

# 2017 FDA Food Code

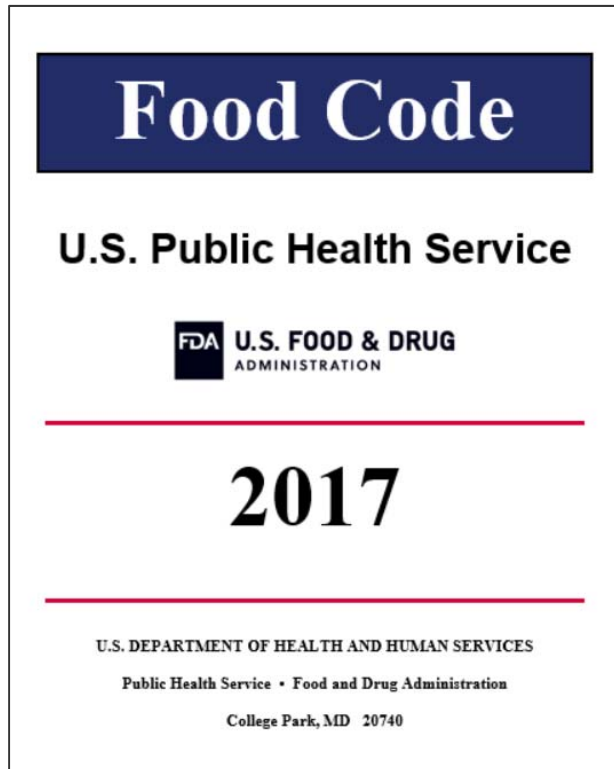
FDA/CFSAN Retail Food Policy Team



## The FDA Food Code:

- Provides FDA's current thinking on food safety and sanitation in the retail food sector.
- Can be uniformly adopted as a statute, regulation or ordinance for the retail, food service and vending segment of the food industry.
- Result of the efforts and recommendations of many collaborating individuals, agencies, and organizations.
- Embraces the concept that our quality of life, state of health, and the public welfare are directly affected by how we collectively provide and protect our food.

# 2017 Food Code



This document is available via the internet in PDF at the following link:

[www.fda.gov/foodcode](http://www.fda.gov/foodcode)

Copies will be available for public ordering at:

<https://www.fda.gov/Food/ResourcesForYou/Consumers/ucm239035.htm>

Refer to publication number: **IFS17** and the title: **2017 Food Code**



# Adoption / National Model

- Uniform national standards for retail food safety to reduce complexity and ensure better compliance.
- The process for updating laws and regulations at the state and local level is made more efficient by eliminating redundant processes for establishing food safety criteria.
- A more standardized approach to inspection and audits of food establishments can be established.



# 2017 Food Code - Key Changes

- Addition of new term: **Intact Meat**
- **Person in Charge** = Certified Food Protection Manager
- **New Provision:** Bandages, Finger Cots or Finger Stalls
- **Written procedures** for clean up of vomiting and diarrheal events
- Revised **cooking time/temperature parameters**
- **New exception criteria** for continuing operations during an extended water or electrical outage



# **CHAPTER 1**

## **Purpose and Definitions**



## 1-201.10(B) – New Defined Term “Intact Meat”

“**Intact Meat**” means a cut of whole muscle(s) MEAT that has not undergone COMMINATION, INJECTION, MECHANICAL TENDERIZATION, or reconstruction.



# 1-201.10(B) – Revised Definition of “Mechanically Tenderized”

**"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”



## 1-201.10(B) – Amended Definition of “Vending Machine”

- **"Vending machine"** means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by electronic transaction or optional manual operation, dispenses unit servings of FOOD in bulk or in PACKAGES without the necessity of replenishing the device between each vending operation.



## **CHAPTER 2**

# Management and Personnel



## ¶ 2-102.12(A) Certified Food Protection Manager

- Amended to indicate that the Person in Charge shall be a Certified Food protection Manager
- Corresponding change to:
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)



## ¶ 2-102.20 (B) Food Protection Manager Certification

- Amended to indicate that the Person in Charge, not just any employee, who must be a Certified Food Protection Manager to comply with §2-102.12
- Corresponding change to:
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)



## ¶ 2-101.11(C) Assignment

- Amended to add a new ¶(C) to allow food establishments in limited circumstances, such as in a restricted office building or breakroom, that pose minimal risk of causing, or contributing to, foodborne illness to operate without a person in charge, as approved by the regulatory authority
- Corresponding changes to:
  - Annex 3, Public Health Reasons
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)

## **NEW - §2-401.13 Bandages, Finger Cots and Finger Stalls**

- New Section added that addresses the use of impermeable covers, such as a bandage, finger cot or finger stall
- Corresponding change to:
  - Annex 3, Public Health Reasons
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)

## **§2-501.11 Clean-Up of Vomiting and Diarrheal Events**

- Amended to indicate that procedures for the clean-up of vomiting and diarrheal events for employees to follow shall be written
- Corresponding change to:
  - Annex 3, Public Health Reasons
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)



# CHAPTER 3

## Food



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

- Revised to indicate the separation of raw animal foods during storage, prep, holding and display from fruits and vegetables before they are washed
- Re-designated existing sub¶ 3-302.11(a)(1)(c) as new sub ¶ 3-302.11(a)(1)(d)
- Corresponding change to:
  - Annex 3, Public Health Reasons
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)

# §3-401.11 Raw Animal Foods



- Harmonized cooking time/temperatures for intact and non-intact meat and poultry with established USDA-FSIS guidance
  - Amended sub¶(A)(1)(b) to include the term **INTACT MEAT**
  - Amended sub¶ (A)(2) to reflect new cooking time in seconds for **non-INTACT MEATS** from 15 sec to **17 sec**
  - Amended sub¶(A)(3) to remove 15 second cook time for poultry, baluts, wild game and replaced with **165°F or above for < 1 second (instantaneous)**
- Corresponding change to:
  - Annex 3, Public Health Reasons
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)



## §3-401.11 Raw Animal Foods

- Removed the restriction of only cooking whole meat roasts in an oven
  - Reversed order of subparagraphs (B)(1) and (B)(2), where subparagraph(B)(2) is now subparagraph(B)(1)



## **§3-401.13 Plant Food Cooking for Hot Holding**

- Replaced terms “fruits and vegetables” with the term “plant FOODS”.



## §3-402.11 Parasite Destruction

- Amended sub-paragraph 3-402.11(B)(5) to correctly indicate it as an exception by italicizing the text



## **§3-402.12 Records, Creation and Retention**

- Amended ¶ 3-402.12(C) to replace existing incorrect cross reference to subparagraph 3-402.11(B)(3) with a cross reference to subparagraph 3-402.11(B)(4)



## §3-501.13 Thawing

- Amended paragraphs 3-501.13 (A)–(C) to re-designate from a Core Item to Priority Foundation <sup>(Pf)</sup> Item
- Corresponding change to:
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)



## **§3-501.18 Ready-to-Eat Time/Temperature Control for Safety Food, Disposition**

- Amended subparagraph 3-501.18(A)(3) to delete the word “appropriately” and replace it with the term “inappropriately” to reflect correct terminology in application of this provision.





## **§3-501.19 Time as a Public Health Control**

- Amended sub<sup>¶</sup> 3-501.19(A)(1)(a) to add a missing cross reference to sub<sup>¶</sup> 3-501.19(B)(4)
- The existing paragraph now references sub <sup>¶</sup> 3-501.19(B)(1)-(4) instead of referencing sub <sup>¶</sup> 3-501.19 (B)(1)-(3)

# §3-501.19 Time as a Public Health Control



- Added a new exception for when “time without temperature control” is used as the public health control for ready-to-eat produce and hermetically sealed food upon cutting, chopping or opening of the hermetically sealed container. This exception allows these foods to begin at 70°F or less and remain at 70°F for a maximum of 4 hours.
- Corresponding changes to:
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)
  - Annex 2, References

## §3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria

- Revised the exception criteria for packaging of fish using ROP methods without a variance
  - ¶(C) *Except for FISH that is frozen before, during, and after PACKAGING and bears a label indicating that it is to be kept frozen until time of use, a food establishment may not PACKAGE FISH using a REDUCED OXYGEN PACKAGING method.*<sup>P</sup>

## **§3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria Cook-Chill/Sous-vide**

- Amended to add a new sub-paragraph (e)(iii) to address cook-chill/sous vide products cooled to 41°F, subsequently cooled to 34 °F and then moved to 41°F holding temperature for a max of 7 days.



## **CHAPTER 4**

# **Equipment, Utensils, and Linens**



## §4-205.10 Food Equipment, Certification and Classification

- Amended §4-205.10 to convey that equipment certified for conformance to a recognized American National Standard by an American National Standards Institute (ANSI) accredited certification program is deemed to comply with the equipment sanitation provisions contained in Food Code Chapter 4, Parts 4-1 and 4-2.
- Corresponding change to:
  - Annex 3, Public Health Reasons
  - Fact Sheet added to the Food Code website under “Resources” (<https://www.fda.gov/food/retail-food-protection/fda-food-code>)



## **§4-303.11 Cleaning Agents and Sanitizers, Availability**

- Amended Section 4-303.11 Cleaning Agents and Sanitizers, Availability, to add the Priority Foundation item risk designation that was inadvertently left off in the 2017 Food Code



## **CHAPTER 5**

# **Water, Plumbing and Waste**





## §5-203.11 Handwashing Sinks

- Removed the allowance for use of chemically treated towelettes for handwashing because the means to wash hands in limited situations is readily available and handwashing has been determined to be effective
- Corresponding changes to:
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)
  - Annex 7 – Chart 4-D Mobile Food Establishment Matrix



## **CHAPTER 7**

# **Poisonous or Toxic Materials**

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



- Amended to clarify that both washing chemicals and antimicrobial agents specified in 21 CFR 173 may be used in the washing and treatment of produce.
  - Amended ¶7-204.12(A) to re-designate it as the lead-in paragraph for this section
  - Amended sub¶'s 7-204.12(A)(1) to (A)(4) to renumber and re-designate them as the new ¶(A) to ¶(D)
  - Revised ¶(A) to be inclusive of all washing chemicals and antimicrobial agents that may be used in the washing and treatment of produce as specified in 21 CFR 173
  - Deleted existing ¶(B) as it referred to a specific antimicrobial agent



## **CHAPTER 8**

# **Compliance and Enforcement**



## **§8.103.12 Conformance with Approved Procedures**

- Amended to include a new paragraph (A) addressing maintenance of approved variance at the food establishment
- Corresponding changes to:
  - Sxn 8-401.10 (reflect updated cross reference)
  - Annex 7, Guide 3B (Instructions for Marking the Food Establishment Inspection Report)



## **§8.201.12 Contents of the Plans and Specifications**

- Amended paragraph (C) to include the following “materials and finish schedules” at the end of the sentence as it was inadvertently left off in the 2017 Food Code



## **§8.201.14 Contents of a HACCP Plan**

- Expand and clarify the type of information that should be included when a Hazard Analysis and Critical Control Point Plan is required by a regulatory authority

# §8-404.11 Ceasing Operations and Reporting



- Added new exception criteria to indicate that the regulatory authority may agree to continuing operations during an extended water or electrical outage if a written emergency operations plan has been approved by the regulatory authority, immediate corrective action is taken to eliminate, prevent or control any food safety risk and IMMEDIATE HEALTH HAZARD associated with the water or electrical outage, and the REGULATORY AUTHORITY is notified upon implementation of the written plan
- Corresponding change to:
  - Annex 3, Public Health Reasons





## **ANNEX 2**

### **References**



## Annex 2 – Supporting Documents

- Added new supporting documents
  1. U. Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of *Listeria Monocytogenes* within food establishments
  2. Bad Bug Book, 2<sup>nd</sup> edition, Foodborne Pathogens Microorganisms and Natural Toxins Handbook



## **Annex 2 – References**

### **Section 3-501.19 Using Time as a Public Health Control**

- Amended to add 5 new references supporting the new exception language in Section 3-501.19



## Annex 2 – Supporting Documents

- Added new supporting documents
  1. W. Minimizing the Risk of *Campylobacter* and *Salmonella* Illnesses Associated with Chicken Livers.
  2. X. Guidance Document for Mail Order Food Companies.



## **ANNEX 3**

# **Public Health Reasons**



## **Annex 3 - §3-602.11 Food Labels**

- Amended to keep public health reasons current with existing 21 CFR 101.11 and clarify text to accurately indicate what must be declared on the label.



## Annex 3 – Public Health Reasons

- The following sections have updated public health reasons:
  - **§2-101.11** Assignment
  - **§ 3-501.17** Ready to Eat, Time/Temperature Control for Safety Food, Date Marking
  - **§ 3-501.19** Time as a Public Health Control
  - **§ 3-502.12** Reduced Oxygen Packaging Without a Variance, Criteria



## **ANNEX 7**

# **Model Forms/Guides/Other Aids**





# Form 3A - Food Establishment Inspection Report

- Amended to update the compliance status in Item #1 to include N/A option

## Guide 3B – Instructions for Marking the Food Establishment Inspection Report

- Updated item #'s corresponding to revisions in codified text
  - Employee Health/Responding to Contamination Events
  - Time/Temperature Control for Safety Food, Proper Cooking Time/Temperature
  - Prevention of Food Contamination
  - Utensils, Equipment and Vending

## Guide 3B – Instructions for Marking the Food Establishment Inspection Report

- Updated item #'s corresponding to revisions in codified text
  - Supervision
  - Conformance with approved procedures
  - Food Temperature Control
  - Utensils, Equipment and Vending



## **Annex 7 – Charts 4A & 4B**

- Chart 4A (Minimum Cooking Temperatures and Holding Times)
  - Revised summary charts to reflect updated time/temperature cooking parameters in Chapter 3
- Chart 4B (Minimum food Temperatures and Holding Times Required by Ch 3 for Reheating Foods for Hot Holding)
  - Revised incorrect cross reference under Roasts: Option B

## **Annex 7 – Charts 4D FDA Food Code Mobile Food Establishment Matrix**

- Revised Chart 4D to delete reference of paragraph 5-203.11(C) that addressed use of chemically treated towelettes



# Food Code's New Look

- 508 compliance
- Color enhancements
- New Logo
- Side margin headers extended across whole page (see provisions under Chapter 2 Employee Health)



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**Website:** <http://www.fda.gov/RetailFoodProtection>