



U.S. Food and Drug Administration
Protecting and Promoting Public Health

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2013 FDA FOOD CODE

FDA/CFSAN Retail Food Protection Team

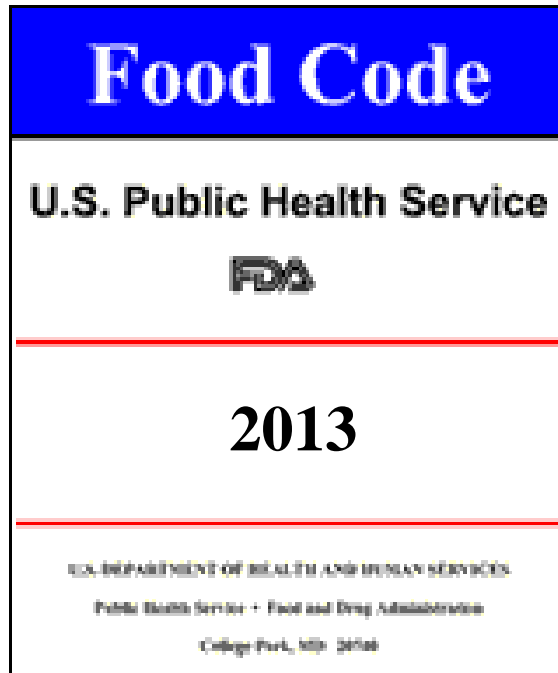


The FDA Food Code:

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



- 2013 Food Code (Available on-line: 11/13/2013)



Available online at: www.fda.gov/FoodCode

The 2013 FDA Food Code is available for public sale by contacting:

U.S. Department of Commerce
National Technical Information Service
5301 Shawnee Road, Alexandria, VA 22312
Phone: 1-800-553-6847

refer to report number **PB2013-110462**
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2013 Marks 20 Years!

Since the first Edition in 1993, government and industry stakeholders have come to recognize the FDA Food Code as a source of practical, science-based guidance and manageable, enforceable provisions for mitigating known risks of foodborne illness.

As of 2013, retail food regulations in every state and three territories are modeled after the FDA Food Code.



Historical Perspective

- Working with the Conference for Food Protection (CFP) and other stakeholders, FDA has incorporated and addressed key topics in the Food Code over the years.
- 2013 Edition address 27 different Food Code related recommendations made to FDA as a result of the 2012 Biennial meeting of the CFP.



Adoption / National Model

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



Key Changes for 2013

- Reduced Oxygen Packaging (ROP) requirements
- Refillable Containers
- Nontyphoidal *Salmonella* added to pathogens that prompt employee exclusion/restriction
- Customer notification of availability of latest inspection report
- Non-continuous cooking minimum cook temperatures
- Cleaning and sanitizing equipment used in preparing raw foods that are major food allergens
- Bare hand contact with ready-to-eat food
- Clarification of labeling requirements for food packaged at retail



CHAPTER 1

Purpose and Definitions



Shiga toxin-producing *Escherichia coli* (STEC) - definition

- Updated the definition of Shiga toxin-producing *Escherichia coli* (STEC)
- Incorporated Enterohemorrhagic *Escherichia coli* (EHEC) terminology into STEC definition
- Replaced the term EHEC with STEC throughout the Code



“Packaged” - definition

- Clarified the intent of what the term “Packaged” includes and does not include



“Reduced Oxygen Packaging” definition

- Revised definition to clearly define the sous vide process as outlined in Annex 6(2)(B)(4)(b).



Time/Temperature Control for Safety Food (TCS)

- Completed phasing out the term “Potentially Hazardous Food” throughout the Food Code
- Transition started with the 2005 Food Code
- **Time/Temperature Control for Safety Food or TCS Food** is the term used to identify foods that require cold holding or hot holding during storage and display



CHAPTER 2

Management and Personnel



¶ 2-301.14 (H) When to Wash

- Clarified that when gloves are used to handle food, hands should be washed and cleaned prior to donning gloves to **BEGIN** a task



§ 2-301.16 Hand Antiseptics

- Aligned the codified text and Annex 3 language with regard to the use of hand antiseptics as a food additive.



Part 2-2 Employee Health

Addition of Nontyphoidal *Salmonella*

- Addition of nontyphoidal *Salmonella* (NTS) as one of the pathogens that triggers employee reporting to establishment management
- Requires food employees to report a diagnosis of nontyphoidal *Salmonella* (NTS) to the Person in Charge
- Prompts Exclusion/Restriction/Reinstatement requirements similar to the 5 pathogens previously identified



CHAPTER 3

FOOD



§ 3-201.16 Wild Mushrooms

- Establishments wishing to sell/serve mushrooms harvested in the wild require approval from the Regulatory Authority
- Deleted specific requirement that wild mushrooms be from a source where “each mushroom is individually inspected and found to be safe by an approved mushroom identification expert”



§ 3-301.11 Preventing Contamination from Hands

- Changed temperature in the exception to NBHC in subparagraph (D)(2) to a temperature of 63°C (145°F) or greater.
- Exception was previously limited to RTE Foods that will be subsequently heated to 74°C (165°F) or greater.



§ 3-302.11 Packaged and Unpackaged Food

- Removed the distinction (included in the Supplement to the 2009 Food Code) that non-intact meat may not be stored above intact meat unless packaged to preclude cross-contamination



§ 3-304.11 Food Contact with Equipment and Utensils

- Amended to add a new ¶(C) to clarify that food may contact surfaces of linens and napkins as specified in § 3-304.13 and added term “Linens” to the tag line



§ 3-304.13 Linens and napkins, use limitations

- Amended to clarify that napkins in this section refers to cloth napkins and they are by definition considered linens



§ 3-304.17 Refilling Returnables & § 4-603.17 Returnables, Cleaning for Refilling

- Allowance for refilling a multi-use take-home food container with TCS and non-TCS food



§ 3-401.14 (D) Non-continuous Cooking of Raw Animal Foods

- Removed final cook temperature of 74° C (165° F) for 15 seconds, AND
- Revised ¶(D) to clarify that prior to sale and service, raw animal foods cooked using a non-continuous cooking process shall be cooked to a temperature and for a time as specified under ¶¶ 3-401.11 (A)-(C).





§ 3-402.11 Parasite Destruction

- Clarified that scallop products consisting solely of the shucked adductor muscle are excluded from the requirements for parasite destruction



§ 3-403.11 Reheating for Hot Holding

- ¶(C) modified to clarify that when reheating RTE foods for hot holding, 135° F minimum temperature applies to all commercially processed TCS foods, including those taken from a package that may have been opened at a prior time
- Prior language may have implied lower temperature applied only if food was reheated immediately upon opening the package



§ 3-501.13 Thawing

- Addition of a new ¶(E) specifying frozen fish packaged using a ROP method must be removed from the ROP environment either prior to initiating thawing procedures under refrigeration or immediately upon completion of thawing under running water



§ 3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking

- Clarified that the date marking provision does not apply to raw, in-shell molluscan shellfish (shellstock)





§ 3-501.17 Date Marking

- Clarified that the exemption from date marking for shelf stable dry fermented sausages produced in USDA-regulated facilities is not dependent on the product retaining the original casing.



§ 3-502.11 Variance Requirement

- Clarified that the requirement for a Variance to conduct reduced oxygen packaging (ROP) only applies to TCS foods that are prepared/packaged using methods that do not control for *growth of and toxin formation by Clostridium botulinum and the growth of Listeria monocytogenes*



§ 3-502.12 Reduced Oxygen Packaging Without a Variance

- Various revisions made throughout this section
 - ROP packages held at 41°F, shelf life extended from 14 days to 30 days
 - HACCP plan is provided to the Regulatory Authority prior to implementation



§ 3-502.12 Reduced Oxygen Packaging Without a Variance

Revisions under Cook-Chill or Sous Vide include:

- Limits foods packaged using Sous Vide or Cook-Chill to only those foods which are fully cooked prior to service
- Holding time at 5°C (41°F) or less for a maximum of 7 days



§ 3-502.12 Reduced Oxygen Packaging Without a Variance

- If using ROP methods, a HACCP plan is not required when the package is to be held at 41° F or less for **NO MORE than 48 hours**



§ 3-602.11 Food Labels

- Amended sub¶ 3-602.11(C)(2) to correct an improper cross reference to the prior ¶ (3-602.11 (B)) that was added in 2005 Food Code
- The cross reference to sub¶ (B)(5) was changed to (B)(6)
- The cross reference to sub¶ (B)(6) reflects that the nutrition labeling required by FFD&C Act is required for bulk foods and can be provided by a card or sign
- The cross reference to sub¶ (B) (5) was removed



CHAPTER 4

Equipment, Utensils and Linens

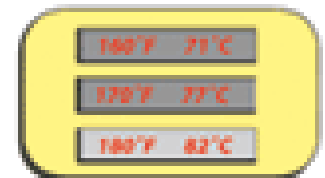


§ 4-302.13 Temperature Measuring Devices, Manual and Mechanical Warewashing

- Requires the availability of irreversible registering temperature indicator for hot water mechanical warewashing operation



Before



After



Before



After



§ 4-602.11 Equipment Food-Contact Surfaces and Utensils

- Equipment and utensils that come into contact with a major food allergen such as fish followed by other types of raw animal foods will need to be cleaned and sanitized first





§ 4-603.17 Returnables, Cleaning for Refilling

- Relocated ¶¶'s 4-603.17 (B) – (C) to § 3-304.17 and deleted ¶4-603.17 (A)
- § 4-603.17 deleted from the Food Code



CHAPTER 7

Poisonous or Toxic Materials



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

- Amendments made to allow for the use of any permitted food ingredient
 - Example: added other antimicrobial agents approved by FDA for washing fruits and vegetables as well as GRAS ingredients permitted as antimicrobials or for general food use





CHAPTER 8

Compliance and Enforcement



¶ 8-201.13(B) When a HACCP Plan is Required

- ROP operations: notifying regulatory authority through submission of a HACCP plan





§ 8-304.11 Responsibilities of the Permit Holder

- Requirement to post a sign/placard (or other method acceptable to the regulatory authority) notifying the public that the most recent inspection report is available upon request



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ANNEXES



Annex 2 - References

- Added:
 - Numerous references
 - Supporting Documents
 - Guidance for Retail Facilities Regarding Beef Grinding Logs Tracking Supplier Information
 - CIFOR – Council to Improve Foodborne Outbreak Response



Annex 3

§ 4-101.15 Galvanized Metal, Use Limitation

- Explains the health effects from zinc ingestion





Annex 7

Model Forms, Guides, and Other Aids

- **Inspection Form**
 - Addition of 2 new item numbers
 - Item # 2 and 5
 - Added to address changes made in the Supplement to the 2009 Code
 - “Certified Food Protection Manager” and “Procedures for Responding to a Vomiting or Diarrheal Event”
 - Renumbered accordingly in order to incorporate additional item numbers
- **Guide 3-B Instructions for Marking the Food Establishment Inspection Report**
 - Added risk designations throughout next to each applicable code sections for easy reference



2014 Conference for Food Protection

- May 2-7, 2014
- ORLANDO, FL





Questions



Email: retailfoodprotectionteam@fda.hhs.gov

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