

# Understanding Updates to the 2022 FDA Food Code

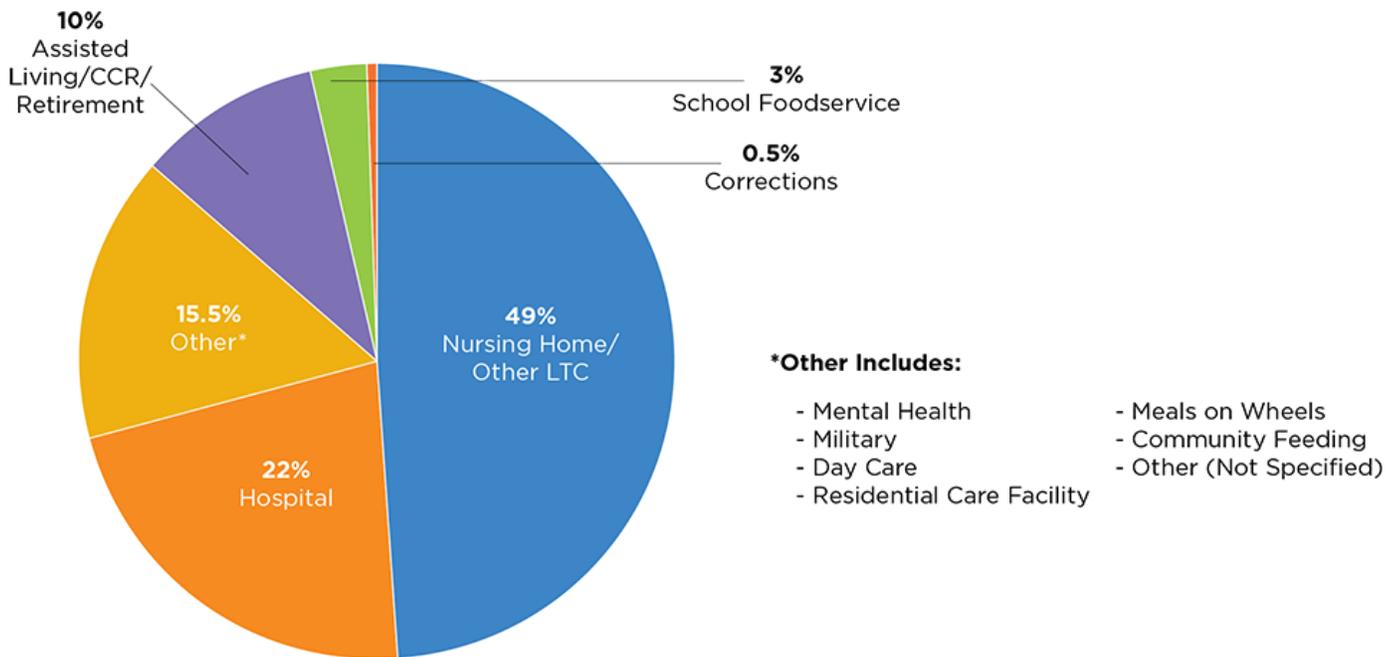
<b>Where do ANFP Members and CDM, CFPPs Work? .....</b>	<b>Page 2</b>
<b>Important Definitions .....</b>	<b>Page 2</b>
<b>Food Code Summary PDF .....</b>	<b>Page 3</b>
<b>Chapter 1: Purpose &amp; Definitions .....</b>	<b>Page 4</b>
<b>Chapter 2: Management and Personnel .....</b>	<b>Page 4</b>
<b>Chapter 5: Water, Plumbing, and Waste .....</b>	<b>Page 5</b>
<b>Required Conditional Employee Forms .....</b>	<b>Page 6</b>
<b>Person in Charge (PIC) Additional Food Safety Requirement Clarified .....</b>	<b>Page 6</b>
<b>Food Protection Manager Certification vs. Demonstration of Knowledge ...</b>	<b>Page 7</b>



Association of  
Nutrition & Foodservice  
Professionals

As CDM, CFPP leaders, the FDA Food Code is the foundation of our food safety and sanitation competencies. This newly released 2022 version warrants a review and refresher for CDM, CFPPs to be sure that we are covering the requirements that ensure safe food practices in our Food and Nutrition Services departments.

## Where do CDM, CFPPs and ANFP Members work?



Most of these individuals work in healthcare - nursing homes, long-term care facilities, senior living communities, and hospitals. Some work in correctional facilities, schools, and the military.

## Important Definitions

The following definitions help to clarify the role that CDM, CFPPs play in Food Code compliance:

**Highly susceptible population** means PERSONS who are more likely than other people in the general population to experience foodborne disease because they are: (1) Immunocompromised; preschool age children, or older adults; and (2) Obtaining FOOD at a facility that provides service such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

**Person in charge** means the individual present at a FOOD ESTABLISHMENT who is responsible for the operation at the time of inspection.

**Permit holder** means the entity that: (1) Is legally responsible for the operation of the FOOD ESTABLISHMENT such as the owner, the owner's agent, or other PERSON; and (2) Possesses a valid PERMIT to operate a FOOD ESTABLISHMENT.

The Food Code is a model for safeguarding public health and ensuring food is unadulterated and honestly presented when offered to the consumer. It represents the FDA's best advice for a uniform system of provisions that address the safety and protection of food offered at retail and in food service.

## Summary of Changes in the 2022 FDA Food Code

This Summary provides a synopsis of the textual changes from the 2017 FDA Food Code and the Supplement to the 2017 Food Code Chapters and Annexes to the 2022 edition. The primary intent of this record is to capture the nature of the changes rather than to identify every word or editing change. **This record should not be relied upon as an absolute comparison that identifies each and every change.**

General .....	2
Preface .....	2
Chapter 1. Purpose and Definitions .....	2
Chapter 2. Management and Personnel .....	3
Chapter 3. Food.....	4
Chapter 4. Equipment, Utensils, and Linens.....	7
Chapter 5. Water, Plumbing, and Waste.....	7
Chapter 6. Physical Facilities.....	8
Chapter 7. Poisonous or Toxic Materials.....	8
Chapter 8. Compliance and Enforcement.....	8
Annex 1. Compliance and Enforcement .....	9
Annex 2. References .....	9
Annex 3. Public Health Reasons/Administrative Guidelines .....	11
Annex 4. Management of Food Practices-Achieving Active Managerial Control of Foodborne Illness Risk Factors .....	15
Annex 5. Conducting Risk-Based Inspection .....	16
Annex 6. Food Processing Criteria .....	16
Annex 7. Models Forms, Guides, and Other Aids.....	16

[DOWNLOAD THE 2022 SUMMARY OF CHANGES PDF](#)

[DOWNLOAD THE COMPLETE 2022 FOOD CODE](#)

With each new release, the FDA publishes a support document that offers an overview of the changes from the previous Food Code. Keep in mind that the FDA Food Code is geared towards food service, retail food stores, and food vending operations. Please note that not everything is going to pertain to CDM, CFPPs' various work settings. Generally, the areas needing CDM, CFPP attention are:

**Chapter 1: PURPOSE AND DEFINITIONS**

**Chapter 2: MANAGEMENT AND PERSONNEL**

**Chapter 3: FOOD**

**Chapter 5: WATER, PLUMBING, AND WASTE**

**Annex 4: MANAGEMENT OF FOOD SAFETY PRACTICES - ACHIEVING ACTIVE MANAGERIAL CONTROL OF FOODBORNE ILLNESS RISK FACTORS (HACCP)**

**Annex 7: MODEL FORMS, GUIDES, AND OTHER AIDES**

In addition to the general areas of attention listed on the previous page, please note the following relevant revisions and amendments:

## Chapter 1: PURPOSE AND DEFINITIONS

**Amended §1-201.10(B)** to revise the definition of the term “Read-to-Eat Food” to indicate what Ready-to-Eat Food does not include. [Pages 44-45](#)

**Amended §1-201.10(B)** to add a new term, “Tobacco Product.” [Page 76](#)

**Amended §1-201.10(B)** to revise the definition of the term, “Major Food Allergen” in subparagraph (1)(a) to add sesame as the ninth major food allergen, effective January 1, 2023. [Pages 40 and 474](#)



## Chapter 2: MANAGEMENT AND PERSONNEL

**Amended §2-103.11(N) (now §2-103.11(O) in the 2022 Food Code)** to include what foods allergy awareness includes. [Pages 340-341](#)

**Paragraph (O)**, “EMPLOYEES are properly trained in FOOD safety, including food allergy awareness, as it relates to their assigned duties...” allows industry to develop and implement operation-specific training programs for food employees. It is not intended to require that all food employees pass a test that is part of an accredited program. [Page 340](#)  
- Annex 3. Public Health Reasons/Administrative Guidelines. [Page 309](#)

**2-103.11** Amended to add new paragraph (J) to address additional duty requirement for the Person in Charge to ensure food employees are properly maintaining the temperatures of time/temperature control for safety foods during thawing. Redesignated paragraphs (J)-(P) as new paragraphs (K)-(Q).



# Chapter 5: WATER, PLUMBING, AND WASTE

**5-202.11 Amend ¶ 5-202.12(A)** to revise the hot water temperature at the hand sink from at least 38° C (100°F) to at least 29.4°C (85° F). [Page 518](#)

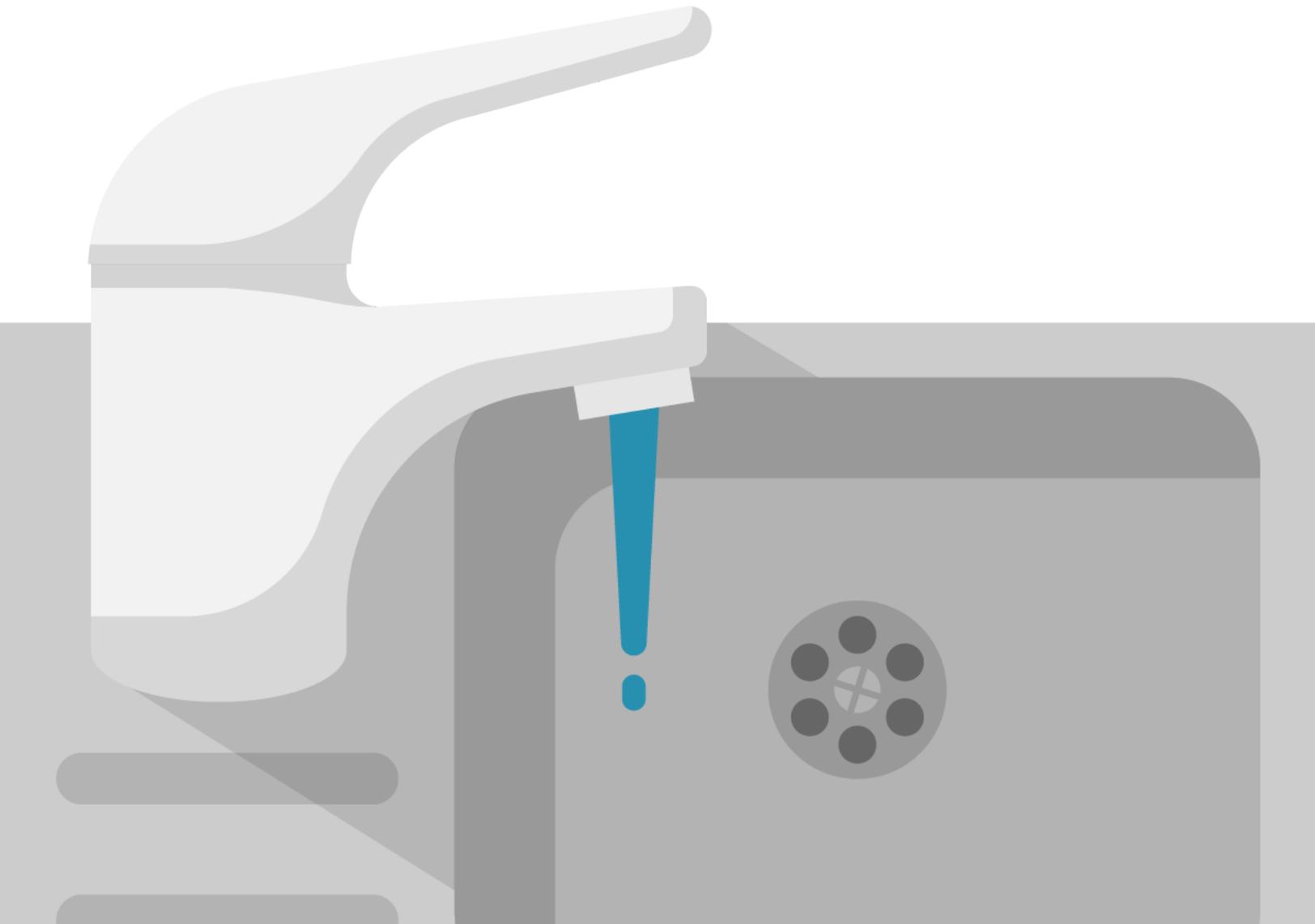
**5-202.12 Handwashing Sink, Installation**, Section 5-202.12 does not establish a temperature for washing hands. Rather, Section 5-202.12 establishes criteria for the installation of handwashing sinks used in a retail food establishment that includes the temperature of the water delivered at the sink. Paragraph 5-202.12(A) states that a handwashing sink must be capable of delivering running water that is at least 29.4°C (85°F).

*Healthcare regulations supersede the Food Code hot water temperatures related to the infection control guidelines followed. State-specific Long Term Care guidelines may also be relevant.*

## **CMS Surveyor Guidance:**

The water should be at a temperature range of 105°F - 120°F (41°C - 49°C).

**2-201.11** Amended sub¶2-201.11(D)(1) to remove cross reference to ¶2-201.12(G) to correctly indicate conditions under which the food employee should be excluded. Amended sub¶2-201.11(D)(2) to add a cross reference to ¶2-201.12(G) to correctly indicate conditions under which the food employee should be restricted. [Page 62](#)



# Required Conditional Employee Forms

The following two forms are still required and have no changes in 2022. They can be found in Annex Chapter 7: Model Forms Guides and Other Aids. [Pages 649-652](#)

## 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 (S. Typhi), *Shigella* spp., ShigaToxin-producing *Escherichia coli* (STEC), nontyphoidal *Salmonella* or Hepatitis A Virus

*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.*

## 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, *Salmonella* Typhi, *Shigella* spp., or Shiga toxin-producing *Escherichia coli* (STEC), nontyphoidal *Salmonella* or Hepatitis A Virus

*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:**

## Person in Charge (PIC) Additional Food Safety Training Requirement Clarified

The Food Code Person in Charge (PIC) requirements apply to establishments or Care Communities that have a retail food license to sell food outside their buildings. This retail food license is regulated by the State/Local/County Health Inspector.

CMS (Centers for Medicare & Medicaid Services) and its survey process does not include the PIC in 483.60 Food & Nutrition Services (FNS) Regulations but does require specific educational requirements for the FNS Director which lists the CDM, CFPP first on that list. DO BE AWARE some states may have specific Long Term Care regulations that include added Food Safety training for which you would need to be in compliance.

If your facility operates with a retail food license, the FDA requires a person to be the designated PIC, so it may benefit your department to have multiple staff members trained.



# Food Protection Manager Certification vs. Demonstration of Knowledge

You may refer to the definition for Accredited Program in **¶1-201.10(B)(3)**. Food protection manager certification occurs when individuals demonstrate through a certification program that they have met specified food safety knowledge standards. [Page 324](#)

**However, it's important to note that certification as a Food Protection Manager by passing an examination that is part of an accredited program ([Page 339](#)) is not the only method of demonstrating that you meet specified food safety knowledge standards. The food code states:**

Based on the RISKS inherent to the FOOD operation, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of foodborne disease prevention, application of the HAZARD Analysis and CRITICAL CONTROL POINT principles, and the requirements of this Code. The PERSON IN CHARGE shall demonstrate this knowledge by:

(A) Complying with this Code by having no violations of PRIORITY ITEMS during the current inspection;

(B) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM or

(C) Responding correctly to the inspector's questions as they relate to the specific FOOD operation...

Referenced to **Section 2-102.11** [Page 55](#)

FDA encourages food regulatory authorities and others evaluating credentials for Food Protection Managers to recognize the Conference for Food Protection/[American National Standards Institute \(ANSI\)](#) means of accrediting certification programs. This procedure provides a means for universal acceptance of individuals who successfully demonstrate knowledge of food safety. The procedure provides officials assurance that food safety certification is based on valid, reliable, and legally defensible criteria. In addition, universal acceptance eliminates the inconvenience and unnecessary expense of repeating training and testing when managers work across jurisdictional boundaries.

## Questions? Contact us!

Reach out to [regs@ANFPonline.org](mailto:regs@ANFPonline.org) for clarification on any questions you may have regarding the 2022 FDA Food Code Updates.

