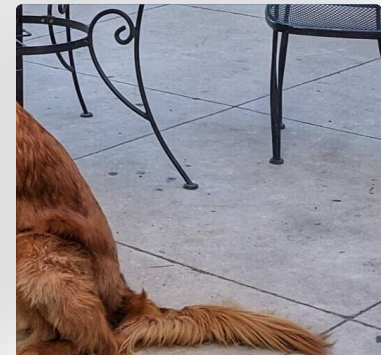
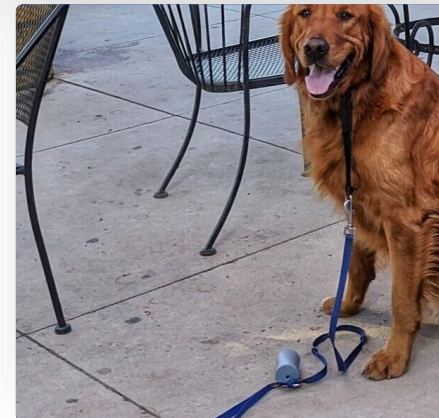
# DOGS ON PATIOS

## Section 6-501.115(D)

*If approved by the regulatory authority, food establishments may allow pet dogs in outdoor dining areas*

When wording is italicized, it means it

- ▶ isn't really a rule; it's an exception and depends on several factors





# FOOD DONATIONS

## § 3-204 - FOOD DONATION

### 3-204.10 Food Donation.

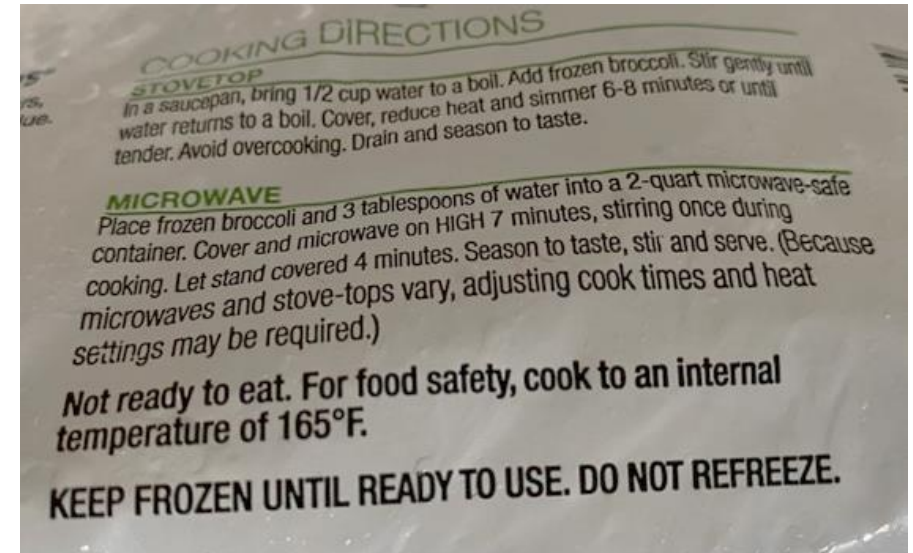
FOOD stored, prepared, PACKAGED, displayed, and labeled in accordance to LAW and this Code may be offered for donation.

# READY-TO-EAT FOODS



## § 3-401.15 MANUFACTURER COOKING INSTRUCTIONS

- A. Commercially PACKAGED FOOD that bears a manufacturer's cooking instructions shall be cooked according to those instructions before use in READY-TO-EAT FOODS or offered in unPACKAGED form for human consumption, 73 FDA Food Code 2022 Chapter 3. Food unless the manufacturer's instructions specify that the FOOD may be consumed without cooking.
- B. FOOD for which the manufacturer has provided information that it has not been processed to control pathogens, when used in READY-TO-EAT FOODS or offered for human consumption, shall be cooked according to a time and temperature appropriate for the FOOD.

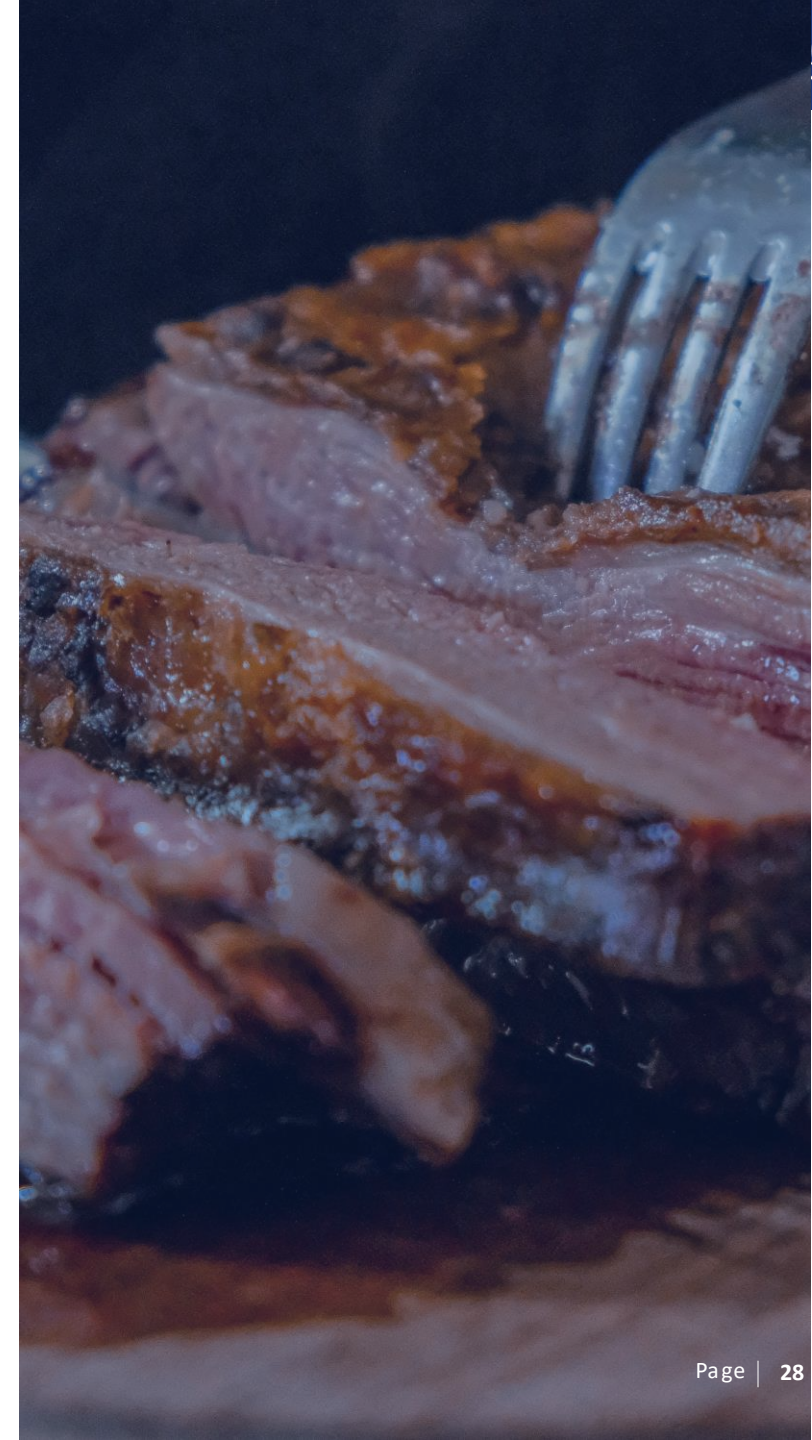




# INTACT & MECHANICALLY TENDERIZED MEAT

## § 1-201.10 (B) - Definitions

- “Intact Meat” means a cut of whole muscle(s) MEAT that has not undergone COMMINUTION, MECHANICAL TENDERIZATION, vacuum tumbling with solutions, reconstruction, cubing or pounding.
- "Mechanically Tenderized" means manipulating meat by piercing with a set of needles, pins, blades or any mechanical device, which breaks up muscle fiber and tough connective tissue, to increase tenderness. This includes INJECTION, scoring, and processes which may be referred to as “blade tenderizing,” “jaccarding,” “pinning,” or “needling”.





# COOK CHILL

## § 3-502.12 COOK CHILL

(D) a FOOD ESTABLISHMENT that PACKAGES TCS FOOD using a cook-chill or sous vide process shall:

(2) Ensure the FOOD is:

- e) Cooled to 5°C (41°F) in the sealed PACKAGE or bag and:
  - i. Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F) and held at that temperature until consumed or discarded within 30 days after the date of PACKAGING;
  - ii. Held at 5°C (41°F) or less for no more than 7 days, at which time the FOOD must be consumed or discarded; or
  - iii. Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F), removed from refrigeration equipment that maintains a 1°C (34°F) FOOD temperature and then held at 5°C (41°F) or less for no more than 7 days, not to exceed 30 days from its date of PACKAGING, at which time the FOOD must be consumed or discarded; or
  - iv. Held frozen with no shelf life restriction while frozen until consumed or used.



Q & A

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