

Food Protection Regional Meeting #2

Various Locations

November 2018



Welcome/Introduction

- 2 Regional Meetings in 2018
- 1st meeting – June 2018 – RS Course #18719
 - Revised Presentation materials sent week of June 25th
- 2nd meeting – November 2018 – requested, awaiting approval

Walmart Update

- Walmart is no longer using TPHC (Time as a Public Health Control) for Deli food items



The logo for My Hot Lunchbox.com features the text "My Hot Lunchbox.com" in a bold, black, sans-serif font. The word "Lunchbox" is significantly larger than "My Hot" and ".com". Two red, flame-like shapes are positioned above the "b" and "o" in "Lunchbox". To the right of the text is a black outline of a lunchbox with a handle on top.

My Hot Lunchbox.com

- Web based service for lunch delivery to schools and businesses
- School must be enrolled
- Menu is posted one month in advance
- Parent signs up and orders meals for child from approved vendor
 - Pizza Hut, Golden Corral, Subway, etc.
- Meals are delivered by the approved vendor (not by My Hot Lunch Box)
- School does not pay MHLB, they are simply facilitating ordering and delivery between the FSE and the school or business

Star-San Sanitizer



Korean Kimchee

- Product was discovered in two stores Mecklenburg County
- Packaging was the reason for questioning the source
 - 5-gallon buckets with no lids
 - Tied in a food grade bag
 - Strike-through size, 5 gallon handwritten on label
- Georgia Department of Agriculture
 - Stated the above listed may be approved, if they are approved by the FDA
- FDA
 - Firm is not registered to sell interstate, which would deem this product an unapproved source



Off-site Retail Food Sales of NCD&CS Meat & Poultry Products

- “The Federal Meat Inspection Act does not prohibit a person, firm or corporation from preparing exempt meat food products at a central retail store location, for sale to consumers at that central location, and for unlimited distribution and subsequent sale to consumers at their satellite retail outlets, owned and operated by them, such as their additional retail stores, kiosks, farmers market booths, or mobile food pantries.”
- Allows retail food establishments to prepare and package food and sell it at a satellite *unpermitted* location ***UNDER THEIR CONTROL***.
- Satellite locations can be booths or kiosks at Farmer’s Markets, Flea Markets, Retail Stores, Malls, etc.
- *Details will be addressed when the Packaged Food position statement is revised*

Attorney General Issues

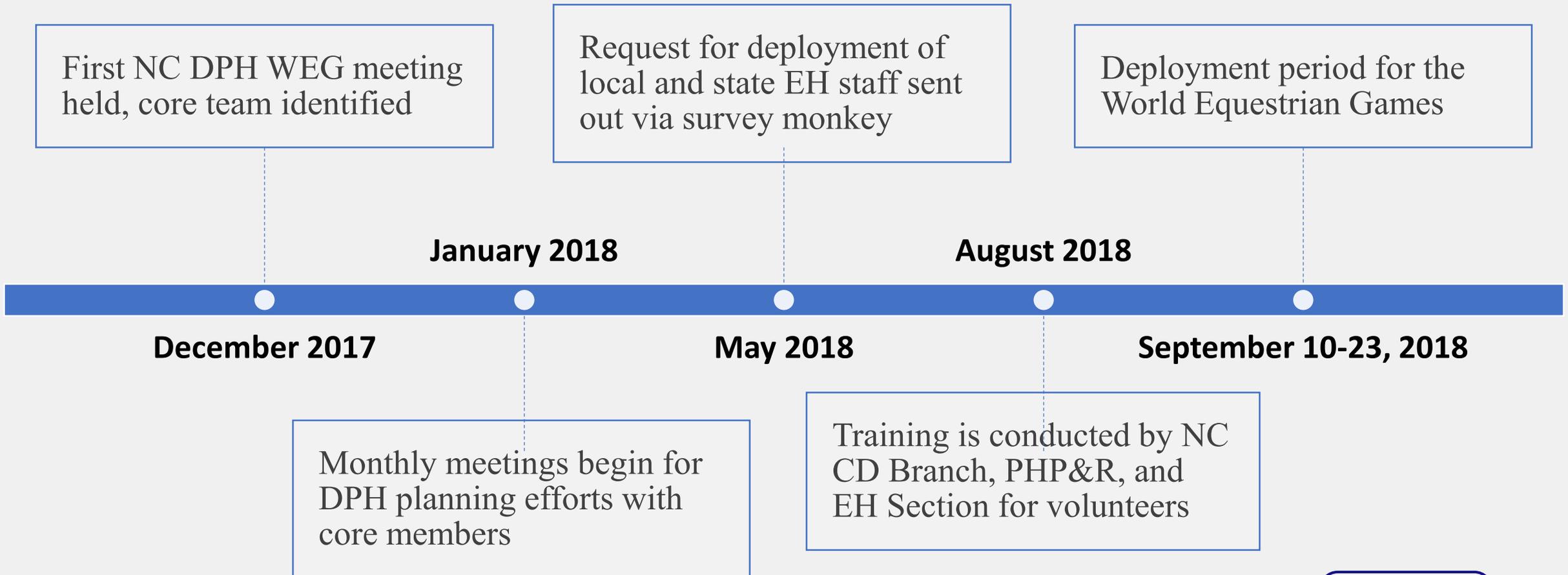
Q: Can a MFU use a private club as a commissary?

A: If they have approved water and wastewater and it is accessible, then they could use the facility as a servicing area to be their own commissary. Restrooms must be available during all hours of operation (not necessarily needed at the servicing site).

Q: What is the intent of “include a meal” in the Adult Day Service definition?

A: If all catered food is packaged or if bagged lunches are brought in by the participants, then no inspection is required.

World Equestrian Games: Timeline of Planning Events



WEG By the Numbers

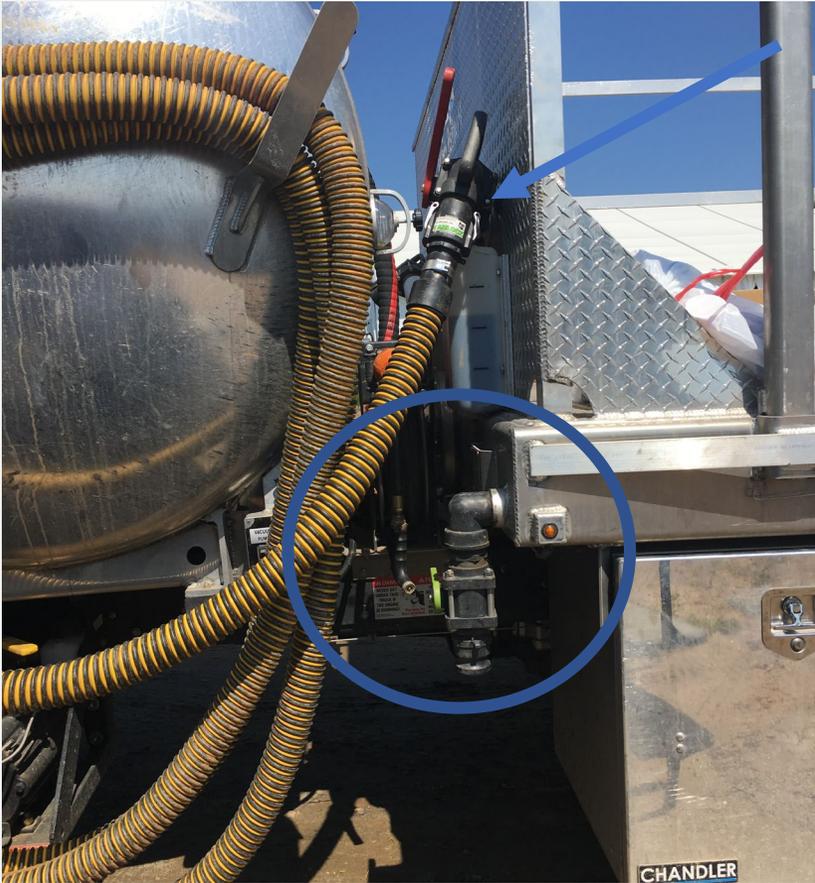
- 1188 field hours
- 57,000+ meals served
- >225 surveillance visits completed
- 37 REHS in the field
 - 14 State Employees
 - 17 County Employees
 - 6 RPM Employees
 - 8 Health Departments Volunteered



Lessons Learned

- Training and pre-planning can make or break an event
- Always be flexible with plans
- Personal safety must be #1
- Ask the employee health question...Every day, multiple times
- Don't assume sanitary water transport to handwashing and warewashing areas

Potable Water Truck?



Hurricane Florence Update

- 28 counties declared federal disaster areas
- 14 county volunteers
- 2 regional staff members deployed to Brunswick
- 3 regional staff members assisted in territory
- Over 300 establishments were assessed
- Publix, Sheetz, Harris Teeter, Waffle House and Food Lion sent NCDHHS daily updates before and after the storm
 - *These updates were funneled through the Branch Head to the counties via regional territory updates*

Position Statements

- Outdoor Cooking updated September 27, 2018
 - Removed – Paragraph 6-202.19 of the Code states, “Exterior walking and driving surfaces shall be graded to drain.”
 - Removed – The cleaning frequency of the outdoor grill and concrete or asphalt foundation shall be daily on any day the grill is in operation. Therefore, the outdoor grill does not have to be cleaned as specified in Paragraph 4-602.11 of the Code. The cleaning of the outdoor grill shall be done in accordance with Part 4-603 of the Code.
 - Replaced with - For the purposes of cleaning, the outdoor grill shall have an approved method to drain and dispose of grease and sewage.



Position Statements

- Cold Hold - discussing this later today



Training Schedule 2018

Watch for NCDHHS and NC EHSOP courses for 2019 to be announced later this year!

I'm so excited.





- Home
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- Medical Devices
- Radiation-Emitting Products
- Vaccines, Blood & Biologics
- Animal & Veterinary
- Cosmetics
- Tobacco Products

Food

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Food Code

[Food Code 2017](#)

[Food Code 2013](#)

[Food Code 2009](#)

[Food Code 2005](#)

[Food Code 2001](#)

[Food Code 1999](#)

[Food Code 1997](#)

Food Code Reference System

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The Food Code Reference System is a searchable database that provides access to FDA's interpretative positions and responses to questions related to the FDA Food Code. The System is a resource for stakeholders from federal agencies, state, local, territorial and tribal jurisdictions, consumers, academia, and industry interested in preventing foodborne illness and injury in retail food, vending and foodservice operations. Federal, state, local, and tribal jurisdictions will benefit from this database as they promote compliance with food safety requirements throughout the United States.

Users of the Food Code Reference System can search the database using dropdown menus, keywords, date fields, or a combination of these options. Users can also retrieve, view, and save documents to a local computer system. FDA's current thinking is reflected in the responses, even when a record in the system refers to an earlier edition of the Food Code rather than to the most recent Food Code edition.

To assist the user, a User Manual and a Frequently Asked Questions (FAQs) page are accessible from the log-in page of the Food Code Reference System. Users can access these aids while within the database by clicking on the icons located in the upper right corner.

Inquiries regarding the FDA's Food Code Reference System should be sent by email to retailfoodprotectionteam@fda.hhs.gov.

[Launch the Food Code Reference System](#)

Page Last Updated: 11/19/2017

Note: If you need help accessing information in different file formats, see [Instructions for Downloading Viewers and Players](#).

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Food Code Reference System

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About Food Code Reference System (FCRS)

FCRS is a searchable database that contains FDA's interpretative positions and responses to questions related to the FDA Food Code. It is intended to promote consistent understanding and application of the Food Code and support the FDA's efforts to prevent foodborne illness through the application of science-based food safety principles in retail and foodservice settings. Questions regarding the use of FCRS should be directed to FDA's Retail Food Protection Team in FDA's Center for Food Safety and Applied Nutrition (CFSAN). Email: retailfoodprotectionteam@fda.hhs.gov

About Retail Food Protection Team (RFPT)

The RFPT provides national leadership and establishes policy for retail food protection to assist federal, state, local, territorial and tribal agencies and organizations involved in ensuring the safety of foods served to the consumer. As part of FDA's National Retail Food Team, RFPT works with its public health partners in government, industry, and academia to prevent foodborne illness and to promote the application of science-based food safety principles in food service and retail food establishments. RFPT is located within the Office of Food Safety in FDA's Center for Food Safety and Applied Nutrition (CFSAN) in College Park, Maryland.

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Food Code Reference System

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REFERENCE DOC	PROVISION	DOCUMENT
2005 Food Code	(FC 3-602.11) ,(FC 2-102.11)	Allergen Questions about frying grease v02.pdf Dec 31, 2007 Questions: Is there any public health requirement for frying fish, breaded fish sticks and fish patties, in different grease than the grease used for fried chicken and French fries? There might be a food quality issue with French fries tasting like white fish, but is there a potential for allergic reactions to fish being in the grease and then carried over to other products? Response: The 2005 Food Code subparagraph 2-102.11(C)(9) requires the person in charge to be able to identify the major
2001 Food Code	(FC 1-201.10(B)(4) ,(FC 3-201.11)	Approved Source for Produce v02.pdf Jan 23, 2004 ...at a restaurant an "approved source?" Is produce purchased at a farmers market an "approved source" at the retail level? Is there an official definition of "approved source" for produce at retail? Response: There is no definition of "approved source" for fresh produce in the 2001 Food Code, but the definition of "approved" in subparagraph 1-201.10 (B)(4), says "acceptable to the regulatory authority based on a determination of conformity with princip
2005 Food Code	(FC 1-201.10) ,(FC 2-302.11)	Artificial Fingernails v02.pdf May 16, 2006 Question: Can a wait staffer or server not involved in food prep have artificial nails? According to the Food Code, the definition of a "Food Employee" is "an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. Response: A wait staffer or server who meets the Food Code definition of a "food employee" would need to meet the requirements under §2-302.11. A food employee handling and serving plates of food to a consumer is considered as working with unp
2001 Food Code	(FC 3-202.11) ,(FC 3-501.14)	Bulk milk dispensers v04.pdf May 20, 2002 Question: May milk be placed in communal covered pitchers for coffee service in accordance with the Food Code? Can time be used in place of temperature control for this product? What is the proper temperature for milk? Response: The Food Code does not prohibit milk being placed in protected pitchers for service. Paragraph 3-202.11(B)



Parasite Destruction Letters

- It is **NOT** the LHD's place to obtain parasite destruction letters for FSE's
- When the LHD calls a supplier to request a letter, this creates confusion
- The FSE may not be able to provide a letter for the following reasons:
 1. The fish is not approved for sale in a raw/undercooked state.
 2. The supplier does not support their fish products being sold raw/undercooked (even though the fish has been frozen to the parameters in FC). The supplier still feels there is a liability here that they do not want.
 3. Some suppliers are extremely secretive about their sources. The business is very competitive and they do not want to put anything into writing that may reveal their source to a competitor.
- **If the FSE wants to sell fish raw/undercooked they must obtain a letter or switch suppliers.**

Cold-Smoked Fish



- Cold-smoked fish, such as smoked salmon, that is commercially manufactured falls under the Seafood HACCP requirements. Parasite destruction is addressed at the manufacturing level in the seafood HACCP program that FDA regulates. So there is no need to check for parasite destruction again at the retailer or restaurant level.

Salted Butter

- Salted butter at 3% salt content is a non-TCS item
- <https://www.fda.gov/downloads/food/foodborneillnesscontaminants/ucm545171.pdf>



Cook Out 4 Hr. TPHC

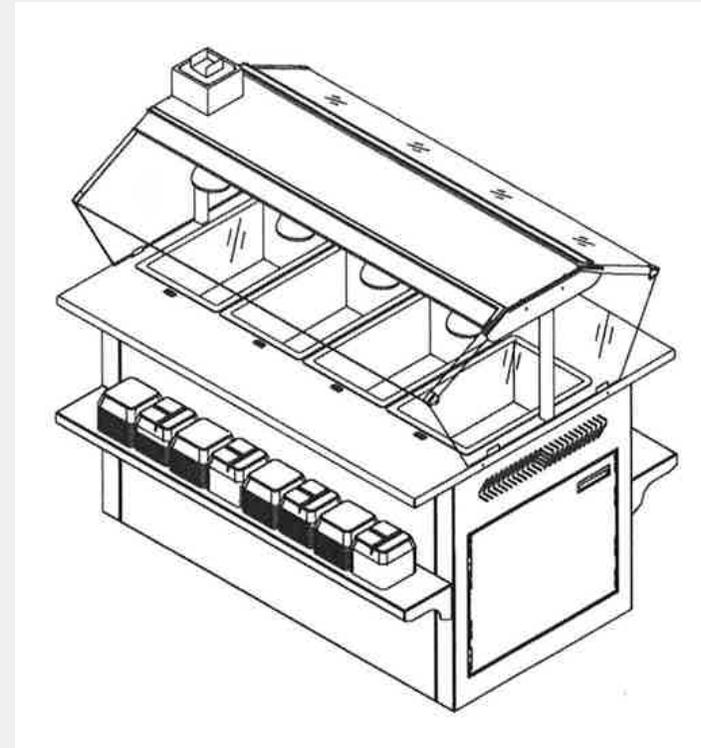
Includes:

- Cheese (sliced and shredded)
- Uncooked hot dogs
- Lettuce
- Tomatoes (can start at ambient temp based on FDA guidance)
- Prepared slaw
- Raw bacon
- Diced Chicken
- Prepped quesadillas (chicken and cheese)



Plan Review

- Food Lion Wing Bar/Buffer addition



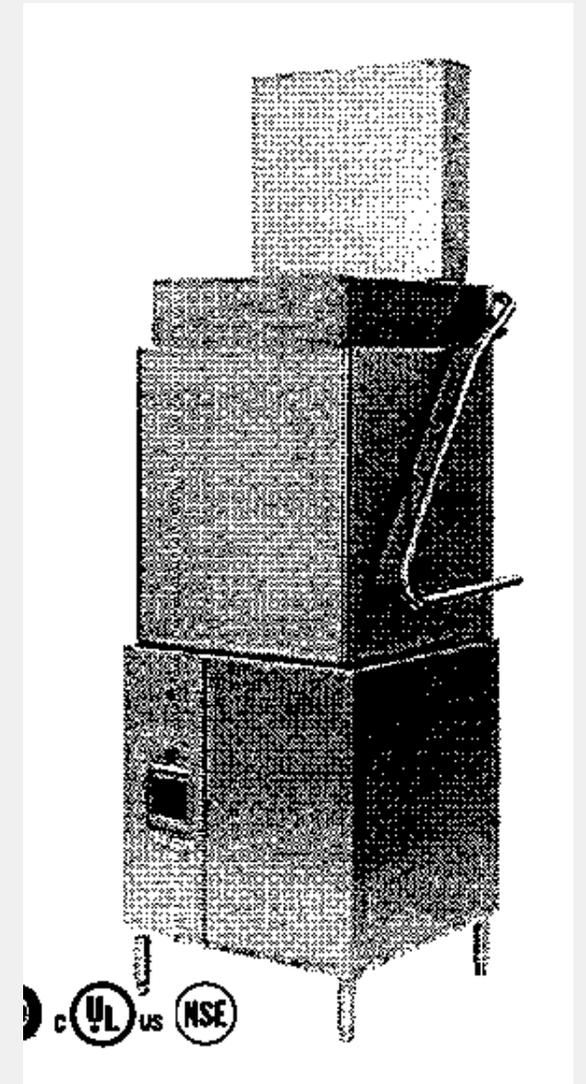
Plan Review

- Papa John's dough preparation area protection
- A food shield was created as an L-shaped sneeze-guard to separate the front counter kiosk from the dough slap area for this particular unit in Kenansville- but will become part of the company's future layouts.



Plan Review

- Chick-fil-a dish machine additions
- NC chosen as a test market for use of single-rack dish machines
- 38 plans have been reviewed thus far with 35 more to come the beginning of November
- *Most have been setup for hot water sanitization with a cold water feed that will not require additional hot water capacity from the facility's hot water tank*
 - *However, some (i.e. Hobart brand) have been setup with a hot water feed that required the hot water heater to be assessed*



Plan Review

- 7-Eleven establishments
- Carryout bag to hold 3 pizzas for up to 15 minutes
- Switched from employee serve to customer self-serve for hot dogs



VR documentation

- Counties are not documenting VR visits consistently
- Field Verification – Use Comment addendum and obtain signature from the PIC or document in the office, send electronically and send Read Receipt Required
- Office Verification – may be documented in the office, send electronically and send Read Receipt Required
- Office Verification could include email, text, fax, etc.

TFE Law Change

- **SESSION LAW 2018-114; HOUSE BILL 374**
- "Temporary food establishment" means an establishment not otherwise exempted from this part pursuant to G.S. 130A-250 that (i) prepares or serves food, (ii) operates for a period of time not to exceed ~~21~~ 30 days in one location, and (iii) **is affiliated with and endorsed by** a transitory fair, carnival, circus, festival, ~~or public exhibition.~~ public exhibition, or agritourism business. For purposes of this subdivision, "agritourism" means the same as in G.S. 153A-340(b)(2a). Notwithstanding the time limit set out in this subdivision, a local health department may, upon the request of a temporary food establishment, grant a one-time, 15-day extension of the establishment's permit if the establishment continues to meet all of the requirements of its permit and applicable rules.
- **For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions.**

FDA Seminar



2018 – Charleston, SC

2019 – Memphis, TN

- Required for FDA standardized individuals
- Includes participants in the SE Region of US (8 States & 2 territories)
- Speakers from NC
- Topics of Interest:
 - Social Media Food Sales
 - Program Standards
 - 2017 Food Code

County Questions

When should we mark for active managerial control (AMC)? Is 1 inspection enough?

The marking instructions for #1 addresses AMC with: “This item must be marked OUT of compliance when there is a pattern of non-compliance and obvious failure by the PIC to ensure employees are complying with the duties listed in § 2-103.11.”

This could be indicative through repeat violations of the PIC duties over multiple inspections or the clear and obvious lack of AMC through violations of multiple PIC duties in one inspection. The REHS should use their professional discretion when determining the amount of AMC and clearly document reasons to why the violation is taken.

Furthermore, points do not have to be taken initially if the REHS feels that have helped the PIC regain AMC during the inspection.

County Questions

Do cultivated mushrooms still need a tag?

Cultivated mushrooms do not need a tag, but they do need an invoice. Only wild mushrooms need a tag. Follow guidance for approved source information in the 11/4/15 position statement [“Cultivated Mushrooms in North Carolina Food Establishments”](#)

Where do we mark Fish advertised incorrectly?

Mislabeled fish such as escolar being served as white tuna would be a violation of 3-601.12 and #35.

County Questions

Are bean sprouts considered TCS and subjected to date marking? When should date marking begin?

3-501.17 states “refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) prepared and held in a FOOD ESTABLISHMENT for more than 24 hours shall be marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded...”

The citation describes foods that require date marking must be 1) refrigerated, 2) Ready-to-eat, and 3) PHF/TCS. By definition, raw seed sprouts are PHF/TCS (#3) and therefore require refrigeration (#1). However, by definition, they are not considered to be ready-to-eat (RTE) until they have been washed. Therefore, date marking of raw seed sprouts would be required once they are washed in the food establishment (become RTE, #2) or upon opening the commercial packaging of pre-washed raw seed sprouts.