



Implementation of the FDA Code



Dawn Nance

Facility Inspector

DeKalb County Health Department

food@dekalbcounty.org

815-758-6673



Background

- In May 2016 the “new” Illinois Retail Code was passed (effective 6/29/2016)
- Includes mandated that all local health departments implement no later than January 1st, 2019.
- Incorporates most of the FDA food code.
 - As of now we are following the 2013 FDA code
 - Waiting for the 2017 FDA to be passed by Illinois



The New Code

Food Code

U.S. Public Health Service



What to Expect

- New Inspection form
- No Scores on inspections
- Some new/revised requirements
 - Person-In-Charge (PIC)
 - Vomit/Diarrhea policies
 - Hand washing signs
 - Employee health reporting
 - Special processes/formal variance approve process
- Inspections will involve longer time commitment
- More inspector interaction with the PIC





The New Inspection Report

Local Health Department Name and Address		No. of Risk Factor/Intervention Violations		Date			
Establishment		License/Permit #		Time In			
Street Address		Permit Holder		Time Out			
City/State		ZIP Code		Risk Category			
		Purpose of Inspection					
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS							
Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item IN =in compliance OUT =not in compliance N/O =not observed N/A =not applicable Mark "X" in appropriate box for COS and/or R COS =corrected on-site during inspection R =repeat violation				Risk factors are important practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public health interventions are control measures to prevent foodborne illness or injury.			
Compliance Status		COS	R	Compliance Status			
Supervision			Protection from Contamination				
1	In, Out	Person in charge present, demonstrates knowledge, and performs duties		15	In, Out, N/A, N/O	Food separated and protected	
2	In, Out, N/A	Certified Food Protection Manager (CFPM)		16	In, Out, N/A	Food-contact surfaces; cleaned and sanitized	
Employee Health			Time/Temperature Control for Safety				
3	In, Out	Management, food employee and conditional employee; knowledge, responsibilities and reporting		17	In, Out	Proper disposition of returned, previously served, reconditioned and unsafe food	
4	In, Out	Proper use of restriction and exclusion		18	In, Out, N/A, N/O	Proper cooking time and temperatures	
5	In, Out	Procedures for responding to vomiting and diarrheal events		19	In, Out, N/A, N/O	Proper reheating procedures for hot holding	
Good Hygienic Practices			Consumer Advisory				
6	In, Out, N/O	Proper eating, tasting, drinking, or tobacco use		20	In, Out, N/A, N/O	Proper cooling time and temperature	
7	In, Out, N/O	No discharge from eyes, nose, and mouth		21	In, Out, N/A, N/O	Proper hot holding temperatures	
Preventing Contamination by Hands			Time as a Public Health Control; procedures & records				
8	In, Out, N/O	Hands clean and properly washed		22	In, Out, N/A, N/O	Proper cold holding temperatures	
9	In, Out, N/A, N/O	No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed		23	In, Out, N/A, N/O	Proper date marking and disposition	
				24	In, Out, N/A, N/O	Time as a Public Health Control; procedures & records	
				25	In, Out, N/A	Consumer advisory provided for raw/undercooked food	

50 x 11.00 in



The New Inspection Report

- 58 items in 2 categories
 - 29 FBI risk factor and public health intervention items
 - 29 good retail practices
- Report is used as a check list during the inspection



Focus is on importance of FBI risk factors

- This section looks closely at the most frequently reported contributing factors to foodborne illness.
 - Food from unsafe source
 - Inadequate cooking
 - Improper holding temperatures
 - Contaminated equipment
 - Poor personal hygiene



FBI Risk Factor

- Each item needs to be marked in this section as follows:
 - IN – in compliance
 - OUT – out of compliance
 - N/A – not applicable (*example:* item 2 - CFPM aka FSSMC in category 3/low risk)
 - N/O – not observed (*example:* item 12 – you did not observe any food being delivered to establishment while you were present.



Good Retail Practices

- Good retail practices are preventative measures (SOPs) to control hazards (the addition of pathogens, chemicals, and physical objects into foods).



Types of Violations

- Within the FBI risk factors and good retail practice sections, violations are divided into 3 types:
 - Priority
 - Priority Foundation
 - Core



Priority Items

- Priority items are those items that most directly eliminate or reduce a hazard associated with foodborne illness.
- Priority violations include violations that were previously called critical or high risk violations.
- Immediate or 24 hours correction.
- Examples include:
 - Improper food temperature
 - Lack of hand washing
 - No hot water
- Priority items are denoted with a superscript P



Priority Items

3-202.11 Temperature.

(A) Except as specified in ¶ (B) of this section, refrigerated, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be at a temperature of 5°C (41°F) or below when received. ^P



Priority Foundation Items

- Priority foundation violations are those items that help keep priority violations in compliance and support (i.e. provide the foundation for) priority items
- Example include:
 - Not having a metal stem thermometer
 - Not having sanitizer test strips
 - Not having soap or paper towels at a hand sink
- The priority foundation category is made up of violations that were previously called critical and non-critical violations.
- Priority foundation items are denoted with a superscript *Pf*



Priority Foundation Items

3-202.11 Temperature.

(F) Upon receipt, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be free of evidence of previous temperature abuse. ^{Pf}



Core Items

- Core violations are those items that are related to general sanitation and facility maintenance
- Most core violations were previously called non-critical or minor violations
- Example include:
 - Soiled floors
 - Equipment maintenance



Corrections Timelines

Based on Type of Violation

- Priority Violations: Immediate or within 24 hours
- Priority Foundation Violations: Immediate or within 10 days
- Core Violations: Next routine inspection unless directly contribution to a priority or priority foundations item



Proposed: Alternate Timeline for Corrections

- **Alternate timeline for corrections.** In the event that the correction of the violation would require the installation of new equipment or structural changes, the owner can request an alternative timeline for corrections. The request for the alternative timeline for correction shall be in writing and received prior to the expiration of the initial timeline for correction. The request shall include:
 - Date of proposed violation correction
 - Explanation of why original timeline for correction cannot be met,
 - And documentation on how the public health will be protected during the alternative correction timeline.
 - Email: food@dekalbcounty.org
- The health department shall review each request for alternative correction timelines to insure that the public health is being protected and notify the requestor in writing as to whether the alternative timeline for correction has been approved or denied.

 FDA Code

WHAT'S NEW?





Person-In-Charge

- The permit holder shall be the person-in-charge or shall designate a person-in-charge and shall ensure that a person-in-charge is present at the food establishment during all hours of operation ^{PF}
- Applies to category 3 (high) risk facilities.
- This may change to include category 2 (medium) risk facilities in 2019 if the state adopts the FDA 2017 code.



Person-In-Charge: Demonstration of Knowledge

- Based on the risks inherent to the food operation, during inspections and upon request, the person-in-charge shall demonstrate knowledge of foodborne disease prevention, application of the hazards analysis and Critical Control Point principles, and the requirements of the code



3 Ways to Demonstrate Knowledge

- The person-in-charge shall demonstrate this knowledge by:
 1. Complying with this code by having no violations of priority items during the current inspection; Pf
 2. Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; Pf
 3. Responding correctly to the inspectors' questions as they relate to the specific food operations. The areas of knowledge include: Pf



Person-In-Charge (PIC) Questions

- 17 topics that a PIC can be questioned on to determine knowledge. Inspectors can ask any and all.
- See Handout



Certified Food Protection Manager (CFPM)

- Effective January 1st, 2018, it will not be known as a certified food protection manager (CFPM) in accordance with FDA code.
- Attendance and successful passage of examination still required.
- The number of certified food protection manager required remains the same (for now).
 - Category 1: One CFPM at all times
 - Category 2: one per facility based on 30 hour rule



Employee Health

- Food operations shall adopt an employee health policy
- The policy must require all employee (including conditional) to report to the PIC information about their health and activities as they relate to diseases that can be transmitted through food
- Employees have to report:
 - Symptoms of vomiting, diarrhea, jaundice, hepatitis A, shigella, shiga toxin producing E coli, and salmonella
 - This includes exposure to these viruses/bacteria



Employee Health Continued

- PIC to report to health authority within 24 hours
 - Any jaundice employee
 - Any employee diagnosed with norovirus, hepatitis A, shigella, shiga toxin producing E coli, and salmonella



Employee Exclusion

- PIC shall ensure that an employee who reports symptoms or diagnoses is excluded to restricted from work as required
 - In some cases the employee may be allowed to work in a non-food handling position.



Procedures of Responding to Vomiting and Diarrheal Events

- Food facilities are required to adopt procedures for responding to vomiting and diarrheal events in the establishment



Bare Hand Contact

- NO bare hand contact with ready-to-eat foods are allowed
 - Must use a barrier (i.e. gloves, tongs, etc.)
- If there is a need to use bare hands, an alternate procedure must be pre-approved by the health department in accordance with the code.
- 6 of 10 Confirmed foodborne illness outbreaks involve an infected food handler that makes direct bare hand contact with ready-to-eat foods



Hand Washing Signs

- All establishments are required to have a sign or poster that notifies food employees to wash their hands
- Sign must be on ALL hand washing sinks used by employees
- Hand washing signage available at the health department



Temperature Violations

- Temperature violations on the “old” inspections form were combined into a few violations. Temperature violations now account for at least 6 violations, depending on the point in the process. We are stilling looking at the same temperatures, but with the new system each item is “marked” separately.
 - Most common are violations 18-24 on the inspection sheet



Special Processes

- Food operations that are using special processes are required to obtain a variance from the health department **prior** to utilizing these practices
- Special processes include:
 - Smoking foods as a method of food preservation (extend shelf life-not as part of the cooking process),
 - Curing foods,
 - Using food additives as a method of a food preservation or to render a food so that it is not a time/temperature control for safety food, and
 - Reduced oxygen packaging



Variance

Special processes require a detailed HACCP plan



#58 Allergens

- All CFPM employed by a restaurant must obtain training in basic allergen awareness principles within 30 days of employment and every 3 years after
- Training programs must be accredited by ANSI



Illinois Food Service Sanitation Manager

- Illinois no longer require the IDPH Food Service Sanitation Manager certification. This was effective on January 1st, 2018.
- The Department will accept existing certificates until they expire
- Food Handler Training Certification is still required for all food handlers who are not certified food protection managers



QUESTIONS

Food@dekalbcounty.org