

# 2019 Regional Meeting #2

Food Protection Team



North Carolina  
Public Health

<https://ehs.ncpublichealth.com>

# Cold Holding Overview

- Current Status
- Position Statement Recap
- Embargo Authority
- Gaining Long-Term Compliance
- Scenario and Discussion
- Questions/County Concerns

# Cold Holding – Current Status?

- The next several slides are gauging where we are as a state with addressing cold holding.
- Your answers are anonymous and are appreciated.

# Cold Holding – Current Status

**Have all of your type IV establishments been inspected at least once since the beginning of 2019?**

- A. Yes
- B. No

# Cold Holding – Current Status

**In your opinion, has there been an increase in cold holding violations in your county?**

- A. Yes
- B. No
- C. Not sure

# Cold Holding – Current Status

**Are you comfortable with gaining cold holding compliance during the inspection?**

- A. Yes; I feel I have the tools necessary to gain compliance
- B. No; I am consistently confused on how to correct a cold holding violation, especially when foods are 42°-45°F

# Cold Holding – Current Status

**In your opinion, how difficult has it been to gain compliance?**

- A. Difficult; establishments are hesitant to change
- B. Moderately difficult; some establishments have embraced the change and others have not
- C. Not difficult; generally establishments want to comply

# Implementation of 41°F Cold Holding PS

- Foods  $> 45^{\circ}\text{F}$  – treat same as before
- Foods  $42^{\circ}\text{F} - 45^{\circ}\text{F}$ ;
  - 1<sup>st</sup> inspection on or after January 1, 2019 – OUT and 0 points
  - Improper cold holding may affect cooling, date marking, TPHC, etc.
  - After 1<sup>st</sup> inspection, points will be assessed according to .2661(e)
- No permit action or embargo authority for cold holding violations with foods  $42^{\circ}\text{F}-45^{\circ}\text{F}$



# Embargo Authority

- Part of our tool belt when gaining compliance
- What is Embargo?
  - Authority of Health Director or Regional to detain food or drink that is adulterated or misbranded and that is not voluntarily discarded by the establishment
  - Adulteration (§[106-129](#)), Misbranded (§[106-130](#)), and Embargo (§[130A-21](#)) are all defined in NCDA law
- Can the REHS ask/require improperly cold held products to be discarded?
  - Above 45°F for significant time – **yes**
  - 42°F – 45°F: **yes/no**
    - Asking/recommending\* discarding can be effective for compliance and is warranted based on the FDA Food Code
    - *\*If the establishment refuses to discard food, embargo cannot be enacted unless it is shown to be adulterated in accordance with §106-129*

# How to gain long-term compliance?

- Effectively determine the cause of the problem
- Emphasize importance of refrigeration temperatures for compliance
  - Ask for a refrigeration technician to come out if necessary
- Educate operators about temperature requirements & safety concerns
  - Develop AMC by asking specific questions to the PIC
- Help develop monitoring (through SOPs, RCPs, etc.)
- Follow-up with the establishment
- Offer variance options if necessary (*no applications have been received by variance committee*)

# Cold Holding Scenario & Discussion

During an inspection, you find half of the product temperatures within a large sandwich preparation unit to be 42°F – 45°F. The rest are  $\leq$  41°F. How do you approach the situation?

- Check the ambient temperature of the refrigerator in different areas.
- Make observations of how food is stored (over-stacking?, double pans?, blocked air flow on one side of the unit?)
- Ask where the products came from (another refrigerator?)
- Look to see if there is a date on the food (made today, another day?)
- Ask if the products were just prepared (produce washed and cut?, deli meats recently sliced, deli salads recently prepared, proteins recently cooked & cooled)

# Cold Holding Scenario & Discussion

How do you approach correcting the following possibilities to the previous scenario?

- Ambient temperature of the refrigerator and other refrigerators were 38°F and had free air flow.
  1. Products were found over-stacked.
  2. No over-stacking; foods were prepared 2 hours ago
  3. No over-stacking; foods were prepared 6 hours ago
- Ambient temperature of the refrigerator was 38°F and had free air flow.
  4. Products were not prepared today but were stocked from WIC 6 hours ago.
    - WIC is found with an ambient air temperature of 42°F
- Ambient temperature of the refrigerator was 41°F and had free air flow.
  5. Products were not prepared today, but were stocked from WIC (operating at 38°F)

# Questions?