

7 *Model Forms, Guides, and Other Aids*

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 - d) Chart 4-D **FDA FOOD CODE MOBILE FOOD ESTABLISHMENT MATRIX**
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The documents provided in this Annex are intended to facilitate adoption of the Food Code and the application of its provisions as they relate to conditional employees' and food employees' health and to food establishment inspections.

Forms 1-A through 1-C are designed to assist those responsible for managing employees in order to prevent foodborne disease. The Food Code specifies that the **permit holder is responsible** for requiring conditional employees or food employees to report certain symptoms, diagnoses, and past illnesses, as they relate to diseases transmitted through food by infected workers. The **conditional employee or food employee is personally responsible** for reporting this information to the person in charge.

Form 1-D is a user-aid for a regulatory agency when considering a request to allow bare hand contact with ready-to-eat food.

Forms 2-A and 2-B can be used for the Code adoption process and Form 3-A is provided for use in recording HACCP information and inspectional observations. Guide 3-B is a compressed outline of the Code to use as a tool in locating and citing Code provisions. Guide 3-C is intended to be used during inspections to ensure that observations of the provisions of the Code are accurately recorded on the Food Code Establishment Inspection Report form.

FORM 1-A	Conditional Employee and Food Employee Interview Preventing Transmission of Diseases through Food by Infected Food Employees or Conditional Employees with Emphasis on illness due to Norovirus, Salmonella Typhi , Shigella spp., Enterohemorrhagic (EHEC) or Shiga toxin-producing Escherichia coli (STEC), or hepatitis A Virus
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The purpose of this interview is to inform conditional employees and food employees to advise the person in charge of past and current conditions described so that the person in charge can take appropriate steps to preclude the transmission of foodborne illness.

Conditional employee name (print) _____
 Food employee name (print) _____
 Address _____
 Telephone Daytime: _____ Evening: _____
 Date _____

Are you suffering from any of the following symptoms? (Circle one)

		If YES, Date of Onset
Diarrhea?	YES / NO	_____
Vomiting?	YES / NO	_____
Jaundice?	YES / NO	_____
Sore throat with fever?	YES / NO	_____

Or

Infected cut or wound that is open and draining, or lesions containing pus on the hand, wrist, an exposed body part, or other body part and the cut, wound, or lesion not properly covered? YES / NO
 (Examples: *boils and infected wounds, however small*)

In the Past:

Have you ever been diagnosed as being ill with typhoid fever (*Salmonella Typhi*) YES / NO
 If you have, what was the date of the diagnosis? _____
 If within the past 3 months, did you take antibiotics for *S. Typhi*? YES / NO
 If so, how many days did you take the antibiotics? _____
 If you took antibiotics, did you finish the prescription? YES / NO

History of Exposure:

1. Have you been suspected of causing or have you been exposed to a confirmed foodborne disease outbreak recently? YES / NO

If YES, date of outbreak: _____

a. If YES, what was the cause of the illness and did it meet the following criteria?

- | | |
|---|--------------------------------|
| Cause: _____ | |
| i. Norovirus (last exposure within the past 48 hours) | Date of illness outbreak _____ |
| ii. <i>E. coli</i> O157:H7 infection (last exposure within the past 3 days) | Date of illness outbreak _____ |
| iii. Hepatitis A virus (last exposure within the past 30 days) | Date of illness outbreak _____ |
| iv. Typhoid fever (last exposure within the past 14 days) | Date of illness outbreak _____ |
| v. Shigellosis (last exposure within the past 3 days) | Date of illness outbreak _____ |

FORM 1-A (continued)

b. If YES, did you:

- i. Consume food implicated in the outbreak? _____
- ii. Work in a food establishment that was the source of the outbreak? _____
- iii. Consume food at an event that was prepared by person who is ill? _____

2. Did you attend an event or work in a setting, recently where there was a confirmed disease outbreak? YES / NO

If so, what was the cause of the confirmed disease outbreak? _____

If the cause was one of the following five pathogens, did exposure to the pathogen meet the following criteria?

- a. Norovirus (last exposure within the past 48 hours) YES / NO
- b. *E. coli* O157:H7 (or other EHEC/STEC (last exposure within the past 3 days) YES / NO
- c. *Shigella* spp. (last exposure within the past 3 days) YES / NO
- d. *S. Typhi* (last exposure within the past 14 days) YES / NO
- e. hepatitis A virus (last exposure within the past 30 days) YES / NO

Do you live in the same household as a person diagnosed with Norovirus, Shigellosis, typhoid fever, hepatitis A, or illness due to *E. coli* O157:H7 or other EHEC/STEC?

YES / NO Date of onset of illness _____

3. Do you have a household member attending or working in a setting where there is a confirmed disease outbreak of Norovirus, typhoid fever, Shigellosis, EHEC/STEC infection, or hepatitis A?

YES / NO Date of onset of illness _____

Name, Address, and Telephone Number of your Health Practitioner or doctor:

Name _____

Address _____

Telephone – Daytime: _____ Evening: _____

Signature of Conditional Employee _____ Date _____

Signature of Food Employee _____ Date _____

Signature of Permit Holder or Representative _____ Date _____

FORM 1-B	Conditional Employee or Food Employee Reporting Agreement Preventing Transmission of Diseases through Food by Infected Conditional Employees or Food Employees with Emphasis on illness due to Norovirus, <i>Salmonella Typhi</i> , <i>Shigella</i> spp., Enterohemorrhagic (EHEC) or Shiga toxin-producing <i>Escherichia coli</i> (STEC), or hepatitis A Virus
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The purpose of this agreement is to inform conditional employees or food employees of their responsibility to notify the person in charge when they experience any of the conditions listed so that the person in charge can take appropriate steps to preclude the transmission of foodborne illness.

I AGREE TO REPORT TO THE PERSON IN CHARGE:

Any Onset of the Following Symptoms, Either While at Work or Outside of Work, Including the Date of Onset:

1. Diarrhea
2. Vomiting
3. Jaundice
4. Sore throat with fever
5. Infected cuts or wounds, or lesions containing pus on the hand, wrist , an exposed body part, or other body part and the cuts, wounds, or lesions are not properly covered (*such as boils and infected wounds, however small*)

Future Medical Diagnosis:

Whenever diagnosed as being ill with Norovirus, typhoid fever (*Salmonella Typhi*), shigellosis (*Shigella* spp. infection), *Escherichia coli* O157:H7 or other EHEC/STEC infection, or hepatitis A (hepatitis A virus infection)

Future Exposure to Foodborne Pathogens:

- 1. Exposure to or suspicion of causing any confirmed disease outbreak of Norovirus, typhoid fever, shigellosis, *E. coli* O157:H7 or other EHEC/STEC infection, or hepatitis A.**
- 2. A household member diagnosed with Norovirus, typhoid fever, shigellosis, illness due to EHEC/STEC, or hepatitis A.**
- 3. A household member attending or working in a setting experiencing a confirmed disease outbreak of Norovirus, typhoid fever, shigellosis, *E. coli* O157:H7 or other EHEC/STEC infection, or hepatitis A.**

I have read (or had explained to me) and understand the requirements concerning my responsibilities under the **Food Code** and this agreement to comply with:

1. Reporting requirements specified above involving symptoms, diagnoses, and exposure specified;
2. Work restrictions or exclusions that are imposed upon me; and
3. Good hygienic practices.

I understand that failure to comply with the terms of this agreement could lead to action by the food establishment or the food regulatory authority that may jeopardize my employment and may involve legal action against me.

Conditional Employee Name (please print) _____

Signature of Conditional Employee _____ **Date** _____

Food Employee Name (please print) _____

Signature of Food Employee _____ **Date** _____

Signature of Permit Holder or Representative _____ **Date** _____

FORM

1-C

Conditional Employee or Food Employee Medical Referral

Preventing Transmission of Diseases through Food by Infected Food Employees with Emphasis on Illness due to Norovirus, Typhoid fever (***Salmonella Typhi***), Shigellosis (***Shigella*** spp.), ***Escherichia coli* O157:H7** or other Enterohemorrhagic (EHEC) or Shiga toxin-producing ***Escherichia coli*** (STEC), and hepatitis A Virus

The **Food Code** specifies, under **Part 2-2 Employee Health Subpart 2-201 Disease or Medical Condition**, that Conditional Employees and Food Employees obtain medical clearance from a health practitioner licensed to practice medicine, unless the Food Employees have complied with the provisions specified as an alternative to providing medical documentation, whenever the individual:

1. Is chronically suffering from a symptom such as **diarrhea**; or
2. Has a **current illness** involving Norovirus, typhoid fever (***Salmonella Typhi***), shigellosis (***Shigella*** spp.) ***E. coli* O157:H7** infection (or other EHEC/STEC), or hepatitis A virus (hepatitis A), or
3. Reports **past illness** involving typhoid fever (***S. Typhi***) within the past three months (while salmonellosis is fairly common in U.S., typhoid fever, caused by infection with ***S. Typhi***, is rare).

Conditional employee being referred: (Name, please print) _____

Food Employee being referred: (Name, please print) _____

4. Is the employee assigned to a food establishment that serves a population that meets the Food Code definition of a **highly susceptible population** such as a day care center with preschool age children, a hospital kitchen with immunocompromised persons, or an assisted living facility or nursing home with older adults?

YES **NO**

Reason for Medical Referral: The reason for this referral is checked below:

- Is chronically suffering from vomiting or diarrhea; or (specify) _____
- Diagnosed or suspected Norovirus, typhoid fever, shigellosis, ***E. coli* O157:H7** (or other EHEC/STEC) infection, or hepatitis A. (Specify) _____
- Reported past illness from typhoid fever within the past 3 months. (Date of illness) _____
- Other medical condition of concern per the following description: _____

Health Practitioner's Conclusion: (Circle the appropriate one; refer to reverse side of form)

- Food employee is free of **Norovirus** infection, typhoid fever (***S. Typhi*** infection), ***Shigella*** spp. infection, ***E. coli* O157:H7** (or other **EHEC/STEC** infection), or **hepatitis A** virus infection, and may work as a food employee without restrictions.
- Food employee is an asymptomatic shedder of ***E. coli* O157:H7** (or other **EHEC/STEC**), ***Shigella*** spp., or Norovirus, and is restricted from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles in food establishments that do not serve highly susceptible populations.
- Food employee is not ill but continues as an asymptomatic shedder of ***E. coli* O157:H7** (or other **EHEC/STEC**), ***Shigella*** spp. and should be excluded from food establishments that serve highly susceptible populations such as those who are preschool age, immunocompromised, or older adults and in a facility that provides preschool custodial care, health care, or assisted living.
- Food employee is an asymptomatic shedder of **hepatitis A** virus and should be excluded from working in a food establishment until medically cleared.
- Food employee is an asymptomatic shedder of **Norovirus** and should be excluded from working in a food establishment until medically cleared, or for at least 24 hours from the date of the diagnosis.
- Food employee is suffering from Norovirus, typhoid fever, shigellosis, ***E. coli* O157:H7** (or other **EHEC/STEC** infection), or **hepatitis A** and should be excluded from working in a food establishment.

FORM 1-C (continued)

COMMENTS: (In accordance with Title I of the Americans with Disabilities Act (ADA) and to provide only the information necessary to assist the food establishment operator in preventing foodborne disease transmission, please confine comments to explaining your conclusion and estimating when the employee may be reinstated.)

Signature of Health Practitioner _____ **Date** _____

Paraphrased from the FDA Food Code for Health Practitioner's Reference

From Subparagraph 2-201.11(A)(2)

Organisms of Concern:

Any foodborne pathogen, with special emphasis on these 5 organisms:

1. **Norovirus**
2. **S. Typhi**
3. **Shigella** spp.
4. **E. coli** O157:H7 (or other EHEC/STEC)
5. **Hepatitis A** virus

From Subparagraph 2-201.11(A)(1)

Symptoms:

Have any of the following symptoms:

Diarrhea

Vomiting

Jaundice

Sore throat with fever

From Subparagraph 2-201.11(A)(4)-(5)

Conditions of Exposure of Concern:

- (1) Suspected of causing a foodborne outbreak or being exposed to an outbreak caused by 1 of the 5 organisms above, at an event such as a family meal, church supper, or festival because the person:
Prepared or consumed an implicated food; or
Consumed food prepared by a person who is infected or ill with the organism that caused the outbreak or who is suspected of being a carrier;
- (2) Lives with, and has knowledge about, a person who is diagnosed with illness caused by 1 of the 5 organisms; or
- (3) Lives with, and has knowledge about, a person who works where there is an outbreak caused by 1 of the 5 organisms.

From Subparagraph 2-201.12

Exclusion and Restriction:

Decisions to exclude or restrict a food employee are made considering the available evidence about the person's role in actual or potential foodborne illness transmission. Evidence includes:

Symptoms Diagnosis Past illnesses Stool/blood tests

In facilities serving highly susceptible populations such as day care centers and health care facilities, a person for whom there is evidence of foodborne illness is almost always excluded from the food establishment.

In other establishments such as restaurants and retail food stores, that offer food to typically healthy consumers, a person might only be restricted from certain duties, based on the evidence of foodborne illness.

Exclusion from any food establishment is required when the person is:

- Exhibiting or reporting diarrhea or vomiting;
- Diagnosed with illness caused by *S. Typhi*; or
- Jaundiced within the last 7 days.

For *Shigella* spp. or *Escherichia coli* O157:H7 or other EHEC/STEC infections, the person's stools must be negative for 2 consecutive cultures taken no earlier than 48 hours after antibiotics are discontinued, and at least 24 hours apart or the infected individual must have resolution of symptoms for more than 7 days or at least 7 days have passed since the employee was diagnosed.

Application for Bare Hand Contact Procedure
(As specified in Food Code ¶ 3-301.11(D))

Please type or print legibly using black or blue ink

1. **Establishment Name:** _____

2. **Establishment Address:** _____

3. **Responsible Person:** _____ **Phone:** _____
Legal Representative Business

4. **List Procedure and Specific Ready-To-Eat-Foods** to be considered for use of bare hand contact with ready-to-eat foods:

5. Handwashing Facilities:

(a) There is a handwashing sink located immediately adjacent to the posted bare hand contact procedure and the hand sink is maintained in accordance with provisions of the Code. (§ 5-205.11, § 6-301.11, § 6-301.12, § 6-301.14) YES NO (Include diagram, photo or other information)

(b) All toilet rooms have one or more handwashing sinks in, or immediately adjacent to them, and the sinks are equipped and maintained in accordance with provisions of the Code. (§ 5-205.11, § 6-301.11, § 6-301.12, § 6-301.14) YES NO

6. **Employee Health Policy:** The written employee health policy must be attached to this form along with documentation that food employees and conditional employees acknowledge their responsibilities. (§ 2-201.11, § 2-201.12, § 2-201.13)

7. **Employee Training:** Provide documentation that food employees have received training in:

- The risks of contacting the specific ready-to-eat foods with bare hands
- Personal health and activities as they relate to diseases that are transmissible through food.
- Proper handwashing procedures to include how, when, where to wash, & fingernail maintenance. (§ 2-301.12, § 2-301.14, § 2-301.15, § 2-302.11)
- Prohibition of jewelry. (§ 2-303.11)
- Good hygienic practices. (§ 2-401.11, § 2-401.12)

8. **Documentation of Handwashing Practices:** Provide documentation that food employees are following proper handwashing procedures prior to food preparation and other procedures as necessary to prevent cross-contamination during all hours of operation when the specific ready-to-eat foods are prepared or touched with bare hands.

9. **Documentation of Additional Control Measures:** Provide documentation to demonstrate that food employees are utilizing two or more of the following control measures when contacting ready-to-eat foods with bare hands:

- Vaccination against hepatitis A for food employees including initial booster shots or documented medical evidence that a food employee has had a previous illness from hepatitis A virus;
- Double handwashing;
- Use of nailbrushes;
- Use of hand antiseptic after handwashing;
- Incentive programs such as paid leave encouraging food employees not to work when they are ill; or
- Other control measures approved by the regulatory authority.

Statement of Compliance:

I certify all of the following: All food employees are individually trained in the risks of contacting ready-to-eat foods with bare hands, personal health and activities as they relate to diseases that are transmissible through food, proper handwashing procedures, prohibition of jewelry, and good hygienic practices. A record of this training is kept on site. I understand that bare hand contact with ready-to-eat food is prohibited except for those items listed in section four (4) above. A handwashing sink is located immediately adjacent to the posted bare hand contact procedure. All handwashing sinks are maintained with hot water, soap, and drying devices. I understand that documentation is needed for handwashing practices and additional control measures. I understand that records to document handwashing are kept current and kept on site.

SIGNATURE: _____ DATE _____
(Signature of legal representative of the facility listed above)

Regulatory Authority (RA) Use Only:
 Permit Number: _____
 File Review Conducted on History of Handwashing Compliance: Yes No
 Site Visit Conducted Yes No Comments: _____
 Approved: Effective Date: _____ RA name _____
 Not Approved: Reason for Denial: _____

FORM
2-A

Adoption by Reference

This "short form" may be used by governmental bodies adopting the Food Code where authorized by law. Use of the adoption by reference form may substantially reduce the cost of publishing and printing.

The description of the Food Code, below, includes Chapter 8 and the Chapter 8 annex (Annex 1). Modifications to the description may be necessary, based on what provisions are being adopted and whether they are being adopted as law or regulation.

Section 2 lists provisions that may require modifications to be consistent with existing law or that require insertion of dollar amounts.

(JURISDICTION) FOOD CODE

(statute/regulation/ordinance) Number

ADOPTING THE 2005 EDITION OF THE "FOOD CODE" REGULATING THE RETAIL SALE, COMMERCIAL AND INSTITUTIONAL SERVICE, AND VENDING OF FOOD; DEFINING PERMIT HOLDER, PERSON IN CHARGE, EMPLOYEE, FOOD, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD), FOOD ESTABLISHMENT, SAFE MATERIAL, SANITIZATION, AND OTHER TERMS; AND PROVIDING STANDARDS FOR EMPLOYEE FOOD SAFETY KNOWLEDGE, HEALTH, AND PRACTICES; FOOD SOURCES, PREPARATION, HOLDING TEMPERATURES, AND PROTECTION; EQUIPMENT DESIGN, CONSTRUCTION, INSTALLATION, CLEANING, AND SANITIZATION; WATER, AND LIQUID AND SOLID WASTES; FACILITIES CONSTRUCTION AND MAINTENANCE, AND STORAGE AND USE OF POISONOUS AND TOXIC MATERIALS; REQUIRING A PERMIT TO OPERATE A FOOD ESTABLISHMENT; AND PROVIDING FOR THE RESTRICTION OR EXCLUSION OF EMPLOYEES, THE EXAMINATION AND CONDEMNATION OF FOOD, AND THE ENFORCEMENT OF THIS CODE INCLUDING THE SETTING OF PENALTIES.

The (governing body) of the (jurisdiction) does ordain as follows:

SECTION 1. ADOPTION OF FOOD CODE

That a certain document, three copies of which are on file in the office of the (jurisdiction's keeper of records) of the (type of jurisdiction) of (name of jurisdiction) being marked and designated as the *Food Code, 2005 Recommendations of the United States Public Health Service/Food and Drug Administration* as published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration be, and is hereby adopted as, the Food Code of (type of jurisdiction) of (name of jurisdiction) in the State of (state name); for regulating the design, construction, management, and operation of food establishments, and providing for plans submission and approval and the issuance of permits and collection of fees therefore.

SECTION 2. INSERTIONS AND CHANGES

That the following provisions are hereby revised as follows:

Paragraph 8-811.10(B)(1) and (2) Insert **(Dollar Amount)**
Paragraph 8-813.10(B) Insert **(Dollar Amounts)**
Subparagraph 8-811.10(B)(2) Insert **(Number of Year(s))**

SECTION 3. INCONSISTENT CODES REPEALED

That (statute/regulation/ordinance) number (present code number) of the (jurisdiction) titled, (complete title of the food code[s] in effect at the present time so they will be repealed by definite mention) and all other codes or portions of codes in conflict herewith are hereby repealed in that respect only.

SECTION 4. CERTIFICATION OF ADOPTION AND PUBLISHING

That the (jurisdiction's keeper of records) shall certify the adoption of this (statute/regulation/ordinance) and cause the same to be published as required by law.

SECTION 5. EFFECTIVE DATE

That this Code and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect (time period) from and after the date of its final passage and approval.

PASSED AND APPROVED BY (name of adopting authority) on this (day) of (month, year).

BY:

Examples of how some jurisdictions have set fines, sentences, and penalties:

California law provides:

A. For Wholesale Food Violations:

Criminal fines and sentence for violations of up to **\$1,000** and up to **one** year imprisonment if there is shown an intent to defraud or mislead, and

Civil penalties of up to **\$1,000** per day for certain violations.

B. For Retail Food Violations:

Criminal fines and sentence for violations of not less than twenty-five dollars (\$25) or more than one thousand dollars (\$1000) for each offense, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

Maryland law provides:

Criminal fines and sentence for certain misdemeanors of up to **\$10,000** and **one** year imprisonment, and in the case of repeat code violation convictions, up to **\$25,000** and **three** years imprisonment; and

Civil penalties of up to **\$5,000** for each violation and for each day the violation continues.

Texas law provides:

Criminal fines and sentence for certain violations of up to **\$10,000** and **two** years imprisonment; and

Assessment of five "severity" levels of administrative or civil penalties with base amounts ranging from **\$1,250** through **\$10,000**. Base amounts can be decreased or increased by as much as 50% considering factors such as past performance, good faith, direct impact on health and safety, high-risk populations involved, etc.

Though rarely used with retail food establishments, **Federal** law provides under the *Criminal Fine Enforcement Act of 1984* for a fine up to **\$100,000** for a misdemeanor by a corporation or individual not resulting in death and, for misdemeanors resulting in death, a fine of up to **\$250,000** for individuals and **\$500,000** for corporations.

FORM
2-B

Adoption by Section-by-Section Reference

This "long form" may be used by governmental bodies adopting the Food Code section-by-section.

The description of the "Food Code," below, includes Chapter 8 and the Chapter 8 annex (Annex 1). Modifications to the description may be necessary, based on what provisions are being adopted and whether they are being adopted as law or regulation.

Section 2 lists provisions that may require modifications to be consistent with existing law or that require insertion of dollar amounts.

(JURISDICTION) FOOD CODE

(statute/regulation/ordinance) Number

ADOPTING A CODE REGULATING THE RETAIL SALE, COMMERCIAL AND INSTITUTIONAL SERVICE, AND VENDING OF FOOD; DEFINING PERMIT HOLDER, PERSON IN CHARGE, EMPLOYEE, FOOD, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD), FOOD ESTABLISHMENT, SAFE MATERIAL, SANITIZATION, AND OTHER TERMS; AND PROVIDING STANDARDS FOR EMPLOYEE FOOD SAFETY KNOWLEDGE, HEALTH, AND PRACTICES; FOOD SOURCES, PREPARATION, HOLDING TEMPERATURES, AND PROTECTION; EQUIPMENT DESIGN, CONSTRUCTION, INSTALLATION, CLEANING AND SANITIZATION; WATER, AND LIQUID AND SOLID WASTES; FACILITIES CONSTRUCTION AND MAINTENANCE, AND STORAGE AND USE OF POISONOUS AND TOXIC MATERIALS; REQUIRING A PERMIT TO OPERATE A FOOD ESTABLISHMENT; AND PROVIDING FOR THE RESTRICTION OR EXCLUSION OF EMPLOYEES, THE EXAMINATION AND CONDEMNATION OF FOOD, AND THE ENFORCEMENT OF THIS CODE INCLUDING THE SETTING OF PENALTIES.

The (governing body) of the (jurisdiction) does ordain as follows:

(REPRINT THE *FOOD CODE*, (date) *RECOMMENDATIONS OF THE UNITED STATES PUBLIC HEALTH SERVICE/FOOD AND DRUG ADMINISTRATION, SECTION-BY-SECTION*)

SECTION 2. INSERTIONS AND CHANGES

That the following provisions may need to be completed as follows:

Paragraph 8-811.10(B)(1) and (2) Insert (**Dollar Amount**)

Paragraph 8-813.10(B) Insert (**Dollar Amounts**)

Subparagraph 8-811.10(B)(2) Insert (**Number of Year(s)**)

SECTION 3. INCONSISTENT CODES REPEALED

That (statute/regulation/ordinance) number (present code number) of the (jurisdiction) titled, (complete title of the food code[s] in effect at the present time so they will be repealed by definite mention) and all other codes or portions of codes in conflict herewith are hereby repealed in that respect only.

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A. For Wholesale Food Violations:

Criminal fines and sentence for violations of up to **\$1,000** and up to **one** year imprisonment if there is shown an intent to defraud or mislead, and

Civil penalties of up to **\$1,000** per day for certain violations.

B. For Retail Food Violations:

Criminal fines and sentence for violations of not less than twenty-five dollars (\$25) or more than one thousand dollars (\$1000) for each offense, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

Maryland law provides:

Criminal fines and sentence for certain misdemeanors of up to **\$10,000** and **one** year imprisonment, and in the case of repeat code violation convictions, up to **\$25,000** and **three** years imprisonment; and

Civil penalties of up to **\$5,000** for each violation and for each day the violation continues.

Texas law provides:

Criminal fines and sentence for certain violations of up to **\$10,000** and **two** years imprisonment; and

Assessment of five "severity" levels of administrative or civil penalties with base amounts ranging from **\$1,250** through **\$10,000**. Base amounts can be decreased or increased by as much as 50% considering factors such as past performance, good faith, direct impact on health and safety, high-risk populations involved, etc.

Though rarely used with retail food establishments, **Federal** law provides under the *Criminal Fine Enforcement Act of 1984* for a fine up to **\$100,000** for a misdemeanor by a corporation or individual not resulting in death and, for misdemeanors resulting in death, a fine of up to **\$250,000** for individuals and **\$500,000** for corporations.

**FORM
3-A**

Food Establishment Inspection Report

The food establishment inspection report is the official regulatory authority document regarding compliance of the establishment with agency requirements. The goal of the report is to clearly, concisely, and fairly present the compliance status of the establishment and to convey compliance information to the permit holder or person in charge at the conclusion of the inspection. The Food Establishment Inspection Report form is provided as a model for use during routine, follow-up, and investigative inspections.

Refer to Annex 5 for further information.

Food Establishment Inspection Report

As Governed by State Code Section		No. of Risk Factor/Intervention Violations		Date _____	
		No. of Repeat Risk Factor/Intervention Violations		Time In _____	
		Score (optional)		Time Out _____	
Establishment	Address	City/State	Zip Code	Telephone	
License/Permit #	Permit Holder	Purpose of Inspection	Est. Type	Risk Category	

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item Mark "X" in appropriate box for COS and R

IN=in compliance OUT=not in compliance N/O=not observed N/A=not applicable COS=corrected on-site during inspection R=repeat violation

Compliance Status				COS	R	Compliance Status				COS	R		
Supervision						Potentially Hazardous Food (TCS food)							
1	IN OUT	Person in charge present, demonstrates knowledge, and performs duties				16	IN OUT N/A N/O	Proper cooking time and temperatures					
Employee Health						Consumer Advisory							
2	IN OUT	Management awareness; policy present				23	IN OUT N/A	Consumer advisory provided for raw or undercooked foods					
3	IN OUT	Proper use of reporting, restriction & exclusion				Highly Susceptible Populations							
Good Hygienic Practices						Chemical							
4	IN OUT N/O	Proper eating, tasting, drinking, or tobacco use				25	IN OUT N/A	Food additives: approved and properly used					
5	IN OUT N/O	No discharge from eyes, nose, and mouth				26	IN OUT	Toxic substances properly identified, stored, used					
Preventing Contamination by Hands						Conformance with Approved Procedures							
6	IN OUT N/O	Hands clean and properly washed				27	IN OUT N/A	Compliance with variance, specialized process, and HACCP plan					
7	IN OUT N/A N/O	No bare hand contact with ready-to-eat foods or approved alternate method properly followed			Risk factors are food preparation practices and employees behaviors most commonly reported to the Centers for Disease Control and Prevention as contributing factors in foodborne illness outbreaks. Public health interventions are control measures to prevent foodborne illness or injury.								
8	IN OUT	Adequate handwashing facilities supplied & accessible											
Approved Source													
9	IN OUT	Food obtained from approved source											
10	IN OUT N/A N/O	Food received at proper temperature											
11	IN OUT	Food in good condition, safe, and unadulterated											
12	IN OUT N/A N/O	Required records available: shellstock tags, parasite destruction											
Protection from Contamination													
13	IN OUT N/A	Food separated and protected											
14	IN OUT N/A	Food-contact surfaces: cleaned & sanitized											
15	IN OUT	Proper disposition of returned, previously served, reconditioned, and unsafe food											

GOOD RETAIL PRACTICES

Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods.

Mark "X" in box if numbered item is **not** in compliance Mark "X" in appropriate box for COS and/or R COS=corrected on-site during inspection R=repeat violation

Safe Food and Water				COS	R	Proper Use of Utensils				COS	R	
28		Pasteurized eggs used where required				41		In-use utensils: properly stored				
29		Water and ice from approved source				42		Utensils, equipment and linens: properly stored, dried, handled				
30		Variance obtained for specialized processing methods				43		Single-use/single-service articles: properly stored, used				
Food Temperature Control						Utensils, Equipment and Vending						
31		Proper cooling methods used; adequate equipment for temperature control				44		Gloves used properly				
32		Plant food properly cooked for hot holding				Physical Facilities						
33		Approved thawing methods used				45		Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used				
34		Thermometers provided and accurate				46		Warewashing facilities: installed, maintained, used; test strips				
Food Identification						47		Nonfood-contact surfaces clean				
35		Food properly labeled; original container				48		Hot and cold water available; adequate pressure				
Prevention of Food Contamination						49		Plumbing installed; proper backflow devices				
36		Insects, rodents, and animals not present				50		Sewage and waste water properly disposed				
37		Contamination prevented during food preparation, storage & display				51		Toilet facilities: properly constructed, supplied, cleanec				
38		Personal cleanliness				52		Garbage/refuse properly disposed; facilities maintained				
39		Wiping cloths: properly used and stored				53		Physical facilities installed, maintained, and clean				
40		Washing fruits and vegetables				54		Adequate ventilation and lighting; designated areas use				

Person in Charge (Signature)	Date:
Inspector (Signature)	Follow-up: YES NO (Circle one) Follow-up Date:

GUIDE

3-B

**Food Code References for Risk Factors/Interventions
and Good Retail Practices Specified on the
Food Establishment Inspection Report Form**

The major headings from the Food Establishment Inspection Report form have been extracted and condensed in Guide 3-B to key word phrases to assist the person conducting inspections in locating the Food Code citation that corresponds to a given violation and recording inspectional observations.

Guide

3-B

Food Code References for Risk Factors/Interventions and Good Retail Practices Specified on the Food Establishment Inspection Report

Part 1. Risk Factors and Interventions

Supervision 1. 2-101.11 Assignment * 2-102.11 Demonstration * 2-103.11 Person-In-Charge (PIC) Duties		Protection from Contamination 14. 4-501.111 Manual Warewashing, Hot Water Sanitization * 4-501.112 Mechanical Warewashing, Hot Water Sanitization 4-501.113 Mechanical Warewashing, Sanitization Pressure 4-501.114 Chemical Sanitization-Temp, pH, Concentration, Hardness * 4-501.115 Manual Warewashing Equip. Detergent Sanitizers 4-601.11(A) Food Contact Surface Clean to Sight & Touch * 4-602.11 Food Contact Surface-Cleaning Frequency * 4-602.12 Cooking & Baking Equipment 4-702.11 Before Use After Cleaning * 4-703.11 Hot Water and Chemical * 15. 3-306.14 Returned Food & Re-service of Food * 3-801.11 Discarding/Reconditioning Adulterated Food *	
Employee Health 2. 2-201.11 Responsibility of PIC, Conditional & Food Employees * 3. 2-201.12 Exclusions & Restrictions * 2-201.13 Removal of Exclusions & Restrictions		Potentially Hazardous Food (Time/Temperature Control for Safety Food) 16. 3-401.11 Cooking Raw Animal Foods * 3-401.12 Microwave Cooking * 17. 3-403.11 Reheating for Hot Holding * 18. 3-501.14 Cooling * 19. 3-501.16 Hot Holding * 20. 3-501.16 Cold Holding * 21. 3-501.17 RTE PHF (TCS Food), Date Marking ¹ 3-501.18 RTE PHF (TCS Food), Disposition * 22. 3-501.19 Time as a Public Health Control *	
Good Hygienic Practices 4. 2-401.11 Eating, Drinking, or Using Tobacco * 3-301.12 Preventing Contamination when Tasting * 5. 2-401.12 Discharges from the Eyes, Nose, and Mouth *		Consumer Advisory 23. 3-603.11 Consumer Advisory for Raw/ Undercooked Food*	
Control of Hands as a Vehicle of Contamination 6. 2-301.11 Clean condition * 2-301.12 Cleaning Procedure * 2-301.14 When to Wash * 2-301.15 Where to Wash 2-301.16 Hand Antiseptics 7. 3-301.11 Preventing Contamination from Hands * 8. 5-203.11 Handwashing Sinks (nos./capacities) * 5-204.11 Handwashing Sinks (loc./placement) * 5-205.11 Using a Handwashing Sink 6-301.11 Handwashing Cleanser, Availability 6-301.12 Hand Drying Provision 6-301.13 Handwashing Aids & Devices, Use Restrictions 6-301.14 Handwashing Signage 6-501.18 Maintaining & Using Handwashing Sinks		Highly Susceptible Populations 24. 3-801.11 Pasteurized Foods & Prohibited Food *	
Approved Source 9. 3-201.11 Compliance with Food Law * 3-201.12 Food in Hermetically Sealed Container * 3-201.13 Fluid Milk & Milk Products * 3-201.14 Fish * 3-201.15 Molluscan Shellfish * 3-201.16 Wild Mushrooms * 3-301.17 Game Animals * 3-202.13 Eggs * 3-202.14 Eggs & Milk Products, Pasteurized * 3-202.110 Prepackaged Juice-Treated 5-101.13 Bottled Drinking Water * 10. 3-202.11 Temperature * 11. 3-101.11 Safe, Unadulterated & Honestly Presented * 3-202.15 Package Integrity * 12. 3-202.18 Shellstock Identification * 3-203.12 Shellstock, Maintaining Identification * 3-402.11 Parasite Destruction * 3-402.12 Records, Creation, & Retention		Chemical 25. 3-202.12 Approved Additives * 3-302.14 Protection from Unapproved Additives * 26. 7-101.11 Identifying Information* 7-102.11 Common Name, Working Containers * 7-201.11 Separation, Storage * 7-202.11 Restriction * 7-202.12 Conditions of use * 7-203.11 Poisonous or Toxic Material Containers * 7-204.11 Sanitizers, Criteria * 7-204.12 Chemicals for Washing Fruits & Vegetables * 7-204.13 Boiler Water Additives * 7-204.14 Drying Agents * 7-205.11 Incidental Food Contact, Criteria* 7-206.11 Restricted Use Pesticides * 7-206.12 Rodent Bait Stations * 7-206.13 Tracking Powders, Pest Control & Monitoring* 7-207.11 Restriction & Storage; Medicines * 7-207.12 Refrigerated Medicines, Storage * 7-208.11 Storage-First Aid Supplies * 7-209.11 Storage-Personal Care Items 7-301.11 Separation-for Retail Sale*	
Protection from Contamination 13. 3-302.11 Separation, Packaging, & Segregation * 3-304.11 Food Contact with Equipment & Utensils * 3-306.13(A) Consumer Self Service Operations *		Conformance with Approved Procedures 27. 3-502.11 Variance Requirement * 3-502.12 Reduced Oxygen Packaging, Criteria * 3-404.11 Treating Juice 8-103.12 Compliance with Variance and HACCP Plan *	

Internal Cooking Temperature Specifications

145°F for 15 seconds	Raw eggs cooked for immediate service Fish, except as listed below	Meat, except as listed in the next 2 rows Commercially raised game animals, rabbits
155°F for 15 seconds:	Ratites (Ostrich, Rhea and Emu) Injected meats	Comminuted meat, fish, or commercially raised game animals
165°F for 15 seconds:	Wild game animals Poultry Raw eggs not for immediate service	Stuffed fish, meat, pork, pasta, ratites & poultry Stuffing containing fish, meat, ratites & poultry
Whole Meat Roasts	Refer to cooking charts in the <i>Food Code</i> ¶ 3-401.11(B)	

Asterisk (*) items are listed as critical items in the Food Code.

September 2005

¹RTE PHF (TCS food) means ready-to-eat potentially hazardous food (time/temperature control for safety food).

Annex 7, Guide 3-B (continued)
Part 2. Good Retail Practices

Safe Food & Water	Prevention of Food Contamination
<p>28. Pasteurized eggs used where required 3-302.13 Pasteurized eggs substituted for raw eggs in uncooked, egg-based recipes</p> <p>29. Water & ice from approved source 3-202.16 Ice used as a food/cooling medium made from potable water* 5-101.11 Drinking water from an approved source* 5-102.11 Standards of quality for public drinking water met* 5-102.12 Nondrinking water used only for non-food purposes* 5-102.13 Sampling report for non-public water tested as required 5-102.14 Recent report available 5-104.12 Alternative water supply delivered through approved means</p> <p>30. Variance obtained for specialized processing methods 8-103.11 Documentation & justification for variance on file with regulatory authority</p>	<p>36. Insects, rodents, & animals not present 2-403.11 Food employees not handling animals* 6-202.13 Insect control devices properly designed & installed 6-202.15 Openings to outside protected against entry of pest; 6-202.16 Protective barriers provided for exterior 6-501.111 Effective pest control measures in place* 6-501.112 Dead or trapped pest removed traps at adequate frequency 6-501.115 Prohibited live animals not on premises*</p> <p>37. Contamination prevented during food preparation, storage, & display 3-202.19 Shellstock free of mud, dead shellfish & shellfish with broken shells 3-303.11 Ice as a coolant not used as food 3-303.12 Packaged food not stored in direct contact with water/ice during display 3-304.13 Linens & napkins not used in contact with food unless as a liner & replaced each time 3-305.11 Food stored 6" off the floor in clean, dry location 3-305.12 Food not stored in prohibited areas 3-305.14 Unpackaged food protected from environmental contamination during preparation 3-306.11 Food on display protected by food guards/packaging 3-306.12 Condiments protected in dispensers/individual packets 3-306.13(B) Consumer self-service operations provided with suitable utensils^N 3-306.13(C) Consumer self-service operations monitored^N 3-307.11 Food not contaminated by any other source 6-404.11 Distressed food segregated & properly located away from food, utensils, or equipment</p> <p>38. Personal cleanliness 2-302.11 Fingernails neat & trimmed; Gloves worn over polished nails & artificial nails 2-303.11 No jewelry worn during food handling except plain wedding band 2-304.11 Outer clothing clean 2-402.11 Hair restraints & clothes that cover body hair worn by food employees</p> <p>39. Wiping cloths properly used & stored 3-304.14 Cloths for spills used for only one purpose; wet wiping cloths stored in sanitizer; wet & dry cloths stored clean 4-101.16 Sponges not used on sanitized food contact surfaces 4-901.12 Wiping cloths laundered in establishment, air dried if no clothes dryer present</p> <p>40. Washing fruits & vegetables 3-302.15 Raw fruits & vegetables thoroughly washed before use</p>
<p>Food Temperature Control</p> <p>31. Proper cooling methods used; adequate equipment for temperature control 3-501.11 Frozen food stored frozen 3-501.15 Proper cooling methods used for PHF (TCS Foods) 4-301.11 Cooling, heating, & holding equipment sufficient in number, capacity & in</p> <p>32. Plant food properly cooked for hot holding 3-401.13 Plant food (vegetables/fruit) cooked to 135°F or above for hot holding</p> <p>33. Approved thawing methods used 3-501.12 Frozen PHF (TCS Foods) slacked properly; 3-501.13 Proper thawing methods used for PHF (TCS Foods)</p> <p>34. Thermometers provided & accurate 4-203.11 Food thermometers accurate in the intended range of use 4-203.12 Ambient air & water thermometers accurate in the intended range of use 4-204.112 Thermometers located in refrigerators/hot holding units to measure ambient air in warmest/coolest areas of units 4-302.12 Food thermometers provided & accessible; Appropriate thermometer for measuring thin foods provided</p>	<p>Proper Use of Utensils</p> <p>41. In-use utensils properly stored 3-304.12 In-use utensils properly stored between uses</p>
<p>Food Identification</p> <p>35. Food properly labeled; original container 3-202.17 Proper identification & sell-by date on packages of shucked shellfish 3-203.11 Molluscan shellfish stored in original container until sold/prepped 3-302.12 Food storage containers identified with common name of food 3-305.13 Vended PHF (TCS Foods) dispensed in original container 3-601.11 Standards of identity met for packaged foods 3-601.12 Foods honestly presented, do not misinform consumers 3-602.11 Food packaged in the food establishment labeled as specified in law 3-602.12 Consumer warnings as required by law on labels</p>	

Annex 7, Guide 3-B (continued)
Part 2. Good Retail Practices

<p>42. Utensils, equipment, & linens properly stored, dried, & handled</p> <p>4-801.11 Clean linens free of food residues & soil</p> <p>4-802.11 Based on use, linens laundered at adequate frequency</p> <p>4-803.11 Soiled linens properly stored</p> <p>4-803.12 Linens mechanically washed unless only wiping cloths are laundered on site</p> <p>4-901.11 Equipment/utensils air dried after washing, rinsing, & sanitizing</p> <p>4-903.11 Equipment/utensils/linens stored 6" off floor in clean, dry location</p> <p>4-903.12 Equipment/utensils/linens not stored in prohibited areas</p> <p>4-904.11 Kitchenware/tableware handled to protect food-/lip-contact surfaces</p> <p>4-904.12 Soiled tableware removed from eating areas</p> <p>4-904.13 Preset tableware wrapped/covered; unused settings removed from table</p> <p>43. Single-service & single-use articles properly stored & used</p> <p>4-502.12 Single-service items available if no warewashing facilities present *</p> <p>4-502.13 Single-service/-use items not reused</p> <p>4-502.14 Molluscan/crustacean shells used only once as serving container</p> <p>4-903.11 Single-service/use items stored 6" off the floor in a clean, dry location</p> <p>4-903.12 Single-service/-use items not stored in specified places</p> <p>4-904.11 Single-service/-use items properly handled to protect food-/lip-contact surfaces</p> <p>44. Gloves used properly</p> <p>3-304.15 Single-use gloves only used for one task; Appropriate gloves used for task being performed</p>	<p>45. Food- & nonfood-contact surfaces cleanable, properly designed, constructed, & used (continued)</p> <p>4-202.15 Cutting parts of can opener readily removable for cleaning/replacement</p> <p>4-202.16 Nonfood-contact surfaces</p> <p>4-202.17 Kick plates removable for cleaning</p> <p>4-204.12 Covers/lids for equipment openings overlap the opening & sloped to drain</p> <p>4-204.15 Equipment requiring lubricants designed so that lubricants do not drip into food</p> <p>4-204.16 Beverage tubing not in contact with stored ice</p> <p>4-204.17 Liquid waste drains do not pass through ice storage bins</p> <p>4-204.18 Condenser unit separated from food storage space</p> <p>4-204.19 Can openers on vending machines protected from contamination</p> <p>4-204.110 Molluscan shellfish tanks marked for display only or operated under a HACCP plan</p> <p>4-204.13 Dispensing equipment designed to protect unpackage product</p> <p>4-204.14 Vending machine equipped with self-closing door or cover</p> <p>4-204.111 Vending machines for PHF (TCS Foods) equipped with auto shutoff *</p> <p>4-204.121 Vending machines for liquids equipped with drains, internal waste receptacle, & automatic shutoff</p> <p>4-204.122 Case lot handling equipment movable by hand, hand trucks, or forklifts</p> <p>4-204.123 Vending machine doors/openings tight-fitting</p> <p>4-302.11 Dispensing utensils provided for each container of consumer self-service unit</p> <p>4-401.11 Equipment, washers/dryers, linen, & storage cabinets properly located</p> <p>4-402.11 Fixed or counter-mounted equipment properly spaced or sealed</p> <p>4-402.12 Fixed or counter-mounted equipment properly elevated or sealed</p> <p>4-501.11 Equipment in good repair & adjusted per manufacturer's specs</p> <p>4-501.12 Scratched cutting boards resurfaced or discarded</p> <p>4-501.13 Microwave ovens meeting safety standards specified in CFR</p> <p>4-502.11 Utensils maintained in good repair; thermometers calibrated per manufacturer's specs</p> <p>4-603.11 Dry cleaning methods used with non PHF (non TCS Foods) only</p> <p>4-603.17 Cleaning/refilling of returnables only for non PHF (non TCS Foods) or conducted at a regulated facility*</p> <p>4-902.11 Food-contact surfaces not contaminated during lubricating of equipment</p> <p>4-902.12 Food-contact surfaces not contaminated during reassembly of equipment</p>
<p><u>Utensils, Equipment, and Vending</u></p>	
<p>45. Food- & nonfood-contact surfaces cleanable, properly designed, constructed, & used</p> <p>3-304.16 Clean tableware for seconds provided to</p> <p>3-304.17 Returnables not refilled at food establishment</p> <p>4-101.11 Utensils/food-contact surfaces made of safe, durable, smooth materials*</p> <p>4-101.12 Cast iron not used for food-contact surfaces, unless it meets exemptions</p> <p>4-101.13 Lead, pewter, & solder exceeding limits for lead, not used for food-contact surfaces</p> <p>4-101.14 Copper not used for food-contact surfaces*</p> <p>4-101.15 Galvanized metal not used for food-contact surfaces*</p> <p>4-101.17 Wood used for food-contact surfaces constructed of hard wood</p> <p>4-101.18 Nonscratching utensil used with nonstick coatings</p> <p>4-101.19 Nonfood-contact surfaces made of durable, smooth materials</p> <p>4-102.11 Single-service/-use items made of safe & clean materials*</p> <p>4-201.11 Equipment and Utensil Durability and Strength</p> <p>4-201.12 Food Temperature Measuring Devices*</p> <p>4-202.11-12 Food-contact surfaces smooth & easily accessible for cleaning;* CIP equipment easily cleanable</p> <p>4-202.13 "V" threads only used for hot oil equipment</p> <p>4-202.14 Hot Oil Filtering Equipment</p>	

Annex 7, Guide 3-B (continued)
Part 2. Good Retail Practices

<p>46. Warewashing facilities installed, maintained, & used; test strips</p> <p>4-203.13 Hot water pressure devices accurate to ± 2 pounds per square inch</p> <p>4-204.113 - .116 Data plate/baffles/thermometers on warewashing machines; heater/basket present for manual heat sanitization</p> <p>4-204.117 Warewashing machine equipped with means to verify dispensing of detergents & sanitizers</p> <p>4-204.118 - .120 Pressure device on machines with hot water sanitizing rinse; sinks, drainboards, compartments self-draining</p> <p>4-301.12 3 compartment sink large enough to immerse largest utensil</p> <p>4-301.13 Adequate drainboards provided</p> <p>4-302.13 - .14 Thermometer for testing sanitizing water temperature &/or test kit for measuring sanitizer concentration provided</p> <p>4-501.14 Warewashing equipment cleaned before use & every 24 hours</p> <p>4-501.15 Warewashing machine operated per data plate</p> <p>4-501.16 Warewashing sinks cleaned & sanitized before & after use for washing food or wiping cloths</p> <p>4-501.17 Cleaning agents used for washing utensils in accordance with manufacturer's instructions</p> <p>4-501.18 Wash, rinse & sanitize solutions maintained clean</p> <p>4-501.19 Manual wash temperature maintained $\geq 110^{\circ}\text{F}$</p> <p>4-501.110 Wash temperature requirement met for warewashing machine based on machine type</p> <p>4-501.116 Concentration of sanitizer solution determined by use of test kit</p> <p>4-603.12 Equipment/utensils precleaned before washing</p> <p>4-603.13 Soiled items properly loaded into warewashing machines</p> <p>4-603.14 Equipment food-contact surfaces & utensils effectively washed</p> <p>4-603.15 Fixed equipment & equipment too large for warewashing sink/machine washed by approved alternative method</p> <p>4-603.16 Utensils & equipment rinsed after washing</p> <p>47. Nonfood-contact surfaces clean</p> <p>4-601.11(B) - (C) Equipment maintained free of encrusted grease/soil deposits</p> <p>4-602.13 Nonfood-contact surfaces cleaned at frequency to prevent buildup of residue</p>	<p>5-202.13 Air gap provided between water supply inlet & flood level rim of plumbing fixture*</p> <p>5-202.14 Backflow prevention device designed per approved standards</p> <p>5-202.15 Water filter/screen/water conditioning device installed to allow ease of cleaning</p> <p>5-203.13 Service sink available for cleaning of mops & disposal of liquid waste</p> <p>5-203.14 Backflow prevention device or air gap provided on plumbing fixtures as required*</p> <p>5-203.15 Backflow prevention device on carbonator with no air gap*</p> <p>5-204.12 - .13 Backflow prevention devices/conditioning devices located to allow service/maintenance</p> <p>5-205.12 No cross connection between drinking & non-drinking water*</p> <p>5-205.13 Water treatment device inspected & serviced</p> <p>5-205.14 Water reservoir of fogging devices maintained & cleaned*</p> <p>5-205.15 Plumbing system maintained in good repair*</p> <p>5-301.11 Mobile water tank constructed of safe, durable, finished materials</p> <p>5-302.11 - .16 Mobile water tank sloped to drain & designed to allow inspection & cleaning</p> <p>5-303.11 - .13 Mobile water tank designed with cover for water inlet/outlet & dedicated hose connection</p> <p>50. Sewage & waste water properly disposed</p> <p>5-304.11 - .14 Water tank/pump/hoses properly disinfected & handled * Backflow prevention in place; waste water properly disposed</p> <p>5-401.11 Mobile holding tank adequately sized for capacity & sloped to drain</p> <p>5-402.11 Backflow prevention – no direct connection between sewage system & food equipment*</p> <p>5-402.12 - .13 Grease trap located to allow ease of cleaning; Sewage conveyed through approved sanitary sewage system*</p> <p>5-402.14 - .15 Mobile establishment waste removed through approved removal procedure; waste retention tank flushed in a sanitary manner</p> <p>5-403.11 - .12 Approved sewage disposal system used for waste disposal* Other liquid wastes drained to disposal per law</p>
<p>Physical Facilities</p>	
<p>48. Hot & cold water available; adequate pressure</p> <p>5-103.11 - .12 Capacity* & pressure adequate to meet facility demands</p> <p>5-104.11 Water provided by public water main or approved system</p> <p>49. Plumbing installed; proper backflow devices</p> <p>5-101.12 Drinking water system flushed & disinfected after repair or emergency*</p> <p>5-201.11 Plumbing system constructed of approved materials*</p> <p>5-202.11 Plumbing system designed, constructed & installed according to law*</p>	<p>5-203.12 At least one toilet available or number specified by law *</p> <p>5-501.17 Covered receptacle in women's toilet room</p> <p>6-202.14 Toilet rooms completely enclosed</p> <p>6-302.11 Toilet tissue supplied at each toilet</p> <p>6-402.11 Toilet rooms convenient & accessible during all business hours</p> <p>6-501.12 Toilet rooms & fixtures cleaned as often as necessary</p> <p>6-501.19 Toilet room doors kept closed except during cleaning/maintenance</p>

Annex 7, Guide 3-B (continued)
Part 2. Good Retail Practices

<p>52. Garbage, refuse, recyclables, returnables properly disposed; facilities maintained</p> <p>5-501.11 Outdoor storage surface constructed of nonabsorbent material & sloped to drain</p> <p>5-501.12 Outdoor enclosure for refuse constructed of durable, cleanable materials</p> <p>5-501.13 Receptacles durable, cleanable, insect-/rodent-resistant & leakproof</p> <p>5-501.14 Receptacles not within vending machines</p> <p>5-501.15 Outside receptacles designed with tight-fitting lids/doors/covers & properly installed</p> <p>5-501.16 Sufficient storage capacity – & area/receptacles provided to hold refuse</p> <p>5-501.18 Cleaning implements/supplies provided for effective cleaning of receptacles</p> <p>5-501.19 Refuse storage areas located separate from food/utensils/equipment & not creating a nuisance</p> <p>5-501.110 Receptacles for refuse, recyclables, returnables inaccessible to insects/rodents</p> <p>5-501.111 Storage areas/receptacles in good repair</p> <p>5-501.112 Receptacles, such as plastic bags accessible to rodents, not stored outside</p> <p>5-501.113 Inside receptacles covered if not continually used; Outside receptacles equipped with tight fitting lids</p> <p>5-501.114 Drain plugs provided in receptacles with drains</p> <p>5-501.115 Refuse areas & enclosures maintained clean</p> <p>5-501.116 Cleaning of receptacles done in way not to contaminate food/utensils/equipment</p> <p>5-502.11 -.12 Refuse, recyclables, returnables removed in approved manner & at proper frequency to minimize attracting pests & developing odors</p> <p>5-503.11 Refuse disposed of in an approved public or private facility</p> <p>6-202.110 Outdoor refuse areas curbed & graded to drain</p>	<p>6-201.13 Floor to wall junctures coved; Water-flushed floors provided with drains & graded to drain</p> <p>6-201.14 -.15 Carpeting not in areas subject to moisture; Mats/duckboards removable & easily cleanable</p> <p>6-201.16 -.18 Wall & ceiling coatings/attachments easily cleanable; Studs unexposed in areas subject to moisture</p> <p>6-202.17 -.19 Overhead protection at outdoor vending & servicing areas; Outdoor walking/driving surfaces graded to drain</p> <p>6-202.111 -.112 Living/sleeping quarters not used for food establishment operations; living/sleeping quarters on the premises separated from food operation</p> <p>6-501.11 -.112 Physical facilities maintained in good repair & cleaned as often as necessary to keep them clean</p> <p>6-501.13 Floors cleaned by dustless methods</p> <p>6-501.15 Mop water/maintenance tools not put in prep, handwashing, or warewashing sinks *</p> <p>6-501.16 Mops allowed to air dry after use</p> <p>6-501.17 Sawdust/wood shavings/granular salt/clay not used on floors</p> <p>6-501.113 -.114 Maintenance tools properly stored; premises free of unnecessary items/litter</p>
<p>53. Physical facilities installed, maintained, & clean</p> <p>4-301.15 Clothes washer & dryer provided for laundering conducted on premises</p> <p>4-401.11(C) Washer & dryer properly located away from food/utensils/equipment</p> <p>4-803.13 Laundry facilities used only for items used in the facility</p> <p>6-101.11 Materials for floors/walls/ceilings smooth, durable, & easily cleanable under normal use</p> <p>6-102.11 Outdoor areas surfaced with concrete/asphalt; Exterior surfaces weather-resistant</p> <p>6-201.11 -.12 Floors/walls/ceilings smooth & easily cleanable; Utility lines not unnecessarily exposed</p>	<p>54. Adequate ventilation & lighting; designated areas provided/used</p> <p>4-202.18 Ventilation filters designed for ease of cleaning & maintenance</p> <p>4-204.11 Ventilation hood designed to prevent condensate from dripping onto food/equipment</p> <p>4-301.14 Ventilation hood adequate to prevent grease & condensation build-up</p> <p>6-202.12 Heating/ventilation/air conditioning units properly designed to prevent contamination</p> <p>6-304.11 Mechanical ventilation of adequate capacity to remove steam, heat, vapors, odors, smoke, fumes</p> <p>6-501.14 Ventilation system cleaned in way not to cause contamination or create a public health hazard</p> <p>6-202.11 Protective shielding on light bulbs over exposed food/utensils/equipment</p> <p>6-303.11 Lighting intensity adequate in food prep, storage, & service areas</p> <p>6-305.11 Dressing rooms designated if employees change on-site; Lockers provided for employees</p> <p>6-403.11 Designated areas for employees for eating/drinking/smoking</p> <p>6-501.110 Designated dressing rooms/lockers used by employees</p>

GUIDE**3-C****Instructions for Marking the Food Establishment Inspection Report**

Guide 3-C is intended to be used during inspections to ensure that observations of the provisions of the Code are not overlooked during the inspection, and accurately recorded on the Food Code Establishment Inspection Report form.

**GUIDE
3-C Instructions for Marking the Food Establishment Inspection Report**

All references and code sections in these marking instructions are based on the 2005 Food Code.

A. GENERAL MARKING INSTRUCTIONS

HEADER Information

Establishment	Complete this section using the “usual/common name” or “Doing Business As” name of the business. This information should be the same as the license/permit application completed at the initiation of the business.
Address	Street address of the actual business location
Zip Code	Actual business location
Telephone	Contact phone number for the establishment
License/Permit #	License number or tracking identification
Permit Holder	Name of Owner or Operator as shown on application
Purpose	The reason for the inspection – routine, reinspection, complaint, or follow-up, etc.
Est. Type	Description or code for describing the type of facility (e.g. restaurant, market, vehicle, temporary food facility)
Risk Category	Designation of risk/priority level for determining frequency of inspection
Number of Risk Factor/ Intervention Violations	The number of boxes marked OUT in items 1-27 should be counted and the total number placed here
Number of Repeat Risk Factor/Intervention Violations	The number of boxes marked R (repeat) in items 1-27 should be counted and the total number placed here
Score (optional)	A score is optional for this form. If a jurisdiction has a scoring system, it should be incorporated into the inspection form and the score of an inspection placed here.
Date	The date of the inspection including month, day, and year
Time In	The actual time the inspection begins
Time Out	The actual time the inspection ends

B. RISK FACTORS AND INTERVENTIONS

Risk factors are food preparation practices and employee behaviors most commonly reported to the Centers for Disease Control and Prevention (CDC) as contributing factors in foodborne illness outbreaks. Risk factors include: Food from Unsafe Sources, Improper Holding Temperatures, Inadequate Cooking, Contaminated Equipment, and Poor Personal Hygiene. These items are prominent on the Food Establishment Inspection Report because maintaining these items in compliance is vital to preventing foodborne illness. Additionally, five key public health interventions were introduced in the 1993 Food Code that supplemented the other interventions long-established by the Food and Drug Administration (FDA) model codes and guidances to protect consumer health. The five key interventions are: Demonstration of Knowledge, Employee Health Controls, Controlling Hands as a Vehicle of Contamination, Time and Temperature Parameters for Controlling Pathogens, and the Consumer Advisory.

For each item on the inspection report form in the Foodborne Illness Risk Factors and Public Health Interventions section, the inspector should indicate one of the following for **COMPLIANCE STATUS**: “IN” which

means that the item is in compliance; “**OUT**” which means that the item is not in compliance; “**N.O.**” which means that the item was not observed during the inspection; or “**N.A.**” which means that the item is not applicable for the facility. If N.A. or N.O. is not listed as an option for a particular item, this means that this item must be evaluated during the inspection and a compliance status must be determined. **If the item is marked “OUT”, document details of each violation for the item number in the “Observations and Corrective Actions” section on the second page of the inspection report.** Compliance status should be determined as a result of observations that establish a pattern of non-compliance. Consideration should be given to the seriousness of the observation with regard to prevention of foodborne illness.

For items marked “**OUT**,” further indicate the status of the violation by marking an “**X**” in the corresponding box for Corrected On-Site (**COS**) during the inspection and/or Repeat violation (**R**). Marking **COS** indicates that all violations cited under that particular item number have been corrected and verified before completing the inspection. The actual corrective action taken for each violation should be documented in the “Observations and Corrective Actions” section of the inspection report. For example, Item #7 *Handwashing sink* is marked out of compliance because the establishment does not have soap and paper towels at the handwashing sink. The person in charge partially corrects the problem by putting soap at the sink, but does not replace the paper towels or provide any other effective means for drying hands. The corrective action taken for the soap is documented in the narrative on the form, but **COS** is not marked for Item #7 because all violations under that item were not corrected. Marking **R** indicates that the same violation under a particular item number was cited on the last inspection report. Using the same scenario, on the subsequent inspection if the provision of soap and paper towels is not in violation, but employees are not washing hands in the correct sink (which is also cited under Item #7 *Handwashing sink*), **R** would not be marked because this is a new violation which was not cited on the previous inspection report.

C. MARKING INSTRUCTIONS FOR EACH RISK FACTOR AND INTERVENTION ON THE INSPECTION REPORT

Supervision

1. PIC present, demonstrates knowledge, and performs duties

IN/OUT This item should be marked IN or OUT of compliance. The person in charge (PIC) has three assigned responsibilities – Presence; Demonstration of Knowledge; and Duties. This item is marked OUT of compliance if any one of the responsibilities is not met.

- A. Person in charge is present. This item is marked OUT of compliance when there is no PIC.
- B. Demonstration of Knowledge. The PIC has three options for demonstrating knowledge. This item is marked OUT of compliance if the PIC fails to meet at least one of the options. The three options for demonstration of knowledge allowed by the Food Code are:
 1. Certification by an ACCREDITED PROGRAM;
 2. Complying with this Code by having no violations of critical items during the current inspection; or
 3. Correct responses to the inspector's questions regarding public health practices and principles applicable to the operation. The inspector should assess this item by asking open-ended questions that would evaluate the PIC's knowledge in each of the areas enumerated in ¶ 2-102.11(C). Questions can be asked during the initial interview, menu review, or throughout the inspection as appropriate. The Inspector should ask a sufficient number of questions to enable the inspector to make an informed decision concerning the PIC's knowledge of the Code requirements and public health principles as they apply to the operation. The dialogue should be extensive enough to reveal whether or not that person is enabled by a clear understanding of the Code and its public health principles to follow sound food safety practices and to produce foods that are safe, wholesome, unadulterated, and accurately represented.

- C. Duties of the PIC. This item should 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. Since marking this item out of compliance requires judgment, it is important that this item not be marked for an isolated incident, but rather for an overall evaluation of the PIC's ability to ensure compliance with the duties described in § 2-103.11.

N.A. Do Not Mark this item N.A.
N.O. Do Not Mark this item N.O.

Employee Health

2. Management awareness, policy present

IN/OUT This item should be marked IN or OUT of compliance. This item is marked IN compliance when all of the following criteria are met:

1. The PIC is aware of the Food Code provision that conditional or food employees are required to report certain symptoms or diagnosed illnesses to the person in charge, and
2. The PIC can convey knowledge of an employee health policy or have access to an employee health policy (the Code does not require a written policy except for use of bare hand contact with ready-to-eat food) identifying what actions are necessary following a report that an employee has a certain symptom or diagnosed illness.

The policy must reflect the current Food Code provisions. Verbal communication of the employee health policy must be specific to the types of illnesses and symptoms that require reporting. Nonspecific statements such as, "sick or ill employees are not allowed to work," are not acceptable as meeting this requirement.

N.A. Do Not Mark this item N.A.
N.O. Do Not Mark this item N.O.

3. Managing Ill Employees - reporting, excluding, and restricting

IN/OUT This item must be marked IN or OUT of compliance. To be marked IN there must be no ill employees, employees experiencing symptoms requiring reporting, or reason for the PIC to exclude or restrict an employee observed at the time of the inspection.

N.A. Do Not Mark this item N.A.
N.O. Do Not Mark this item N.O.

Good Hygienic Practices

4. Proper eating, tasting, drinking, or tobacco use

IN/OUT This item should be marked IN or OUT of compliance.

N.A. Do Not Mark this item N.A.

N.O. This item may be marked N.O. for retail operations only in the **RARE** case when there are no food workers present at the time of inspection.

5. No discharge from eyes, nose, and mouth

IN/OUT This item should be marked IN or OUT of compliance.

N.A. Do Not Mark this item N.A.

N.O. This item may be marked N.O. for retail operations only in the **RARE** case when there are no food workers present at the time of inspection.

Preventing Contamination by Hands

6. Hands clean and properly washed

IN/OUT This item should be marked IN or OUT of compliance. This item is marked IN compliance only when employees are observed using proper handwashing techniques at appropriate times and places.

N.A. **Do Not Mark** this item N.A.

N.O. This item may be marked N.O. for retail operations only in the **RARE** case when there are no food workers present at the time of inspection. (If there are no food workers present, but the PIC accompanies the inspector on the inspection and touches food, clean equipment, or utensils without washing his/her hands, this item is marked OUT.)

7. No bare hand contact with ready-to-eat foods or approved alternate method followed

IN/OUT This item should be marked IN or OUT of compliance. This item is marked IN compliance only when employees are observed using suitable utensils or gloves to prevent bare hand (or arm) contact with ready-to-eat foods or are observed following a pre-approved alternative procedure to no bare hand contact.

N.A.

N.O. This item may be marked N.O. for establishments that prepare ready-to-eat foods only, but no food preparation is performed at the time of inspection.

8. Adequate handwashing sinks, properly supplied and accessible

IN/OUT This item should be marked IN or OUT of compliance.

N.A. **Do Not Mark** this item N.A.

N.O. **Do Not Mark** this item N.O.

Approved Source

9. Food obtained from approved source

IN/OUT This item should be marked IN or OUT of compliance.

N.A. **Do Not Mark** this item N.A.

N.O. **Do Not Mark** this item N.O.

10. Food received at proper temperature

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. for retail operations when the establishment receives only foods that are not PHF (TCS) food and that are not frozen.

N.O. This item may be marked N.O. if food is not received during the inspection.

11. Food in good condition, safe and unadulterated

IN/OUT This item should be marked IN or OUT of compliance.

N.A. **Do Not Mark** this item N.A.

N.O. **Do Not Mark** this item N.O.

12. Required records available: shellstock tags, parasite destruction

NOTE: *Fish that are sold with the intent that the consumer will cook it are not required to be frozen for parasite destruction.*

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. when shellstock are not used in the establishment and the only fish sold as raw, raw-marinated or undercooked is the tuna species or aquacultured fish listed as exempted from freezing in the Food Code.

N.O. This item may be marked N.O. when shellstock or raw, raw-marinated and undercooked fish are sold periodically in the establishment, but are not being sold at the time of inspection and prior compliance through tags, invoices, or purchase records cannot be verified.

Protection from Contamination

13. Food separated and protected

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. when there are no raw animal foods used in the facility and only prepackaged foods are sold.

N.O. Do not mark this item N.O.

14. Food-contact surfaces: cleaned and sanitized

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. only when there is no requirement to clean equipment and utensils such as when only prepackaged foods are sold.

N.O. **Do Not Mark** this item N.O.

15. Proper disposition of returned, previously served, reconditioned, and unsafe food

IN/OUT This item should be marked IN or OUT of compliance. This item is marked OUT of compliance if food is found unsafe, adulterated, from an unapproved source, or ready-to-eat food is contaminated by employees and is not discarded or reconditioned according to an approved procedure, or if previously served unwrapped, unprotected food is observed being re-served.

N.A. **Do Not Mark** this item N.A.

N.O. **Do Not Mark** this item N.O.

Potentially Hazardous Food (PHF) (Time Temperature Control for Safety Food) (TCS Food)

16. Proper cooking time and temperatures

NOTE: *The cooking temperatures of foods must be measured to determine compliance or noncompliance. Do not rely upon discussions with managers or cooks to make a determination of compliance or noncompliance. The temperature of raw animal foods in each species cooked during the inspection should be taken. For instance, if the facility fries chicken, scrambles eggs, bakes fish, grills hamburgers, and slow-roasts prime rib during the inspection – the cook temperatures of all of the products should be measured and recorded. Temperatures, both IN compliance and OUT of compliance, should be recorded in the “Temperature Observations” section of the inspection report. If there is insufficient space for the number of temperatures taken, additional temperatures should be documented in the “Observations and Corrective Actions” section on the second page of the inspection report. If a food is cooked below the required temperature but the facility has an approved Consumer Advisory or an approved variance with HACCP plan for that food item, mark the item IN compliance, record the temperature and document the reason it is in compliance. The time of inspections should be varied so that cooking can be observed.*

IN/OUT This item should be marked IN or OUT of compliance. This item should be marked OUT of compliance if the items checked do not meet the temperature requirements for cooking and the employee doing the cooking attempts to serve the product without returning the product to the cooking process.

N.A. This item may be marked N.A. when no raw animal foods are cooked in the establishment.

N.O. This item may be marked N.O. when no raw animal foods are cooked during the time of inspection. *The cooking temperature / time requirements for each raw animal species are as follows:*

- *Raw eggs broken on request and prepared for immediate service cooked to 63°C (145°F) for 15 seconds; Raw eggs broken, but not prepared for immediate service, cooked to 68°C (155°F) for 15 seconds*
- *Comminuted fish, meat, game animals cooked to 68°C (155°F) for 15 seconds*

- *Roasts, including formed roasts, are cooked to 54.4°C (130°F) for 112 minutes or as chart specified and according to oven parameters per chart*
- *Ratites and injected meats cooked to 68°C (155°F) for 15 seconds*
- *Poultry, stuffed fish/meat/pasta/poultry/ratites, or stuffing containing fish, meat, poultry or ratites cooked to 74°C (165°F) for 15 seconds*
- *Wild game animals cooked to 74°C (165°F) for 15 seconds*
- *Whole-muscle, intact beef steaks cooked to surface temperature of 63°C (145°F) on top and bottom; meat surfaces have a cooked color change*
- *Raw animal foods rotated, stirred, covered, and heated to 74°C (165°F) in microwave; food stands covered for 2 minutes after cooking*
- *All other raw animal foods cooked to 63°C (145°F) for 15 seconds*

17. Proper reheating procedures for hot holding

NOTE: *The reheating temperatures of foods must be taken to determine compliance or noncompliance. Do not rely solely upon discussions with managers or cooks to determine compliance or noncompliance. Temperatures IN and OUT of compliance should be recorded in the “Temperature Observations” section of the inspection report. If there is insufficient space for the number of temperatures taken, additional temperatures should be documented in the “Observations and Corrective Actions” section of the inspection report. This item should be marked OUT of compliance if the items checked are not reheated to the required temperatures.*

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. when foods are not held over for a second service and/or reheating for hot holding is not performed in the establishment.

N.O. This item may be marked N.O. such as when foods are held over for a second service, but no foods are reheated during the time of inspection.

The reheating for hot holding temperature / time requirements are as follows:

- *PHF (TCS) rapidly reheated to 74°C (165°F) for 15 seconds within 2 hours*
- *Food reheated in a microwave to 74°C (165°F) or higher*
- *Commercially processed ready-to-eat PHF (TCS) reheated to 57°C (135°F) or above within 2 hours*
- *Remaining unsliced portions of roasts reheated for hot holding using minimum oven parameters*

18. Proper cooling time and temperatures

NOTE: *The requirement for cooling cooked PHF (TCS) food, is that the food must be cooled from 135°F to 41°F or less (or to 45°F or less based on the jurisdictions cold holding temperature requirement), in 6 hrs provided that the food is cooled from 135°F to 70°F within the first 2 hours. For example, if a facility cools chili from 135°F to 70°F in 1.5 hours; they then have 4.5 hours to get it from 70°F to 41°F or less (or 45°F or less). There are two critical limits that must be met with cooling. If the food is not cooled from 135°F to 70°F within 2 hours, this item is marked OUT. If the food is not cooled from 70°F to 41°F or less (or 45°F or less) within 6 hours minus the time it took the food to cool from 135°F to 70°F, the item is marked OUT. Discussions with the person in charge along with observations should be used to determine compliance. For instance, during discussion the person in charge says that a food product was cooled overnight in the walk-in cooler. The product is checked and the temperature is 50°F. Eight hours have elapsed from closing to opening. This item should be marked out because the product did not cool from 135°F to 70°F within two hours and from 70°F to 41°F or less (or 45°F or less) within 6 hours. Temperatures IN compliance and OUT of compliance should be recorded in the “Temperature Observations” section of the inspection report. If there is insufficient space for the number of temperatures taken, additional temperatures should be documented in the “Observations and Corrective Actions” section of the inspection report.*

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. when the establishment does not receive raw eggs, shellstock, or milk, prepares no PHF (TCS) food from ambient temperature ingredients that require cooling, and does not cool cooked PHF (TCS) food.

N.O. This item may be marked N.O. when the establishment does cool PHF (TCS) food, but proper cooling per the prescribed temperature and time parameters cannot be determined during the length of the inspection.

The cooling categories and their temperature / time requirements are as follows:

- Cooked PHF (TCS) food cooled from 57°C (135°F) to 5°C (41°F) or less, or to 7°C (45°F) or less in 6 hrs, provided that the food is cooled from 57°C (135°F) to 21°C (70°F) within the first 2 hours
- PHF (TCS) food from ambient temperature ingredients cooled to 7°C/5°C (45°F/41°F) or below within 4 hours
- Foods (shellstock, milk) received at a temperature according to law cooled to 7°C/5°C (45°F/41°F) within 4 hours
- Raw eggs received at an ambient temperature of 7°C (45°F) immediately placed in refrigerated equipment that maintains an ambient air temperature of 7°C (45°F)

19. Proper hot holding temperatures

NOTE: Temperatures *IN* compliance and *OUT* of compliance should be recorded in the “Temperature Observations” section of the inspection report. If there is insufficient space for the number of temperatures taken, additional temperatures should be documented in the “Observations and Corrective Action” section of the inspection report.

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. when the establishment does not hot hold food.

N.O. This item may be marked N.O. when the establishment does hot hold foods, but no foods are being held hot during the time of inspection.

20. Proper cold holding temperatures

NOTE: Temperatures *IN* compliance and *OUT* of compliance should be recorded in the “Temperature Observations” section of the inspection report. If there is insufficient space for the number of temperatures taken, additional temperatures should be documented in the “Observations and Corrective Action” section of the inspection report.

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. when the establishment does not cold hold food.

N.O. Do not mark this item N.O.

21. Proper date marking and disposition

IN/OUT This item should be marked IN or OUT of compliance. For disposition, mark IN when foods are all within date marked time limits or food is observed being discarded within date marked time limits or OUT of compliance, such as when date marked food exceeds the time limit or date-marking is not done,

N.A. This item may be marked N.A. when there is no ready-to-eat, PHF (TCS) food prepared and held, or commercial containers of ready-to-eat, PHF (TCS) food opened and held, over 24 hours in the establishment.

N.O. This item may be marked N.O. when the establishment does handle foods requiring date marking, but there are no foods requiring date marking in the facility at the time of inspection. For disposition, mark N.O. when RTE, PHF (TCS) food is prepared-on-premises, or opened commercial container is held beyond the 7-day or 4-day time limits and you are unable to determine compliance.

22. Time as a Public Health Control: procedures and records

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. when the establishment does not use time only as the public health control.

N.O. This item may be marked N.O. when the establishment uses time only as the public health control, but is not using this practice at the time of inspection.

Consumer Advisory

23. Consumer advisory provided for raw or undercooked food

IN/OUT This item should be marked IN or OUT of compliance. This item is marked IN compliance if the establishment provides an advisory that meets disclosure and reminder.

N.A. This item may be marked N.A. when the establishment does not serve raw or undercooked animal foods.

N.O. **Do Not Mark** this item N.O.

Highly Susceptible Population

24. Pasteurized foods used; prohibited foods not offered

NOTE: Discussions with the person in charge and employees regarding whether or not certain foods are served or certain practices occur in the establishment, along with observations should be used to determine compliance

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. if a highly susceptible population is not served.

N.O. **Do Not Mark** this item N.O.

Food/Color Additives and Toxic Substances

25. Food additives: approved and properly used

IN/OUT This item should be marked IN or OUT of compliance. This item is marked IN compliance if approved food and color additives are on site and used properly or if sulfites are on the premises, and they are not applied to fresh fruits/vegetables for raw consumption. This item is marked OUT of compliance if unapproved additives are found on the premises or approved additives are improperly used, such as sulfites being applied to fresh fruits or vegetables.

N.A. This item may be marked N.A. if the food establishment does **not** use any additives or sulfites on the premises.

N.O. **Do Not Mark** this item N.O.

26. Toxic substances properly identified, stored, and used

IN/OUT This item should be marked IN or OUT of compliance.

N.A. **Do Not Mark** this item N.A.

N.O. **Do Not Mark** this item N.O.

Conformance with Approved Procedures

27. Compliance with variance, specialized process, reduced oxygen packaging criteria or HACCP plan

IN/OUT This item should be marked IN or OUT of compliance.

N.A. This item may be marked N.A. if the establishment is not required by the regulatory authority to have a variance or HACCP plan, juice is not packaged or reduced oxygen packaging is not done on the premises.

N.O. **Do Not Mark** this item N.O.

D. MARKING INSTRUCTIONS FOR EACH GOOD RETAIL PRACTICE (GRP) ON THE INSPECTION REPORT

Good Retail Practices (**GRPs**) are preventive measures that include practices and procedures which effectively control the introduction of pathogens, chemicals, and physical objects into food. If GRPs are not controlled, they could be contributing factors to foodborne illness. However, the intention of this inspection form is to focus the inspector's attention on those factors that have been shown to be most often linked with causing foodborne illness. Since the major emphasis of an inspection should be on the Risk Factors that cause foodborne illness

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and the Public Health interventions that have the greatest impact on preventing foodborne illness, the GRPs have been given less importance on the inspection form and a differentiation between IN, OUT, N.A. and N.O. is not made in this area. For marking the GRPs section, place an “X” in the box to the left of the numbered item if a code provision under that item is **OUT** of compliance. Document each violation of the code provision for the item number in the “Observations and Corrective Actions” section on the second page of the inspection report. For items marked out of compliance, further indicate the **VIOLATION STATUS** by marking an “X” in the corresponding box: **COS** = Corrected on site during inspection and **R** = Repeat violation per the same instructions as given in the Risk Factor section. References to the appropriate Food Code provisions that can be debited under each numbered GRP item are listed in Guide 3-B.

E. TEMPERATURE OBSERVATIONS

Item/location Record the common name of the food as well as the condition, process, and location of the food at the time of monitoring e.g. hot holding, refrigerator, prep-table. Temperatures in compliance and out of compliance should be documented. If there is insufficient space for the number of temperatures taken, record the additional temperatures in the “Observations and Corrective Actions” section of the inspection report.

Food

Temperature Record the temperature indicated on the inspector’s thermometer. Specify the measurement in °F or °C. *(Note: Food temperature measuring devices that are scaled only in Fahrenheit should be accurate to ±2°F in the intended range of use. Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit should be accurate to ± 1°C in the intended range of use.)*

F. OBSERVATIONS AND CORRECTIVE ACTIONS

Include here specific descriptions of violations observed and recorded in the Risk Factors and Interventions section and Good Retail Practices check boxes. Also include corrective actions for the noted violations and temperatures if there is insufficient space in the allotted section for temperature recordings.

G. SIGNATURE BLOCK

Person in Charge The PIC is the individual present at a food establishment who is responsible for the operation at the time of the inspection.
Inspector The Inspector is the individual conducting the inspection.
Date The date the inspection is completed.
Follow-up The determination of whether to conduct a reinspection or other enforcement action.
Follow-up Date The date the follow-up inspection will be conducted.

Chart 4-A

Summary Chart for Minimum Cooking Food Temperatures and Holding Times Required by Chapter 3

Food	Minimum Temperature	Minimum Holding Time at the Specified Temperature
Raw Eggs prepared for immediate service Commercially Raised Game Animals and Exotic Species of Game Animals Fish, Pork, and Meat Not Otherwise Specified in this Chart or in ¶ 3-401.11(B)	63°C (145°F)	15 seconds
Raw Eggs not prepared for immediate service Comminuted Commercially Raised Game Animals and Exotic Species of Game Animals Comminuted Fish and Meats Injected Meats	70°C (158°F) 68°C (155°F) 66°C (150°F) 63°C (145°F)	< 1 second 15 seconds 1 minute 3 minutes
Poultry Baluts Stuffed Fish; Stuffed Meat; Stuffed Pasta; Stuffed Poultry; Stuffed Ratites Stuffing Containing Fish, Meat, Poultry, or Ratites Wild Game Animals	74°C (165°F)	15 seconds
Food Cooked in A Microwave Oven	74°C (165°F)	and hold for 2 minutes after removing from microwave oven

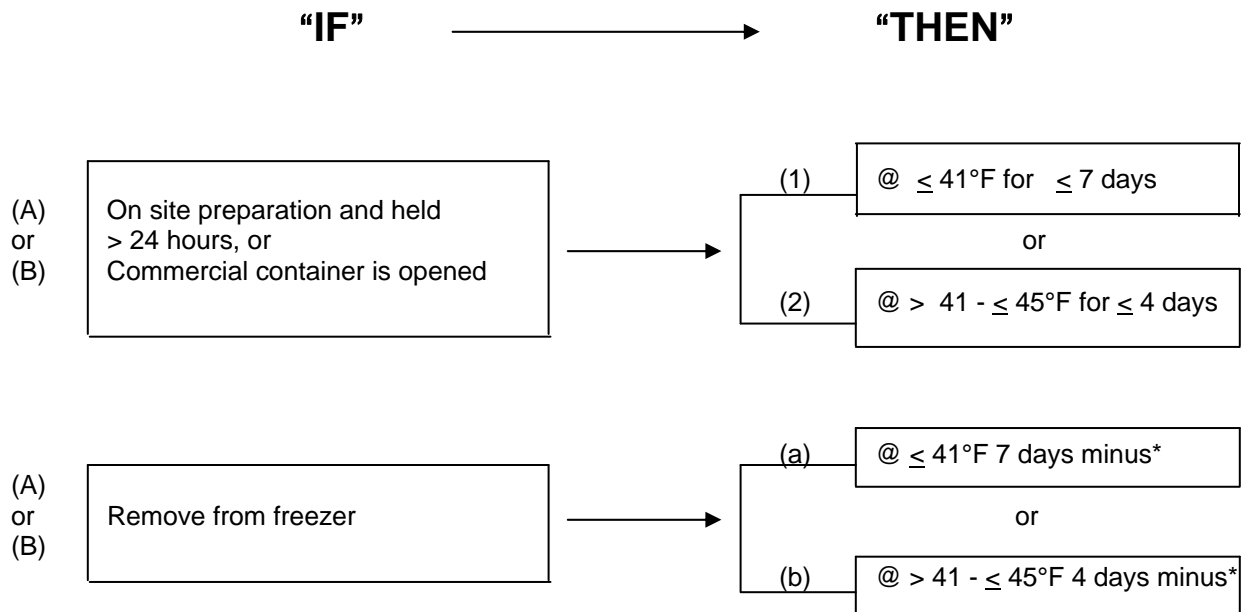
Chart 4-B**Summary Chart for Minimum Food Temperatures and Holding Times
Required by Chapter 3 for Reheating Foods for Hot Holding**

Food	Minimum Temperature	Minimum Holding Time at the Specified Temperature	Maximum Time to Reach Minimum Temperature
¶ 3-403.11(A) and (D) Food that is cooked, cooled, and reheated	74°C (165°F)	15 seconds	2 hours
¶ 3-403.11(B) and (D) Food that is reheated in a microwave oven	74°C (165°F)	and hold for 2 minutes after reheating	2 hours
¶ 3-403.11(C) and (D) Food that is taken from a commercially processed, hermetically sealed container or intact package	57°C (135°F)	No time specified	2 hours
¶ 3-403.11(E) Unsliced portions of meat roasts cooked as specified under ¶ 3-401.11(B)	Same oven parameters and minimum time and temperature conditions as specified under ¶ 3-401.11(B)		Not applicable
	OR		
	Minimum and maximum time and temperature conditions listed in this chart for ¶ 3-403.11(A), and (D).		

Chart 4-C

Summary Chart

**Ready-to-Eat, Potentially Hazardous Food (Time/temperature, Control for Safety Food)
Date Marking § 3-501.17(A) – (E) and Disposition § 3-501.18**



*Time from preparation, or opening commercial container, to freezing.

Example: The morning of October 1, a chicken was cooked, then cooled, refrigerated for 2 days at 41°F and then frozen. If the chicken is thawed October 10, the food must be consumed or discarded no later than midnight of October 14.

Date	Shelf Life Day	Action
Oct. 1	1	cook/cool
Oct. 2	2	cold hold at 41°F
Oct. 3		freeze
Oct. 10	3	thaw to 41°F
Oct. 11	4	cold hold
Oct. 12	5	cold hold
Oct. 13	6	cold hold
Oct. 14	7	consume or discard

Chart 4-D

FDA Food Code Mobile Food Establishment Matrix

This table is a plan review and inspectional guide for mobile food establishments based on the mobile unit's menu and operation. Mobile units range in type from push carts to food preparation catering vehicles.

To use the table, read down the columns based on the menu and operation in use. For example, if only prepackaged potentially hazardous food (time/temperature control for safety food) is served, then requirements listed in the **Potentially Hazardous (TCS) Menu - *Prepackaged*** column apply. Likewise, if only food that is not potentially hazardous (time/temperature control for safety food) is prepared on board, then requirements listed in the **Not Potentially Hazardous Menu (TCS) - *Food Preparation*** column apply. Note that if a mobile food establishment has available for sale to the consumer both prepackaged potentially hazardous food (time/temperature control for safety food) and potentially hazardous food (time/temperature control for safety food) prepared on board, then the more stringent requirements of the **Potentially Hazardous (TCS) Menu - *Food Preparation*** column apply.

It is important to remember that mobile units may also be subject to all Food Code provisions that apply to food establishments. Consult the local regulatory authority for specific local requirements.

The local regulatory authority's decision to require auxiliary support services such as a commissary or servicing area should be based on the menu, type of operation, and availability of on-board or on-site equipment.

NOTE: The Food Code definition of "Food Establishment" does not include an establishment that offers only prepackaged foods that are not potentially hazardous (time/temperature control for safety foods).

FDA FOOD CODE MOBILE FOOD ESTABLISHMENT MATRIX

Food Code	Potentially Hazardous Food (TCS food) Menu		Not Potentially Hazardous Food (TCS Food) Menu
<i>Areas/Chapter</i>	<i>Food Preparation</i>	<i>Prepackaged</i>	<i>Food Preparation</i>
Personnel	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (C)
Food	3-101.11 3-201.11-.16 3-202.16; Applicable Sections of Part 3-3; 3-501.16 3-501.18(A)	3-101.11 3-201.11-.16 3-303.12(A) 3-501.16 3-305.11; 3-305.12 (Applicable to Service Area or Commissary)	3-101.11; 3-201.11 3-202.16; Applicable Sections of Part 3-3
Temperature Requirements	3-202.11; Applicable Sections of Parts 3-4 & 3-5	3-202.11 3-501.16	NONE
Equipment Requirements	Applicable Sections of Parts 4-1- 4-9 and 5-5	Applicable Sections of Parts 4-1 - 4-2; 4-6 and 5-5	Applicable Sections of Parts 4-1 - 4-2; 4-5 - 4-6 and 5-5
Water & Sewage	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13 -.15	5-104.12 5-203.11(A) & (C) Part 5-3; 5-401.11 5-402.13-.15
Physical Facility	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111	6-101.11 6-102.11(A) & (B) 6-202.15 6-501.111	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111
Toxic Materials	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7
Servicing	6-202.18 / As necessary to comply with the Food Code	6-202.18 / As necessary to comply with the Food Code	6-202.18 / As necessary to comply with the Food Code
Compliance and Enforcement	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1