

# FDA Releases 2017 Model Food Code

FOOD PROTECTION CONNECTION



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The U.S. Food & Drug Administration (FDA) publishes the Model Food Code, a model document for safeguarding public health and ensuring that food is safe when offered to consumers. The Food Code contains practical, science-based information and provisions for mitigating risk factors known to cause foodborne illness.

The FDA works with the Centers for Disease Control and Prevention (CDC), the U.S. Department of Health & Human Services (HHS), and the Conference for Food Protection (CFP) to create this guidance document. Although not required, it is strongly

recommended that state, county, city, and tribal agencies (local health departments) adopt the Food Code to enforce food safety regulations. By following the Food Code, foodservice and retail operations will decrease the risk of serving and selling contaminated food to their customers. Each establishment, however, must follow its local regulatory agency requirements.

The Food Code is issued in its complete format every four years; however, every two years addendums may be released. During this interim period between full editions, FDA may publish a Food Code Supplement that updates, modifies, or clarifies certain provisions.

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The Model Food Code is not federal law or federal regulation and is not preemptive to any state food regulation. Rather, it represents FDA's best advice for a uniform system of regulation to ensure that food at retail is safe and properly protected and presented. Although not federal requirements (until adopted by federal bodies for use within federal jurisdictions), the Model Food Code provisions are designed to be consistent with federal food laws and regulations and are written for ease of legal adoption at all levels of government.

A list of jurisdictions that have reported to FDA with their status in adopting the Food Code can be found at <https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/ucm108156.htm>

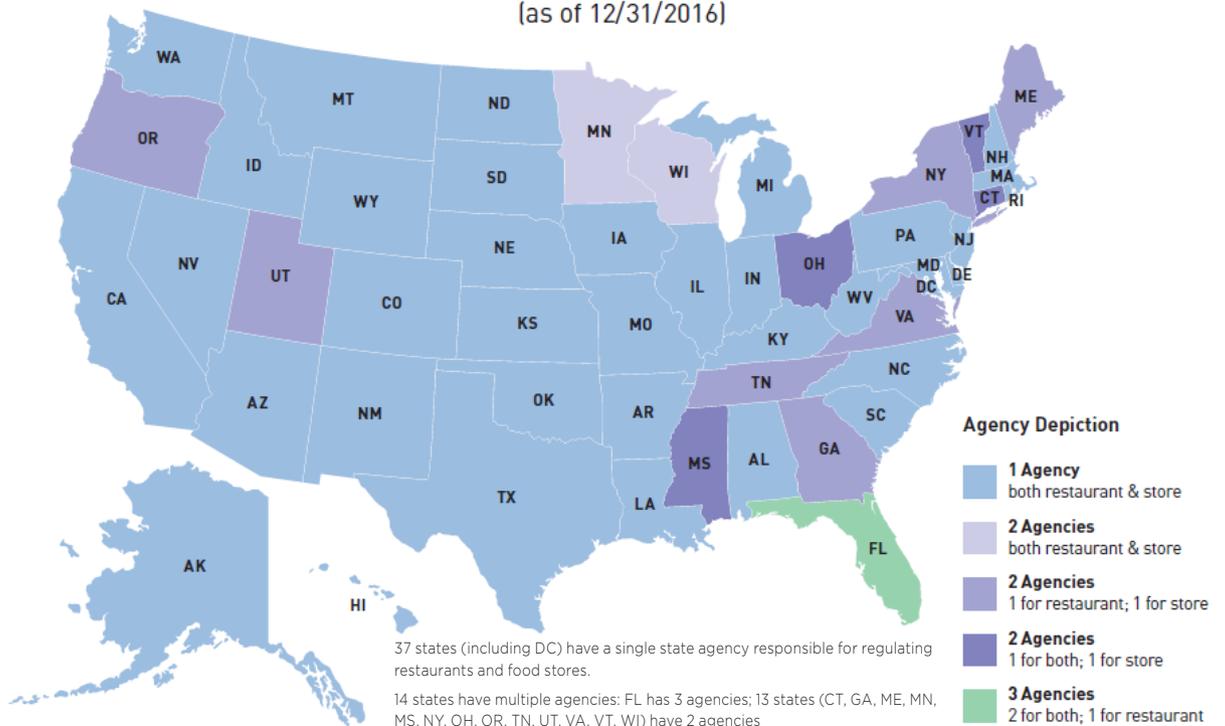
As presented by FDA's National Retail Team in 2016, **Figure 1** shows the number of agencies per state with regulatory oversight for restaurant and retail food stores. Some foodservice facilities—such as nursing homes and hospitals—may not be represented here as they may be regulated by a

different agency within the state structure. However, even those agencies use the FDA Food Code as their guide and some have even adopted it as well. The list is self-reported, and FDA has not yet evaluated whether all the adopted codes are equivalent to the Model Food Code.

**Figure 2** depicts the most recent Food Code edition that was adopted in each state regulatory agency as of 2016. Each state has at least one agency that has adopted some form of the FDA Model Food Code.

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**Figure 1: State Agencies Responsible for Regulating Restaurants and Retail Food Stores (as of 12/31/2016)**



What does all this mean for the newly-released FDA Model Food Code? Most jurisdictions will need to update their regulations or ordinances. Some jurisdictions will adopt the code by reference in an already promulgated regulation. It varies widely as to how the Food Code changes will affect each jurisdiction. Some agencies are beginning to publicize how the Food Code changes will affect their facilities. If you are not sure if the changes outlined here will affect you, then you should reach out to your

regulatory authority for answers.

Here is a summary of changes to the Food Code:

**Section 1-201.10**

Added new term “Intact Meat.” Intact Meat means a cut of whole muscle(s) meat that has not undergone comminution, injection, mechanical tenderization, or reconstruction.

**Section 2-102.12(A) and 2-102.20(B)**

Revised requirement for the Person in Charge (PIC) to be a Certified Food Protection Manager (CFPM).

**Section 2-103.11(I)**

Added new paragraph to address additional duty requirement for the Person in Charge to ensure employees are routinely monitoring food temperatures during hot and cold holding.

**Section 2-401.13**

Added new section to address the use of bandages, finger cots, or finger stalls to clarify they must be covered with a single-use glove.

**Section 2-501.11**

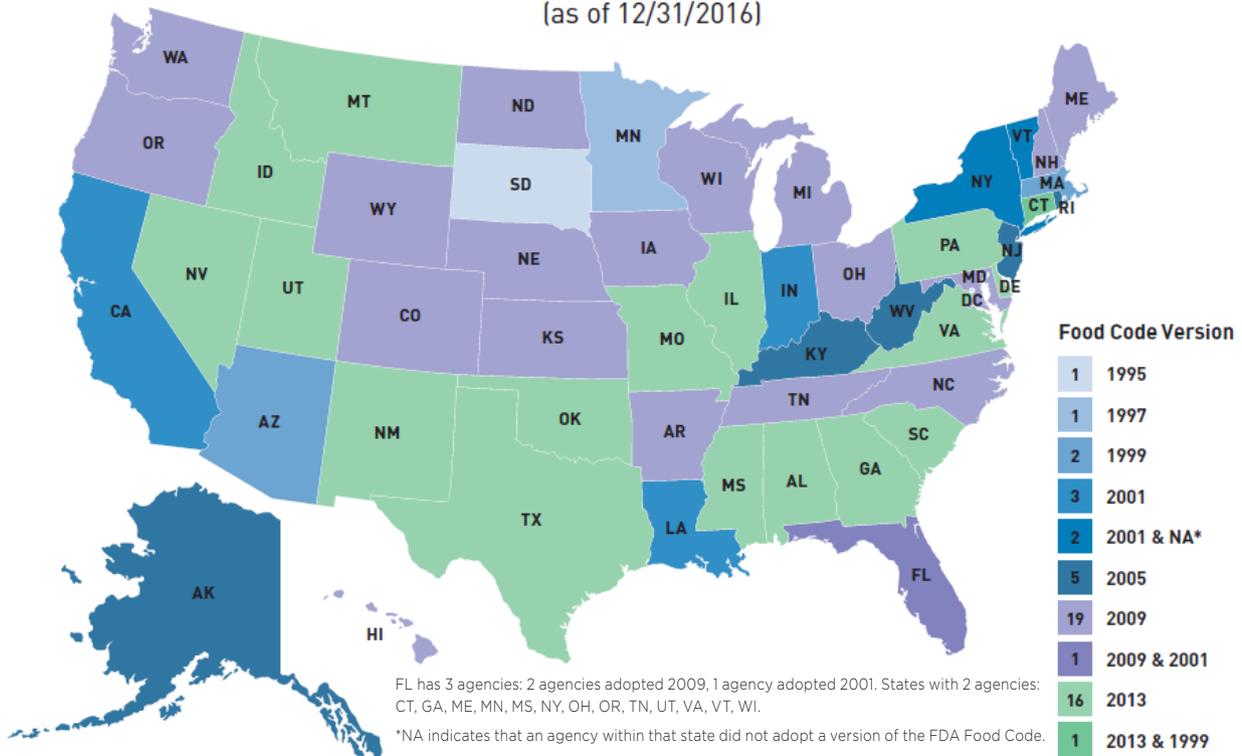
Amended section to indicate procedures for the clean-up of vomiting and diarrheal events for employees to follow shall be written.

**Section 3-302.11 (A)(1)(c)**

Added new subparagraph to indicate separating raw animal foods during storage, preparation, holding, and display from fruits and vegetables before they are washed.

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**Figure 2: Food Code Adoption by State**  
(as of 12/31/2016)



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**Section 3-401.11(A)(1)(b)**

Amended subparagraph to include the term Intact Meat as fully cooked at 145°F or above for 15 seconds.

**Section 3-401.11(A)(2)**

Amended subparagraph to reflect new cooking time in seconds for ratites, mechanically tenderized and injected meats, comminuted fish, comminuted meat, comminuted game animals commercially raised for food or under voluntary inspection, and raw eggs that are not prepared to a

consumer’s order from 15 seconds to 17 seconds. See chart provided.

**Section 3-401.11(A)(3)**

Amended subparagraph to reflect new cooking time for poultry, baluts, wild game animals, stuffed foods or stuffing containing fish, meat, poultry, or ratites from 15 seconds to < 1 second (instantaneous). See chart provided.

**Section 3-502.12(C)**

Amended paragraph to add in additional exception criteria for fish that is

reduced oxygen packaged at retail to bear a label indicating that it is to be kept frozen until time of use.

**Section 8-404.11 (C)(1) -(3)**

Added subparagraphs for new exception criteria indicating the regulatory authority may agree to continue operations during an extended water or electrical outage if a written emergency operation plan has been pre-approved by the Regulatory Authority, immediate corrective action

is taken, and the Regulatory Authority has been notified upon implementation of the plan.

**Annex 2 – References**

Added new reference under #4 Food Defense Guidance from Farm to Table under the section on Guidance on Responding to Food Emergencies to include Conference for Food Protection (CFP) Emergency Action Plan for Retail Food Establishments, Second Edition.

**To view the 2017 Food Code, visit [www.fda.gov](http://www.fda.gov)**

**2017 FDA Model Food Code Minimal Internal Cooking Temperatures and Times**

| Food  | Minimum Temperature   | Minimum Holding Time at the Specified Temperature              |
|---|---|--|
| <ul style="list-style-type: none"> <li>Plant Foods for Hot Holding</li> </ul>   | 135°F (57°C)  | <1 second, Instantaneous                                       |
| <ul style="list-style-type: none"> <li>Raw Eggs Prepared for Immediate Service</li> <li>Commercially Raised Game Animals and Exotic Species of Game Animals</li> <li>Fish</li> <li>Pork</li> <li>Meat Not Otherwise Specified in this Chart</li> </ul>                                  | 145°F (63°C)  | 15 seconds   |
| <ul style="list-style-type: none"> <li>Raw Eggs Not Prepared for Immediate Service</li> <li>Comminuted Commercially Raised Game Animals and Exotic Species of Game Animals</li> <li>Comminuted Fish and Meats</li> <li>Injected Meats</li> <li>Mechanically Tenderized Meats</li> </ul> | 155°F (68°C)<br>Optional:<br>158°F (70°C)<br>150°F (66°C)<br>145°F (63°C) | 17 seconds<br>Optional:<br>< 1 second<br>1 minute<br>3 minutes |
| <ul style="list-style-type: none"> <li>Poultry</li> <li>Baluts</li> <li>Stuffed Fish</li> <li>Stuffed Meat</li> <li>Stuffed Pasta</li> <li>Stuffed Poultry</li> <li>Stuffed Ratites</li> <li>Stuffing Containing Fish, Meat, Poultry or Ratites</li> <li>Wild Game Animals</li> </ul>   | 165°F (74°C)  | <1 second, Instantaneous                                       |
| <ul style="list-style-type: none"> <li>Raw Animal Food Cooked in a Microwave Oven</li> </ul>  | 165°F (74°C)  | Hold for 2 minutes after removing from microwave oven          |

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- The FDA Food Code is
  - A model food code for jurisdictions to adopt
  - An FDA law
  - A state law
- The Food Code is published in its FULL version every \_\_\_ years.
  - Two
  - Four
  - Six
- The updates to the Food Code amended the minimal cooking time in seconds for comminuted meat from 15 seconds to \_\_\_ seconds.
  - <1 second
  - 20 seconds
  - 17 seconds
- Poultry will be fully cooked at a minimal temperature and holding time of
  - 145°F for 15 seconds
  - 155°F for <1 second
  - 165°F for <1 second
- If you wear a bandage, finger cot, or finger stall you must also wear
  - Medical tape to secure the bandage
  - A single use glove
  - Antibiotic ointment
- Procedures for the clean-up of vomiting and diarrheal events for employees to follow shall be
  - In English and Spanish
  - In writing
  - Approved by the regulatory authority in advance
- The Model Food Code does not
  - Preempt any state or local food safety regulation
  - Provide best advice for a uniform system of regulation
  - Provide foodservice and retail operations, if followed, the ability to decrease the risk of serving and selling contaminated food to their customers

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