

**“Improving Georgia’s food safety program
through stake holders working together.”**

INTERPRETATION MANUAL

for the

Rules and Regulations Food Service Chapter 290-5-14

*As referenced within subsection (7) in Rule .02 of the Rules and
Regulations Food Service, Chapter 290-5-14*



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Preface

The first Rules and Regulations for Food Service in Georgia were adopted in 1967 after enabling legislation was passed in 1964. Previously found in the Official Code of Georgia Annotated (O.C.G.A.) Title 26-2-373, this enabling legislation gave the power to the Georgia Department of Human Resources to establish reasonable standards of sanitation for food service establishments and the examination and condemnation of unwholesome food therein. As mandated by O.C.G. A. and as of July 1, 2009, the Georgia Department of Human Resources no longer exists; as a result, programmatic responsibilities in regards to food service establishment food safety have shifted to the Georgia Department of Community Health and again to the newly created Georgia Department of Public Health on July 1, 2011. With this shift in responsibilities, the current Rules and Regulations Food Service Chapter 290-5-14, as promulgated and adopted by the Georgia Department of Human Resources, will continue to be in effect until it has been revised to be those of the newly created Georgia Department of Public Health. However and until then, the Georgia Department of Public Health will continue to administer Chapter 290-5-14. In addition, O.C.G.A continues to authorize County Boards of Health to adopt and promulgate supplementary rules and regulations, including the establishment of reasonable standards of sanitation for food service establishments consistent with those adopted and promulgated by the Department.

The Rules and Regulations for Food Service, Chapter 290-5-14, also referred to as the Georgia Food Code or the Chapter, are based on the United States Food and Drug Administration's (FDA) Model Food Code. This interpretation manual reflects the Rules adopted in 2007, based on the 2005 FDA Model Food Code. As such, the Chapter and its Manuals will continually be revised so as to be based upon the most current version of the FDA Model Food Code. In doing so, the Georgia Food Code assumes the same purposes and goals as that of the FDA Model Food Code, which is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented. These stated purposes and goals of the Georgia Food Code will be achieved through its establishment of definitions; setting standards for management and personnel, food operations, and equipment and facilities; and providing for food establishment plan review, permit issuance, inspection, employee restrictions, and permit suspension and revocation.

Acknowledgements

Sincere thanks goes to members of the Food Service Rules & Regulations Implementation Advisory Committee and its Interpretation Subcommittee; and the General Sanitation Committee for their contributions leading to the creation of this 2007 edition of the Georgia Food Code's (i.e., Chapter 290-5-14) "Interpretation Manual for the Georgia Rules and Regulations for Food Service". Committees and Individuals are recognized as follows:

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Appreciation is also given to all Environmental Health staff throughout the state that has reviewed drafts of this manual and has submitted comments.

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- Frank Dickman,
- Cecilia Escobar,
- Mike Kasnia REHS (MD), and
- Richard Michelback REHS, CFSP, Environmental Health Division, Alexandria Health Department, Alexandria, Virginia.

Also, the Division of Public Health would like to recognize Kimberly Livsey, Janice D. Buchanan and Van Harris for their work in the development of the Training CD, “Ethnic Foods Meeting the Challenge” of which is the source information for Section C – Specialty Foods in Part II of this Manual.

A very special thanks goes to Melinda Scarborough, former Program Director of the Food, Tourist, Swimming Pool, and Training Programs in the Environmental Health Section of the Division of Public Health, Georgia Department of Human Resources. Her hard work and extreme dedication to advancing food safety in Georgia prepared the way for the development of this Manual.

Introduction

Foodborne illness in the United States is a major cause of personal distress, preventable death, and avoidable economic burden. Recent data published by the Centers for Disease Control and Prevention (CDC) estimate 76 million illnesses, 323,914 hospitalizations, and 5,194 deaths from foodborne illness in the United States each year. The annual cost of foodborne illness in terms of pain and suffering, reduced productivity, and medical costs is estimated to be between \$10- \$83 billion annually.¹

The United States Public Health Service has determined through several studies that effective foodborne disease prevention requires the application of comprehensive food sanitation measures from production to consumption. The Federal Food and Drug Administration (FDA)'s purpose in maintaining an updated model food code is to assist food control jurisdictions at all levels of government by providing them with a scientifically sound technical and legal basis for regulating the retail segment of the food industry.²

FDA's Model Food Code provides guidance on food safety, sanitation, and fair equitable advice that can be uniformly adopted for the retail and food service segment of the food industry. The document is the cumulative result of the efforts and recommendations of many contributing individuals, agencies, and organizations with years of experience using earlier model code editions. It 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. The current edition of the Food Code provides other users of the Food Code, such as educators, trainers, and the food service, retail food, and vending industries, with up-to-date information of how to best mitigate risk factors that contribute to foodborne illness.³

The FDA Food Code establishes 5 key public health interventions to protect consumer health, specifically; demonstration of knowledge; employee health controls; controlling hands as a vehicle of contamination; time and temperature parameters for controlling pathogens; and consumer advisory.⁴ The Georgia Department of Public Health believes by adopting and implementing these sound public health interventions is a foundation to reducing foodborne illness within its jurisdiction.

¹ Taken from FDA's talking points for why a jurisdiction should adopt the latest FDA Model Food Code.

² Taken from FDA's talking points for why a jurisdiction should adopt the latest FDA Model Food Code.

³ Taken from FDA's talking points for why a jurisdiction should adopt the latest FDA Model Food Code.

⁴ Taken from FDA's talking points for why a jurisdiction should adopt the latest FDA Model Food Code.

There are several state and federal government agencies involved in overseeing different parts of the food chain. At the state level, two regulatory agencies strive to minimize foodborne illness in food sales and food service establishments. The Georgia Department of Agriculture regulates the food supply from the farm, through the food processing and storage sites to the grocery store. The Georgia Department of Public Health (DPH), through county boards of health, regulates food service establishments where foods are primarily prepared for immediate consumption.

Georgia Department of Public Health (DPH)'s inherited food service program has come a long way from when the state began regulating food service establishments in 1967. The Rules and Regulations for the inspection of food service establishments have undergone several revisions. In 1995, the rules were revised based on the 1993 FDA Model Food Code in preparation for the Centennial Olympic Games that were held in Georgia in 1996. State Auditors conducted a 2002 performance audit of the statewide program. The report outlined a number of performance improvement recommendations, one of which related directly to an existing two-year effort to thoroughly revise the state regulation.

In response to the 2002 state performance audit, a General Sanitation Committee began working on revising the Rules and Regulations for Food Service, Chapter 290-5-14 (Georgia Food Code). The Committee decided to model the rules after the FDA Model Food Code. This Model Code has been modified regularly to keep pace with the changes in the epidemiology of foodborne diseases. These modifications to the Model Food Code occurred 2001, 2003, and 2005 and continue approximately every 4 years. Current and future committees will continue to use the most current FDA Model Food Code as their model for revisions of Georgia's Food Code.

On January 18, 2007, the then Board of Human Resources adopted revised DHR Rules and Regulations for Food Service, Chapter 290-5-14. Since the DHR adoption of the revised Georgia Food Code, an Implementation Advisory Committee made up of representatives of the food industry, federal and state regulatory agencies, academia and the citizenry of Georgia were created to provide guidance in the implementation of the newly adopted 2007 Georgia Food Code along with the development of two manuals: the "Interpretation Manual for the Georgia Rules and Regulations for Food Service" and the "Food Service Establishment Manual for Design, Installation and Construction".

With the soon to be adoption of the 2009 FDA Model Food Code by the newly created Georgia Department of Public Health (DPH), Georgia will continue to protect its citizens and guest through its Rules and Regulations that are based upon the most current nationally accepted, food safety related science.

The major revisions made to the Rules of the Georgia Food Code in 2007 were:

1. The definition for potentially hazardous food was change to be more specific on types of pathogenic microorganisms and foods that are not considered potentially hazardous.
2. A Hazard Analysis Critical Control Points (HACCP) plan is required for processes that vary from the rules. A proposed HACCP plan must be approved by both the state office and the local county health department before implementation will be allowed. HACCP is a driving force of the food industry. Any process that varies from the rules will have to be proven through sound documentation that it will maintain the food's wholesomeness and safety until served.
3. The successful completion of an exam accredited by the Conference for Food Protection or other accrediting agencies as conforming to national standards for organizations that certify individuals.
4. Demonstration of knowledge by the person-in-charge and employees is required.
5. More specific criteria for Employee Health and for Exclusions and Restrictions for Sick Employees are given.
6. Hand washing required after restroom use and upon entering food preparation and Single Hand Wash required upon entering kitchen
7. Fingernails must be no longer than tips of the fingers unless a glove is worn when preparing food.
8. An allowance for employees to drink from a closed beverage cup with straw is allowed while working.
9. The required cooling procedure is currently: 135°F to 70°F in 2 hours and 70°F to 41°F in 4 hours for a total cooling time of 6 hours verses from 140°F to 41°F as required under the previous Georgia Food Code.
10. Bare hand contact of the food service establishment employee with ready-to-eat foods will not be allowed.
11. Required treatment of raw or partially cooked fish to kill parasites except for some species is specified.
12. The minimum internal cook temperature for pork is specified as 145°F for 15 seconds.
13. Date marking provisions for prepared foods held longer than 24 hours are specified.
14. Time as a public health control is allowed in lieu of temperature when any leftover food after 4 hours will be discarded. Written procedures are required to be on file in the establishment as well as individual labeling of the product so that employees are aware of it.
15. An adequate thermometer for the food being tested is required.
16. An advisory notice is required if potentially hazardous foods are offered in raw or undercooked form. More specific requirements for placement are given in the proposed rules than in the 1996 rules.

17. Frequency of cleaning food contact surfaces is based on room temperature.
18. A Certified Pest Control Operator is required to apply restricted-use pesticides.
19. Frequency of inspection will be based on the risk type designated for the establishment and on grade history.
20. Food for *immediate service only* can be reheated to any temperature.
21. Mobile units are required to have unit permit in each county in addition to the county of origin.
22. All unwrapped foods are required to be disposed of at the end of the business day or after a maximum of 24 hours after first being on display.
23. Instructions for consumer advisory notice have been revised to remove the word “death” from its wording.
24. A new risk categorization of establishment inspection and grading system has been provided using grades A, B, C, & U based upon a numerical score.

As to the inspection report mentioned in item #24, it had been adapted from one designed by the Conference for Food Protection in 2007. Instead of dividing items into three categories as is found on the 1996 form, it divides items into two categories. Critical categories include Risk Factors and Public Health Interventions (RF/PHI) as designated by The Centers for Disease Control (CDC). Non-critical categories include items that are designated by the FDA as Good Retail Practices (GRP). More importantly, the inspection form incorporates a letter grading system rather than the numerical score that is used within the 1996 system of grading establishments. Ever since Georgia began requiring the posting of the inspection reports, it has become increasingly apparent that an overhaul of the grading system is needed. The numerical score, in actuality, means very little. Enforcement is based on the type of items marked and not the score. However in increasing numbers, the dining public do observe inspection scores solely to determine whether or not they will dine in a restaurant. For example, a score of "93" can mean that one critical item has been violated or it can mean that only two non-critical violations have been violated.

The grading system that has been in place since 2007 uses grades during a routine inspection of "A", "B", "C", and "U". Grades are based upon a numeric score range that coincides with a numeric score. The numeric score is derived by deducting from an overall score of 100 the sum of point values assigned to Risk-Factor/Public Health Intervention or (RS/PHI) Categories and Good Retail Practices or (GRPs) Categories, of which, violations were observed during a routine or follow-up inspection. Observed repeat violations are noted from the previous routine inspection and additional points are deducted from the overall numeric score.

The major changes that will be made to the current Rules of the Georgia Food Code in 2012 in order for the Chapter to be current with the science of the FDA Code are:

1. Redesignate Rule provisions as being Priority Code Provision, Priority Foundation Provision, or Core Provision according to risk with consideration given to the general and specific hazards each provision addresses.

2. Food Allergy Awareness will be required as part of food safety training for employees.
3. Frozen, commercially processed and packaged raw animal foods are exempt from separate storage or display from Ready-to-Eat (RTE) foods.
4. "Mechanically tenderized" meat must be cooked to at least 155F for 15 seconds.
5. Criteria for non-continuous cooking process added to Rule .04 entitled, "Food", to address risk associated with that process.
6. Provisions for Rule .04 will be added to exempt fish eggs that are removed from the skein and rinsed from freeing for parasite destruction.
7. Will add a definition for "cut leafy greens" to the definition of a potentially hazardous food (time/temperature control for safety food) or PHF/TCS foods. In addition, cut leafy greens will be added to the list of foods that are PHF/TCS foods.
8. Various additions, corrections, and/or deletions to address issues that have arisen since implementation of the current version of the Chapter in 2007.

A number of activities by the State Environmental Health Office concerning its food service program have been accomplished so far, since implement of the program on December 1st, 2007:

1. From March through November 2007, 500 Environmental Health Specialists (EHS) from all 159 counties in Georgia attended some 13 training classes held around the state. These classes were given through a collaborative effort with members of the State Environmental Health Food Service Program and from the Federal Food and Drug Administration (FDA). These instructional classes provided training to EHS concerning the current Georgia Food Code and along with training to do risk-based inspections, a new concept found in the 2005 FDA Model Food Code from which the Georgia Food Code was adopted. Since that time, training of EHS is continually being re-evaluated and upgraded to better serve the public interest. As a result, the State Food Service Program has cultivated a new generation of EHS that are dedicated to the reduction of the impact of foodborne illness through the maintenance of a highly skilled work force trained in risk-based assessments of food service establishments.

Also as part of this training, EHS are continued to be prepared to receive standardization certification in order to meet the one of the goals of the state's food program - to provide consistency in how food service establishments are evaluated during their inspections by EHS. This goal too was adopted from the FDA 2005 Model Food Code and it will continue with the revision of the current Georgia Food Code to future versions of the FDA Model Food Code. As part of the standardization process for EHS, the State Environmental Health Branch Office Standard-Trainers have conducted training classes to standardize EHS, who were selected by their District Environmental Health Directors, to be "District Standard-Trainers" to go out into each of their Health Districts and standardize EHS. To solidify this collaborative effort between environmental health programs at the District and State Office levels, a collaborative standardization agreement document was ratified by all 18 Health District Environmental Health Directors, signifying each Director's dedication to

promote and support Georgia's standardization protocol within their prospective districts.

Finally, in order to keep District Standard-Trainers up-to-date with the latest interpretations of Georgia's Food Code and with its standardization protocols, the Environmental Health Branch Office Standard-Trainers hold yearly educational seminars.

2. Another goal for the food program is to have all EHS standardized by December 1, 2009 which is 2 years from the formal implementation date of December 1, 2007 for the Georgia Food Code. To date, this goal has been accomplished.
3. Also in 2007, County Health Departments conducted dual inspections with their local food service establishments using the 1996 Version of the Georgia Food Code along side the revised 2007 version to help food service establishment operators to become familiarized with the requirements and inspection system for the new Code. This goal was successfully accomplished.

Further, the Georgia Food Service Industry, represented by the Georgia Restaurant Association in conjunction with County Health Departments, provided training courses on the revised 2007 Georgia Food Code in an effort to provide out reach to local food service operators. Currently, food service program training for EHS is being planed to be administered by the State Environmental Health Office on a frequent routine basis.

4. Since the implementation of the current version of Georgia's Food Code, a food technical review advisory committee has been created to review required HACCP plans as specified within the Georgia Food Code before they are put into practice.

This food technical review advisory committee continues to function to provide assistance in evaluating changes and problems that arise in the food service industry. Its decisions have been communicated to the affected party and to the county in which the establishment that submits the HACCP plan is located. Decisions will continue to be communicated statewide to all the food inspection staff to update the online Food Service Interpretation Manual with indexed interpretive memoranda. This step has enhanced the standardization of the food safety inspection program across the state, which is particularly important when interacting with chain operations.

5. An interactive training CD with written, voice and video clips, had been developed in 2006 to cover items included in the 2006 version of the Georgia Food Code. The intent of this CD was to allow Environmental Health specialist to view, at their pace, information or to learn it for the first time. The CD was to have periodic tests and quizzes to ensure that the student understands the material and to be a record that the

student satisfactorily completed the course. To carry out the same intent but with a more efficient and effective approach, a new interactive training course has been developed and will soon be placed on SABA, the DPH Office of Training and Workforce Development online training site, early in 2012 to replace the interactive training CD. In this way, Environmental Health Specialist will have immediate web access to consistently available, self-paced training and reference media concerning the Georgia Food Code.

6. As referenced in subsection (7) in Rule .02 of the Georgia Food Code, both manuals, the “Interpretation Manual for the Georgia Rules and Regulations for Food Service” and “Food Service Establishment Manual for Design, Installation and Construction”, have been posted on the DPH Environmental Health Program website for quick access by both the Food Service Industry and Environmental Health Specialists. These two Manuals will be continually updated as the current Georgia Food Code is revised to that of the current FDA Model Food Code and as food technology and safety standards change. Doing so, the Manuals will help to further unify the collaborative efforts of Georgia food service industry and the Health Authority’s efforts to enhance standardized food service inspections in throughout Georgia.
7. The current Georgia Food Code inspection report form and recording processes have been designed with a statewide computer system in mind. It has been the continued hoped that all inspection staff and support staff would have access to a real-time database management system, which will support the drive towards consistent approach. Too, the design has been pushed towards the goal of having inspectors equipped with hand-held computers to be accomplished in the not-to-distant future. This goal has not been totally reached as of yet due to some local Health Authorities not electing to participate in the DPH’s electronic health department data system known as DHD. It is hoped that all local Health Authorities in Georgia will soon decide to participate in the DHD data system.

Future goal of the state food service program:

- Recently, the Environmental Health Program has developed a statistical tool and its associated protocols to assess the state of the Georgia Food Code’s standardization efforts at the District and Statewide levels. With this tool and the DHD database management system, the DPH’s environmental health program hopes to be successful in identifying programmatic needs in training not only for foodborne illness investigation but, standardization training efforts as well. Similarly, it will be used to verify the effectiveness of the state food service program through monitoring the standardized food service inspections of EHS. It is hoped that a noticeable reduction in the occurrences of targeted risk-factors during food service inspections will occur in order to fulfill the mission of the food service program: “To Reduce the Impact of Foodborne Illness”.

It is the belief of GA DPH that the above mention goal can be accomplished. In addition, it is their belief and hope that this interpretation Manual along with its companion Manual, the “Food Service Establishment Manual for Design, Installation and Construction”, and with such activities as standardization and frequent training of EHS, will provide the necessary tools to Environmental Health Specialist to interpret the Rules and Regulations for Food Service consistently throughout Georgia. As well, it is the hope for this Manual to provide guidance to the food service industry in their endeavors to maintain compliance with Georgia’s Food Service Rules and Regulations and to maintain the highest level of food safety as possible.

About this Manual:

The “Interpretation Manual for the Georgia Rules and Regulations for Food Service” is divided into two parts, PART-I and PART-II. PART-I contains Section A and Section B collectively known as the, “Administrative Guidance to Interpretation of the Georgia Food Service Rules and Regulations Chapter 290-5-14”. PART-II contains Sections C through O collectively known as the, “Administrative Support”. A brief description of each PART-I and PART-II follows:

1. PART-I – “Administrative Guidance to Interpretation of the Georgia Food Service Rules and Regulations Chapter 290-5-14”:
 - (a.) Section A- FDA Interpretative Database: The Food Code Reference System is a searchable database that provides access to FDA’s interpretative positions and responses to questions related to the FDA Food Code. The System is a resource for stakeholders from federal agencies, state, local, territorial and tribal jurisdictions, consumers, academia, and industry interested in preventing foodborne illness and injury in retail food, vending and foodservice operations. Federal, state, local, and tribal jurisdictions will benefit from this database as they promote compliance with food safety requirements throughout the United States. *Please note some interpretations may be based on more recent versions of the Food Code. Since Georgia Food Service Rules are currently based on the 2005 FDA Model Food Code, some interpretative guidance provided may require a variance from current language in the Georgia Food Service Rules and Regulations.*
 - (b.) Section B – Public Health Reasons and Administrative Guidelines: Provides for the public health reasons and administrative guidance for the interpretation of Georgia’s Food Service Rules and Regulations Chapter 290-5-14. Section B does not address all of the Rules and Regulations within Chapter 290-5-14. However, it does address the most frequent inquiries of specific Rules and Regulations received by the Division since the adoption of the Chapter by the Department in February of 2007.

2. PART-II – “Administrative Support:

- (a) Section C – Specialty Foods: Provides resource information on some ethnic foods that EHS may encounter during food service inspections.
- (b) Section D – Conducting Risk Based Inspections: Provides guidance in conducting risk based inspections.
- (c) Section E – Foodborne Illness Investigation Procedure: Provides a reference resource for guidance in foodborne illness outbreak investigations.
- (d) Section F – Official Code of Georgia Annotated (O.C.G.A.) Title 26-2-370: Lists sections of Georgia Food Law pertinent to food service operations. By doing so, Section F will provide legal and historical basis for the Chapter.
- (e) Section G – Food Safety and the Role of the Environmental Health Specialist: This Section briefly explains the many hats that EHS wear while performing their duties to protect the public health.
- (f) Section H – Code of Conduct: This Section provides guidance in how the Environmentalist should conduct himself and or herself while performing a food service inspection.
- (g) Section I – Collaboration with Other Agencies: Provides guidance to EHS in their efforts to collaborate with other regulatory agencies in regards to the food safety program.
- (h) Section J – Administrative Procedures for Variances: Prescribes the Division of Public Health’s administrative procedures for requesting and processing requests from the food industry to vary from a particular Rule of Chapter 290-5-14.
- (i) Section K – Forms & Documents: Lists all forms and documents necessary to administratively conduct the food safety program.
- (j) Section L – Georgia Standardization Program: Provides for the guidance document as to how environmental health personnel will be standardized to do risk-based food service inspections within Georgia. It also provides for the monitoring, corrective action, and verification of the EHS standardization program.
- (k) Section M – Important Contacts: Lists of State and Federal resource contact information.

- (l) Section N – Referenced Applicable Codes of Registry: Listings of Federal Codes of Registry noted within Georgia Food Service Rules and Regulations Chapter 290-5-14.

- (m) Section O – References: List sources from which this manual was derived.

SECTION B

Public Health Reasons and Administrative Guidelines

The purpose of Section B of Part I of this Manual is to provide guidance in the understanding of the public health reasons and administrative guidelines for the Georgia Food Service Rules and Regulations Chapter 290-5-14 also known as the “Chapter”. The Public Health Reasons and administrative guidelines in this section are limited to certain Rules of the Chapter that have historically required additional guidance.

Since the current Chapter is adopted from the 2005 FDA Model Food Code, Annexes 1 through 7 of this Model Food Code will provide the science and technical reference from which the Chapter is based. It is not the design of this Manual for these Annexes to take precedent over the Chapter; but instead, it is meant for them to provide support for the Rules and Regulations within the Chapter. They, as well as other information, can be found through a link to the 2005 FDA Model Food Code located at the Georgia Department of Community Health’s, Environmental Health Branch website page at www.georgiaeh.us.

A. Rule 290-5-14- .01 Definitions. Amended:

The following definitions shall apply in the interpretation and enforcement of Chapter 290-5-14. Italicized sections and web links are added for further clarification of meaning of definitions.

- (a) *“Accredited program” means* a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. It refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; test development and administration.

Accredited Program:

Food protection manager certification occurs when individuals demonstrate through a certification program that they have met specified food safety knowledge standards.

Food protection certification program accreditation occurs when certification organizations demonstrate through an accreditation program that they have met specified program standards.

Accreditation is a conformity assessment process through which organizations that certify individuals may voluntarily seek independent evaluation and listing by an accrediting

agency based upon the certifying organizations meeting program accreditation standards.

Such accreditation standards typically relate to such factors as the certifying organization's structure, mission, policies, procedures, and the defensibility of its examination processes. These standards are intended to affirm or enhance the quality and credibility of the certification process, minimize the potential for conflicts of interest, ensure fairness to candidates for certification and others, and thereby increase public health protection.

Program accreditation standards known to be relevant to food protection manager certification programs include those contained in the Standards for Accreditation of Food Protection Manager Certification Programs available from the Conference for Food Protection, 1085 Denio Avenue, Gilroy, CA 95020-9206 and found at <http://www.foodprotect.org/pdf/standards.pdf>.

Allowing food protection managers to demonstrate their required food safety knowledge "through passing a test that is part of an accredited program" is predicated on the fact that their credentials have been issued by certifying organizations that have demonstrated conformance with rigorous and nationally recognized program standards.

- (b) **"Adulterated"** means contaminated with extraneous ingredients not usually meant for the food product and is further defined as stated in the Federal Food, Drug, and Cosmetic Act, § 402. <http://www.fda.gov/opacom/laws/fdcact/fdcact4.htm>
- (c) **"Approved"** means acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- (d) **"Asymptomatic"** means without obvious symptoms, not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice. It includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.
- (e) **" a_w "** means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a_w .
- (f) **"Balut"** means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.



- (g) **“Base of Operation”** means a food service establishment, or any other place in which food, containers or supplies are kept, handled, prepared, packaged or stored for subsequent transport, sale or service elsewhere.
- (h) **"Beverage"** means a liquid for drinking, including water.
- (i) **“Bottled drinking water”** means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.
- (j) **"Casing”** means a tubular container for sausage products made of either natural or artificial (synthetic) material.
- (k) **"Certification”** means a document certifying that an individual has completed an approved food safety training program and has passed a professionally validated food safety examination.
- (l) **"Certification number”** means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.
- (m) **“Certified food safety manager (CFSM)”** means the owner or manager of a food service establishment who has successfully completed a food safety training program approved by the Department and passed a professionally validated CFSM examination that is accredited by the Conference for Food Protection or other accrediting agency as conforming to national standards for organizations that certify individuals.
- (n) **"CFR” means** Code of Federal Regulations. Citations in this Chapter to the CFR refer sequentially to the Title, Part, and Section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010. This section of the CFR contains all general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.
- (o) **"CIP"** means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

It does not include the cleaning methods used for equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning where all food contact surfaces are openly exposed. In-place cleaning is where all removable parts are removed to either the 3-compartmented sink for manual wash, rinse, and sanitization or to warewasher. The remaining parts that cannot be placed in the warewashing sink or the warewashing machine, are cleaned where they are located; hence, in-place cleaning.

- (p) **"Color additive"** means a dye, pigment, or other substance that is capable of imparting color and is further defined as stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) <http://www.fda.gov/opacom/laws/fdact/fdact1.htm> and 21CFR 70 <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm?CFRPart=70&showFR=1>.
- (q) **"Commingle"** means to combine shellshock harvested on different days or from different growing areas as identified on the tag or label, or to combine shucked shellfish from containers with different container codes or different shucking dates.
- (r) **"Comminuted"** means reduced in size by methods including chopping, flaking, grinding, or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage and a mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.
- (s) **"Conditional employee"** means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.
- (t) **"Confirmed disease outbreak"** means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.
- (u) **"Consumer"** means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food service establishment and does not offer the food for resale.
- (v) **"Corrosion-resistant material"** means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.
- (w) **"Counter-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.
- (x) **"County Board of Health"** means the Board of Health as established by O.C.G.A. § 31-3-1. http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=31-3-1
- (y) **"Critical control point"** means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

- (z) "**Critical item**" means a provision of this Chapter, that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard and may create an imminent health hazard.
- (aa) "**Critical limit**" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

These are measurable controls listed in Rules within the Chapter that must be followed to control foodborne illness risk factors. Example: Potentially Hazardous Foods (time/temperature for safety food) must be held hot to an internal temperature of at least 135 °F. In this case, 135 °F would be the CRITICAL LIMIT for hot holding Potentially Hazardous Foods (time/temperature control for safety foods). The critical limit means that the applied control cannot be less than what has been established as the minimum needed to minimize or eliminate the impact of a risk factor for which a particular Rule has been designed to control. The RISK FACTOR for foodborne illness would be PATHOGEN OUTGROWTH due to a food product temperature of ≤ 135 °F during hot holding.

- (bb) "**Department**" means the Department of Community Health, State of Georgia.
- (cc) "**Disclosure**" means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.
- (dd) "**Drinking water**" means water that meets criteria as specified in 40 CFR 141 National Primary Drinking Water Regulations, is traditionally known as "potable water", and includes the term "water" *except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "non-drinking" water.*
- (ee) "**Dry storage area**" means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous (time/temperature control for safety food) and dry goods such as single-service items.

- (ff) "**Easily cleanable**" means a characteristic of a surface that allows effective removal of soil by normal cleaning methods; is dependent on the material, design, construction, and installation of the surface; and varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use. It includes a tiered application of the criteria that qualify the surface as easily cleanable to different situations in which varying degrees of cleanability are required such as: the appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or the need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.
- (gg) "**Easily movable**" means portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning. It also means having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.
- (hh) "**Egg**" means the shell egg of avian species such as a chicken, duck, goose, guinea, quail, ratites or turkey and does not include a balut, the egg of reptile species such as alligator or an egg product.

Egg:

The definition of egg includes avian species' shell eggs known to be commercially marketed in the United States. Also included are the eggs of quail and ratites such as ostrich.

*Not included are baluts. Baluts are considered a delicacy among Philippine and Vietnamese populations. They are derived from fertile eggs, typically duck eggs, subjected to incubation temperatures for a period of time less than necessary for the embryo to hatch resulting in a partially formed embryo within the shell. Under the **Egg Products Inspection Act (EPIA)**, an egg is typically considered adulterated if it has been subjected to incubation. However, in **9 CFR 590.5**, baluts are specifically exempted from inspection as eggs under the EPIA.*

In producing baluts, fertile duck eggs are incubated for approximately 18 days at a temperature of 42.5°C (108.5°F) in incubators with a relatively high humidity. (Complete development and hatching would take place in 28 days.) Under these conditions, the potential for growth of transovarian Salmonella organisms such as S. Enteritidis within the shell, and the potential for an increase in pathogenic microflora on the shell itself, are increased. Where chicken eggs are used in preparing baluts, the incubation period may only be 14 days at an incubation temperature of 37°C (99°F).

A balut is a potentially hazardous food (time/temperature control for safety food) subject to time/temperature management including proper cooking and hot and cold holding. Baluts are typically boiled and packed in salt before sale or service.

Also, not included in this definition are the eggs of reptile species such as alligators and turtles. Alligator eggs are available for sale in some parts of the southern United States. In restaurants, the menu item “Alligator Eggs” is sometimes made of alligator egg, but other times is simply a fanciful name for a menu item that may include seafood items such as shrimp, but contains no alligator egg.

*Sea turtle eggs have been consumed in Asian and Latin American Countries. However, turtle eggs are not mentioned in the definitions section because sea turtles (Loggerhead, East Pacific Green, Leatherback, Hawksbill, Kemp’s Ridley, and Olive Ridley) are protected by **The Endangered Species Act of 1973** and therefore may not be sold or consumed. The United States Department of Interior, U.S. Fish and Wildlife Service, Washington, DC enforces this Act, with respect to turtle eggs.*

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- (ii) **"Egg product"** means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. It does not include food, which contains eggs only in a relatively small proportion such as cake mixes.
- (jj) **"Employee"** means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food service establishment.

An employee is an individual who is on the payroll of a food service establishment or an individual who performs work that is necessary for the food service establishment to function and to provide its services to the public. He or she can be an individual who may not be on the payroll of the food service establishment and who is performing work on behalf of the food service establishment that is necessary for it to provide its services to the public. He or she can be an individual who is employed by a company that is not on the food service establishment payroll, such as a pest exterminator, equipment servicing or repair provider or provision supplier, whose services are necessary for the operation of the establishment.

- (kk) **"Enough"** means occurring in such quantity and quality or scope as to fully satisfy demand or need.

- (ll) "**Enterohemorrhagic *Escherichia coli*" (EHEC)** means *E. coli* which cause hemorrhagic colitis, meaning bleeding enterically or bleeding from the intestine. The term is typically used in association with *E. coli* that have the capacity to produce Shiga toxins and to cause attaching and effacing lesions in the intestine.
- (mm) "**EPA**" means the U.S. Environmental Protection Agency.
- (nn) "**Equipment**" means an article that is used in the operation of a food service establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, warewashing machine, or other similar devices. *It does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.*
- (oo) "**Exclude**" means to prevent a person from working as an employee in a food service establishment or entering a food service establishment as an employee.
- (pp) "**Extended food service unit**" means a stationary trailer, kiosk or similar unit operating as an extension of a commissary or a permitted food service establishment on the same property.
- (qq) "**FDA**" means the U.S. Food and Drug Administration.
- (rr) "**Fish**" means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption. It includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.
- (ss) "**Food**" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- (tt) "**Food additive**" means any substance that may become a component of food as defined in the Federal Food, Drug, and Cosmetic Act § 201(s) and 21 CFR 170.3(e)(1).
<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=170&showFR=1>
- (uu) "**Foodborne disease outbreak**" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.
- (vv) "**Food-contact surface**" means a surface of equipment or a utensil with which food normally comes into contact or a surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.



- (ww) "**Food employee**" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.
- (xx) "**Food processing plant**" means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food service establishments.
- (yy) "**Foodservice establishment**" O.C.G.A. § 26-2-370 means establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either for carry out or service within the establishment. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; institutions both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include a "food sales establishment," as defined in the Code Section **O.C.G.A. § 26-2-21**, except as stated in this definition. The food service component of any food sales establishment defined in Code Section 26-2-21 shall not be included in this definition. This term shall not include any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor public school function or any outdoor private school function. This term also shall not mean establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of a fair or festival which:
1. Is sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section **O.C.G.A. § 48-7-25** or under Section **501(d)** or paragraphs (1) through (8) or paragraph (10) of section 501(c) of the Internal Revenue Code, as that code is defined in Code Section **48-1-2**;
 2. Lasts 120 hours or less; and
 3. When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted.
- a. Descriptions:
1. Institutions (both public and private):

These would be organizations, societies, corporations, having a public character and function with a component of preparation and service of food to the public such as schools; churches; colleges; correction facilities; and caring facilities for

the elderly and the disabled such as nursing homes, adult daycare, and congregate personal care homes with 25 or more beds.

An example of an institution that normally is not thought as having a food service component is a church. If a church has a dinner function for only its members and guests, it would not be considered a food service establishment. However, if it prepares food and serves it to the general public as in a soup kitchen or school, it would be considered a food service establishment.

2. Food Carts:

Examples of these can be found in Rule -08 Subsection (1) (b) 1., 2. and 3., and (g) 1. of Chapter 290-5-14. and include hot dog carts, popcorn carts, and snow cone carts. These type establishments will have a limited menu and method of operation.

3. Soda Fountains:

These are service counters within businesses such as drug stores that serve a very limited menu (e.g. coffee, soft drinks, milk shakes, ice cream).

4. Short Order Cafes:

These are dine-in or carryout, quick-service, cooked-to-order establishments serving a limited menu. An example of this would be a traditional diner or lunch counter.

5. Luncheonettes:

These are establishments where light lunches are served such as in tearooms. Menus are usually limited to items such as soups, salads and sandwiches.

6. Taverns:

These are establishments where liquor, beer, and wine are sold to be consumed on the premises such as a saloon or bar. They may be equipped to serve food and in some cases, these type establishments may be associated with a tourist accommodation component such as an inn.

7. Cafeterias:

These are restaurants equipped to display food for consumer self-service or displayed for immediate service upon order of the consumer. These establishments may be stand-alone facilities or found in such locations such as institutions, schools, office and industrial buildings.

8. Catering Establishments:

These are food service establishments that have entered into a contractual agreement with their consumers to prepare food in bulk quantities for delivery and/or service off the premises at a specific date, time, and location. For example, food is prepared and containerized at a permitted “Base of Operation” for a client who is planning a wedding. The catering establishment and the client enter into a contractual agreement, verbal or written – usually written, to provide food and services for the wedding reception. The client selects from the establishment’s menu items for service for a fee and the event is scheduled. On the day of the wedding event, the caterer prepares the food and delivers it to the site for service. After the event concludes, the caterer removes his/her equipment and returns it to the base of operation for cleaning and sanitization.

Home delivery food service establishments, such as pizza or Chinese delivery, sometimes are loosely described as being a form of catering, but it is not. The customer will call the establishment and will make a verbal request of the establishment to deliver a food item from their menu. This type of food service is food delivery provided by the establishment. There is no contractual agreement for food to be prepared and delivered off-site.

Mobile food service operations are not catering operations by the characteristics of how they operate. Mobile food service units go from place to place vending food as an extension of their permitted base of operation and not to any specific event nor under any contractual request by its consumers. Moreover, mobile food service units are limited to two areas (i.e., routes) or locations of operation where as catering food service operations do not have such operational limitations.

See Subsection H.(2)(g)1.(b) of this Section for more information.

9. Places that retail Sandwiches or Salads:

They could be any food service establishment that prepares sandwiches or salads for sale to their patrons. However, they are not establishments that manufacturer sandwiches and or salads for sale to other establishments (or wholesaling) who will in turn sell such products to their patrons. Such manufacturers are considered as sandwich and salad manufacturers and as such are permitted and regulated by the Georgia Department of Agriculture.

An example of this establishment would be deli shops. They usually bake their own bread and display various toppings for patrons to select to complete the sandwich. They may offer salads of which are usually made in-house and they may offer soups that are usually commercially prepared and package, reheated, and hot held prior to service.

10. Similar Facilities by whatever name called:

This part of the definition of “Food Service Establishment” is added to the definition of food service establishment to include any establishment that prepares and serves food to the public no matter how it operates or what it is called. The exception would be if the Official Code of Georgia Annotated (O.C.G.A.) excludes activities with food from the definition or if the food service activity falls under the jurisdiction of the Federal Government. Currently, there are five exclusions to the food service establishment definition. They are: food sales establishment, sandwich manufacturers, and food processors all permitted by the Georgia Department of Agriculture; non-profit temporary food establishments; outdoor recreation activities with food concessions sponsored by the state, a county, a municipality, or any department or entity thereof, or public school function or any outdoor private school function; child care facility licensed by the Georgia Department of Early Care and Learning (GDECL); and those food service establishments located on Federal Government property such as military bases. However, Head Start Children’s Programs, operating under funding provided by the United States Department of Agriculture (USDA) and the United States Health and Human Services (USHHS), usually are required to hold a food service permit from the local Health Authority.

b. Rationale for Determining What Falls within the Definition of “Food Service Establishment”:

From time to time, questions do come up in various situations as to how to determine if a particular operation or an event falls within the definition of a food service establishment requiring the issuance of a food service permit. These food operations would be those that are not clearly listed as not being within the definition of a food service establishment as noted above within Subsection A. (yy) a. 10. entitled, “Similar Facilities by whatever named called”. In order to make the determination, the Environmental Health Specialist (EHS) will need to ask the question, “Will this operation and or event prepare and serve food to the public or will the operation prepare food and serve itself and not to the public?” Examples of such rational thinking are as follows:

1. A party is open only to an invited group of people in a rented facility where someone is hired to prepare food on the premises.

Answer: *No food permit is necessary. This is a private event open only to invited guests in a facility rented for private use.*

Exception: *If the rental facility has a service that routinely provides food service then yes, the facility must have a food service permit. Very often, however, the party giver will prepare his or her own food or friends will prepare it. This can be considered private, the same as if someone has a party in his/her home.*

2. A political fundraising event in which people are invited to meet the political candidate and enjoy free food. Donations may or may not be accepted.

Answer: By definition, a political fund raising event would be a non-profit if a local government or political action group (most of which are non-profit) sponsors it. If the event does not meet the criteria of a non-profit temporary food service establishment as established within Rule -.01 (yy) 1-3, then the event would be considered as a for-profit temporary food service event and must be permitted as a temporary food service establishment under Chapter 290-5-14.

3. A party is open only to an invited group of people in a rented facility where someone is hired to prepare food off the premises and bring it to the site.

Answer: Food service permit is required at the preparation site (ex., at the caterer's kitchen or off-site kitchen).

Exception: No food service permit would be necessary if the party giver or friends participating in the party prepare the food.

4. A Boarding House is serving food only to the tenants (sometimes the tenants prepare their own meals).

Answer: No permit is necessary. This is to be considered the tenants private home.

5. A club such as a Country Club, Elks Lodge, or Moose Lodge is serving food only to its members that is prepared by members or catered-in for members.

Answer: Generally, no permit is necessary for such an operation.

Exception: If the club or lodge invites or solicits the public to come in to eat through any form of advertisement with the public such as word-of-mouth, the media, signage, etc., then yes it must hold a food service permit. In addition, a food service permit would be required should the facility provide a catering service.

6. Churches that serve food only to the church members and to guests invited by church members.

Answer: A food service permit is not necessary as long as the food is prepared in the church kitchen and is only for church members and not for service to the public through invitation or solicitation through any form of advertisement such as word-of-mouth, the media, signage, etc.

Exception: A church will need a food service permit should it serve food off from the premises of the church, such as events organized by a for-profit organizer. In addition, a food service permit would be required should a church serve food to the public such as soup kitchen for the homeless and or a private school.

The Environmental Health Specialist must evaluate proposed methods of operation on a case-by-case basis to determine if food is being prepared and/or served to the public. The purpose of this case-by-case evaluation is to determine if an operation meets the term, “ food service establishment”, as defined in Rule -.01(yy).

- (zz) “**Food service manager**” means any person who supervises / trains a food service worker to follow all food safety regulations. The manager shall be an employee of the permitted food service establishment.
- (aaa) “**Game animal**” means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 Definitions, or as Poultry, or fish. It includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes, *but does not include ratites.*
- (bbb) “**General use pesticide**” means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175, Pesticides classified for restricted use.
- (ccc) “**Grade A standards**” means the requirements of the United States Public Health Service/FDA “Grade A Pasteurized Milk Ordinance” with which certain fluid and dry milk and milk products comply.
- (ddd) “**HACCP plan**” means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods (See Rule -.02 Subsection (5) (a) – (e) of Chapter 290-5-14 for more information).
- (eee) “**Handwashing sink**” means a lavatory, a basin or vessel for washing, a washbasin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands and it includes an automatic handwashing facility.
- (fff) “**Hazard**” means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.
- (ggg) “**Health authority**” means the Department, or the County Board of Health acting as its agent.
- (hhh) “**Health practitioner**” means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

- (iii) "**Hermetically sealed container**" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.
- (jjj) "**Highly susceptible population**" means persons who are more likely than other people in the general population to experience foodborne disease because they are immunocompromised, preschool age children, or older adults and obtaining food at a facility that provides services 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.
- (kkk) "**Imminent health hazard**" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury.
- (lll) "**Injected**" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as by processes which may be referred to as "injecting," "pinning," or "stitch pumping."
- (mmm) "**Juice**" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. It includes juice as a whole beverage, an ingredient of a beverage and a puree as an ingredient of a beverage, *but does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.*

The definition of "Juice" includes only liquids from fruits and vegetables. Also, "Juice" would include puree of fruits and vegetables as an ingredient of a beverage. They would not include liquids extracts derived from flowers of plants or liquids from non-vegetable origin such as seaweed. In addition, they would not include liquids, purees, or concentrates of fruits and vegetables that are not to be used as beverages or as ingredients of beverages.

- (nnn) "**Kitchenware**" means all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.
- (ooo) "**Law**" means applicable local, state, and federal statutes, regulations, and ordinances.
- (ppp) "**Limited food preparation**" means no combining of ingredients except the addition of seasonings, toppings or condiments.



(qqq) "**Linens**" means fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.

(rrr) "**Major food allergen**" means milk, egg, fish (such as bass, flounder, cod, and including crustacean such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or a food ingredient that contains protein derived from a food specified in this definition. *It does not include any highly refined oil derived from a major food allergen or any ingredient derived from such highly refined oil; or any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).*

(sss) "**Meat**" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except *fish, poultry, and wild game animals.*

(ttt) "**Mobile food service unit**" means a trailer, pushcart, vehicle vendor or any other conveyance operating as an extension of a base of operation or a permitted food service establishment.

The meaning of the definition, "Mobile food service unit", is to allow a permit holder of a fixed, food service establishment to operate a separately permitted mobile food service component under the same management of his fixed, food service establishment. It is not allowable by the definition for separately owned and managed mobile food service unit or units to conduct their operations using the same fixed, food service establishment as their base of operation that is permitted by some other person.

(uuu) "**Molluscan shellfish**" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, *except when the scallop product consists only of the shucked adductor muscle.*

(vvv) "**Packaged**" means bottled, canned, cartoned, securely bagged or securely wrapped, whether packaged in a food service establishment or a food processing plant. *It does not include a wrapper, carryout box or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.*

The purpose of the definition, "Packaged", is to require permit holders to provide a durable, closed food grade container so that the package will have to be torn into, or a seal, lid or cap removed in order for an individual to gain access to the contents of the package. Packaging provides protection of enclosed food from potential sources of contamination during long-term storage and transportation. In addition, it provides notice to the consumer that the food may have been tampered with should he or she find the package damaged or opened.

(www) "**Permit**" means the document issued by the Health Authority that authorizes a person to operate a food service establishment and signifies satisfactory compliance with these Rules.

The term, "Permit", is the legal instrument by which the Health Authority grants authorization to a person (i.e., the permit holder) to operate a food service establishment, once that person demonstrates compliance with the Chapter. The person who is granted a permit must have the legal responsibility for the day-to-day management of the establishment. This statement goes to Rule -.03 "Management and Personnel" that requires active management control of risk factors that most often cause foodborne illness, as well as GRPs (or Good Retail Practices) and the physical facilities that support the control of risk factors. As such, a food service permit can only be issued to one food service establishment that is under the authority and control of one management, the permit holder. This would exclude two separately owned and operated food service establishments to operate using the same food service equipment and physical facilities that have a direct impact on food safety. The exception would be the joint use of common areas, such as public toilet facilities, public utilities, parking areas and dining areas, under a contractual agreement similar to what you would find within in a shopping mall's food court.

(xxx) "**Permit holder**" means the person who possesses a valid permit to operate a food service establishment and is legally responsible for the operation of the food service establishment such as the owner, the owner's agent, or other person.

The permit holder can be different from the person that owns the equipment and physical facilities. For example, a public school system or hospital authority owns the food service facility and food service equipment and leases out the food service operation to a management firm. The management firm would be the permit holder and the public school system or hospital authority would be the landlord. As permit holder, the management firm would be legally responsible for the day-to-day operation of the food service establishment.

(yyy) "**Person**" means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

(zzz) "**Person in charge**" means the individual present at a food service establishment who is responsible for the operation at the time of inspection. If no individual has been designated as the person in charge at the time of inspection, then any employee present is the person in charge.

- (aaaa) **“Personal care items”** means items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person’s health, hygiene or appearance. They include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.
- (bbbb) **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.
- (cccc) **"Physical facilities”** means the structure and interior surfaces of a food service establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.
- (dddd) **“Plumbing fixture”** means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.
- (eeee) **"Plumbing system"** means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.
- (ffff) **"Poisonous or toxic materials"** means substances that are not intended for ingestion and are included in four (4) categories:
1. Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals;
 2. Pesticides, *except sanitizers*, which include substances such as insecticides and rodenticides;
 3. Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and
 4. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale such as petroleum products and paints.

(gggg) **“Potentially Hazardous Food. (Time/Temperature Control For Safety Food)”**.

1. **“Potentially hazardous food (time/temperature control for safety food)”** means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.
2. **“Potentially hazardous food (time/temperature control for safety food)”** includes an animal food that is raw or heat- treated; a plant food that is heat-treated or consists of raw seed sprouts; cut melons; cut tomatoes; or garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth or toxin formation; and except as specified in 3. (iv) of this definition, a food that because of the interaction of its a_w and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

Table A. Interaction of pH and a_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged			
a_w values	pH values		
	4.6 or less	> 4.6 - 5.6	> 5.6
<0.92	non-PHF*/non-TCS food**	non-PHF/non-TCS FOOD	non-PHF/non-TCS FOOD
> 0.92 - .95	non-PHF/non-TCS food	non-PHF/non-TCS FOOD	PA***
> 0.95	non-PHF/non-TCS food	PA	PA

* PHF means Potentially Hazardous Food
 ** TCS food means Time/Temperature Control for Safety food
 *** PA means Product Assessment required

Table B. Interaction of pH and a _w for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged				
a _w values	pH values			
	< 4.2	4.2 - 4.6	> 4.6 - 5.0	> 5.0
< 0.88	non-PHF*/ non-TCS food**	non-PHF/ non-TCS food	non-PHF/ non-TCS food	non-PHF/ non-TCS food
0.88 – 0.90	non-PHF/ non-TCS food	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA***
> 0.90 – 0.92	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA	PA
> 0.92	non-PHF/ non-TCS food	PA	PA	PA
* PHF means Potentially Hazardous Food ** TCS food means Time/Temperature Control for Safety food *** PA means Product Assessment required				

3. “**Potentially hazardous food (time/temperature control for safety food)**” does not include:

- (i) *An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been treated to destroy all viable Salmonellae;*
- (ii) *A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;*

- (iii) A food that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-PHF/non-TCS food in Table A or B of this definition; or (iv) A food that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:
- (I) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
 - (II) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or
 - (III) A combination of intrinsic and extrinsic factors; or
- (v) A food that does not support the growth or toxin formation of pathogenic microorganisms even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

Explanation:

Potentially hazardous food (PHF/TCS food) is defined in terms of whether or not it requires time/temperature control for safety to limit pathogen growth or toxin formation. The term does not include foods that do not support growth but may contain a pathogenic microorganism or chemical or physical food safety hazard at a level sufficient to cause foodborne illness or injury. The progressive growth of all foodborne pathogens is considered whether slow or rapid.

The definition of PHF/TCS food takes into consideration pH, a_w , pH and a_w interaction, heat treatment, and packaging for a relatively simple determination of whether the food requires time/temperature control for safety. If the food is heat-treated to eliminate vegetative cells, it needs to be addressed differently than a raw product with no, or inadequate, heat treatment. In addition, if the food is packaged after heat treatment to destroy vegetative cells and subsequently packaged to prevent re-contamination, higher ranges of pH and/or a_w can be tolerated because remaining spore-forming bacteria are the only microbial hazards of concern. While foods will need to be cooled slightly to prevent condensation inside the package, they must be protected from contamination in an area with limited access and packaged before temperatures drop below 57°C (135°F). In some foods, it is possible that neither the pH value nor the a_w value is low enough by itself to control or eliminate pathogen

growth; however, the interaction of pH and a_w may be able to accomplish it. This is an example of a hurdle technology. Hurdle technology involves several inhibitory factors being used together to control or eliminate pathogen growth, when they would otherwise be ineffective if used alone.

In determining if time/temperature control is required, combination products present their own challenge. A combination product is one in which there are two or more distinct food components and an interface between the two components may have a different property than either of the individual components. A determination must be made about whether the food has distinct components such as pie with meringue topping, focaccia bread, meat salads, or fettuccine alfredo with chicken or whether it has a uniform consistency such as gravies, puddings, or sauces. In these products, the pH at the interface is important in determining if the item is a PHF/TCS food.

A well designed inoculation study or other published scientific research should be used to determine whether a food can be held without time/temperature control when:

- 1. process technologies other than heat are applied to destroy foodborne pathogens (e.g., irradiation, high pressure processing, pulsed light, ozonation);*
- 2. combination products are prepared; or*
- 3. other extrinsic factors (e.g., packaging/atmospheres) or intrinsic factors (e.g., redox potential, salt content, antimicrobials) are used to control or eliminate pathogen growth.*

Before using Tables A and B in paragraph 1-201.10(B) of the definition for “potentially hazardous food (time/temperature control for safety food)” in determining whether a food requires time/temperature control for safety (TCS), answers to the following questions should be considered:

- *Is the intent to hold the food without using time or temperature control?
 - *If the answer is No, no further action is required. The Decision Tree #1 is not needed to determine if the item is a PHF/TCS food.**
- *Is the food raw, or is the food heat-treated?*
- *Does the food already require time/temperature control for safety by definition in Rule -.01 (gggg)?*
- *Does a product history with sound scientific rationale exist indicating a safe history of use?*
- *Is the food processed and packaged so that it no longer requires TCS such as ultra high temperature (UHT) creamers or shelf-stable canned goods?*
- *What is the pH and a_w of the food in question using an independent laboratory and Association of Official Analytical Chemists (AOAC) methods of analysis?*

A food designated as meeting product assessment (PA), in either table should be considered PHF until further study proves otherwise. The PA means that based on the food's pH and a_w and whether it was raw or heat-treated or packaged, it has to be considered PHF until inoculation studies or some other acceptable evidence shows that the food is a PHF/TCS food or not. Rule -.04 subsection (6) (j) requires a variance request to the Health Authority with the evidence that the food does not require time/temperature control for safety.

If a facility adjusts the pH of a food using vinegar, lemon juice, or citric acid for purposes other than flavor enhancement, a variance is required in Rule -.04 Subsection (6)(j) 3. A HACCP plan is required whether the food is a PHF/TCS food as in Rule -.04 Subsection (6) (j) 3. (i) or not a PHF/TCS food, as in Rule -.04 Subsection (6) (j)3.(ii). A standardized recipe validated by lab testing for pH and a_w would be an appropriate part of the variance request with annual (or other frequency as specified by the regulatory authority) samples tested to verify compliance with the conditions of the variance.

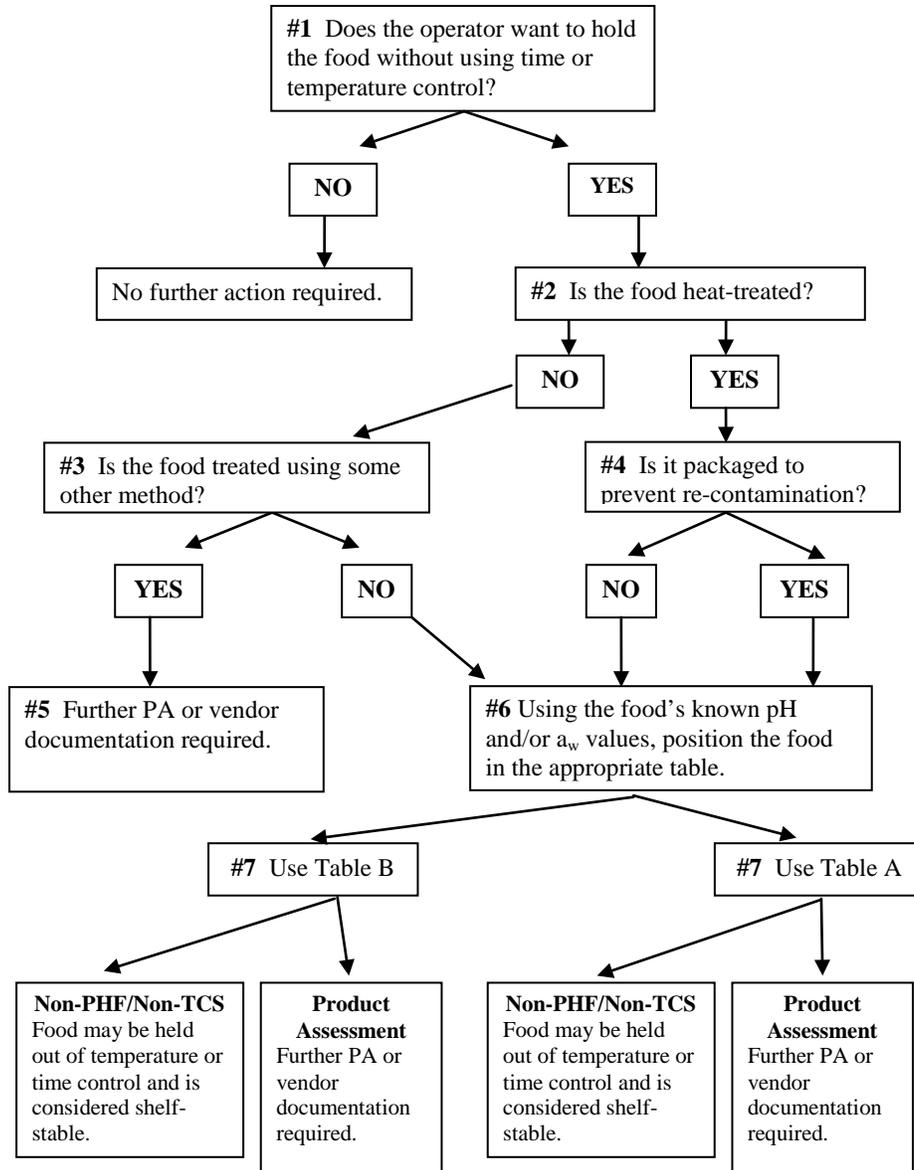
More information can be found in the NATIONAL ADVISORY COMMITTEE ON MICROBIOLOGICAL CRITERIA FOR FOODS, Parameters for Determining Inoculated Pack/Challenge Study Protocols at http://www.fsis.usda.gov/PDF/NACMCF_Inoculated_Pack_2009F.PDF.

Instructions for using the following Decision Tree and Table A and Table B:

1. Does the operator want to hold the food without using time or temperature control?
 - a. No – Continue holding the food at $\leq 5^{\circ}\text{C}$ (41°F) or $\geq 57^{\circ}\text{C}$ (135°F) for safety and/or quality.
 - b. Yes – Continue using the decision tree to identify which table to use to determine whether time/temperature control for safety (TCS) is required.
2. Is the food heat-treated?
 - a. No – The food is either raw, partially cooked (not cooked to the temperature specified in Rule -.04 Subsection (5) or treated with some other method other than heat. Proceed to step #3.
 - b. Yes – If the food is heat-treated to the required temperature for that food as specified under section Rule -.04 Subsection (5), vegetative cells will be destroyed although spores will survive. Proceed to step #4.
3. Is the food treated using some other method?
 - a. No –The food is raw or has only received a partial cook allowing vegetative cells and spores to survive. Proceed to step #6.

- b. Yes – If a method other than heat is used to destroy pathogens such as irradiation, high pressure processing, pulsed light, ultrasound, inductive heating, or ozonation, the effectiveness of the process needs to be validated by inoculation studies or other means. Proceed to step #5.
4. Is it packaged to prevent re-contamination?
 - a. No – Re-contamination of the product can occur after heat treatment because it is not packaged. Proceed to step #6.
 - b. Yes – If the food is packaged immediately after heat treatment to prevent re-contamination, higher ranges of pH and/or a_w can be tolerated because spore-forming bacteria are the only microbial hazard. Proceed to step #7.
5. Further product assessment or vendor documentation required.
 - a. The vendor of this product may be able to supply documentation that inoculation studies indicate the food can be safely held without time/temperature control for safety.
 - b. Food prepared or processed using new technologies may be held without time/temperature control provided the effectiveness of the use of such technologies is based on a validated inoculation study.
6. Using the food's known pH and/or a_w values, position the food in the appropriate table.
 - a. Choose the column under “pH values” that contains the pH value of the food in question. Choose the row under “ a_w values” that contains the a_w value of the food in question.
 - b. Choose the row under “ a_w values” that contains the a_w value of the food in question.
 - c. Note where the row and column intersect to identify whether the food is “non-PHF/non-TCS food” and therefore does not require time/temperature control, or whether further product assessment (PA) is required. Other factors such as redox potential, competitive microorganisms, salt content, or processing methods may allow the product to be held without time/temperature control but an inoculation study is required.
7. Use **Table A** for foods that are heat-treated and packaged **OR** use **Table B** for foods that are not heat-treated or heat-treated but not packaged.
8. Determine if the item is non-PHF/non-TCS or needs further product assessment (PA).

Decision Tree #1 – Using pH, a_w , or the Interaction of pH and a_w to determine if a Food Requires Time/Temperature Control for Safety



The EHS will continue to assume food items to be potentially hazardous (time/temperature control for safety food) as listed within Rule .01(gggg) (2), unless challenged by the food service operator. Should a food service establishment operator challenge the decision of the EHS, the EHS will use Table A or Table B to determine whether or not that a food is potentially hazardous (time/temperature control for safety food).

(hhhh) **“Poultry”** means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1, Poultry Products Inspection Regulations Definitions, Poultry; and any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1, Voluntary Poultry Inspection Regulations Definitions.

(iiii) **"Premises"** means and includes all physical buildings, appurtenances, parking lots and all property owned and/or used by the food service establishment.

(jjjj) **"Preparation of food"** means to put together or make by combining ingredients and processing food for final service.

(kkkk) **"Primal cut"** means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(llll) **"Public water system"** has the meaning stated in 40 CFR 141, National Primary Drinking Water Regulations.

(mmmm) **"Ratite"** means a flightless bird such as an emu, ostrich, or rhea.

(nnnn) **Ready-to-Eat Food.**

1. **“Ready-to-eat food”** means food that is in a form that is edible without additional preparation to achieve food safety, or is a raw or partially cooked animal food and the consumer is advised, or is prepared in accordance with a variance that is granted, and may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

These foods are offered to the consumer in its final form to achieve food safety. For instance, they could be raw such as raw or partially cooked fish in sushi under an advisory to the consumer. It could be a rare steak that does not meet the definition within the Chapter for “Whole Intact Muscle Beef” that is also served under a consumer advisory. Generally, a potentially hazardous food (time/temperature control for safety food) has received treatment, such as freezing for a specific time and temperature to kill parasites in fish, which is necessary to make it safe for consumption. Other preparation steps, such as melting cheese toppings of pizzas, beyond the food safety preparation step to destroy or control pathogens is considered for consumer appeal not food safety.

Another consideration is to determine how cooking foods affect whether or not a food is ready-to-eat and therefore, date marking would apply. For example, commercially dehydrated hash browns would be considered potentially hazardous food

(time/temperature control for safety food) in the ready-to-eat form, once they had been rehydrated. The cooking process would be for palatability or culinary purposes only and not for food safety. Therefore, if the hydrated hash browns (i.e., ready-to-eat potatoes) were held longer than 24 hours after rehydration then date marking of the rehydrated hash browns would apply.

The current language in Rule 290-5-14.01 (nnnn) will not allow the use of the cooking process to negate the hydrated potatoes from being considered not to be in the Ready-to-Eat form, unless proof can be shown that the cooking process is necessary for the hydrated hash browns to achieve food safety. This would signify that the hash browns would have food pathogen surviving the rehydration preparation step for the hash browns.

2. **“Ready-to-eat food”** includes:

- (i) Raw animal food that is cooked or frozen according to specifications;
- (ii) Raw and washed, cut fruits and vegetables;
- (iii) Fruits and vegetables that are cooked for hot holding;
- (iv) All potentially hazardous food (time/temperature control for safety food) that is cooked to the temperature and time required for the specific food and cooled;
- (v) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed;
- (vi) Substances derived from plants such as spices, seasonings, and sugar;
- (vii) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;
- (viii) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and
- (ix) Foods manufactured as specified in 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(oooo) **Reduced Oxygen Packaging.**

1. "**Reduced oxygen packaging**" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process specified in this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.

- (i) Vacuum packaging, in which air is removed from a package of food and the package, is hermetically sealed so that a vacuum remains inside the package;
- (ii) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;
- (iii) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material;
- (iv) Cook chill packaging, in which cooked food is hot, filled into impermeable bags that have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotropic pathogens; or
- (v) Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotropic pathogens.

(pppp) "**Refuse**" means solid waste not carried by water through the sewage system.

(qqqq) "**Reminder**" means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

(rrrr) "**Re-service**" means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

(ssss) "**Restrict**" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.

(tttt) "**Restricted egg**" means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.

(uuuu) "**Restricted use pesticide**" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.
http://a257.g.akamaitech.net/7/257/2422/08aug20031600/edocket.access.gpo.gov/cfr_2003/julqtr/pdf/40cfr152.175.pdf

(vvvv) "**Risk**" means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

(www) "**Safe material**" means:

1. An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;
2. An additive that is used as specified in Sections 409 or 706 of the Federal Food, Drug, and Cosmetic Act; or
3. Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

(xxxx) "**Sanitization**" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

(yyyy) "**Sealed**" means free of cracks or other openings that allow the entry or passage of moisture.

(zzzz) "**Service animal**" means an animal such as a guide dog, signal dog, or capuchin monkey, or other animal that is individually trained to provide assistance to an individual with a disability.



- (aaaaa) "**Servicing area**" means an operating base location to which a mobile food service unit or transportation vehicle returns at least once daily for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.
- (bbbbb) "**Sewage**" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
- (ccccc) "**Shellfish certification number**" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.
- (ddddd) "**Shellfish control authority**" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.
- (eeeee) "**Shellstock**" means raw, in-shell molluscan shellfish.
- (fffff) "**Shiga toxin - producing Escherichia coli**" (STEC) means any E. coli capable of producing Shiga toxins (also called verocytotoxins or "Shiga-like" toxins). Examples of serotypes of STEC include both O157 and non - O157 E. coli. Also see Enterohemorrhagic Escherichia coli.
- (ggggg) "**Shucked shellfish**" means molluscan shellfish that have one or both shells removed.
- (hhhhh) "**Single-service articles**" means tableware, carry-out utensils and other items such as cups, lids or closures, plates, napkins, doilies, bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.
- (iiii) "**Single-use articles**" means utensils and bulk food containers designed and constructed to be used once and discarded. It includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number ten (10) cans which are not considered durable and cannot be cleaned and sanitized by an approved method.
- (jjjj) "**Slacking**" means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as shrimp.

(kkkkk) "**Smooth**" means a surface that has no roughness or projections that render it difficult to clean or maintain in a sanitary condition.

(lllll) "**Special food service operation**" means a mobile food service unit, extended food service unit, or temporary food service operation.

(mmmmm) "**Table-mounted equipment**" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(nnnnn) "**Tableware**" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(ooooo) "**Temperature measuring device**" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

(ppppp) "**Temporary food service establishment**" means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

(qqqqq) "**USDA**" means the U.S. Department of Agriculture. <http://www.usda.gov/>

(rrrrr) "**Utensil**" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

(sssss) "**Variance**" means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Code if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.

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

(uuuuu) "**Vending machine location**" means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

(vvvvv) "**Warewashing**" means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

(wwwww) "**Whole-muscle, intact beef**" means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

B. Rule 290-5-14-.02 Provisions. Amended:

(1) **(Subsection (I) (a)):** Permit:

(a) **(Subsection (I)(b)):** Valid Permit Required:

1. **General Intent:** The intent of subsection (1) (a) is for potential food service operators to first get approval from the local Health Authority before the commencement of their preparation and service of food to the public. The purpose of this requirement is two fold: (1) to ensure that the prospective food service establishment's permit holder and management understand that *permission granted by the Health Authority to operate a food service establishment is a privilege and not a right; and (2) that in order for the permit holder to retain his privilege to operate a food service establishment will be contingent upon his continued compliance with the Chapter. It is through this continued compliance with the Chapter that the permit holder and his management will be able to safeguard the public's health and provide the consumer with food that is safe, unadulterated, and honestly presented.*

2. **Examples of Methods of Operation:** Various types of food service operations named within this subsection are to be listed on the food service permit by the Health Authority prior to its issuance to the permit holder. Further descriptions of the type of food service establishment may be listed on the food service permit. For example,

Food Service Establishment – Bar Only; Food Service Establishment – Fast Food Service; Food Service Establishment – Soda Fountain Only; Mobile Food Service Unit – Packaged Food Only; Extended Food Service Unit – Non-Potentially Hazardous Foods Only; or Mobile Food Service Unit – Push Cart (Limited Menu -Hot Dogs); or Mobile Food Service – No Restrictions; Food Service Establishment – Institution (School).

3. **Intent to Control Foodborne Illness Risk Factors:** The issuance of a food service permit must be in accordance with the overall intent of the Chapter which is to minimize the occurrence of foodborne illness through active managerial control of risk factors for foodborne illness. To this end, permission from the Health Authority to operate a food service establishment can be given only to one management (i.e., permit holder), to one physical

facility and its food equipment at one location (i.e., food service establishment), and to one type of operation (i.e., method of operation or business model). Permits cannot be issued to multiple food service operations separately owned and managed utilizing the same physical facilities and food service equipment that directly impact food safety, such as food service equipment and food preparation facilities; food storage facilities; equipment and utensil cleaning and sanitizing facilities along with the associated storage areas; and janitorial cleaning facilities. However, two permit holders may jointly use some aspects of the food service establishment, such as public toilet room facilities, common utilities, common dining areas, and communal garbage storage facilities.

4. Why is Active Managerial Control Necessary? Active Managerial Control is evident within Rule 290-5-14-.03 “Management and Personnel” in which the food service permit holder must ensure that active managerial control of risk factors is achieved in the day-to-day operation of the establishment. The support system (or GRPs known as Good Retail Practices) for active managerial control can be found within Rule 290-5-14-.03 in regards to employee health and personal hygiene; provisions in Rule 290-5-14-.04 in regards to food handling and processing; and within Rules 290-5-14-.05 through Rule 290-5-14-.07. This means that each food service establishment must have its own equipment and physical facilities. Further, it must have its own active managerial control of its operation. Since, GRPs provide the support system for achieving active managerial control of risk factors that most often cause foodborne illness; they too must be under the control of management. This is why each permit holder must have active managerial control over his or her own food service equipment and physical facilities.

5. *The local Health Authority may obtain a copy of the appropriate permit from the State Environmental Health Office. See examples Forms K-8, K-9 and K-10 in Part-II Section K of this Manual.*

(b) (Subsection (1) (b)): Invalidation:

1. Changes may occur after an establishment is permitted. The changes that invalidate a permit include a change of the permit holder, a change in the physical location of the establishment, or a change in the type of operation. The Health Authority will determine if a change in the type of operation has occurred. For example, should a Food Service Establishment – Fast Food Service change its method of operation to that of a mobile food service operation, the original permit is invalidated due to the change in the method of operation. However, this is not to say that a food service establishment could not hold more than one type of food service permit. For example, a food service permit holder could apply for a second food service permit, type “Mobile Food Service Operation”. In this case, the permit holder of the establishment would be allowed to operate his/her establishment as a “base of

operation” at the same time he/she is operating his/her fast food service operation.

2. Monitoring for Change of Permit Holder: A change in the name of an establishment may be an indication that the type and method of operation or a change in permit holder has also occurred. If the permit holder has changed, a new application must be completed and the establishment must comply with all Rules in the Rules and Regulations for Food Service before a new permit is issued.

Changes that Do Not Invalidate a Permit: Other changes, such as a change of mailing address due to municipality, county, or post office restructuring, or a change in the name of the establishment do not invalidate the permit, but do require that a new application be completed and a new permit be issued to indicate the changes.

(c) **(Subjection (c) 1.): Satisfactory Compliance:**

1. Qualifications for Permit: The intent is to state basic actions for an applicant to be qualified to receive a food service permit. The applicant must be the owner of the food service establishment or he must be an appointed officer of the legal owner of the food service establishment. The applicant must agree to allow the Health Authority access to the food service establishment in order for the Health Authority to conduct inspections and investigations as mandated by the Chapter or applicable laws. The applicant must provide complete information concerning the proposed food service establishment as requested by the Health Authority. Finally, the applicant must remit all assessed fees for services in regards to the proposed food service establishment as recommended by the County Board of Health and authorized by the County Commission in which the proposed establishment will be located.
2. To ensure that all provisions of laws other than those found in the Rules and Regulations for Food Service have been complied with, the local Health Authority may want to issue an agency review sheet upon first contact with the interested food service operator. This sheet would list all agencies, such as building inspector, fire inspector, etc. that must be contacted and approval granted before a food permit is issued or the business begins operation. ***An example can be found in Document K-5, “Permit Application for Food Service Permit and Mobile Food Service Operation”, in Part-II Section K of this Manual.***

(d) **(Subsection (d)): Displayed:**

1. Specifics as to how and where a food service permit is to be displayed within the food service establishment is found in Rule 290-5-14-.10 subsection (2) (g) 1, 2, and 3 of the Chapter.

2. Mobile food service operation permits will be posted as per Rule 290-5-14-.10 subsection (2) (g) 1., 2., and 3. of the Chapter. A mobile food service unit permit for each county in which a mobile food service unit operates will be publicly displayed on the mobile food service unit.

(e) **(Subsection (e))**: **Property**:

1. The intent of this subsection is to notify the permit holder that permits issued belong to the Health Authority and not to the permit holder. The Food Service permit is permission granted by the Health Authority to operate a food service establishment. The permit holder has the privilege to maintain the permit (or permission to operate) in his possession, until and at such time as, the permit is invalidated or it is suspended and/or revoked by the Health Authority for lack of compliance with the Chapter on the part of the permit holder.

(f) **(Subsection (f) 1. through 10.)**: **Responsibilities of the Permit Holder**:

1. The intent of Rule 290-5-14-.02 subsection (1) (f) is to notify the permit holder of his obligation to comply with the requirements of the Chapter in order to retain his food service permit, and with it the privilege and authorization to operate his food service establishment. The obligation and privilege, and authorization to operate a foodservice establishment begins with the receipt of the food service permit. Responsibilities of the permit holder are enumerated in subsections (1) (f) 1. through 10. of the Chapter. They are explained as follows:
 - (a.) The food service permit must be openly and conspicuously displayed in plain sight so patrons of the establishment can easily find it for reference. It must not be hidden from view of patrons in any way - such as placing it behind a plant or on a shelf under a counter.
 - (b.) Should the State Environmental Health Office grant a variance, the permit holder is required to comply fully with requirements noted within the variance. See Rule 290-5-14-.10 subsection (5) (c) of the Chapter. Further, the permit holder is required to ensure that his food service establishment complies with plans and specifications as approved by the local Health Authority. See Rules 290-5-14-.02 subsection (4) (a) of the Chapter.
 - (c.) Should a HACCP Plan be required as part of the variance or should the Health Authority require a HACCP Plan as a result of a food processing activity, the permit holder is expected to follow said HACCP Plan as approved by both the Local Health Authority and the State Health Authority. See Rule 290-5-14-.10 subsection (5) (c) of the Chapter.
 - (d.) The permit holder has an obligation to the Health Authority to ensure that the CFM (Certified Food Safety Manager) and/or the Person in Charge will

report to the Health Authority whenever a food employee of his/her establishment is: Jaundiced, or diagnosed with an illness due to Norovirus, Hepatitis A Virus, *Shigella* spp., Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*, or *Salmonella* Typhi. See Rule 290-5-14-.03 subsection (4) (b) of the Chapter.

- (e) At all times, the permit holder has the responsibility and the obligation to the Health Authority and to the consumer to protect the public health from imminent health hazards that may be present and associated with his/her food service operation. As part of this responsibility and obligation, the permit holder is required to immediately discontinue operations and notify the local Health Authority should any of the conditions occur as noted in Rule 290-5-14-.03 subsection (2) (n) of the Chapter. The exception to the immediate notification to the local Health Authority is an occurrence of an interruption of electrical and/or water service for less than two hours. However, the permit holder is still responsible for taking immediate action to control risk factors to protect the public's health during a stated two-hour period.
- (f.) The permit holder is obligated to allow representatives of the Health Authority to enter his/her food service establishment as often as necessary to confirm compliance with the Chapter and to protect the public's health. See Rule 290-5-14-.10 subsection (2) (d) 1.
- (g.) The permit holder is obligated to the Health Authority to maintain his food service establishment's physical facilities, equipment, and other associated apparatuses in compliance with the Chapter. The permit holder could be required to replace existing physical facilities, equipment, and associated apparatuses should the Local Health Authority determine through inspection and investigation that:

Findings by the Health Authority indicated conditions that would prohibit food from being safely prepared and handled as required within the Chapter or a nuisance is created as a result of existing conditions of the establishment. Some examples of conditions would be:

- (I). Equipment that has deteriorated and cannot be cleaned thereby lending itself as a vehicle for cross-contamination of food, and clean and sanitized food contact surfaces;
- (I) Equipment that has deteriorated and is no longer capable of functioning for which it was designed and constructed. For example, refrigeration or hot-holding equipment unable to maintain safe product storage or holding temperatures; and

- (II) Physical facilities, equipment, associated apparatuses, and premises has deteriorated and vermin infestation cannot be controlled, such as, garbage storage equipment and/or areas deteriorated to an unsanitary condition contributing to an odor and/or vermin attraction that is impacting operations of neighboring businesses, or the health and comfort of individuals within nearby residences. The permit holder could be required by the local Health Authority to replace physical facilities, equipment, associated apparatuses, and premises should it find through inspection and/or investigation that such physical facilities, equipment, associated apparatuses, and premises no longer comply with criteria upon which it was originally accepted by the local Health Authority. For example, a piece of equipment that was installed without the approval of the local Health Authority. Upon subsequent inspection by the local Health Authority, it was determined that said equipment was not designed and constructed according to ANSI (American National Standards Institute)-accredited certification programs nor as an alternative, the equipment did not meet the Chapter's requirements for materials, design and construction – see Rule 290-5-14-.05 subsection (1) (a) through (j) and (2) (a) through (ii) of the Chapter. In addition, it was determined by the local Health Authority that said equipment was not correctly installed as per the Chapter – see Rule 290-5-14-.02 subsection (7) referencing “Interpretation of this Chapter” in regards to “Food Service Establishment for Design, Installation and Construction” on page 25 of the Chapter and Rule 290-5-14-.05 subsection (4) starting on page 91 of the Chapter. In this case, the local Health Authority would require the equipment to be replaced and new equipment installed to meet the requirements of the Chapter.
2. In addition, the Health Authority can require the replacement of non-compliant physical facilities, equipment, associated apparatuses, and premises when a food service permit becomes invalid due to a change in ownership of the establishment. This statement is true because food service permits are not transferable from one person to another. In order for the local Health Authority to issue a food service permit to the new owner of the establishment, the prospective permit holder must provide evidence of satisfactory compliance with the provisions of the Chapter. In addition, all other provisions of laws that apply to the location, construction and maintenance of the food service establishment and the safety of persons therein must be in compliance.
- (k) When physical facilities, equipment, associated apparatuses, and premises are replaced due to normal course of operation, new physical facilities, equipment, associated apparatuses, and premises must comply with requirements of the Chapter.

The permit holder is required by the Chapter to comply with any directive and/or order that the Health Authority issues in its efforts to protect the public health through its normal routine monitoring of the food service establishment; or during a foodborne illness investigation; or in its response to a community emergency. Examples of such directives and/or orders would be time limits to correct violations as stated on inspection reports; or a suspension of food service permit due to notification from a State or local Authority governing a utility such as during a public water supply failure; or an order for closure of a food service establishment due to a suspension or revocation of a food service permit as a result of non-compliance with the Chapter.

- (l) The permit holder cannot refuse to accept notices that are issued and properly served by representatives of the Health Authority as required by law. Examples of such notices are those related to hearings to be conducted by the Health Authority in regards to the status of an establishment's food service permit; or those requiring a food employee to be restricted or excluded from a food service establishment.
- (m) The permit holder is subject to whatever administrative, civil, injunctive, or criminal orders are served upon him due to efforts by the Health Authority to illuminate an imminent health hazard associated as a result of the establishment's operation.

(g) **(Subsection (1) (g) 1. through 3.): Notification of Menu Change:**

1. The intent of the Rule 290-5-14-.02 subsection (1) (g) of the Chapter is to require the permit holder to notify the Health Authority whenever there are plans for a significant change in food processing within the food service establishment.
2. By notifying the Health Authority of the proposed addition of new menu items, both the permit holder and the Health Authority can work together to assure that risk-factors for foodborne illness, that may be associated with the new process, can be controlled or eliminated altogether. Notification may be at the local level as in a non-chain food service establishment or at the State level as in a corporate or a chain of food service establishments. Examples of menu changes that would require the Health Authority to be notified are described in 1., 2., and 3. of subsection (g) of the Chapter. They are as follows:
 - (a.) If any addition of a menu item that requires the addition of equipment and/or structural modifications of the food service establishment, such as the removal or the addition of rooms, exhaust hood ventilation system(s) or plumbing system(s), that were not accepted by the local Health Authority at the time of the establishment's food service permit issuance. This notification must be made by the permit holder to the Health Authority;

- (b.) If any menu change will require a food preparation process, such as cooking, cooling and/or reheating food, that did not occur prior to the menu change. For instance, a soda-fountain food service operation changes its menu to include the service of hamburgers. Before this addition of hamburgers to the menu, the soda-fountain food service establishment did not cook any food; but instead, it only offered soft-served ice-cream products and soft drinks. In this case, the permit holder would be required to notify the local Health Authority of its intentions to add the new menu item, hamburgers, prior to actually serving it; and
- (c.) If any menu item is proposed that is a raw animal food to be served raw or undercooked and as such, it poses a health risk to the consumers of the food service establishment, the Health Authority must be notified prior to the item being added to the menu for service. For instance, if the soda-fountain food service establishment proposed to add sushi (acidified rice and raw fish) to its menu, the permit holder would be required to notify the Health Authority prior to doing so.

(2) **(Subsection (2))**: Mobile Food Service Unit:

(a) General:

1. The intent of subsection (2) of this Rule is to view a mobile food service operation as one complete food service establishment with a portion of the operation being mobile and away from its permitted base of operation. The local Health Authority, where the base of operation is located, will be the Health Authority to issue a food service permit to authorize the food service establishment to operate as a “Mobile Food Service Operation”. Each mobile food service unit operating from its permitted base of operation must obtain a “Mobile Food Service Unit Permit” from **each local Health Authority (or County)** in which they plan to operate the mobile food service unit, including the county of origin.
2. The food service permit type “Mobile Food Service Operation” must be issued to the base of operation **before any mobile food service unit permit can be issued** within the county in which the mobile food service unit is to operate. Local Health Authorities **must communicate** with each other to ensure that permits are being properly issued.

(b) Mobile Food Service Unit and Extended Food Service Unit Legitimacy:

1. Since a mobile food service unit or extended food service unit is an “extension” of the food service establishment or base of operation, it must be recognizable as an extension. For instance, “Joe’s Barbeque” could serve as

the base for “Joe’s BBQ Jr.”, Joe’s Jr., Joe’s On-the-Go, or “Joe’s BBQ On-the-Go” but not “Joe’s Sushi Cart”. Furthermore, a mobile food service unit or extended food service unit cannot be given a permit as a mobile food service unit or extended food service unit because of a verbal or contractual arrangement between them and some other food service establishment or base of operation, where the permitted food service establishment or base of operation does not serve a managerial purpose. **The relationship between them cannot be incidental.**

2. The ownership of a mobile food service unit or an extended food service unit and the financial relationship between the operator of these units and the base of operations is not determinative, rather it is **the existence of managerial control** by the base and the nature of the units as an extension of the base of operation that determines whether either of these units are legitimate.
3. The owner of the food service establishment or base of operation must have complete managerial control over the operation of the mobile food service unit or extended food service unit so that these units operate as part of the base of operation or food service establishment. This means the owner of the food service establishment must have control over what is served on these units, how they are to be operated and maintained. In addition, the menu of mobile food service units and extended food service units must reflect what is served within the permitted food service establishment or from the base of operation.

(c) Contractual Agreements:

1. Any contractual agreement between a permit holder of a food service establishment or base of operation and the owner of a mobile food service unit(s) or extended food service unit(s) must be in the form of a legally enforceable document. This legally enforceable document must specifically and plainly state that the permit holder of the food service establishment or base of operation has full and complete managerial control of mobile food service or extended food service units. In this case, it will be the permit holder of the food service establishment or the base of operation that must apply for and secure a “Food

Service Permit – Type Mobile Food Service Operation” from the county of origin and a “Mobile Food Service Unit/Extended Food Service Unit Permit” from each local Health Authority in which unit or units are to be operated.

(3) **(Subsection (3) (a) & (b)):** Application for a Permit:

(a) **(Subsection (3) (a)):** Requirements:

1. The intent of Rule 290-5-14-.02 subsection (3) (a) of the Chapter is to provide the Health Authority enough time to interact with an applicant’s request for

authorization to operate a food service establishment. The minimum time for an applicant to make known his intentions to operate a food service establishment is ten (10) business days as counted from the anticipated date of commencement of operations. Notice of this intent to operate a food service establishment is made by the applicant upon submittal of a food service application, proposed menu, and all assessed fees including as required by the Chapter, the establishment's plans and specification for construction and/or remodeling.

2. **See Forms K-5, K-6 and K-7 in Section K in Part-II this Manual.**

(b) **(Subsection (3) (b) 1. through 8.): Contents of the Application:**

1. There are three intentions of Rule 290-5-14-.02 subsection (3) (b) 1. through 6. of the Chapter and they are as follows:
 - (a.) The first is to ensure enough information is submitted by the applicant for a food service permit to identify:
 1. Complete legal ownership of the proposed food service establishment;
 2. Who is applying for the food service permit and his or her authorization to do so from the owner of the proposed food service establishment;
 3. The food service establishment itself and where it is to be located and operated along with its contact information; how the food service establishment is to be operated and how it handles and processes foods; identify the person(s) who has direct responsibility for the food service establishment along with his or her title and contact information; and
 4. The name, title and contact information of the person who supervises the person who has been listed as the one who has direct authority over the food service establishment. This is to be accomplished by requiring the applicant to completely fill-out all requested information on the application. With the information submitted by the applicant on the completed food service permit application form and as needed, the Health Authority will be able to remain in contact with the appropriate food service establishment management. Further, information concerning the establishment's method of operation and proposed food processing methodologies will enable the Health Authority to better understand the food service's operation and will enable the Health Authority to communicate any concerns to the establishment's ownership and management.
 2. The second is to allow adaptations to the Department's food service permit application forms such as the addition of a "County Seal", location and contact information of the local Health Authority.

3. The third intention is to require the applicant to acknowledge his responsibilities to the Health Authority with his signature attesting and affirming a statement to that effect on the application for a food service permit. The specific responsibilities of the applicant/permit holder/owner are found in subsection (3) (b) 7. (i) and (ii) of Rule 290-5-14-.02 of the Chapter and are listed as follows:
 1. That all information on the application is accurate;
 2. That the applicant will comply with the Chapter;
 3. That representatives of the Health Authority will be allowed access into the food service establishment to make inspections and review pertinent records. See Rule 290-5-14-.10 subsection (2) (d) 1 of the Chapter;
 4. That representatives of the Health Authority will be allowed access to review records of shellstock source that is required to be maintained within the establishment. See Rule 290-5-14-.04 (3) (1) of the Chapter;
 5. That representatives of the Health Authority will be allowed access to review maintenance records for water treatment and backflow devices. See Rule 290-5-14-.06 subsection (2) (q) of the Chapter; and
 6. That representatives of the Health Authority will be allowed access to review records of HACCP Plans to verify that the plan is being maintained and that it is being followed. See Rule 290-5-14-.02 subsection (5) (d) 7 of the Chapter.

2. **(Subsection (3) (c))**: **Duplicate Forms**: Local Health Authority's will use application forms provided by the Department. The local Health Authority will retain the original copy of the completed food service application and will provide a copy of the same to the applicant.

3. **(Subsection (3) (d))**: **Dates of Operation for Temporary Food Service Establishment**: Applications for temporary food service establishments will give the proposed dates when the operation will begin and when it will end.

4. **(Subsection (3)(e))**: **Schedule of Locations for Mobile Food Service Operations**:

- (a) The intent of Rule 290-5-14-.02 subsection (3) (e) of the Chapter is to provide a means for the local Health Authorities to know when and where each mobile food unit will be located and operating. This requirement is essential for the local Health Authorities so they have the ability to conduct unannounced inspections; to assess management's active managerial control over foodborne illness risk factors; and should a foodborne outbreak occur, to initiate required investigations. To this end, the "Mobile Food Service Operation" will make application for a permit to operate in the county where the "Base

of operation” is located. The local Health Authority will receive the application, menu, and associated plans and specifications for the mobile operation. It will take the lead in the plan review process and the pre-operational inspection prior to the issuance of the permit to operate. It is during the initial contact that the applicant will furnish information concerning the proposed scheduling of mobile food unit(s) as to location and times of their operation. Once the application has been submitted with the proposed schedules of mobile food unit(s) operation location and times, the county Health Authority of origin will notify any other affected county Health Authority that is indicated by the proposed schedule of operation.

- (b) Within each county Health Authority that each mobile food service unit will be operating, the applicant will need to submit an application that lists the location and times when each mobile food service unit will be parked and operating.
- (c) The mobile food service operation’s permit holder will have the responsibility to keep both the county of origin and each county Health Authority updated as to changes in how its mobile food units are scheduled to operate. Failure of the permit holder to notify county Health Authorities of changes in scheduling of mobile food unit locations and times of operation will invalidate a mobile food unit permit. See both Rule 290-5-14-.02 subsection (1) (b) and Rule 290-5-14-.08 subsection (1) (i) 1. (i) of the Chapter.

(5) **(Subsection (4) (a) & (b))**: When Plans Are Required:

(a) **(Subsection (4) (a))**: Approval of Plans:

1. Properly prepared plans and specifications must be submitted to the local Health Authority whenever a new food service establishment is to be built; prior to extensive remodeling of an existing food service establishment; or prior to an existing structure, that was not previously a food service establishment, is to be converted into a food service establishment. The local Health Authority will then review such plans and specifications. When it deems that the review process has shown compliance with the Chapter, the county Health Authority will issue documents of plans and specifications approval to the proposed permit holder.
2. No construction of the proposed food service establishment can take place until the applicant receives the reviewing county Health Authority’s documentation approving the proposed plans and specification.
3. See the “**Food Service Establishment Manual for Design, Installation and Construction**” for guidance in food service plans and specification review.



(b) **(Subsection (4) (b): Submission of Plans:**

1. The intent of Rule 290-5-14-.02 subsection (4) (b) of the Chapter is to allow enough time for the Health Authority to adequately review food service plans and specifications once they are received from the applicant. The fourteen (14) day minimum time of receipt of plans and specifications from the date of that construction will begin is to provide the Health Authority an opportunity to do so.
2. Should the application not be complete with all the necessary information and fees paid, the Health Authority may extend the time it needs to receive such information and fees to complete the review process.

(6) **(Subsection (5) (a) - (e)): When a HACCP Plan is required:**

(a) **General:**

1. Many establishments such as public schools utilize voluntary HACCP plans in their daily operation. Voluntary HACCP plans - which are not required by the Rules and Regulations, do not need review and approval by the local (county) and state Health Authorities. However, any HACCP plan that utilizes a process that does not fully comply with Chapter 290-5-14 or otherwise is required by the Chapter must have joint approval by the local (county) and state Health Authorities.
2. The local Health Authority must first review HACCP Plans, along with any applicable variances, which will be submitted to the State Environmental Health Branch for review and processing. The local Health Authority will make all initial contact with the permit holder in regards to any variance requests and HACCP Plans. The local Health Authority will review submitted variance request forms and HACCP Plans for completion and content prior to submittal to the State Office for review. Contents of HACCP Plans must comply with Rule 290-5-14-.02 subsection (5) and variance requests must comply with requirements as set forth within Section J of this Manual.
3. After completion of the local review of documents, the local Health Authority will draft a letter of recommendation in favor of or opposed to proposed HACCP plans. It is to be included with the submitted variance and/or HACCP plan for the State Environmental Health Branch's review. Should the HACCP Plan provide support for a variance, both will be referred to the Division's Legal Section for disposition. The letter of recommendation must fully explain the local Health Authority's position concerning its review of the proposed variance and or HACCP plan.
4. Once the State Office of Environmental Health has received the local Health Authority's documentation, it will review said documents. Should a need for further information concerning submitted documents occur, the State Office will

refer back to the submitting local Health Authority. After all review of submitted documents has been completed and a decision has been rendered by the Department’s Division of Public Health in the case of variances and by the State Office in the case of HACCP Plans, the State Office will distribute the decisions to all parties involved.

5. Should a multi-unit corporation (“chain”) submit documents directly to the State Environmental Health Branch; the State Environmental Health Branch will notify district health offices of such submittal. Approval of HACCP plans in chain establishments will be shared with all district health offices should the chain establishment build a food service establishment in another county other than those first approved.
6. Food processes that require a HACCP plan include the following:
 - (a.) Smoking food as a method of food preservation rather than as a method of flavor enhancement.
 - (b.) Curing food
 - (c.) Using food additives or adding components such as vinegar as a method of food preservation or to render a Food non-potentially hazardous.
 - (d.) Packaging food using a Reduced Oxygen Packaging
 - (e.) Molluscan shellfish life-support system:

A HACCP plan for a Molluscan shellfish life-support system must:

- Ensure that water used with fish other than the shellfish does not flow into the molluscan shellfish tank.
 - Ensure the safety and quality of the shellfish
 - Ensure the identity of the source of the shellstock is retained for 90 days after consumption
- (f.) Custom processing animals that are for personal use as food and not for sale or service in a Food Establishment
 - (g.) Preparing food by another method that is determined by the regulatory authority to require a HACCP plan.

Note: Food processing criteria for “Reduced Oxygen Packaging” and “Smoking and Curing” can be found within Annex #6 in the 2005 FDA Model Food Code.

A link to the 2005 Model Food Code can be found on the home page of the State Environmental Health Branch’s website located at www.georgiaeh.us .

7. Hazard Analysis and Critical Control Point (HACCP) is a systematic approach to identifying, evaluating, and controlling food safety hazards. Food safety hazards are biological, chemical, or physical agents that are reasonably likely to cause illness or injury in the absence of their control. Because a HACCP plan is designed to ensure that hazards are prevented, eliminated, or reduced to an

acceptable level before a food reaches the consumer, it embodies the preventive nature of “active managerial control.”

8. Active managerial control using HACCP principles can be achieved by identifying the food safety hazards attributed to products, determining the necessary steps that will control the identified hazards, and implementing on-going practices or procedures that will ensure safe food.

(b) Contents of a HACCP Plan:

1. For a food service establishment that is required in Rule 290-5-14-.02 (5) of the Chapter to have a HACCP plan, the plan and specifications shall indicate:

- (a.) **(Subsection (5) (a): Categorization of Foods:** A categorization of the types of POTENTIALLY HAZARDOUS FOODS (TIME/TEMPERATURE CONTROL FOR SAFETY FOODS) that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the Health Authority;
- (b.) **(Subsection (5) (b): Flow Diagram:** A flow diagram by specific food or category type identifying critical control points and providing information on the following:
 1. Ingredients, materials, and equipment used in the preparation of that food, and
 2. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
- (c.) **(Subsection (5) (c): Training Plan:** Food employee and supervisory training plan that addresses the food safety issues of concern;
- (d.) **(Subsection (5) (d): Standard Operating Procedures:** A statement of standard operating procedures for the plan under consideration clearly identifying:
 1. Each critical control point,
 2. The critical limits for each critical control point,
 3. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge,
 4. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points,
 5. Action to be taken by the person in charge if critical limits for each critical control point are not met, and
 6. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and



7. Additional scientific data or other information, as required by the Health Authority, supporting the determination that food safety is not compromised by the proposal.

(e) **(Subsection (5) (e))**: **Additional Scientific Data**:

1. There may be times when the Health Authority will need laboratory analysis conducted by an independent third party source to ensure hazards associated with food processing are being controlled. Such analysis may be in the form of recipe validation; product assessment; challenge studies; or classification of bottled sauces. A third party laboratory that is nationally certified to do such analysis must be chosen by the submitter to conduct such analysis.
2. Documentation attesting to the selected laboratory's qualifications for conducting the required analytical work must accompany all reports. Further, a complete description of analytical methodologies and procedures used by the laboratory must also accompany the reports.
3. All analytical work performed and results provided must represent the actual food process that would be utilized by the food service establishment.

(7) **(Subsection (6) (a) through (d))**: **Requirements – Permit Issued**: A food service permit will be issued once the applicant has demonstrated satisfactory compliance with the Chapter. For this to take place basic responses on the part of the applicant must be taken.

1. **(Subsection (6) (a))**: **Completed Application**:

The applicant must submit a properly completed application as required in Rule 290-5-14-.02 subsection (3)(a) through (e) of the Chapter.

2. **(Subsection (6) (b))**: **Fee Submitted**:

The applicant submits the required fee when the application is submitted as required in Rule 290-5-14-.02 subsection (1) (c) 1. (iii) of the Chapter.

3. **(Subsection (6) (c))**: **Plans and Specifications Approved**:

The Health Authority has reviewed and approved the required plans, specifications, and information as specified in Rule 290-5-14-.02 subsection (4) of the Chapter.

4. **(Subsection (6) (d))**: **Preoperational Inspection**:

The intent of a Preoperational Inspection is to allow the applicant an opportunity to prove to the Health Authority that his or her establishment was completed

according to approved plans and the establishment is in compliance with the Chapter; thereby, allowing the Health Authority to issue a permit to the applicant. In order for the Health Authority to verify compliance, it must inspect the completed food service establishment with all the necessary equipment installed and functioning properly.

- (8) **(Subsection (7))**: **Interpretation of this Chapter**: This manual entitled, “Interpretation Manual for the Georgia Rules and Regulations for Food Service” and its companion manual entitled; “Food Service Establishment Manual for Design, Installation and Construction” are programmatic manuals. Their purpose is to augment the Chapter by providing detail and specificity of its Rules and Regulations. As the need for further clarification arises, updates to these manuals will periodically occur based on recommendations of the Food Service Advisory Implementation Committee’s Interpretative Review Subcommittee comprised of stakeholders.

C. Rule 290-5-14-.03 Management and Personnel:

- (1) **(Subsection (1))**: **Demonstration of Knowledge**: The person in charge (PIC) of a food establishment is accountable for developing, carrying out, and enforcing procedures aimed at preventing foodborne illness.

(a) **(Subsection (1) (a))**: Rule 290-5-14-.03 subsection (1) (a) states that one means by which a person in charge may demonstrate required knowledge of food safety is by demonstrating that his or her food service establishment is in compliance with the Chapter. The person in charge or PIC can demonstrate the required compliance status by receiving a food service routine or follow-up inspection without any risk factors and public health interventions being found in violation of the Chapter.

(a) **(Subsection (1) (b))**: Another means by which the PIC can demonstrate knowledge of food safety is to receive and maintain food safety certification, as a Certified Food Safety Manager (or CFSM), by passing an examination that is part of an accredited program. Currently, Georgia only recognizes those exams that are accredited by ANSI as meeting CFP (Conference for Food Protection) criteria.

(b) **(Subsection (1) (c))**: If the food service establishment does not have a CFSM employed on its staff and it has one or more risk factors/public health interventions violated during a routine or follow-up inspection, the PIC in charge must demonstrate his/her knowledge of foodborne illness, HACCP, and the requirements of the Chapter through assessment by the Health Authority. This assessment will occur through dialogue between the EHS and the PIC during food service inspections by revealing whether or not the PIC has a clear understanding of the Chapter and its public health principles to follow sound food safety practices and to produce foods that are safe, wholesome, unadulterated, and accurately represented. During such dialogue, the EHS will assess the PIC’s

knowledge through a series of questions pertinent to the establishment's processing of food by asking the PIC to Provide Correct Answers to Food Safety Questions. If the PIC can answer questions concerning his operation in regards to the Rules and Regulations to food safety (see Subsection (1) (c) of the Chapter), then he has demonstrated knowledge of food safety as it relates to his food service operation. Demonstration of Knowledge may be assessed by:

1. **(Subsection (1) (c) 1.)**: Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;

(How can each employee's personal hygiene prevent foodborne disease? Example: The dishwasher/server/busboy needs to wash his hands after his hands have touched soiled dishes and before touching clean dishes. The person cooking needs to wash his hands after touching potentially hazardous foods and before handling ready to eat foods. All employees need to wash hands after using the restroom, touching face, carrying out garbage, etc.)

2. **(Subsection (1) (c) 2.)**: Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;

(Does the person in charge know that he has the responsibility to ensure a food employee with a disease or medical condition that may cause a foodborne disease is excluded or restricted? Can he explain the difference between exclude and restrict, and does he know when to exclude or restrict? Can the person in charge name the illnesses that require exclusion from the food service establishment? Does the person in charge know what action to take when a food service worker or health authority notifies him that a food service worker has a reportable disease that can be transmissible through food?)

3. **(Subsection (1) (c) 3.)**: Describing the symptoms associated with the diseases that are transmissible through food;

(Can the person in charge describe symptoms that are associated with diseases that are transmissible through foods, and does he know what to do when the symptoms are present in a food service worker?)

4. **(Subsection (1) (c) 4.)**: Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food (PHFs) and the prevention of foodborne illness;

(Does the person in charge know what record keeping is required when using time in lieu of temperature when handling PHFs, and can he provide documentation of this information if used? Can the person in charge tell the EHS the maximum amount of time or the temperature limits of PHFs being held? Can the person in charge tell the EHS the corrective action to take when PHFs are found to exceed holding time limits or not at correct temperatures?)

5. **(Subsection (I) (c) 5.):** Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;

(Can the person in charge explain why a consumer advisory is needed if serving raw or undercooked meat, poultry, eggs, and/or fish? Can the person in charge show where the consumer advisory is required to be printed and displayed?)

6. **(Subsection (I) (c) 6.):** Stating the required food temperatures and times for safe cooking of potentially hazardous food including meat, poultry, eggs, and fish;

(Can the person in charge give the minimum cook temperatures and times of PHFs or produce documentation of this information for the employees who are cooking PHFs?)

7. **(Subsection (I) (c) 7.):** Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food;

(Can the person in charge state the times and temperatures for holding, cooling, and reheating PHFs that are served in the establishment?)

8. **(Subsection (I) (c) 8.):** Describing the relationship between the prevention of foodborne illness and the management and control of the following:

1. Cross contamination,
2. Hand contact with ready-to-eat foods,
3. Handwashing, and
4. Maintaining the food establishment in a clean condition and in good repair.

(Can the person in charge explain how these can contribute to foodborne illness, and the proper procedures to ensure that incorrect practices do not contribute to foodborne illness?)

9. **(Subsection (1) (c) 9.):** Explaining the relationship between food safety and providing equipment that is:

1. Sufficient in number and capacity, and
2. Properly designed, constructed, located, installed, operated, maintained, and cleaned.

(Can the person in charge explain why the right equipment is needed and must be kept in good repair to ensure food safety?)

10. **(Subsection (1) (c) 10.):** Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;

(Can the person in charge explain the correct cleaning and sanitizing procedures and frequency needed for the equipment and utensils used in the establishment?)

11. **(Subsection (1) (c) 11.):** Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;

(Can the person in charge identify the water source and the protective measures to prevent contamination from backflow?)

12. **(Subsection (1) (c) 12.):** Identifying poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;

(Can the person in charge show the EHS proper storage, labeling, and use of chemicals in the establishment?)

13. **(Subsection (1) (c) 13.):** Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of the Rules and Regulations for Food Service;

(Can the person in charge identify proper thermometers and/or other monitoring equipment and calibration techniques?)

14. **(Subsection (1) (c) 14.)**: Explaining the details of how the person in charge and food employees comply with an approved HACCP plan for a process that varies from the Rules;

(Can the person in charge identify the critical control points, mode of monitoring, location of records, and corrective actions when out of compliance situations are identified?)

15. **(Subsection (1) (c) 15.)**: Explaining the responsibilities, rights, and authorities assigned by the Rules and Regulations for Food Service to the;

1. Food employee,

(Has the food employee been made aware of diseases that he must report to person in charge?),

2. Conditional employee,

(Has the person who has been made a job offer been made aware of diseases and symptoms that he must report to the person in charge?)

3. Person in charge, and

(Does the person in charge know his responsibilities to prevent foodborne illnesses, promote food safety, and provide information to the EHS during inspection?),

4. Regulatory authority,

(Does the person in charge know that the regulatory authority should introduce himself or herself to the person in charge, present identification if requested, and follow all policies and procedures to prevent foodborne illnesses that are required of industry?)

16. **(Subsection (1) (c) 16.)**: Explaining how the person in charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of food employees.

The Chapter does not require reporting of uninfected cuts or reporting of covered, protected infected cuts/lesions/boils since no bare hand contact with ready-to-eat (RTE) food is a requirement of the Chapter. See Charts entitled, “Employee Health Information” in Part II - Section K of this Manual for a simplified version for “Employee Health” and see

Rule 290-5-14-.03 subsection (4) (a) 1. (v) of the Chapter for more information.

NOTE:

The above questions must be pertinent to the food service operation. The PIC is not responsible for demonstrating knowledge regarding processes or operational steps that are not performed in the facility. For instance, if cooling of PHF/TCS (Potentially Hazardous Foods/Temperature Control for Safety Foods) is not part of the food processing of the food service establishment, then the PIC would not be expected to answer questions regarding cooling. Another example would be in the case where a food service establishment did not process PHF/TCS foods that required an approved HACCP plan. However, all PICS are expected to understand the general Hazard Analysis Critical Control Point principles and when the Chapter would require a HACCP plan.

(2) **(Subsection (3)(a) and (b))**: Certified Food Safety Manager:

(a) **(Subsection (3) (a))**: Food Safety Manager Certification:

1. Time-Line and Limitations:

- a. Each Food service establishment with a permit issuance date prior to December 1, 2007, must employ on its staff a Certified Food Safety Manager (CFSM) by December 1, 2009, which is two years from the December 1, 2007 implementation date of the current Georgia Rules and Regulations Food Service Chapter 290-5-14.
- b. Each Food service establishments with a permit issued after the December 1, 2007 must employ a CFSM on its staff within 90 days of permit issuance.
- c. The CFSM can only oversee the food safety within the food service establishment of which he is employed and cannot oversee food safety of multiple establishments.

(b) **(Subsection (3) (b))**: Certification Requirements and Exemptions:

1. Background: The FDA in a Memorandum of Understanding recognizes the Conference for Food Protection (CFP) as a voluntary national organization qualified to develop standards to promote food protection. The FDA encourages agencies of government to accept certificates issued by listed

certifiers as meeting their jurisdiction’s food safety knowledge and certification requirements. The American National Standards Institute (ANSI) has independently evaluated these certification programs under an agreement with the Conference for Food Protection.

2. **(Subsection (3) (b))**: **Certification Program Recognition**:

- a. The State of Georgia Department of Community Health, Environmental Health Branch recognizes the American National Standards Institute (ANSI) as an accrediting organization. (ANSI), as a recognized accrediting organization for personnel certification in food safety, is a source to meet Certified Food Safety Manager (CFSM) certification requirements as noted in the 2007 version of the Georgia Food Service Rules and Regulations Chapter 290-5-14.
- b. Generally, Georgia recognizes a food safety course that consists of at least an 8-hour minimum curriculum (including test time). In addition, Georgia will only accept food safety exams that are currently certified through ANSI as meeting the Conference for Food Protection requirements. A link to the ANSI website can be found at the Environmental Health Branch website at www.georgiaeh.us for more information.

3. The following food service operations are not required to have a food safety certified owner or manager (i.e., CFSM):

- a. **(Subsection (3) (b) 1. (i))**: A mobile food service unit that does not do any processing of food onboard other than holding and serving does not require a CFSM on board the unit. Food is loaded onto the unit prepackaged in single servings ready to be served to the consumer or limited to commercially processed PHF/TCS, ready-to-eat foods that only require warming prior to service. These also could be units where all food is processed at their base of operation and their unit is just a holding and service (or vending) unit. Examples of these types of units are the vehicle vender as referenced in *Rule -.08 Subsections (1) (b) 1. & 2. and the hotdog/food cart as referenced in Rule -.08 Subsection (1) (b) 3.* or could be fully enclosed-type units where no food processing is taking place on board the units.
- b. **(Subsection (3) (b) 1. (ii))**: Food service establishments that serve non-PHF/non-TCS foods (or non-potentially hazardous foods) requiring limited preparation, such as popcorn or snow cones. In addition, foods that prove to be non-PHF/non-TCS foods as defined within *Rule -.01 (gggg)* of the Chapter would be considered as well. Further, these establishments could be food service establishments that do serve PHF/TCS foods (or potentially hazardous foods) that are prepared within a central kitchen and transported to food service establishments owned by

the permit holder of the central kitchen. *(See Hotel, Restaurant, Institution (HRI) Exemption document located within Part II - Section I of this Manual entitled, “Collaboration with Other Agencies” for additional information).*

- c. *(Subsection (3) (b) 1. (iii))*: All temporary food service establishments that are in compliance with *Rule -.08 Subsection (2) (a)* of the Chapter.

(3) *(Subsections (3) (d) (1) and (2))*: Active Managerial Control:

- (a) To effectively reduce the occurrence of violations that can make people sick, management of food establishments must focus their efforts on achieving active managerial control. Active managerial control describes the responsibility for developing and implementing food safety management systems to prevent, eliminate, or reduce food safety risk factors.
- (b) Active managerial control means the purposeful incorporation of specific actions or procedures by food service establishment management into the operation of their business to attain control over foodborne illness risk factors. It embodies a preventive rather than reactive approach to food safety through a continuous system of monitoring and verification. The Chapter requires managers to demonstrate their managerial skills by bringing about quick corrections to objectionable conditions through the efforts of others such as, when conditions are observed by themselves, pointed out by establishment employees or during a food service inspection by the Health Authority.

(4) *(Subsection (3) (d))*: Responsibilities of the Person in Charge (PIC):

- (a) *(Subsection(3)1.)*: Manager Responsibilities: A primary responsibility of the person in charge is to ensure compliance with the Chapter. The PIC is in charge during all hours of operation and ensures the continuous presence of someone who is responsible for monitoring employee activity, training of employees and who is authorized to take corrective actions to ensure food is safe.
- (b) *(Subsection (3) (d) 2. (i))*: Presence of CFSM in the Food Service Establishment: When the Certified Food Safety Manager (CFSM) is on the premises of the food service establishment; he or she is the person in charge (PIC). If the PIC is not on the premises of the food service establishment, the CFSM must designate an employee to be the PIC. If no employee of the establishment has been designated as the PIC at the time of a food service inspection, then any employee of the establishment will be considered as the establishment’s PIC.

(5) **(Subsection (4) (a) through (i))**: Employee Health:

(a) **Overall Goals**: The purpose of this section is to reduce the likelihood that certain viral and bacterial agents will be transmitted from infected food employees into food. Foodborne illness outbreaks have been linked to food employees preparing foods while they are sick. Outbreaks of illness have also been linked to employees experiencing symptoms of illness. These illnesses are then transferred to the food that the ill employees are preparing.

(b) **(Subsection (4) (a))**: Reporting Symptoms:

1. The symptoms of vomiting, diarrhea, or jaundice serve as an indication that an individual may be infected with something that can be transmitted to food and make other people sick.
2. A food employer may exclude any employee upon initially learning that the employee has *Salmonella* Typhi, or has a gastrointestinal symptom listed in *Rule -.03 Subsection (4)*.
3. **For more information, see Document K-31 “Employee Health Information in Part II Section K of this Manual and Rule -.03 Subsection (4)**.

(c) Management Responsibility:

1. **(Subsection (4))**: Management must be aware that an Employee Health Policy is required, and they must have such a policy in place. While a written policy is not required at this time, it is highly recommended so that record keeping and training is easier to manage.
2. **(Subsection(4) (a))**: The person in charge is responsible for ensuring all food employees are knowledgeable and understand their responsibility to report whenever they are ill with vomiting, diarrhea, jaundice, sore throat with fever or a lesion containing pus or have been diagnosed with one of the following “Big Five” foodborne illnesses: *Salmonella* Typhi, Hepatitis A virus, Norovirus, *Shigella* spp. or Enterohemorrhagic or Shiga-toxin producing *Escherichia coli*.
3. **(Subsection (4) (c))**: Management must ensure newly hired employees are interviewed so that it is clear whether or not the employee has experienced any of the symptoms of foodborne illness listed above or has been diagnosed with any of the “Big Five” foodborne illnesses.

4. **(Subsection (4) (d)):** The person in charge also must be cognizant of when an employee might be experiencing symptoms or illness. When an employee does report symptoms of foodborne illness or that they have been diagnosed with one of the “Big Five”, the PIC is responsible for knowing whether to restrict or exclude the employee, and to know when it is safe for the employee to be removed from a restriction or exclusion.
5. **For more information, see Document K-31 “Employee Health Information in Part II Section K of this Manual and Rule -.03 Subsection (4).**

(d) **(Subsection (4) (e)):** Responsibility of the PIC and Food Employees:

1. Food employees and conditional employees (a person management has decided to hire) share a responsibility. Food employees and conditional employees must report whenever they fall under one of the four illness risk levels, and must comply with restrictions or exclusions imposed upon them. These four levels of risk are:
 - (a.) Level I: Active gastrointestinal symptoms or diagnosis with *S. typhi* or Hepatitis A virus;
 - (b.) Level II: Diagnosis and symptom resolution;
 - (c.) Level III: Diagnosis and never developed symptoms; and
 - (d.) Level IV: Exposure to listed pathogen.

(e) **(Subsection (4) (g)):** Exclusion and Restriction of Ill Employees:

1. **(Subsection (4)(g) 1. and 2.):** *Except when the symptoms are from a noninfectious condition, employees who have specific symptoms (e.g., vomiting, diarrhea, jaundice) must be excluded from the food facility.*
2. **(Subsection (4)(g) 2. and 3.):** *Except when the symptoms are from a noninfectious condition, as in Hepatitis A and free of an infectious condition, as in Salmonella Typhi, Employees who have been diagnosed with Salmonella Typhi or Hepatitis A virus must be excluded from the food facility.*
3. **(Subsection (4) (g) 4. and 5.):** Employees who have been diagnosed with Norovirus, *Shigella* spp. or Enterohemorrhagic or Shiga-toxin producing *Escherichia coli*, but do not have any symptoms, or who have a sore throat with fever, should be excluded or restricted, depending upon the type of facility – excluded, if working in a highly susceptible population establishment.
4. **(Subsection (4) (g) 6.):** Employees with a lesion containing pus or an infected wound must be evaluated.



5. **(Subsection (4) (g) 7.):** Employees who have been exposed to one of the five diseases named in 2. and 3. above by a family member or someone who lives in their household, or because of an outbreak, may need to be restricted, depending upon the type of facility – restrict, if working in a highly susceptible population establishments.
6. **See Document K-31 “Employee Health Information” in Part-II Section K in this Manual and Rule-.03 Subsection (4) of the Chapter.**

(7) **(Subsection (5) (f) through (j):** Personal Cleanliness and Good Hygienic Practices:

- (c) **(Subsection (5) (f):** Finger Nails: Fingernails must be trimmed to be no longer than the edge of the fingertip. Should the fingernails be longer than the food employee’s fingertips, a single-use, disposable, food grade glove may be worn as long as there is no danger of the glove being punctured by the fingernails (see Rule -.03 Subsection (5) (f) on page 42 of the GA Food Code for more information).

(d) **(Subsection (5) (i):** Hair Restraints:

1. **(Subsection (5) (i) 1.):** General Requirements:
 - a. Effectiveness: Hair restraints such as caps, hairnets or beard or mustache nets must be worn to prevent the food employee’s facial and head hair from freely blowing about. The effectiveness of the hair restraint is dependant upon hairstyle of the individual. The purpose of hair restraints is to keep hair out of food and hands out of hair. Hair loose from restraint or accessible to the food service employees’ hands is a potential hazard to food safety and should be monitored by the CFSM. It is to be assessed and documented as a violation against the establishment by the EHS conducting the food service inspection.
 - b. Food Employees and Employees: The Chapter requires that employees who wash dishes wear hair restraints (see Rule -.03 Subsection (5) (i)). It requires that food employees wear hair restraints when working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles. An employee who operates a ware washing machine or who washes dishes at a warewashing sink is considered a food employee since he/she works with exposed food contact surfaces. A "food employee," by definition, is any individual who works

with unpackaged food, food equipment or utensils, or food contact surfaces.

2. **(Subsection (5) (i) 2.): Exemptions:** The only exception to *Rule -.03 Subsection (5) (i) is found in Subsection (5) (i) 2.* referencing counter staff, wait staff, and hostesses whose activities are limited so as to be a minimal risk of contamination to exposed food, clean utensils and linens and unwrapped single-service and single-use articles. Even these employees would need to wear a hair restraint if they are required to do more involved food preparation when wait staff are required to cook food and prepare salad tableside. Further, should employees, such as counter staff, who are not limited to serving beverages and wrapped or packaged foods, would be required to wear hair restraints. In addition, hostesses and wait staff must have hair styled so as to be neatly arranged with minimum hair free movement. They may serve drinks as do counter staff; but cannot work within areas where food is being process or prepared.

(a) **(Subsection (5) (j)): Hygienic Practices:**

1. **(Subsection (5) (j) 1.and 2.): Smoking or eating** by employees in food preparation areas is prohibited because of the potential that the hands, food, and food-contact surfaces may become contaminated. Unsanitary personal practices such as scratching the head, placing the fingers in or about the mouth or nose, and indiscriminate and uncovered sneezing or coughing may result in food contamination. Covered single-service drinking cups with single-service straws are approved in food preparation areas.

- (b) **(Subsection (5) (j) 5.): Discharges from the eyes, nose, or mouth through persistent sneezing or coughing by food employees** can directly contaminate exposed food and equipment. When these poor hygienic practices cannot be controlled, the employee must be assigned to duties that minimize possibility of contaminating food and surroundings.

D. Rule 290-5-14-.04 Food:

(1) **(Subsection (1), (2), and (3)): Condition, Source, and Specifications for Receiving:**

- (a) Food shall be obtained from sources that comply with the law. All food products will be obtained from sources that are under inspection of the authority having jurisdiction or otherwise approved by the Health Authority. Fresh produce may be

obtained from local sources. *See Part II Section I of this Manual entitled, “Collaboration with Other Agencies” for additional information.*

(b) **(Subsection (2)):** Received food must be in good condition, safe and unadulterated. Prior to accepting a delivery into the establishment, a designated employee must inspect all food products. A thermometer, suitable for the food product must be used to check temperatures. Conditions, source, and receipt of food should be as follows:

1. **(Subsection (2) (d)):** Fish:

- (a.) Clear eyes
- (b.) Firm flesh
- (c.) Pleasant, but not fishy smell
- (d.) Bright red and moist gills
- (e.) Bright skin
- (f.) Must be received at a temperature of 41°F (5°C) or below.
- (g) There are six approved sources of fish:

- 1. Fish from a “Licensed Commercial Fisherman” as regulated through Georgia Department of Natural Resources;
- 2. Live fish from an “Aquaculturist (domestic fish farmer)” registered with and regulated by the Georgia Department of Natural Resources Law Enforcement Section;
- 3. Live fish from a “Wholesale Fish Dealer” as permitted through the Georgia Department of Natural Resources; and
- 4. Processed fish obtained from “Processing Plants and Distributors” as permitted through the Georgia Department of Agriculture.
- 5. Fish, other than molluscan shellfish, that are intended for consumption in their raw form must be purchase from a supplier that meets applicable Law and that freezes the fish to destroy pathogens as per *Rule -.04 Subsection (5) (d) 1. and 2.* of the Chapter.
- 6. Fish, other than molluscan shellfish, that is properly frozen on the premises of the food service establishment as per *Rule -.04 Subsection (5) (d) 1.* of the Chapter.

(h) Upon request by the Health Authority, the permit holder must furnish evidence that fish in their possession complies with all applicable law (Federal and State). This evidence may be in the form of sale receipts, copies of permits and or registration with the agency having regulatory authority over the product.

(i) **See Part II Section I of this Manual entitled, “Collaboration with Other Agencies” for additional information.**

(2) **(Subsection (2) (e)): Shellfish:**

(a.) May be shipped live, fresh, frozen, in the shell or shucked.
There are two categories of shellfish:

1. Crustacea – shrimp, crab and lobster.
2. Molluscan bivalves (mollusks) – clams, oysters and mussels.

(b.) Live molluscan shellfish must be received at a temperature of 45°F or below.

(c.) Shellfish must be maintained in original container in which received.

(d.) Shellfish identification tags must be attached to the container that shellfish are received in.

(e.) Shells of clams, mussels and oysters will be closed if alive. If the shells are partially open, it may mean that the shellfish are dead. When tapped on, the shells should close if the shellfish are still alive. If the shells do not close, the shellfish should not be accepted.

(f.) Shellfish must be obtained from a “Certified Shellfish Shipper”. The Interstate Certified Shellfish Shippers List (ICSSL) is published monthly for the information and use by food control officials, seafood industry and other interested persons. The publication is distributed under authorities of the Public Health Service Act and the Food, Drug and Cosmetic Act by the U.S. Food and Drug Administration (FDA) in conjunction with the Office of Compliance, Shellfish Safety Team, 5100 Paint Branch Parkway, College Park, MD 20740.

(g.) The Interstate Certified Shellfish Shippers List is available online at:
<http://www.cfsan.fda.gov/~ear/shellfis.html>

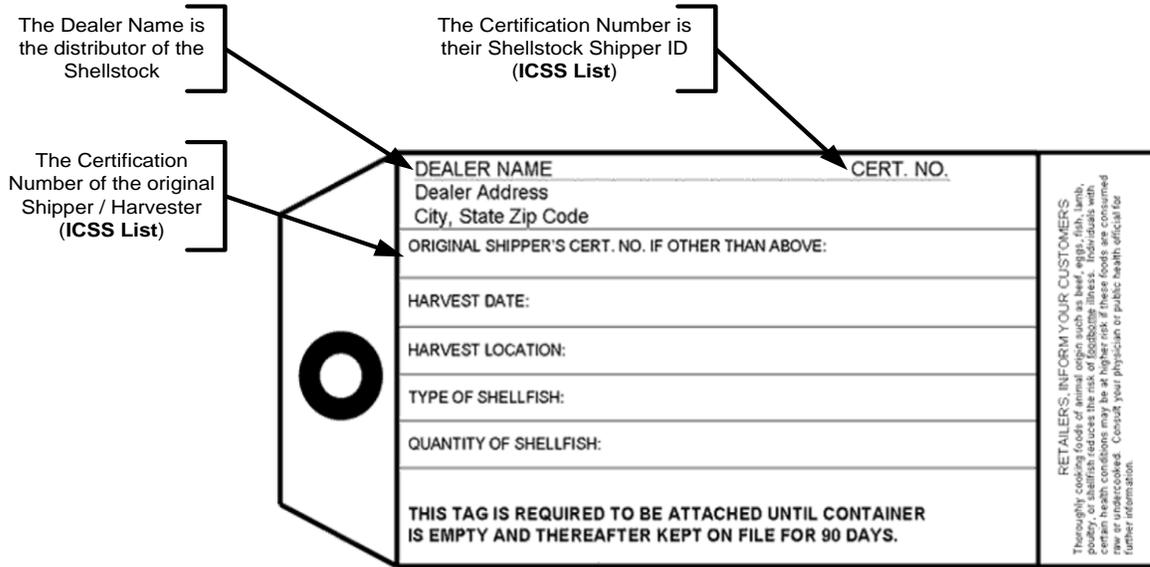
(h.) **(Subsection (3)(g) & (h)): Shucked Shellfish, Packaging and Identification:**

1. “Shucked Shellfish” means one or both shells removed.
2. Nonreturnable packages must bear the name, address, and certification number of shucker-packer or repacker.

3. Maintained in original container in which received. Exceptions to original container are made for storage on ice, but source records must be maintained so they can be matched to individual displays.
4. Use one tagged or labeled container at a time, or if using more than one container, the establishment management will need a record keeping system to ensure source identification of shellstock - no commingling of product. Records must be maintained to match exactly the product of concern. WHY? – Product trace back. In case of foodborne illness investigation, the consumer may be able to provide the date of purchase and it will be possible to identify the source of the product. If illness is a threat, it is necessary to determine the harvest location so that evaluation of the water can be made. If necessary, the waters may be closed to further harvesting.

(i.) **Subsection (3) (h): Shellstock Identification:**

1. The requirement of *Rule -.04 subsection (3) (h) 1* of the Chapter is that all raw molluscan shellfish on entering a food establishment must have a Shellstock Tag attached to the container. Shellstock shall only be obtained from Certified Harvesters or Dealers – consult the Interstate Certified Shellfish Shippers (ICSS) List for a list of approved sources.
2. The National Shellfish Sanitation Program (NSSP) recognizes two types of Shellstock Tags: Harvester Tags and Dealer Tags. Many of the requirements are the same for both tag types.
3. Key features of a Shellstock Tag:



4: When both the dealer and harvester tags appear on the container, the dealer tag is not required to list the date of harvesting, and the harvest location.

(n) White or Gold Banded Oysters: These type oysters have undergone a high pressure or pasteurization process to destroy potential pathogens. In addition to the other required information, their shellstock tag that is usually blue in color will also display a Lot Number. They will have a yellow heat shrink band or white rubber band around the oyster to keep the oyster shell closed. They may be consumed raw like a regular oyster. However, this pasteurization process does not negate the need for a

consumer advisory because the treatment only reduces the level of one pathogenic organism.

(k) “For Cooking Only” Labeled Oysters: FDA is advising retail and food service establishments to be aware that raw oysters shipped in containers bearing a “For Cooking Only” label may have a greater likelihood of containing harmful levels of the *Vibrio parahaemolyticus* (Vp) bacterium, which may cause illness, than do raw oysters not labeled in this manner. Special considerations are as follows:

1. Retail and food service establishments must not purchase containers or packages of raw oysters that bear the “For Cooking Only” label unless the operator intends to fully cook the product to an internal time/temperature of at least 145°F for 15 seconds before offering it for sale or service to the consumer.

2. “For Cooking Only” labeled oysters must be handled in such a way to prevent cross-contamination between raw animal foods and ready-to-eat foods and surfaces that may contact ready-to-eat foods. Strict adherence to proper separation of raw and ready-to-eat foods and effective cleaning and sanitizing of surfaces between uses are among the most important to prevent cross-contamination.
- (l) Neon-Green Tag Oysters: These type oysters have been harvested in a manner that will not allow them to be consumed raw. They should only be found at a Certified Dealer facility licensed to further process them (see ICSS List). If these are found offered or held for sale, a withhold from sale order should be issued and they should be discarded immediately. Also, the Atlanta Office of the Georgia Department of Agriculture or Seafood Safety Officer should be contacted immediately. Further, the local Health Authority should obtain shipping documents and or invoices from the food service establishment for investigation purposes.
 - (m) See Part II - Section I of this Manual entitled, “Collaboration with Other Agencies” for additional information.
- (3) Subsection (2) (a) 6.: Meat (Fresh):
 - (a) Beef should be bright, cherry red in color.
 - (b) Lamb should be light red in color.
 - (c) Pork should have pink lean meat and white fat.
 - (d) The texture of meat should be firm and spring back when touched. Meat should be rejected if it is not colored as described above, the texture is slimy, sticky or dry and/or there is a sour odor.
 - (e) The temperature of fresh meat should be 41°F or below when received.
 - (f) (Beef, pork, lamb, Venison) – Inspected by the United States Department of Agriculture (USDA) for meat that is shipped across state boundary lines. Within Georgia, the Georgia Department of Agriculture under the authority of the United States Department of Agriculture (USDA) inspects meat.
 - (g) Subsection ((2) (a) 5.): Whole Intact Muscle Beef: The Chapter provides for an allowance in *Rule -.04 Subsection (2) (a) 5 (iii)* of the Chapter for undercooking (rare) steaks. It is defined in *Rule -.01 (wwwww)* of the Chapter as “whole muscle beef that is not injected, mechanically

tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut”. Explanation follows:

1. The provision for allowing seared steaks was reviewed by the National Advisory Committee for Microbiological Criteria for Foods (ACMCF) and USDA. *Rule .04 Subsection (2) 5* of the Chapter includes their recommendations.
2. USDA comments included, “For the purposes of this discussion, steak is a whole beef muscle. It does not include whole beef muscle that has been pinned, injected, or chopped and formed. It may be cut cross grain, such as sirloin, chuck, or porterhouse; or it may be cut with the grain, such as flank, skirt, or Chateaubriand. Other species, such as poultry, pork, and lamb are not included.”
3. In order for a food establishment operator to know that a steak is a whole-muscle, intact cut of beef that can therefore be undercooked and served without a consumer advisory, the incoming product must be labeled. Processors can accommodate this need at the retail level by developing proposed labels, obtaining the necessary USDA Food Safety Inspection Service review and approval, and appropriately affixing the labels to their products.
4. Steaks intended for consumption in an undercooked form without a consumer advisory must be obtained from a food processing plant that packages the steaks and labels them to indicate they meet the definition of Whole-Muscle Intact Beef OR provide buyer

specifications / invoices that indicate steaks meet definition. It is the buyer specification that drives the labeling of steaks as whole-muscle, intact beefsteaks.

(4) **Subsection (2) (a) 6.**: Poultry (Fresh):

- (a) There should be no discoloration of the skin.
- (b) The texture should be firm and spring back when touched.
- (c) Fresh poultry should be surrounded with crushed, self-draining ice.
- (d) The temperature of fresh poultry should be 41°F or below when received.
- (e) (Chicken, Turkey, Emu) – Inspected by the Georgia Department of Agriculture.

(5) **Subsection (3) (a) 3. (c) (d)**: Fresh Eggs (Shell):

- (a) There should be no odor.
- (b) Shells should be clean and unbroken.
- (c) A fresh egg will have high yolks that are not easily broken and whites that cling to the yolks.
- (d) The temperature of fresh shell eggs when received should be 45°F or below.
- (e) The Georgia Department of Agriculture requires egg processors to deliver shell eggs at 45°F or below. This is the reason that the Chapter also requires the same temperature. Immediately upon delivery, shell eggs should be placed in a refrigerated unit to lower the temperature to 41°F or below.

Note: If fish, meat, poultry and/or liquid eggs are received frozen, they should be received hard frozen, below 32°F, and with minimal loose ice crystals surrounding the product. Loose ice crystals can be a sign of thawing and refreezing.

(6) **Subsection (3) (d)**: Dairy Products:

- (a) Milk and other dairy products are under the authority for inspection of the Georgia Department of Agriculture within Georgia.
- (b) Information about Dairy Product Standards can be found at:
<http://www.ams.usda.gov/standards/standair.htm> and
<http://www.cfsan.fda.gov/~ear/pmo03p-q.html>

The final mixture of ice cream mixtures, except for flavorings and fruits, must be pasteurized. Pasteurization cannot be done in a food service establishment. The ice cream mixture must be received already pasteurized.

- (d) **See Part II - Section I of this Manual entitled, “Collaboration with Other Agencies” for additional information.**

(7) **Subsection (3) (j)**: Juice Treated:

- (a) There have been several documented cases of illness resulting from drinking unpasteurized juice that has contained pathogenic microorganisms. The most current edition of the Code of Federal Regulations (CFR) can be read at: www.gpoaccess.gov/cfr/index.html
- (b) Juice will be considered as an approved source if meeting the following:
 - 1. Received from a commercial processing plant regulated by an authority having jurisdiction; or
 - 2. Juice processed within a food service establishment for onsite sale or service that meets requirements of *Rule -.04 Subsection (5) (g)* "Treating Juice." of the Chapter.

(8) **Subsection (2) (f): Wild Mushrooms:**

- (a) A food establishment that sells or serves mushroom species picked in the wild shall have a written buyer specification that requires identification of:
 - 1. The Latin binomial name, the author of the name, and the common name of the mushroom species,
 - 2. That the mushroom was identified while in the fresh state,
 - 3. The name of the person who identified the mushroom,
 - 4. A statement as to the qualifications and training of the identifier, specifically related to mushroom identification.

(9) **Subsection (2) (g): Game Animals:**

- (a) The primary concern regarding game animals relates to animals obtained in the wild. Wild game animals may be available as a source of food only if a regulatory inspection program is in place to ensure that wild animal products are safe. This is important because wild animals may be carriers of viruses, rickettsiae, bacteria, or parasites that cause illness (zoonoses) in humans. Some of these diseases can be severe in the human host. In addition to the risk posed to consumers of game that is not subject to an inspection program, there is risk to those who harvest and prepare wild game because they may contract infectious diseases such as rabies or tularemia.



- (b) Any wild game (commercially raised, wild caught, or field dressed) must be inspected by regulatory authority having jurisdiction. It is the responsibility of the food service establishment operator to furnish the Health Authority with written documentation that such foods have been properly processed and inspected.

(2) **(Subsection (4) (a) through (z))**: Protection From Contamination After Receiving:

(a) **(Subsection (4) (a))**: Preventing Contamination from Hands:

1. Hands Clean and Properly Washed:

- (a.) **(Rule .03 Subsection (5) (b))**: Food employees must clean their hands and exposed portions of their arms by vigorous lathering for 15 seconds at the following times:

1. After touching bare human body parts other than clean hands and clean, exposed portions of arms;
2. After using the toilet room;
3. After caring for or handling service animals;
4. After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking (exception: drinking from a single-service, single-use, closed beverage container with a single-service, single-use straw and the container is handled to prevent contamination of hands);
5. After handling soiled equipment or utensils;
6. Immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles;
7. During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks (ex. cutting raw chicken then cutting salad vegetables);
8. When switching between working with raw foods and working with ready-to-eat foods (ex. cutting raw chicken then cutting deli cheese);
or
9. Before donning gloves for working with food; and

10. After engaging in other activities that contaminate hands (ex. taking out garbage, mopping floors, sweeping floors, cleaning garbage cans, etc.).

(b) (Subsection (4) (c)): Packaged and Unpackaged Food – Separation, Packaging, and Segregation:

1. With regard to the storage of raw animal foods as specified under *Rules -.04 Subsection (4) (c) 1. (ii)*, it is the direction of this Rule to require separation based on anticipated microbial load and raw animal food type (species). Raw animal foods shall be separated based on a succession of cooking temperatures since cooking temperatures as specified under *Rules -.04 Subsection (5)* are based on thermal destruction data and anticipated microbial load. For example, to prevent cross-contamination, fish and pork, which are required to be cooked to an internal temperature of 145°F for 15 seconds, shall be stored above or away from raw poultry, which is required to be cooked to an internal temperature of 165°F for 15 seconds due to its considerably higher anticipated microbial load. In addition, raw animal foods having the same cooking temperature, such as pork and fish, shall be separated from one another during storage and preparation by maintaining adequate spacing or by placing the food in separate containers because of the potential for allergen cross-contamination or economic adulteration via inadvertent species substitution.
2. Shellstock must be treated as a ready-to-eat food since it may be consumed raw. Product should be stored or displayed in a manner that prevents cross-contamination from other raw or ready-to-eat foods.

(c) (Subsection (4) (e)): Pasteurized Eggs, Substitute for Raw Eggs for Certain Recipes:

1. Raw or undercooked eggs that are used in certain dressings or sauces are particularly hazardous because the virulent organism *Salmonella Enteritidis* may be present in raw shell eggs. Pasteurized eggs provide an egg product that is free of pathogens and is a ready-to-eat food. The pasteurized product should be substituted in a recipe that requires raw or undercooked eggs.
2. Food that is inadequately packaged or contained in damaged packaging could become contaminated by microbes, dust, or chemicals introduced by products or equipment stored in close proximity or by persons delivering, stocking, or opening packages or overwraps. Packaging must be appropriate for preventing the entry of microbes and other contaminants such as chemicals. These contaminants may be present on the outside of containers and may contaminate food if the packaging is inadequate or damaged, or when the

packaging is opened. The removal of food product overwraps may also damage the package integrity of foods under the overwraps if proper care is not taken.

(d) **(Subsection (4) (f))**: **Protection from Unapproved Additives**:

1. Use of unapproved additives or the use of approved additives in amounts exceeding those allowed by food additive regulations could result in foodborne illness, including allergic reactions. For example, many adverse reactions have occurred because of the indiscriminate use of sulfites to retard "browning" of fruits and vegetables or to cause ground meat to look "redder" or fresher.
2. The concern for misuse of additives also applies to food establishments operating under a variance and food processing criteria that addresses the use of sodium nitrite or other curing agents in smoking and curing operations. However, if this process is done incorrectly, it could cause illness or death because of excessive nitrite or because the food is insufficiently preserved.

(e) **(Subsections (4) (a) 2.)**: **No Bare Hand Contact with Ready-to-Eat Foods**:

1. In November 1999, the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) concluded that bare hand contact with ready-to-eat foods can contribute to the transmission of foodborne illness and agreed that the transmission could be interrupted. The NACMCF recommended exclusion/restriction of ill food employees as the first preventative strategy and recognized that this intervention has limitations, such as trying to identify and manage asymptomatic food employees.
2. Foodborne illnesses transmitted to the consumer by infected food employees through food can be prevented by using three separate interventions: 1) excluding or restricting ill employees, 2) good handwashing procedures, and 3) preventing bare hand contact with ready-to-eat foods. Some employees do not report their illnesses and some infected employees are asymptomatic shedders so employee health practices alone cannot control this problem. Hand washing after toilet use is not always done or may not be completely effective so hand hygiene is also not a totally effective preventive measure. Finally, no bare hand contact with RTE foods is the final intervention but food service employees become rushed and may not always use barrier utensils. A good combination of all three preventive measures is the safest approach to

preventing transmission of foodborne bacterial pathogens from infected employees.

3. *Rule -.04 Subsection (4) (a) 2.* of the Chapter is sometimes called, “The Glove Rule”. However, the purpose of this Rule is to prevent potentially high loads of pathogens from the hands of the food service employee to come into contact with any food deemed ready-to-eat as defined in *Rule -.01 (nnnn)* of the Chapter. While handling ready-to-eat foods, the food service employee can achieve the requirement of *Rule -.04 Subsection (4) (a) 2.* by using suitable utensils, such as deli tissue, spatulas, tongs, and dispensing equipment, as well as, single-use gloves.

(f) **(Subsection (4) (g))**: Washing Fruits and Vegetables:

1. A separate sink with hot and cold running water must be provided when vegetables are to be prepared in the establishment that is not purchased pre-cut and pre-washed. This sink is for vegetable washing only. Other sinks such as ware washing sinks, hand washing sinks, mop sinks, and sinks used for the preparation of other food cannot be used for this purpose.
2. The purpose of a designated sink is to eliminate any cross-contamination potential from hazards (biological, chemical, or physical) that may be present should other sinks, such as warewashing sinks, mop sinks, or hand sinks, be used for the preparation of raw fruits and vegetables.
3. While only cold water is used for washing vegetables, the hot water is needed to properly clean and sanitize the sink and therefore, hot water must be plumbed to the sink’s fixtures.

(g) **(Subsection (4) (k))**: In-Use Utensils, Between-Use Storage:

1. Once a food employee begins to use a utensil such as a ladle, spatula, or knife, that has been previously cleaned and sanitized, it is then considered an in-use utensil. In-use utensils, used on a continuous or intermittent basis during preparation or dispensing, must be cleaned and sanitized on a schedule that precludes the growth of pathogens that may have been introduced onto utensil surfaces. In-use utensils may be safely stored in hot water maintained at 135°F or above during intermittent use because microbial growth is controlled at such temperatures. However, due to storage temperature of 41°F or less not providing a kill-step, cold-water storage of in-use utensils cannot be utilized.

2. A food utensil should be designed and used to prevent bare hand contact with ready-to-eat food or to minimize contact with food that is not in a ready-to-eat form. On-site evaluations can be made to determine if a utensil is improperly designed for the task or whether a food employee is misusing an appropriately designed utensil.
- (h) **(Subsection (4) (l))**: Linens and Napkins, Use Limitation: Because of their absorbency, linens and napkins used as liners that contact food must be replaced whenever the container is refilled. Failure to replace such liners could cause the linens or napkins to become fomites.
- (i) **(Subsection (4) (m))**: Wiping Cloths, Use Limitation: Soiled wiping cloths, especially when moist, can become breeding grounds for pathogens that could be transferred to food. Any wiping cloths that are not dry (except those used once and then laundered) must be stored in a sanitizer solution at all times, with the proper sanitizer concentration in the solution. Wiping cloths soiled with organic material can overcome the effectiveness of, and neutralize, the sanitizer. The sanitizing solution must be changed as needed to minimize the accumulation of organic material and sustain proper concentration. Checking the solution periodically with an appropriate chemical test kit should ensure proper sanitizer concentration.
- (j) **(Subsection (4) (n))**: Glove Use Limitation:
1. Single-use gloves can only be used for one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
 2. Gloves used in touching ready-to-eat food are defined as a "utensil" and must meet the applicable requirements related to utensil construction, good repair, cleaning, and storage.
 3. Multiuse gloves, especially when used repeatedly and soiled, can become breeding grounds for pathogens that could be transferred to food. Soiled gloves can directly contaminate food if stored with ready-to-eat food or may indirectly contaminate food if stored with articles that will be used in contact with food. Multiuse gloves, such as slash-resistant or cloth gloves, must be washed, rinsed, and sanitized between activities that contaminate the gloves. Hands must be washed before donning gloves. Gloves must be discarded when soil or other contaminants enter the inside of the glove.
 4. Slash-resistant gloves are not easily cleaned and sanitized. Their use with ready-to-eat foods could contaminate the food. Therefore, if used, slash-resistant gloves or cloth gloves used in contact with ready-to-use foods that
 - 5.

will not be subsequently cooked must be covered with a smooth, durable, nonabsorbent surface or a single-use glove.

(k) (Subsection (4) (o)): Using Clean Tableware for Second Portions and Refills: The purpose of *Rule - .04 Subsection (4) (o)* is to prevent cross-contamination of food on display or in dispensers from utensils and articles previously used by consumers. Clean and sanitized utensils or articles must be used to revisit food self-service displays and or food dispensing devices. The exception is in *Rule - .04 Subsection (4) (o) 3* that allows for the re-use of drinking cups and containers by self-service consumers if the refilling process is done in such a way as to be a contamination-free process. An example of this type of re-use would be a soda fountain dispenser designed in such a way that ice and beverage cannot be contaminated by the rim of the cup or its contents.

(m)(Subsection (4) (p)): Refilling Returnables: The refilling of consumer-owned beverage containers introduces the possibility of contamination of the filling equipment or product by improperly cleaned containers or the improper operation of the equipment. To prevent this contamination and possible health hazards to the consumer, the refilling of consumer-owned containers is limited to beverages that are not potentially hazardous. Equipment, such as a warewashing machine or manual ware-washing sink, must be designed to prevent the contamination of the equipment and means must be provided to clean the containers at the facility.

(n) (Subsection (4) (s)): Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container: The possibility of product contamination increases whenever food is exposed. Changing the container(s) for machine vended potentially hazardous food (time/temperature control for safety food) allows microbes that may be present an opportunity to contaminate the food. Pathogens could be present on the hands of the individual packaging the food, the equipment used, or the exterior of the original packaging. In addition, many potentially hazardous foods (time/temperature control for safety foods) are vended in a hermetically sealed state to ensure product safety. Once the original seal is broken, the food is vulnerable to contamination.

(o) (Subsection (4) (t)): Food Preparation: Food preparation activities may expose food to an environment that may lead to the food's contamination. Just as food must be protected during storage, it must also be protected during preparation. Sources of environmental contamination may include splash from cleaning operations, drips form overhead air conditioning vents, or air from an uncontrolled atmosphere such as may be encountered when preparing food in a building that is not constructed according to Chapter requirements.

(p) (Subsection (4) (u)): Food Display:



1. Protective devices for counters, serving lines, salad bars and other similar food displays in public eating establishments shall be designed and constructed to intercept contaminants which may be expelled from the customer's mouth or nose.
2. Protective devices must be designed to prevent contamination from the majority of the people using the self-service display.
3. **See Part-I Section E - Facilities to Protect Food of the “Food Service Establishment Manual for Design, Installation and Construction” for details.**

(q) **(Subsection (4) (w))**: Consumer Self-Service Operations:

1. Rule -.04 Subsection (4) (w) 4 & 5. of the Chapter applies only to unwrapped food when time and temperature is used for protection from contamination of potentially or non-potentially hazardous food items which have been placed out for consumer self-service. The food items will have to be maintained at

temperatures of 41°F or below or 135°F or above. Food service establishments may choose between two methods of limiting time for ready-to-eat foods to be displayed for consumer self-service. Establishments may elect to:

- (a.) Discard to waste all unwrapped ready-to-eat foods at the end of its business day, or
- (b.) They may elect to allow up to a maximum accumulative time of twenty-four (24) hours to display food for self-service. If the twenty-four (24) maximum accumulative time limit is chosen, the establishment will be required to place the date and time on the container of food when placed out for self-service. Any addition of new food to the displayed food is to be discouraged. However, any new food that has been added to existing displayed food will assume the date and time marked on the original displayed food. Further, establishments will be allowed to remove displayed food at the end of the day, properly process it for storage and reserved it the next day. Once the twenty-four (24) maximum time has expired as per the date and time marked on the container of food, the food must be discarded to waste.
- (c.) “Time as a “Public Health Control” cannot be used to avoid food product temperature control violations. The food service establishment must choose which method of foodborne pathogen growth control (Time as a “Public Health Control or Time in Conjunction with Temperature Control)

will be used for safe holding, storage, or display of potentially hazardous foods. If “Time as a “Public Health Control” is used to control foodborne pathogen growth during display for service, a written plan that complies with *Rule -.04 Subsection (6) (i) 1.* of the Chapter must be maintained within the food service establishment. Finally, maximum time limits for foods displayed using “Time as a “Public Health Control” will supersede the maximum self-service display time limits found within *Rule -.04 Subsection (4) (w) 5.* of the Chapter 290-5-14.

(r) **(Subsection (4) (x))**: **Returned Food and Re-Service of Food**:

1. Food can serve as a means of person-to-person transmission of disease agents such as Hepatitis A virus. Any unpackaged foods, even bakery goods in a bread basket that are not potentially hazardous (time/temperature control for safety foods) and that have been served to a consumer, but not eaten, can become vehicles for transmitting pathogenic microorganisms from the initial consumer to the next if the food is served again.
2. Foods that are dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine may be re-served.
3. Foods, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition may be re-served.
4. Any food served to patients or clients who are under contact precautions or protective environment isolation in a facility serving a highly susceptible population cannot be re-served.

(s) **(Subsection (4) (y))**: **Outdoor Cooking and Service of Food**:

1. *Rule -.04 Subsection (4)(y)* allows foods to be **cooked and served** outside of a fixed food service establishment for a specific occasion similar to that which is allowed at temporary food service establishments. An example of this type of service would be cooking and serving of food during an outdoor wedding on the premises of the food service establishment.
2. “Foods requiring only cooking” means that all preparation except for cooking and seasoning, such as basting with barbeque sauce, has been done in the permitted food service establishment. Open displays of food are not allowed. The food must be served immediately upon being cooked.

3. The local Health Authority must evaluate the risk potential of the proposed menu and service prior to giving its approval for outdoor cooking and service of food.
4. Permanent Cooking Equipment located Outside of Fixed Food Service Establishment:
 - (a.) There are several items to consider. First, Chapter 290-5-14 does not specifically prevent the use of outdoor cooking equipment, such as country style barbeque pits or barrel/grill (coverable) cookers. It also does not specifically limit as to where these cooking facilities can be located on the food establishment premises. The only limitation placed on outdoor cooking is found in *Rule .04 Subsection (4) (y)* that limits **outdoor cooking AND serving of foods to special events and to specific special event** (ex. a wedding party) on the food service establishment's premises. The food is limited to being cooked and served immediately – all being done outside the establishment and with implied food handling and time limitations. This situation would be conducted similar to a temporary food service operation that allows outside limited preparation,

such as seasoning, and service with the difference of being conducted on the premises of a regularly fixed permitted food service establishment. However, the permanent cooking facilities located outside of the main building of the establishment would differ from that of temporary food service operation; because, **all food preparation and service would be conducted inside the building of the food service establishment and it would not be limited to special events.**

- (b.) The outside cooking equipment (country style barbeque pits/barrel grills/smokers) would be considered as a separate cooking area only and they would not include the preparation and immediate service of food outside. They are usually located outside the food establishment in out buildings and they are used to cook volumes of whole pieces of meat, such as hams, slabs of ribs, or chicken. They cannot be used for immediate service such as that of a short order grill.
- (c.) This cooking process step produces a lot of grease-laden smoke and heat, creating difficulties in maintaining good sanitation. It is for this large production of grease-laden smoke and heat, leading to the burden of maintaining good sanitation of facilities, that these types of cooking equipment are, at times, located outside of the main building of a fixed food establishment. However, recent modern design of smoking, grilling, and pit-cooked barbequing equipment is available for inside commercial cooking that is designed to address the exhaust and sanitation issues of traditional barbequing/grilling.

- (d.) Secondly, barbeque pits or barrel grills/smokers are considered as cooking equipment and as such, they are part of the cooking operational step of the flow of food through the establishment. Therefore, the cooking equipment and its associated cooking facilities would be considered as a separate cooking area of the establishment and not part of a food preparation operational step. This stated rationale would be true; because, operational steps in the flow of food through the establishment would be: receiving, cooling, packing, storing, reheating, serving, preparing, holding, cooking and assembling. The operational step, “Preparing”, would be: mixing, adding (i.e. reconstitution of milk powder to form liquid milk by adding water), grading, slicing, chopping or blending. The *Rule -.04* does require that foods be protected at all times; however, it specifically focuses on times of preparation. *Rule -.04 Subsection (4)(t)* states, “During preparation, unpackaged food shall be protected from environmental sources of contamination.” This is why no food preparation except for that such as basting barbeque sauce

can occur outside of the protective environment of the fixed food service establishment building.

- (e.) Thirdly, the protection of food and equipment must be considered. Being a separate outdoor cooking area, no food preparation can take place at the outdoor cooking area unless the same requirements for food preparation and protection can be met as per the Chapter, specifically *Rules -.04, -.05, -.06, and -.07*. For food preparation to take place at an outdoor cooking area, it would have to be enclosed within non-absorbent, washable, durable light colored walls and ceilings and with non-absorbent, cleanable, durable floors. Conveniently located, properly installed and properly equipped hand washing station(s) would have to be provided within the cooking/food preparation area, as well. Further and depending on the method of operation, other equipment such as food preparation sink(s), vegetable sink(s), refrigeration, ventilation systems, and or hot-holding equipment may be required to be located in this outside cooking and food preparation facility.
- (f.) If food preparation is not taking place at these outside separate cooking areas, then outside cooking equipment, such as barrel grills/smokers, **must be capable of being closed except when adding, turning, or removing meats**. The meat should be prepped inside the food service facility and taken to the barrel grill/smoker in sanitized covered containers where the entire quantity of meat is immediately placed inside the cooker that have been made ready for cooking. It must be

noted here that the Chapter requires separation of different types of raw animal foods during holding as per *Rule - .04 Subsection (c) 1. (ii)(I)*. When cooked meats are removed from the cooking equipment, separate cleaned and sanitized utensils must be used to immediately place them in cleaned and sanitized pans that are then covered and taken back to inside the food service establishment for any preparation, such as slicing, cutting, chopping, grinding or mixing. At no time shall any food item(s) be left outside the cooking equipment un-attended.

- (g.) The area around the outside separate cooking area must be easily cleanable. It can be constructed of sealed smooth concrete pad or sealed asphalt. It should be located in an area that will not be subjected to blowing sand or dust. If the outside cooking facility is to be used in inclement weather, overhead protection (such as a shelter or fire resistant tent, etc.) must be provided. Another issue that must be considered is control of vermin at these facilities.

- (h.) All outside cooking equipment and associated facilities cannot exist by themselves. They must be on the premises of a permitted fixed food service establishment. They also must meet all equipment material and construction requirements of the Chapter, as well as, any other applicable Federal, State or local codes.

(3) **(Subsection (5) (a) through (g))**: Pathogen Destruction:

(a) **(Subsection (5) (a))**: Raw Animal Foods (General):

1. Cooking, to be effective in eliminating pathogens, must be adjusted to a number of factors. These include the anticipated level of pathogenic bacteria in the raw product, the initial temperature of the food, and the food's bulk that affects the time to achieve the needed internal product temperature. Other factors to be considered include post-cooking heat rise and the time the food must be held at a specified internal temperature.
2. Greater numbers and varieties of pathogens generally are found on poultry than on other raw animal foods. Therefore, a higher temperature, in combination with the appropriate time is needed to cook these products.

To kill microorganisms, food must be held at a sufficient temperature for the specified time. Cooking is a scheduled process in which each of a series of continuous time/temperature combinations can be equally effective. For example, in cooking a beef roast, the microbial lethality achieved at 112 minutes after it has reached 54.4°C (130°F) is the same lethality attained as if it were cooked for 4 minutes after it has reached 62.8°C (145°F). Cooked

beef and roast beef, including sectioned and formed roasts, chunked and formed roasts, lamb roasts and cooked corned beef can be prepared using one of the time and temperature combinations listed in the chart in *Rule-.04 Subsection (5)* to meet a 6.5- \log_{10} reduction of *Salmonella*. The stated temperature is the minimum that must be achieved and maintained in all parts of each piece of meat for a least the stated time. The source of the time and temperature parameters is from the USDA/FSIS Appendix A. Compliance Guidelines For Meeting Lethality Performance Standards For Certain Meat And Poultry Products found at <http://www.fsis.usda.gov/oa/fr/95033Fa.htm>.

3. Cooking requirements are based in part on the biology of pathogens. The thermal destruction of a microorganism is determined by its ability to survive heat. Different species of microorganisms have different susceptibilities to heat. In addition, the growing stage of a species (such as the vegetative cell of bacteria, the trophozoite of protozoa, or the larval form of worms) is less resistant than the same organism's survival form (the bacterial spore, protozoan cyst, or worm egg).
4. Food characteristics also affect the lethality of cooking temperatures. Heat penetrates into different foods at different rates. High fat content in food reduces the effective lethality of heat. High humidity within the cooking vessel and the moisture content of food aid thermal destruction.
5. Heating a large roast too quickly with a high oven temperature may char or dry the outside, creating a layer of insulation that shields the inside from efficient heat penetration. To kill all pathogens in food, cooking must bring *all* parts of the food up to the required temperatures for the correct length of time.
6. The temperature and time combination criteria specified in *Rule -.04 Subsection (5)* of the Chapter are based on the destruction of *Salmonellae*. This organism, if present in raw shell eggs, is generally found in relatively low numbers. Other foods, uncomminuted fish and meats including commercially raised game animal meat, specified as acceptable for cooking at this temperature and time parameter are expected to have a low level of internal contamination. The parameters are expected to provide destruction of the surface contaminants on these foods. *Rule -.04 Subsection (5)* includes temperature and time parameters that provide "D" values (decimal log reduction values) that may surpass 7D. For example, at 63°C(145°F), a time span of 15 seconds will provide a 3D reduction of *Salmonella Enteritidis* in eggs.

7. The requirements specified under *Rule -.04 Subsection (5) (a) 4* acknowledge the rights of an informed consumer to order and consume foods as preferred by that consumer based on the consumer's health status and understanding of the risks associated with eating raw or partially-cooked animal foods.
8. In consumer self-service operations, such as buffets, salad bars, sushi bars, or display cases, the consumer advisory as specified under *Rule -.04 Subsection (6) (e)* of the Chapter must be posted or available at the self-service unit where the raw or partially cooked food is held for service and readily accessible to consumers prior to making their food selections. In a catered situation, such as a wedding reception, guests are responsible for making their own requests or selections.

(b) **(Subsection (5) (a) (ii))**: Raw Animal Foods (Pork):

1. In pork, *Trichinella spiralis*, *Toxoplasma gondii*, and *Taenia solium*, parasites causing foodborne illness, are inactivated at temperatures below 145°F. Therefore, pork roasts can be cooked like beef roasts (e.g., 145°F for 3 minutes) and pork chops cooked like steaks to achieve an internal temperature of 145°F for 15 seconds.

(c) **(Subsection (5) (a) 2.)**: Raw Animal Foods (Roasts):

1. Salmonellae are used as test microorganisms to set minimum cooking time/temperatures found within *Rule -.04 Subsection (5) (a) 2 (i)* of the Chapter; because, desiccation, or drying, at the surface of foods actually provides the salmonellae with a mechanism to better survive the cooking process.
2. *Rule -.04 Subsection (5) (a) 2 (i)* applies to all roasts including formed and comminuted roasts.
3. The following oven cooking parameter chart found within the *Subsection (5) (a) 2 (i)* of the Chapter is based on roast weight and moisture content of the oven or cooking bag:

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 4.5 kg (10 lbs)	4.5 kg (10 lbs) or More
Still Dry	177°C (350°F) or more	121°C (250°F) or more
Convection	163° (325°F) or more	121°C (250°F) or more
High Humidity ¹	121°C (250°F) or less	121°C (250°F) or less

Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or it of the oven; or in a moisture-impermeable bag that provides 100% humidity.

4. Within the above chart, two roast sizes indicated.
5. Higher oven temperature for the smaller roast is necessary because of desiccation of salmonella on the surface of smaller roasts. The higher temperature is necessary to offset the shorter “come up” time while the smaller roast is in the oven.
6. High humidity provides for better destruction of Salmonellae (or pathogens) at high humidity due to elimination of the potential desiccation of organisms.
7. A lesser temperature for high humidity condition is possible due to lack of opportunity of drying of the surface of the roast.
8. The oven cooking parameter chart which follows found *Subsection (5) (a) 2 (i)* of the Chapter is based on a specific internal temperature for a specified time or roast come-up (continued rise in temperature after cooking time is reached) - holding time once the roast reaches final cook temperature is:

Temperature °C (°F)	Time ¹ in Minutes	Temperature °C (°F)	Time ¹ in Seconds
54.4 (130)	112	63.9 (147)	134
55.0 (131)	89	65.0 (149)	85
56.1 (133)	56	66.1 (151)	54
57.2 (135)	36	67.2 (153)	34
57.8 (136)	28	68.3 (155)	22
58.9 (138)	18	69.4 (157)	14
60.0 (140)	12	70.0 (158)	0
61.1 (142)	8		
62.2 (144)	5		
62.8 (145)	4		

¹Holding time may include post oven heat rise.

9. For example, a roast cooked at 130°F and held for 121 minutes or one cooked at 145°F for 4 minutes will provide a 7-log reduction of Salmonellae.
10. Post oven heat rise may also be considered in establishing a time and temperature relationship. For example, a roast may be removed from the oven when it reaches a temperature of 140°F. Post oven heat rise allows the internal temperature of the roast to rise to 145°F. If it is then held at 145°F for 4 minutes before serving, the requirement of this provision is then met.

(d) **Subsection (5) (a) 3.**: Raw Animal Foods (whole-muscle, intact beef):

1. NACMCF comments included, “Due to the low probability of pathogenic organisms being present in or migrating from the external surface to the interior of beef muscle, cuts of intact muscle (steaks) should be safe if the external surfaces are exposed to temperatures sufficient to effect a cooked color change. In addition, the cut (exposed) surfaces must receive additional heat to affect a complete sear across the cut surfaces. Grill or char marks may

be applied to the complete surface searing. The meat should be seared on both top and bottom surfaces utilizing a heating environment (e.g., grill or broiling oven) that imparts a temperature at the surface of the intact steak of at least 145°F to achieve a cooked color change on all external surfaces. The searing of all surfaces should be continuous until the desired degree of doneness and appearance are attained. This is considered a ready-to-eat food.”

2. If mechanical (pinning, scoring, etc.) or chemical (marinating) be applied to beef steaks, then pathogens, if present, may be drawn into the interior of the steak. In this case, a complete kill step (cooking time/temperature exposure) must be applied as specified in *Rule -.04 Subsection (5)* of the Chapter.
3. In order for a raw or undercooked whole-muscle, intact steak to be served or offered for sale in the ready-to-eat form, the following must be met:
 - (a.) The food service establishment serves a population that is not a highly susceptible population;
 - (b.) The steak is labeled to indicate that it meets the definition of “whole-muscle, intact beef”; and
 - (c.) The steak is cooked on both the top and bottom to a surface temperature of 145°F (65°C) or above and a cooked color change is achieved on all external surfaces.

(e) **Subsection (5) (c): Plant Food Cooking for Hot Holding:**

1. If fruits and vegetables are to be held for service hot, they must be cooked to a temperature of 135°F (57°C). After they have been cooked, they are considered as potentially hazardous foods (time/temperature for safety foods) and time/temperature control or time as a public health control must be followed.

(f) **Subsection (5) (e): Parasite Destruction – Records, Creation and Retention:**

1. If raw, raw-marinated, partially cooked, or marinated-partially cook fish are served or sold in the ready-to-eat form, the person in charge must furnish records for proper parasite destruction as follows:

- (a.) A letter from the supplier of the fish products stating that it has been frozen for a time/temperature as specified with *Rule -.04 Subsection (5)(d) 1* within the Chapter. These records must be retained for ninety (90) days beyond the day of service or sale of the fish products.

If the fish product is frozen on-site of the food service establishment, the food service establishment must have enough freezing equipment present to freeze fish product to time/temperature requirements in *Rule .04 Subsection (5)(d) 1* within the Chapter. The time/temperature of the freezing process must be electronically recorded and records of it must be held within the establishment for Health Authority review for ninety (90) calendar days beyond the time of service or sale of the fish.

- (b.) If fish product are from a source where the fish are raised and fed as specified in *Subsection (5)(d) 2(iii) of Rule -.04*, then a written agreement or statement from the supplier or aquaculturist stipulating with the requirements of *Subsection (5)(d) 2(iii)* must be retained by the person in charge. These records must be retained within the establishment for ninety (90) calendar days beyond the time of service or sale of the fish.

(g) **Subsection (5) (f): Reheating for Hot Holding:**

1. When food is held, cooled, and reheated in a food establishment, there is an increased risk from contamination caused by personnel, equipment, procedures, or other factors. If food is held at improper temperatures for enough time, pathogens have the opportunity to multiply to dangerous numbers. Proper reheating provides a major degree of assurance that pathogens will be eliminated. It is especially effective in reducing the numbers of *Clostridium perfringens* that may grow in meat, poultry, or gravy if these products were improperly cooled. Vegetative cells of *C. perfringens* can cause foodborne illness when they grow to high numbers. Highly resistant *C. perfringens* spores will survive cooking and hot holding. If food is abused by being held at improper holding temperatures or improperly cooled, spores can germinate to become rapidly multiplying vegetative cells.
2. Although proper reheating will kill most organisms of concern, some toxins such as that produced by *Staphylococcus aureus*, cannot be inactivated through reheating of the food. It is imperative that food contamination be minimized to avoid this risk.
3. The potential for growth of pathogenic bacteria is greater in reheated cooked foods than in raw foods. This is because spoilage bacteria, which inhibit the growth of pathogens by competition on raw product, are killed during cooking. Subsequent recontamination will allow pathogens to grow without competition if temperature abuse occurs.
4. Ready-to-eat commercially processed, hermetically sealed container of food from a processing plant must be reheated to at least 135°F (57°C) if it is held for service. The reasoning for the lower reheating temperature is that these foods are processed to destroy pathogens leaving a sterile food product. The commercial sterile process leaves only the public health risk of pathogens being introduced into foods by cross-contamination potential after the food has been removed from the sterile environment of its commercial packaging. If this should occur, the 135°F (57°C) minimum hot-holding temperature will provide a kill step to control pathogens during the time foods are held hot for storage or service to the consumer.
5. Foods that have been cooked and cooled within the establishment must be reheated to 165°F (74°C) for 15 seconds prior to be placed in or on hot holding equipment for service. Foods reheated within a microwave oven must be reheated to this same temperature but a two (2) minute exposure time is required instead of the 15 seconds. The public health risk being controlled by this reheating process is to provide a kill step for vegetative outgrowth of foodborne pathogens from spores that may have survived the cooking and cooling process. The higher minimum temperature requirement within *Rule*

.04 Subsection (6)(f) 2 of the Chapter is to ensure a kill step for reasons as stated within the above paragraph (3)(e) 1 in regards to possible food holding time/temperature abuse and improper cooling. Further and since these ovens are known for their uneven heating of foods, the extra time exposure for foods reheated within microwave ovens is to insure that a kill step has been reached. The requirements for foods to be rotated or stirred if heated within a microwave is to insure heat generated within the food is evenly distributed throughout the food thus enhancing the effectiveness of the kill step.

6. Potentially hazardous foods (time/temperature for safety foods) that are ready-to-eat for immediate service upon order can be reheated to any temperature. This would only apply to food that have gone through proper cooking and cooling process steps as per *Rule -.04 Subsection (6) (d)* of the Chapter. This type of service can be allowed if the food is removed from refrigeration to the reheating process and then to the consumer without any holding step within the process. The reasoning for allowing immediate service is that it does not allow sufficient time for vegetative outgrowth of pathogens from spores that may have survived the cooking process.
7. Remaining unsliced portions of meat roasts can be reheated to the same cooking time/temperature parameters as specified within *Subsection (5)(a) 2 of Rule -.04*.

(h) **Subsection (5) (g): Treating Juice:**

1. To understand when requirements for *Rule -.04 Subsection (5) (g)* "Treating Juice." on page of the Chapter takes effect, the definition of "Juice" in *Rule -.01 (mmm)* on of the Chapter must be understood as to how it relates to ingredients. It is interpreted as meaning that a juice is considered made from fruits and or vegetables. A flower of a plant is not considered a vegetable or a fruit. Likewise, seaweed receives the same consideration as a flower - it is neither a fruit nor a vegetable.
2. In regards to a "Juice", the food service establishment has two options:
 - (a.) Provide a HACCP plan conforming to the content as stated within *Rule -.02 subsection (5)* of the Chapter where the juice is treated to attain a 5-log reduction, which is equal to a 99.999% reduction (or pasteurization – **see Table .04 A**), of the most resistant microorganism of public health significance (*Clostridium botulinum*); or
 - (b.) Label the bottled juice with **"WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can**

cause serious illness in children, the elderly, and persons with weakened immune systems. It must also state, **"Keep refrigerated"**

3. 5-Log Pathogen Reduction:

- (a.) A 5-log pathogen reduction requirement is the minimum level of pathogen "kill" that pathogen control measures must consistently achieve. Processing experts evaluate treatments intended to destroy or inactivate pathogens in food in terms of "logs" of kill, where the term "log" is a shorthand expression of the mathematical term logarithm. A logarithm is "the exponent of the power to which a base number must be raised to equal a given number." If the base number is ten, it must be raised to the second power to equal 100, so the exponent is 2, i.e., $10 \times 10 = 100$. Again, if the base number is ten, it must be raised to the third power to equal 1000, so the exponent is 3, i.e., $10 \times 10 \times 10 = 1000$.
- (b.) Submitted HACCP plans for treating juice must use treatments capable of consistently achieving at least a 5-log reduction (using ten as the base number) in the level of the pertinent microorganism in the juice. The important thing to understand is that each log of kill is capable of causing a tenfold reduction in the number of organisms of the pathogen that the treatment is designed to kill. In other words, the process would be one that is capable of reducing the level of the pertinent

microorganism in the food by 10 fold, e.g., from 100 organisms (of the pathogen) per gram of food to 10 organisms (of the pathogen) per gram of food. A 2-log process further reduces the level of the target pathogen by another factor of 10, i.e., from 10 organisms (of the pathogen) per gram to 1 organism (of the pathogen) per gram of food. Thus, the 5-log performance standard means that the food service establishment operator must treat his juice using a process capable of reducing levels of the pertinent pathogen in the juice by at least 100,000-fold ($10 \times 10 \times 10 \times 10 \times 10 = 100,000$).

- (c.) Paragraph 3 (b.) above is illustrated in the following table:

Table .04 A

Initial number of pertinent microorganism bacteria per gram of food	Log reduction	Decrease in pertinent microorganism bacteria levels	Percent of change	Final number of bacteria per gram of food
100,000 (10^5)	5	$10 \times 10 \times 10 \times 10 \times 10 = 100,000$ fold	99.999 %	1 (10^0)

4. Each in-house bottled juice or beverage **intended for self-service** must contain the following information on its label:
 - (a.) Name of beverage;
 - (b.) Ingredients
 - (c.) Quantity
 - (d.) Nutritional information
 - (e.) The name and address of the restaurant
5. It must be remembered that some establishments may attempt to make certain health claims. They may have signage that advertises the beverages as providing certain benefits to health such as energy boosting, immune system enhancement, virility inducing, etc. If claims are made that the drink can be used in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals, it may fall under the definition of drug or health claims under the Nutrition Labeling and Education Act (NLEA), and the FDA should be contacted for verification.
6. All restaurant-bottled beverages, especially juices, are to be refrigerated and maintained at 41°F (5°C) or lower until sold to the consumer.

(4) **(Subsection (6)(a) through (k))**: Limiting the Growth of Pathogens:

(a) **(Subsection (6) (a))**: Frozen Food:

1. Foods are considered frozen at a temperature of 32°F or lower and hard to touch.
2. Freezing shellstock cannot be allowed because freezing kills it and defeats the purpose of obtaining it live. Once dead, shellstock begins to decay and becomes unfit for consumption.

(b) **(Subsection (6) (c))**: Thawing:

1. General: Freezing prevents microbial growth in foods, but usually does not destroy all microorganisms. Improper thawing provides an opportunity for surviving bacteria to grow to harmful numbers and/or produce toxins. If the food is then refrozen, significant numbers of bacteria and/or all preformed toxins are preserved.

2. **(Subsection (6) (c) 2. (iii))**: **Potentially Hazardous Ready-to-Eat Food**: In *Rule -.04 Subsection (6) (c) 2 (iii)* of the Chapter, the time to thaw potentially hazardous foods (time/temperature for safety foods) ready-to-eat food under cold running water cannot exceed that would allow the temperature of the food to exceed 41°F (5°C).
 3. **(Subsection (6) (c) 2. (iv))**: **Raw Animal Foods Requiring Cooking**: In *Rule .04 Subsection (6)(c) 2 (iv)* of the Chapter, the total time period of the thawing process under cold running water where raw animal food requiring cooking to be above 41°F (5°C) for more than four (4) hours must include:
 - (a.) The time the food is exposed to the running water and the time it takes to prepare the food for cooking; or
 - (b.) The time it takes to lower the food temperature to 41°F (5°C) while it is under refrigeration.
 4. **(Subsection (6) (c) 4.)**: **Immediate Service**: In *Rule -.04 Subsection (6)(c) 4* of the Chapter, the food service operator may use any thawing method allowed within *Subsection (6)(c)* as long as the food is considered ready-to-eat and is prepared for immediate service to an individual consumer's order.
- (c) **(Subsection (6) (d))**: **Cooling**:
1. Safe cooling requires removing heat from food quickly enough to prevent microbial growth. Excessive time for cooling of potentially hazardous foods (time/temperature control for safety foods) has been consistently identified as one of the leading contributing factors to foodborne illness. During slow cooling, potentially hazardous foods (time/temperature control for safety foods) are subject to the growth of a variety of pathogenic microorganisms. A longer time near ideal bacterial incubation temperatures, 21°C - 52°C (70°F – 125°F), is to be avoided. If the food is not cooled in accordance with this Code requirement, pathogens may grow to sufficient numbers to cause foodborne illness.
 2. If the cooking step prior to cooling is adequate and no recontamination occurs, all but the spore-forming organisms such as *Clostridium perfringens* or *Bacillus cereus* should be killed or inactivated. However, under substandard sanitary conditions, other pathogens such as *Salmonella* or *Listeria monocytogenes* may be reintroduced. Thus, cooling requirements are based

on growth characteristics of organisms that may survive or be a post-cook contaminate and grow rapidly under temperature abuse conditions.

3. **(Subsection (6) (d) 1.):** *Rule -.04 Subsection (6)(d) of the Chapter provides for cooling from 135°F to 70°F within 2 hours first, then cooling from 70°F to 41°F within the remaining 4 hours for a total cooling process of 6 hours. The 6-hour cooling parameter, with an initial 2-hour rapid cool, allows for greater flexibility in meeting the requirements of the Rule. The initial 2-hour cool is a critical element of this cooling process. An example of proper cooling might involve cooling from 135°F to 70°F in 1 hour, in which case 5 hours remain for cooling from 70°F to 41°F. Conversely, if cooling from 135°F to 41°F is achieved in 6 hours, but the initial cooling to 70°F took 3 hours, the food safety hazards may not be adequately controlled. As a result, **if the time to cool foods from 135°F to 70°F exceeds the first 2 hours of the cooling process, then the food is not safe to serve and it must be discarded.** However and except for Reduced Oxygen Packaging (Cook-chill or Sous vide), should the temperature of the food be closely monitored to where the food service operator intercedes before 70°F is exceeded in the initial first 2 hours of cooling, then the food may be reheated to 165 °F for at least 15 seconds and the process of cooling from 135°F to 70°F within 2 hours can be*

safely start over again. The food service operator should be prepared to provide the Health Authority with records for cooling when foods are reheated within the first 2 hours from 135°F to 70°F.

4. **(Subsection (6) (d) 4.):** *Shell Eggs: Hard-boiled eggs with shell intact may be cooled in ambient air and are not considered to be a potentially hazardous food (time/temperature control for safety food) after cooling. Hard-boiled eggs may be cooled in drinking water but are considered a potentially hazardous food (time/temperature control for safety food) after cooling because pathogens, which may be present in the water, may pass through the eggshell. The act of cooling creates a vacuum within the eggshell that draws coolant water and pathogens through the shell.*

(d) **(Subsection (6) (e):** Cooling Methods:

- 1 Large food items, such as roasts, turkeys, and large containers of rice or refried beans, take longer to cool because of the mass and volume from which heat must be removed. By reducing the volume of the food in an individual container, the rate of cooling is dramatically increased and opportunity for pathogen growth is minimized. If the hot food container is tightly covered, the rate of heat transfer is reduced, i.e., the time required for cooling and the time the food is exposed to optimal temperatures for bacterial multiplication or toxin production are increased. Alternatives to conventional methods include avoiding the need to cool larger masses by preparing smaller batches

closer to periods of service or chilling while stirring hot food in containers within an ice water bath. Commercial refrigeration equipment is designed to hold cold food temperatures, not cool large masses of food. Rapid chilling equipment is designed to cool the food to acceptable temperatures quickly by using very low temperatures and high rates of air circulation.

2. The cooling methods listed within *Rule -04 Subsection (6) (e) I* are methods to aid in the acceleration of cooling. *Subsection (6) (e) I(vii)* of the Rule allows for innovation in cooling methods at the approval of the Health Authority.

(e) **(Subsection (6) (f): Potentially Hazardous Food (Time/Temperature Control for Safety Food), Hot and Cold Holding:**

1. Bacterial growth and/or toxin production can occur if potentially hazardous food (time/temperature control for safety food) remains in the temperature "Danger Zone" of 5°C to 57°C (41°F to 135°F) too long. Up to a point, the rate of growth increases with an increase in temperature within this zone.

Beyond the upper limit of the optimal temperature range for a particular organism, the rate of growth decreases. **Operations requiring heating or cooling of food must be performed as rapidly as possible to avoid the possibility of bacterial growth.**

2. The only times that potentially hazardous food (time/temperature control for safety foods) are allowed to be held at temperatures above 41°F (5°C) or below 135°F (57°C) – the temperature danger zone – is during times of preparation, cooking, cooling, or when time is used as the public health control of foodborne pathogens. This is provided for within the Chapter because of the recognition that necessary time must be allowed for foods to be processed. Even during these points of processing foods, time must be managed to conduct these processes with the least amount of time possible or not to exceed time as established by the Chapter.

(f) **(Subsection (6) (g): Date Marking:**

1. **General:**

- (a.) Date marking applies to **ready-to-eat, potentially hazardous foods (time/temperature control for safety foods)** that are prepared and held within a food service establishment under refrigeration at 41°F (5°C) or lower for 24 hours or longer.

- (b.) Date marking applies to *ready-to-eat, potentially hazardous foods (time/temperature control for safety foods)* that are prepared and packaged by a food processing plant held within a food service establishment under refrigeration at 41°F (5°C) or lower for 24 hours or longer.
- (c.) Refrigeration prevents food from becoming a hazard by significantly slowing the growth of most microbes. The growth of some bacteria, such as *Listeria monocytogenes*, is significantly slowed but not stopped by refrigeration. Over a period of time, this and similar organisms may increase their risk to public health in ready-to-eat foods.
- (d.) The date by which the food must be consumed takes into consideration the differences in growth of *Listeria monocytogenes* at 5°C (41°F) and 7°C (45°F). Based on a predictive growth curve-modeling program for *Listeria monocytogenes*, ready-to-eat, potentially hazardous food (time/temperature control for safety food) may be kept at 5°C (41°F) a

total of 7 days or at 7°C (45°F) a total of 4 days. Therefore, the period of time allowed before consumption is shortened for food in refrigerators incapable of maintaining food at 5°C (41°F) but capable of maintaining it at 7°C (45°F) or below. Food which is prepared and held, or prepared, frozen, and thawed must be controlled by date marking to ensure its safety based on the total amount of time it was held at refrigeration temperature, and the opportunity for *Listeria monocytogenes* to multiply, before freezing and after thawing. Potentially hazardous (time/temperature control for safety) refrigerated foods must be consumed, sold or discarded by the expiration date.

- (e.) Date marking is the mechanism by which the Chapter requires active managerial control of the temperature and time combinations for cold holding. The food service establishment operator must implement a system of identifying the date or day by which the food must be consumed, sold, or discarded. Date marking requirements apply to containers of ready-to-eat, processed food that have been opened and to ready-to-eat food prepared by a food establishment, in both cases if held for more than 24 hours at 41°F or lower, and while the food are under the control of the food establishment. This provision applies to both bulk and display containers. It is not a requirement of the Chapter to require date marking on the labels of consumer size packages.
- (f.) A date marking system may be used which places information on the food, such as on an overwrap or on the food container, which identifies the first day of preparation, or alternatively, may identify the last day

that the food may be sold or consumed on the premises. A date marking system may use calendar dates, days of the week, color-coded marks, or other effective means, provided the system is disclosed or communicated to the Health Authority upon request, during inspections.

2. **(Subsection (6) (g) 1.): Foods Prepared within the Establishment:**

(a.) Must be clearly marked to indicate the date or day by which the food must be:

1. Consumed on the premises
2. Sold; or
3. Discarded to waste

(b.) Must indicate a maximum of 7 calendar days, including the day of preparation, from which the food must be consumed on the premises, sold, or discard to waste.

3. **(Subsection (6) (g) 2.): Foods Prepared within a Food Processing Plant:**

(a.) Must be marked with the date when the original container was first opened within the food service establishment;

(b.) Must be clearly marked to indicate the date or day by which the food must be consumed on the premises, sold, or discarded to waste, which is including the day the original container was opened, **a maximum of seven (7) calendar days after the original container was opened.**

(c.) If the **use-by, sell-by, or expiration date marked on the container is sooner** than the seven (7) calendar days after the original container was opened, **then the use-by, sell-by, or expiration date will be the maximum calendar days by which food must be consumed, sold, or discarded to waste.**

4. **(Subsection (6) (g) 3.): Mixing Ingredients:**

(a.) Combined foods will retain the date mark of the earliest-prepared or first-prepared food or (i.e., oldest foods).

5. **(Subsection (6) (g) 6.): Foods Exempted from Date Marking:**

- (a.) Based on the results of the risk assessment and the recommendations from the 2004 Conference for Food Protection meeting, it was necessary to re-evaluate date marking in an effort to focus the provision on very high and high risk foods, while at the same time, exempting foods that present a very low, or low risk of contamination and growth of *Listeria monocytogenes*. Based on this evaluation, date marking provisions of the Chapter do not apply to the following foods:

1. (Subsection (6) (g) 6. (i)): Deli Salads Prepared and Packaged in a Food Processing Plant:

- (I) Examples of deli salads include ham salad, chicken salad, egg salad, seafood salad, pasta salad, potato salad, and macaroni salad, manufactured according to 21 CFR 110. According to data from the risk assessment, deli salads prepared and packaged by a food processing plant contain sufficient acidity, along with the

addition of preservatives (e.g., sorbate, benzoates), to prevent the growth of *Listeria monocytogenes*. There are estimates that 85% of all deli salads are prepared and packaged in a food processing plant and do not support growth. Based on discussions with deli salad manufacturers and trade associations, it is a nearly universal practice for food processing plants preparing and packaging deli salads to add one or more preservatives that inhibit the growth of *Listeria monocytogenes*. Based on their wide use within this segment of the industry and their effectiveness at inhibiting the growth of *Listeria monocytogenes*, all deli salads prepared and packaged in a food processing plant are exempt from date marking. However, all deli salads prepared in a food establishment require date marking.

2. (Subsection (6) (g) 6. (ii) and (iii)): Hard and Semi-Soft Cheeses:

- (I) Rule -.04 Subsection (6) (g) 6 exempts certain types of hard and semi-soft cheeses from date marking based on the presence of several factors that may control the growth of *Listeria monocytogenes*. These factors may include organic acids, preservatives, competing microorganisms, pH, water activity, or salt concentration. The results of the risk assessment support this interpretation and therefore, hard and semi-soft cheeses each manufactured according to 21 CFR 133 are exempt from date marking - See Table .04B.

3. (Subsection (6) (g) 6. (iv)): Cultured Dairy Products:

- (I) Cultured dairy products include yogurt, sour cream, and buttermilk, each manufactured according to 21 CFR 131. Many of these products often are low pH foods manufactured with lactic acid fermentation. Data from the risk assessment show that *Listeria monocytogenes* does not grow in these foods and therefore, these products are exempt from date marking.

4. **(Subsection (6) (g) 6. (v))**: Preserved Fish Products:

- (I) Preserved fish products include pickled herring and dried, or salted cod, and other acidified fish products, manufactured according to 21 CFR 114. Data from the risk assessment show that the high salt and/or acidity of these products does not allow for the growth of *Listeria monocytogenes* and therefore, these products are exempt from date marking. This exemption does

not apply to hot or cold smoked fish products, nor does it apply to fish products that are dried, marinated, or otherwise preserved on-site, in a food establishment, such as ceviche.

5. **(Subsection (6) (g) 6. (vi) and (vii))**: USDA-regulated products:

- (I) Date marking provisions of the Food Code do not apply to shelf stable ready-to-eat meat and poultry products. Shelf stable ready-to-eat meat and poultry products are not required by USDA to be labeled “Keep Refrigerated.” For these products, the nitrite and salt in the cure and the lower pH resulting from fermentation give additional protection against microbial growth. Some fermented sausages and salt-cured products are shelf stable, do not require refrigeration, and do not bear the label “Keep Refrigerated.” To be shelf stable, a product manufactured under USDA inspection must have a process that results in a product that meets one of the recognized objective criteria for shelf stability, such as water activity, moisture-protein ratio (MPR), or combination of MPR and pH (acidity). Therefore, they are exempt from the Chapter’s date marking requirements.
- (II) Shelf stable fermented sausages such as pepperoni and dry salami do not have to be refrigerated or date marked. Shelf stable salt-cured products such as prosciutto, country cured ham, or Parma ham do not require refrigeration or Food Code date marking. Other salt-cured products include basturma, breasaola, coppa, and capocola.

- (III) Some ready-to-eat fermented sausages and salt-cured products must be refrigerated and therefore bear the USDA-required label “Keep Refrigerated.” Examples of these products are cooked bologna, cooked salami, and sliced country ham which is ready-to-eat fermented products that need refrigeration. Bologna is a cooked, perishable sausage and there are other salamis, e.g., cotto that are perishable.

- (III) Regarding the exemption from date marking for shelf-stable sausages in a casing, the exemption does not apply if the casing is removed. The intact casing on shelf-stable sausages may be overwrapped to protect the cut face of the sausage. With shelf stable (not potentially hazardous (time/temperature control safety)) sausages, the intact casing provides a barrier to contamination (although not an absolute one), the exposed face is

likely to be sliced again within 4 or 7 days, and contamination is minimized because only the face is exposed. The coagulated protein that occurs on the surface of some non-shelf stable cooked sausages is not a casing.

6. Disposition:

- (I) Date mark foods must be discarded should the 7 days be exceeded unless the food is frozen. If the food is frozen, time stops until the food is thawed. For example, if a food was dated on Monday and frozen on Wednesday, then the food item would have 4 days after the food item was thawed before it would have to be consumed, sold, or discarded. Time during freezing does not count in the 7 day maximum time limit. The package or container should be marked with the date it was thawed.

- (II) Food items in a container or package that does not have date marking must be discarded to waste.

- (III) Food that has been appropriately marked with a date or day that exceeds 7 days must be discarded.

- (IV) Food that has a use-by, sell-by, and or an expiration date exceeded must be discarded to waste whether the product is frozen or not.

Table .04B

List of Some Hard and Semi-Soft Cheeses Exempt from Datemarking		
Asadero	Queso Chihuahua	Asiago soft
Abertam	Queso de Prensa	Battelmatt
Appenzeller	Romanello	Bellelay (blue veined)
Asiago medium or old	Romano	Blue
Bra	Reggiano	Brick
Cheddar	Sapsago	Camosum
Christalinna	Sassenage (blue veined)	Chantelle
Colby	Stilton (blue veined)	Edam
Cotija Anejo	Swiss	Fontina
Cotija	Tignard (blue veined)	Gorgonzola (blue veined)
Coon	Vize	Gouda
Derby	Wensleydale (blue veined)	Havarti
Emmentaler		Konigskase
English Dairy		Limburger
Gex (blue veined)		Milano
Gloucester		Manchego
Gjetost		Monterey
Gruyere		Muenster
Herve		Oka
Lapland		Port du Salut
Lorraine		Provolone
Oaxaca		Queso de Bola
Parmesan		Queso de la Tierra
Pecorino		Robbiole
Queso Anejo		Roquefort (blue veined)
		Samsøe
		Tilsiter
		Trappist

(g) **(Subsection (6) (i)):** Time as a Public Health Control:

1. **(Subsection (6) (i) 1.):** General:

- (a.) Time only instead of time/temperature control may be used to control outgrowth of foodborne illness pathogens in potentially hazardous food (time/temperature control for safety food) either before or after cooking as follows:

1. A working supply of uncooked or undercooked, potentially hazardous foods may be placed out at room temperature during times of day such as, during the lunch hour (generally 10:00 a.m. through to 2:00 p.m.). No more than the amount of food that can be cooked and served within the maximum time period allowed under time as a public health control may be placed out for cooking.
 2. Ready-to-eat, potentially hazardous food (time/temperature control for safety food) can be displayed or held for sale or service up to the maximum time period allowed under time as a public health control.
- (b.) Plan Required: If management of a food service establishment chooses to utilize time only as a public health control, management must have a written, properly prepared plan describing how food employees are to comply with the requirements for time found within *Rule -.04 Subsection (6) (i)* of the Chapter. The written plan must contain information and it must be in place as follows:
1. It must contain procedures for complying with requirements found within *Subsection (6)(i) 2(i) through (iii)*, if time will be used for hot and cold foods up to a maximum of 4 hours; or
 2. It must contain procedures for complying with requirements found within *Subsection (6) (i) 3(i) through (v)* when time is used for **only for cold foods** up to a maximum of 6 hours.
 3. For potentially hazardous foods (time/temperature control for safety foods) that has been prepared, cooked, and refrigerated (cooled) within the food service establishment, the plan must fully describe how cooling will be accomplished as required within *Rule -.04 Subsection (6)(d)*.
 4. The written plan must be present within the food service establishment **BEFORE** time is used as a public health control.
 5. The written plan does not have to be prior approved by the Health Authority; however, management is encouraged to communicate with their local Health Authority during development of the plan.
 6. The written plan must be available to the Health Authority upon request and it should be readily available for food employee reference, as well.

(c.) Time Limits: Based upon science, potentially hazardous foods (time/temperature control for safety foods) or PHF/TCS foods are allowed to be held at room temperature for a maximum number of hours as follows:

1. (Subsection (6) (g) 2.): Four-Hour Maximum Limit:

- (I) If foods have been cooked, cooled, and refrigerated, it must have an internal, initial temperature of 41°F (5°C) or less when it is first removed from cold holding temperature-controlling equipment.
- (II) If foods have been cooked and held hot, it must have an internal, initial temperature of 135°F (57°C) or higher when it is first removed from hot holding temperature-controlling equipment.
- (III) Upon removal of food from temperature-controlling equipment, the container of food will be marked with the time that the food must be served, sold, or discarded to waste. This maximum time limit that food can be held at room temperature is from the point in time when it was first removed from temperature-controlling equipment up to four hours out to when the food must be used, sold, or be discarded to waste.
- (IV) If time, as a public health control, is used instead of temperature control for raw or undercooked foods placed out at room temperature for cooking supply prior to display and service, they must be **cooked and served to the consumer within the four-hour maximum time limit.**
- (v) If ready-to-eat potentially hazardous foods (time/temperature control for safety foods) are displayed for sale or service, they must be served to the consumer within the four-hour maximum time limit.
- (VI) Unmarked containers or packages of food held for display and or service would be considered as a violation of the Chapter and the food must be discarded to waste.

(VII) Containers or packages of food held for display and or service that are improperly marked with a time limit exceeding 4 hours would be considered as a violation of the Chapter and the food must be discarded to waste.

2. **(Subsection (6) (g) 3.): Six-Hour Maximum Limit:** Based upon science, potentially hazardous foods (time/temperature control for safety foods) are allowed to be held at room temperature for a maximum number of hours as follows:

(I) If the six-hour maximum time limit for PHF/TCS foods at room temperature for display, sale, and or service is utilized, they **must first be refrigerated to 41°F (5°C) or less when removed from temperature-controlling equipment. Foods cannot be held hot using the six-hour maximum limit.**

(II) During the six-hour maximum time limit, the food cannot exceed an internal temperature of 70°F (21°C).

(III) The internal temperature of the food has to be monitored to ensure that it does not exceed 70°F (21°C), unless the ambient air temperature surrounding the food can be regulated to ensure that the internal temperature of the displayed food will not exceed 70°F (21°C). It will be the burden of the food service establishment operator to provide enough documentation and or evidence to satisfactorily show that ambient air temperature can be regulated to control the internal food product temperature. This stated documentation and or evidence will be at the discretion of the local Health Authority.

(IV) **The containers of food must be marked as follows:**

(i) With the time when the food was first removed form cold holding temperature-controlling equipment with a product temperature of 41°F (5°C) or less; and

(ii) With the time that is 6 hours projected out from the time when the food was first removed from its cold holding temperature-controlling equipment.

(V) If time, as a public health control, is used instead of temperature control for raw or undercooked foods placed out at room temperature for cooking supply prior to display and

service, they must be **cooked and served to the consumer within the six-hour maximum time limit.** Due to the potential for higher ambient air temperature surrounding cooking equipment, it is not recommended that six-hour time limit be considered for a working supply for cooking.

(VI) If ready-to-eat PHF/TCS foods are displayed for sale or service, they must be served to the consumer within the six-hour maximum time limit.

(VII) Unmarked containers or packages of food held for display and or service would be considered as a violation of the Chapter and the food must be discarded to waste.

(VIII) Containers or packages of food held for display and or service that are improperly marked with a time limit exceeding 6 hours would be considered as a violation of the Chapter and the food must be discarded to waste.

(IX) Food must be discarded if the temperature of the food exceeds 70°F (21°C).

2. **(Subsection (6) (g) 4.): Prohibition of Use of Time as a Public Health Control:** Time as public health control cannot be used for raw eggs in a food service establishment that serves a highly susceptible population for the following reason:

(a.) Recipes in which more than one egg is combined carry an increased risk of illness and possible serious consequences for certain people. It is due to this increased risk, and documented occurrences of foodborne illness and death among highly susceptible populations from temperature-abused raw shell eggs contaminated with ***Salmonella Enteritidis***, that the use of time as a public health control in institutional settings is not allowed.

(b.) Time only, as a public health control, cannot be used by food service establishment management to avoid a violation in regards to temperature control as specified in *Rule -.04 Subsection (6)(f)* of the Chapter. Management must choose either time only or temperature control and not both during times of food display or while food is being held for sale or service.

- (c.) Time as a Public Health Control cannot be utilized for transportation of food, such as delivery of food and or delivery of food at off-site catering.

3. Exceptions to When Temperature Control and Time as a Public Health

Control applies: Based upon science, some types of foods such as melons and tomatoes are not considered as potentially hazardous foods (time/temperature control for safety foods) until they are sliced or cut. This is due to the introduction of pathogens found on the surface of the skin or rind into the meat of the melon or tomato during the cutting and or slicing process for preparation. If utilized instead of temperature control, time as a public health control will begin at the point in time when the food preparation operation (cutting, slicing, etc.) has been completed. Once preparation has been completed, the following must take place:

- (a.) The prepared melons and or tomatoes must be immediately placed into cold storage to be cooled to 41°F (5°C) or less for service at a later time; or
- (b.) Immediately go from preparation into cooking; or
- (c.) Time as a Public Health Control procedures are applied for display, service, or sale of the prepared melons and or tomatoes immediately, if they are to be consumed raw. In this case, time 4 or 6 hours would begin at the point in time when the preparation process has been completed.

(h) (Subsection (6) (j)): Variance Requirements:

1. Background:

- (a.) Specific food processes that require a variance have historically resulted in more foodborne illness than standard processes. They present a significant health risk if not conducted under strict operational procedures. These types of operations may require the person in charge and food employees to use specialized equipment and demonstrate specific competencies. The variance requirement is designed to ensure that the proposed method of operation is carried out safely. *See Part – II Section C of this Manual for more information on Specialty Foods.*
- (c.) The Food Service Technical Review Committee should consist of members of varying background of study and knowledge. These members should be representative of consulting food scientists, academia, health district environmental health directors, and county

EHS or other experts external to the Division, regarding access to scientific and technical resources in order to make science-based decisions. Further and since the Chapter is adopted from the 2005 FDA Model Food Code, the Committee should have as one of its members a FDA Regional Food Specialists.

- (d.) Unless otherwise deemed appropriate by the Division, members of the Food Service Technical Review Committee will serve on a voluntary basis without compensation.
2. **(Subsection (6) (j)):** Application for Variance and Compliance: Any food service establishment operator seeking to process potentially hazardous foods (time/temperature control for safety foods) other than that allowed within *Rule -.04* of the Chapter must submit an application for a variance request with the Division of Public Health as stated in *Rule -.10 Subsection (5) (a) and (b)* of the Chapter. Likewise, an application for a variance request will be required at any time the food service establishment operator wishes to vary from any other Rule of the Chapter. **A copy of the application (Form K-17) can be found in Part II, Section K of this Manual. See Section J of this Manual for Administrative Procedures for a Variance submittal.**
3. **Exception to Required Variances:** The following will not require variances:
- (a.) If temperature control or time as a public health control is utilized instead of food additives to preserve potentially hazardous food (time/temperature control for safety food) or to render it non-potentially hazardous foods, then a variance will not be necessary. Example would be sushi rice (acidified rice) held at $\leq 41^{\circ}\text{F}$ or less or use within 4 hours from a point in time the preparation of the rice (cooking and addition of other ingredients) has been completed.
- (b.) **(Subsection (6) (j) 4.):** Processing potentially hazardous food (time/temperature control for safety food) using (ROP) or Reduced Oxygen Packaging:
1. **(Subsection (6) (j) 4. and (6) (k) 2. (ii)):** When a second barrier is incorporated into the (ROP) process as stated within *Rule -.04 Subsection (6)(k) 2 (ii)* of the Chapter;
 2. **(Subsection (6) (k) 5.):** When (ROP) is used to package hard or semisoft cheeses manufactured using Standards of Identity for those cheeses and as required in *Rule -.04 Subsection (6)(k) 5.* Examples of cheeses that may be packaged under ROP include

Asiago medium, Asiago old, Cheddar, Colby, Emmentaler, Gruyere, Parmesan, Reggiano, Romano, Sapsago, Swiss, pasteurized process cheese, Asiago fresh and soft, Blue, Brick, Edam, Gorgonzola, Gouda, Limburger, Monterey, Monterey Jack, Muenster, Provolone, and Roquefort. Soft cheeses such as Brie, Camembert, Cottage, and Ricotta may not be packaged under reduced oxygen because of their ability to support the growth of *L. monocytogenes* under modified atmosphere conditions;

3. **(Subsection (6) (k) 3.):** When (ROP) is used to package fish that has been frozen before, during and after packaging;
4. **(Subsection (6) (k) 4. (ii):**When Cook-chill or Sous Vide (ROP) is used to process and package foods as stated within *Rule -.04 Subsection (6)(k) 4 (ii)*;
5. **(Subsection (6) (j) 1.):** When smoking food for flavor rather than for preservation; and
6. **(Subsection (6) (j) 3. (i):** When applying additives for flavor rather than for preservation.

(c.) **(Subsection (6) (k):** Reduced Oxygen Packaging (ROP), Criteria:

1. **Introduction:** Reduced oxygen packaging (ROP) occurs when food is packaged in bags/containers (with a covering film) that do not readily transmit oxygen (O_2 transmission rate of $10-100 \text{ cm}^2/\text{m}^3/24$ hrs.) and the air in the package has been removed, displaced, replaced or controlled. Under appropriate conditions, extended shelf life is the beneficial result. Holding temperature requirements depend on the food being packaged and the type of ROP process. Several different packaging processes qualify as ROP including:
 - (I.) Vacuum packaging (VP) – air is removed and the oxygen impermeable package is hermetically sealed to maintain the vacuum.
 - (II.) Modified atmosphere packaging (MAP) – air is replaced or displaced with other gases, often CO_2 or N_2 , and this new mixture is allowed to equilibrate.

- (III.) Controlled atmosphere packaging (CAP) – air is modified with other gases and maintained at that composition with the use of O₂ scavengers or absorbents.
 - (IV.) Cook chill packaging (CC) – food is cooked and hot filled into oxygen impermeable bags and sealed.
 - (V.) Sous vide packaging (SV) – raw or partially cooked food is placed in oxygen impermeable bags, hermetically sealed and cooked in the bag.
2. Microbiology of ROP: Reduced oxygen, by itself, does not destroy spoilage organisms or foodborne pathogens in food. In fact, most foodborne pathogens are facultative anaerobes and can survive and/or produce toxin with or without oxygen. Exceptions are *Clostridium botulinum*, which requires a reduced oxygen environment, and *Bacillus cereus*, which requires an aerobic environment. Spoilage organisms are inhibited by reduced oxygen but will begin to grow once oxygen is available. In some foods, a secondary barrier (such as pH, a_w, preservatives, nitrite, or intrinsic factors in the food) is used along with refrigeration at 41°F to inhibit pathogenic growth. In other foods that don't contain a secondary barrier (most soups, sauces, gravies, meats, etc. and typically packaged using CC or SV packaging), a lower temperature along with a limited shelf life is used to control pathogens. Both non-proteolytic *C. botulinum* and *L. monocytogenes* are able to multiply and/or form toxin at temperatures below 41°F. Therefore, these microorganisms become the hazard of concern with ROP and any HACCP plan must show how they are controlled. If *C. botulinum* and *L. monocytogenes* can be controlled, other pathogens can be controlled as well.
4. Safety Concerns about ROP Foods: Several safety concerns specific to ROP have been identified and must be addressed. Facultative bacteria (most pathogens) grow under aerobic and anaerobic (ROP) conditions. Spoilage organisms (aerobic) are inhibited with ROP and can no longer be used to indicate temperature abuse or out compete slower growing pathogens. Failure to limit shelf life would allow “slow growers” to reach high numbers. Secondary barriers such as pH or a_w are not always possible with cook chill and sous vide packaged foods. The potential for temperature abuse or inadequate cold holding must be considered. Cooking and

fermenting destroy most vegetative cells but spore formers survive and post-cooking contamination must be prevented.

4. **(Subsection (6) (k) 2. (iii) (II) & (6) (k) 4. (V))**: **Time/Temperature Control for ROP Foods**: Time/temperature control is one of the most effective methods of controlling pathogens in ROP foods. Cooking foods according to Chapter requirements **(see Rule -.04 Subsection (5))** will destroy vegetative cells but bacterial spores remain viable. Cooling according to Chapter parameters **(see Rule -.04 Subsection (6) (d))** is intended to prevent spores from germinating. Refrigeration at $\leq 41^{\circ}\text{F}$ will inhibit or slow down the growth of foodborne pathogens. Holding times and temperatures will vary depending on the food and if secondary barriers are present. Fish must always be frozen before, during and after ROP. Foods with a secondary barrier may be refrigerated at 41°F or less for 14 or 30 days, depending on the food. Foods with no secondary barrier (CC and SV) must be stored at $\leq 34^{\circ}\text{F}$ for no more than 30 days after packaging. Since there are no other secondary barriers, temperature control is vital for CC and SV. To ensure temperature control, *Rule -.04 Subsection (6) (k) 4(ii) (VI)* requirements call for continuously and electronically monitored holding temperatures. This can be accomplished by using thermocouple data loggers, recording charts, temperature monitoring and alarm systems or other similar technology. In addition, this system must be visually checked in person twice daily.
5. **(Subsection (6) (k) 2. (ii) (I) through (IV))**: **Secondary Barriers and Other Controls for ROP**: Secondary barriers specifically defined in the Chapter to be used with refrigeration at $\leq 41^{\circ}\text{F}$ include pH of 4.6 or less, a_w of 0.91 or less, meat or poultry cured with nitrite, high levels of competing organisms and certain intrinsic factors in hard or semi-soft cheeses. Other safety controls provided by the Chapter for food packaged under reduced oxygen in food establishments include implementation of a HACCP plan, use of SSOPs (System Standard Operating Procedures), training for employees, labeling requirements (an expiration date for the 14 or 30 day shelf life, a “keep refrigerated at 41°F or less” statement for product sold to consumers, no sale of cook chill or sous vide packaged products to other businesses or the consumer and a limitation to the extended shelf life based on the secondary barriers and/or temperature controls used with that food. Gases used to back flush packages in ROP do not control the growth of foodborne pathogens but contribute to the culinary quality of the food. Packaging material is designed for

oxygen transmission rate, strength, moisture transmission and other factors.

6. **(Subsection (6) (k))**: **Variance or No Variance**: When a food service establishment operator complies with the parameters for ROP in one of the paragraphs of *Rule -.04 Subsection (6) (k)* in the Chapter, no variance is required although a HACCP plan is necessary. If the operator prefers to use other secondary barriers not listed in this section or other time and temperature combinations for cold holding, then a variance application must be submitted for approval to the Health Authority showing evidence that this option is safe.

7. **ROP Inspection Guide**: A HACCP plan is always required and should be reviewed as part of the inspection process. The EHS should verify compliance with the facility’s HACCP plan and confirm all ROP food is identified with CCPs and measurable CLs, who monitors, when and how, evidence that a corrective action plan is in place and used, necessary records identified and held for 6 months [letters of guarantee, recipes, standards of identify, cooling and refrigeration temperatures], who is responsible for verification, acceptable secondary barriers, labels for each ROP food [“keep refrigerated at 41°F or below,” “use by” date of 14 or 30 days, product name and if going to a consumer, ingredients in descending order, company name and address and net weight], operational procedures, training programs, etc.). Also, the following will apply:
 - (I.) If parameters are met as specified in *Rule -.04 Subsection (6) (k)* of the Chapter, no variance is required; however, the food service operator must gain prior approval from the Health Authority.

 - (II.) If the operator prefers to use other parameters for ROP, a variance application must be submitted to the Regulatory Authority as specified in *Rule -.10 Subsection (5)*. Check for specific variance requirements.

 - (III.) Observe the preparation and packaging process using ROP techniques, if possible:
 - i Was it in compliance with the HACCP plan and the Chapter?



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- ii Was cross-contamination prevented during the preparation and packaging?
- iii Were appropriate cooking and cooling parameters used?
- iv Were appropriate refrigeration techniques used?
 - a. Correct temperatures (41° or 34°F)?
 - b. Continuous electronic monitoring? Was the electronic monitoring system checked visually twice daily? By whom and when?
 - c. Are the barrier bags not piled on top of each other to allow good air circulation
- (V) Ask employees who are doing the ROP processing and packaging what kind of training they received (when, content of training, who provided training)
- (VI) In the area where the ROP packages are stored and/or displayed:
 - i Is the product being stored or displayed at the temperature required by the HACCP plan?
 - ii Do all of the ROP packages have a clear expiration date and other required label information?
 - iii Are any of the ROP packages being held beyond the expiration date for that type of food (they must be discarded). Ask about the normal process for checking expiration dates.
 - iv Check that CC or SV packaged food products are not distributed to another business or sold directly to the consumer.
 - v Pick out 3 or 4 different ROP foods packaged on different dates if possible and request the HACCP records that correspond to those packages.

vi Review the records provided to find the dates that correspond to the packages chosen:

- (VII) Are records available for the date that each food was packaged?
- (VIII) Are all records specified in the HACCP plan and by the Chapter available?
- (IX) Check to see if records indicate a corrective action was needed. If so, was the corrective action made?

(5) **(Subsection (7)(a) through (e))**: Food Identity, Presentation, and On-Premises Labeling:

- (a) **(Subsection (7) (b))**: Food Offered for Consumption within the Food Service Establishment: The identity of a food in terms of origin and composition is important for instances when a food may be implicated in a foodborne illness and for nutritional information requirements. Consumers who have allergies to certain food or ingredients need ingredient information. The appearance of a food should not be altered or disguised because it is a cue to the consumer of the food's identity and condition.
- (b) **(Subsection (7) (c) 1.)**: Raw Meats Packaged for Sale within Food Service Establishments: Recent illnesses and deaths from Shiga toxin-producing *Escherichia coli* have occurred across the United States as a result of people eating hamburgers that were contaminated and then undercooked. USDA issued final Rules on August 8, 1994 requiring all raw meat or poultry products have a safe-handling label or sticker or be accompanied by a leaflet that contains information on proper handling and cooking procedures.
- (c) **(Subsection (7) (c) 2. (vi))**: Nutrition Labeling: Certain requirements in the CFR relating to aspects of nutrition labeling became effective in May 1997. The following attempts to provide guidance regarding those requirements and exemptions as they relate to food service establishments and to alert the Health Authority to the authority that has been given to them by the Nutrition Labeling and Education Act (NLEA) of 1990. The statute and the CFR should be reviewed to ensure a comprehensive understanding of the labeling requirements.
 - 1. The following foods need not comply with nutrition labeling in the CFR referenced in *Rule -.04 Subsection (7)(c) 2 (vi)* of the Chapter if they do not bear a nutrient claim, health claim, or other nutrition information:
 - (a.) Foods packaged in a food establishment if:

1. The food service establishment has total annual sales to consumers of no more than \$500,000 (or no more than \$50,000 in food sales alone), and
 2. The label of the food does not bear a reference to the manufacturer or processor other than the food service establishment;
2. Low-volume food products if:
- (a.) The annual sales are less than 100,000 units for which a notification claiming exemption has been filed with FDA's Office of Nutritional Products Labeling and Dietary Supplements Food Labeling by a small business with less than 100 full-time equivalent employees, or
 - (b.) The annual sales are less than 10,000 units by a small business with less than 10 full-time equivalent employees;
3. Foods served in food service establishments with facilities for immediate consumption such as restaurants, cafeterias, and mobile food service establishments other than mobile vehicle vendors (grab & go), and foods sold only in those establishments;
4. Foods similar to those specified in the preceding paragraph (5) (c) 3 but that are sold by food service establishments without facilities for immediate consumption such as bakeries and grocery stores if the food is:
- (a.) Ready-to-eat but not necessarily for immediate consumption,
 - (b.) Prepared primarily in the food service establishment from which it is sold, and
 - (c.) Not offered for sale outside the food service establishment;
5. Game animal meats shall provide nutrition information, which may be provided by labeling displayed at the point of purchase such as on a counter card, sign, tag affixed to the food, or some other appropriate device.
6. Food packaged in a food service establishment, shall meet the requirements specified in *Rule -.04 Subsection (7) (c)* and enforcement by the Health Authority is authorized in the NLEA, Section 4. State Enforcement.
- (d) **(Subsection (7)(c) 2 (v))**: Food Allergen Labeling Required: On August 2, 2004, President Bush signed into law the Food Allergen Labeling and Consumer

Protection Act of 2004 (Public Law 108-282). This new law amended Sections 201 and 403 of the Federal Food, Drug, and Cosmetic Act to establish food allergen labeling requirements for all packaged foods regulated by FDA. The new provisions require that all affected packages of food labeled on or after January 1, 2006 must identify on the label the names of the food sources of any major food allergens (i.e., the following eight foods and any protein derived from them: milk, egg, fish, crustacean shellfish, tree nuts, wheat, peanuts, and soybeans) used as ingredients in the food. The names of the food sources are the same as the names of the eight foods that are major food allergens, with the exception that for fish, crustacean shellfish, and tree nuts, their respective food source names are the specific species of fish (e.g., bass, flounder, or cod), the specific species of crustacean shellfish (e.g., crab, lobster, or shrimp), and the specific types of tree nuts (e.g., almonds, pecans, or walnuts).

(e) **(Subsection (7)(c) 1 and 2): Food Securely Packaged and General Labeling:**

Whether or not food packaged as defined within *Rule 4-.01 (vvv)* of the Chapter depends on how the food item is purchased as follows:

1. If the consumer receives the food directly from the employee of the food service establishment, the food does not have to be securely packaged or labeled. This is allowed because the consumer can question the food service establishment employee concerning the products preparation and/or ingredients. An example of this would be food received over the counter at a fast food establishment.
2. If the consumer receives the food from a self-service counter such as, a grab & go counter or from a mobile food-vending vehicle (the consumer selects food products similar to a grab & go self-service), then the food must be packaged and labeled.
3. If a food service establishment sells product to another entity not owned by the food service establishment, the food must be packaged and properly labeled. In this case, the EHS should consult with local representatives of Georgia Department of Agriculture (the regulator authority), since the Chapter considers such activity as wholesaling of product and is not regulated under the Chapter.

(f) **See Section N in this Manual for referenced applicable Federal Codes of Registry.**

(6) **(Subsection (7) (e)): Consumption of Animal Foods that are Raw, Undercooked, or not Otherwise Processed to Eliminate Pathogens (Advisory):**

(a) Purpose and Location:

1. The purpose of *Subsection (7) (e)* is to make the consumer aware of the inherent risks to their health prior to ordering these types of potentially hazardous foods (time/temperature control for safety foods). In this way, the consumer will have the opportunity to make a well-informed decision concerning their health. Further, as per the FDA guidance document entitled, "Implementation Guidance for the Consumer Advisory Provision of the FDA Food Code", the information contained in both the disclosure and reminder is to be publicly available and readable so that consumers have benefit of the total message (disclosure and reminder) **before making their order selections**. Annex 3 page 415 of the 2005 FDA Model Food Code states, "Disclosure of raw or undercooked animal-derived foods or ingredients and reminders about the risk of consuming such foods **belong at the point where the food is selected by the consumer**. Both the disclosure and the reminder need to accompany the information from which the consumer makes a selection. That information could appear in many forms such as a menu or menu board, a placarded listing of available choices, or a table tent." Therefore, the key to where the advisory must reside within the food service establishment also resides in the question, "What is the location where food is to be ordered by the consumer?"
2. The consumer advisory's requirements are to be applied to all food establishments where raw or undercooked animal foods or ingredients are sold or served for human consumption in a raw or undercooked form. This includes all types of food establishments whenever there is a reasonable likelihood that the food will be consumed without subsequent, thorough cooking - such as restaurants, raw bars, quick-service operations, and carryouts.
3. **(Subsection (4) (w)) - Ready-to-Cook Consumer Self-Service:** In regards to self-service of ready-to-cook individual portions for immediate cooking and consumption by the consumer, a placard located at the grill (place of ordering by consumer) would be appropriate where a menu board was absent. If no menu board is at the grill, then the placard would take its place. In addition, at consumer self-service food bars with ready-to-eat raw or undercooked foods of animal origin, a similar consumer advisory would be necessary as well. On these placards, the permit holder would need to provide the disclosure and reminder statements as noted within *Rule -.04 Subsection (7) (e)*.

(b) **(Subsection (7) (e)2.): The Disclosure Statement:**

1. Descriptive Disclosure: It can describe the animal-derived food directly where the item is named on a menu. For example, if oysters were offered on the

menu, then the disclosure could be stated, “oysters on the half shell (raw oysters), “raw-egg Caesar salad,” and “Hamburgers (can be cooked to order); or

2. Asterisk Identified Disclosure: As an alternative to 1 above, an asterisk can be placed by the animal-derived food item pointing to a footnote. The footnote must state that the items are served raw or undercooked, or contains (or may contain) raw or undercooked ingredients. For example, an asterisk could be placed by hamburgers on a menu and then, another asterisk would be placed by a statement, “Hamburgers are served to order” which was located at the bottom of the page where the food item is asterisked; or
 3. Food items may be grouped by category. An example would be a category of which all types of “Hamburgers” would be placed under the category, “Hamburgers”. In this example the asterisk “*” is placed adjacent to the category of food items.
- (c) **Subsection (7) (e) 3.) – Reminder Adaptability to Requirements**: Consumer advisories may be tailored to be product-specific if a food establishment either has a limited menu or offers only certain animal-derived foods in a raw or undercooked ready-to-eat form. For example, a raw bar serving molluscan shellfish on the half shell, but no other raw or undercooked animal food, could elect to confine its consumer advisory to only shellfish. However, this raw bar would still need to have a reminder statement that would highlight the increased risk incurred when persons with certain medical conditions ingest shellfish that has not been adequately heat-treated.
- (d) Advisory Configuration: The Consumer Advisory may be configured to be displayed on the menu, placard or menu board in varied ways as long as the required principle tenets of the *Subsection (7) (e)* are met. Suggested uses are as shown in the following examples:

Descriptive Disclosure



- * Hamburger all the way –
(Cooked to Order).....2.50
- Chicken Fingers.....3.00
- French Fries.....1.00

***CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELLFISH, OR EGGS MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS.**

Asterisk Identified Disclosure

- * Hamburgers all the way.....3.50
- Chicken Fingers.....3.00
- French Fries.....1.00

*** ADVISORY: HAMBURGERS AND STEAKS MAY BE COOKED TO ORDER. COMSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELLFISH, OR EGGS MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS, ESPECIALLY IF YOU HAVE CERTAIN MEDICAL CONDITIONS.**

Category Identified

<p style="text-align: center;">* Hamburgers</p> <p>Double ¼ lb Cheeseburger...3.00 ½ lb Steak Burger.....4.00 ½ lb Cheeseburgers.....4.25 The original.....2.50</p>	<p style="text-align: center;">Melts</p> <p>Turkey Club.....3.50 The Number One.....2.00 Out of this World.....4.25 The original.....2.50</p>
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*** ADVISORY: HAMBURGERS AND STEAKS MAY BE COOKED TO ORDER. HOWEVER, THE CONSUMPTION OF RAW OR UNDERCOOKED FOOD SUCH AS MEAT WHICH MAY CONTAIN HARMFUL BACTERIA MAY CAUSE SERIOUS ILLNESS ESPECIALLY IF YOU HAVE CERTAIN MEDICAL CONDITIONS.**

(Only Hamburgers offered undercooked)

(7) **(Subsection (8)(a) and (b))**: Contaminated Food:

(a) **(Subsection (8)(a))**: Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food:

1. Pathogens may be transmitted from person to person through contaminated food. The potential spread of illness is limited when food is discarded if it may have been contaminated by employees who are infected, or are suspected of being infected, or by any person who otherwise contaminates it.
2. The person in charge should be asked to voluntarily dispose of unsafe, adulterated, or contaminated food. Food to be discarded must be disposed of safely by denaturing it so as to render it to become inedible or in-consumable. For food received from commerce, as directed within an official recall notice from a regulatory agency (Food and Drug Administration, United States Department of Agriculture, and or Georgia Department of Agriculture) having jurisdiction over the food item. An example of denaturing of food to be discarded would be pouring bleach over contaminated chicken.

3. In the event that a person in charge refuses to voluntarily dispose of the unsafe, adulterated, contaminated food, a hold order must be issued in regards to the food item or items as required within *Rule -.10 Subsection (3) (b)*.
4. Food that is to be held for return to the distributor, such as that required within an official recall, must store food as required within *Rule -.04 Subsection (4) (c) 1 (vii)* of the Chapter.
5. If needed, the local Health Authority may consult with the State Environmental Health Office for additional guidance.

(b) **(Subsection (8) (b))**: Expired Food:

1. All packaged, commercially processed foods (frozen and or refrigerated) that are located within a food service establishment and has exceeded their manufacturer's expiration date or their sell-by date must be immediately removed from use by the food service establishment or remove from sale to the consumer.
2. Freezing expired foods, such as in date marking, does not exempt foods from being discarded, once the expiration date or sell-by date has been exceeded.
3. Expired food may be held for return to the distributor, such as that required within an official recall, must store food as required within *Rule -.04 Subsection (4) (c) 1 (vii)* of the Chapter.
4. Expired food that is not to be returned to its distributor must be disposed of safely by denaturing it so as to become inedible or in-consumable. If not disposed of voluntarily, a hold order must be issued in regards to the food item or items as required within *Rule -.10 Subsection (3) (b)* **(See Forms K-13, K-14 and K-15 in Part-II Section K of this Manual)**.
5. If needed, the local Health Authority may consult with the State Environmental Health Office for additional guidance.

(8) **(Subsection (9))**: Special Requirements for Highly Susceptible Populations - Pasteurized, Prohibited Re-Service, and Prohibited Food:

- (a) The Chapter provisions that relate to highly susceptible populations are combined within the following paragraphs for ease of reference and to add emphasis to special food safety precautions that are necessary to protect those who are particularly vulnerable to foodborne illness and for whom the implications of such illness can be dire.

- (b) **(Subsection (9) 1.)**: As a safeguard for highly susceptible populations from the risk of contracting foodborne illness from juice, prepackaged juice is required to be obtained pasteurized or in a commercially sterile, shelf-stable form in a hermetically sealed container. It is important to note that the definition of a “juice” means it is served as such or used as an ingredient in beverages. Puréed fruits and vegetables, which are commonly prepared as food for service to highly susceptible populations, are not juices and do not require HACCP plans or compliance with 21 CFR Part 120. There are documented cases of foodborne illness throughout the United States that were associated with the consumption of various juice products contaminated with microorganisms such as *Cryptosporidium*, Shiga toxin-producing *Escherichia coli*, *Salmonella* spp., and *Vibrio cholera*. As new information becomes available, this Manual will be modified or interim interpretive guidance will be issued regarding foodborne illness interventions for on-site juicing and puréeing.
- (c) The 21 CFR 120 regulation applies to products sold as juice or used as an ingredient in beverages. This includes fruit and vegetable purees that are used in juices and beverages, but is not intended to include freshly prepared fruit or vegetable purees that are prepared on-site in a facility for service to a highly susceptible population.
- (d) In lieu of meeting the requirements of 21 CFR 120, juices that are produced as commercially sterile products (canned juices) are acceptable for service to a highly susceptible population. Persons providing pureed meals to highly susceptible populations may also wish to use fruit and vegetables that are produced as commercially sterile products (canned fruit or vegetables) as a means of enhancing food safety.
- (e) **(Subsection (9) 2. through 5.)**: *Salmonella* often survives traditional preparation techniques. It survives in a lightly cooked omelet, French toast, stuffed pasta, and meringue pies. In 1986 there was a large multistate outbreak of *Salmonella* **Enteritidis** traced to stuffed pasta made with raw eggs and labeled fully cooked. Eggs remain a major source of these infections, causing large outbreaks when they are combined and undercooked as was the case in the 1986 outbreak linked to stuffed pasta. Therefore, special added precautions need to be in place with those most susceptible to foodborne illness.
- (f) Operators of food service establishments serving highly susceptible populations may wish to discuss buyer specifications with their suppliers. Such specifications could stipulate eggs that are produced only by flocks managed under a *Salmonella* **Enteritidis** control program that is recognized by a regulatory agency that has animal health jurisdiction. Such programs are designed to reduce the presence of *Salmonella* **Enteritidis** in raw shell eggs. In any case, the food

service establishment operator must use adequate time and temperature controls within the establishment to minimize the risk of a foodborne illness outbreak relating to ***Salmonella Enteritidis***.

- (g) Since 1995, raw seed sprouts have emerged as a recognized source of foodborne illness in the United States. The FDA and CDC have issued health advisories those persons who are at a greater risk for foodborne disease should avoid eating raw alfalfa sprouts until such time as intervention methods are in place to improve the safety of these products. Further information is available at the FDA website, <http://www.fda.gov>, by entering “sprouts” in the search window.
- (h) **(Subsection (9) 6.):** Variance requests related to the preparation of food for highly susceptible populations must be considered with particular caution and scrutiny. With all variances, the hazard(s) must be clearly identified and controlled by a HACCP plan that is instituted in conjunction with a standard operating plan that implements good retail practices. Variances that will impact a highly susceptible population must be considered in light of the fact that such a population is at a significantly higher risk of contracting foodborne illnesses and suffering serious consequences including death from those illnesses, than is the general population.
- (i) *Rule -.04 Subsection (9) (6)* requires a HACCP plan for the use of raw shell eggs when eggs are combined in food establishments serving highly susceptible populations. A variance is not required since the HACCP plan criteria are specific, prescriptive, and conservative and require a cooking temperature and time to ensure destruction of ***Salmonella Enteritidis***.
- (j) **(Subsection (9) 8.): Prohibited Re-Service of Food - the Food Code addresses two issues concerning persons in isolation:**
 - 1. **(Subsection (9) 8. (i): Contamination from an isolated patient to others outside:**
 - (a.) The re-service of any food including unopened, original, intact packages in sound condition, of non-potentially hazardous food (temperature controlled for safety) from a person in isolation or quarantine for use by anyone else (other patients, clients, or consumers) is not permitted. The “isolation or quarantine” terminology in the Code text refers to a patient-care setting that isolates the patient, thereby preventing spread of key pathogens to other patients and healthcare employees. Once food packages come to a contact isolation room, they stay there until the patient uses or discards them. If packages of food are still in the room when the patient is discharged or moved from isolation, they must be discarded.

2. (Subsection (9) 8. (ii)): Contamination from the outside into a room with a patient in a “protective environment” isolation setting which protects the patient from contacting pathogens from other patients, healthcare employees, or other persons:
 - (a.) Packages of food from any patients, clients or other consumers should not be re-served to persons in protective environment isolation. Precautions similar to the isolation setting apply to this setting, i.e., once an unopened, original, intact package of condiment is delivered to this patient, the package stays there until used or discarded. New (not re-served) packages of food should be delivered to this patient each time.
3. To summarize the key difference between the two scenarios:
 - (a.) Food packages served to patients in contact isolation may not be re-served to other patients because of the potential for disease transmission to other patients.
 - (b.) Patients in protective environments should not be re-served with food packages from other patients because of the potential for disease transmission to the protective environment patient.

E. Rule 290-5-14-.05 Equipment and Utensils. Amended:

(1) (Subsection (1) (a) through (j)): Materials:

(a) (Subsection (1) (a)): Multiuse equipment:

1. Multiuse equipment is subject to deterioration because of its nature, i.e., intended use over an extended period of time. Certain materials allow harmful chemicals to be transferred to the food being prepared which could lead to foodborne illness. In addition, some materials can affect the taste of the food being prepared. Surfaces that are unable to be routinely cleaned and sanitized because of the materials used could harbor foodborne pathogens. Deterioration of the surfaces of equipment such as pitting may inhibit adequate cleaning of the surfaces of equipment so that food prepared on or in the equipment becomes contaminated.
2. Inability to effectively wash, rinse and sanitize the surfaces of food equipment may lead to the buildup of pathogenic organisms transmissible through food. Studies regarding the rigor required to remove biofilms from smooth surfaces highlight the need for materials of optimal quality in multiuse equipment.

- (b) **(Subsection (1) (f))**: **Sponges, Use Limitation**: Sponges are difficult, if not impossible, to clean once they have been in contact with food particles and contaminants that are found in the environment. Because of their construction, sponges provide harborage for any number and variety of microbiological organisms, many of which may be pathogenic. Therefore, sponges are to be used only where they will not contaminate cleaned and sanitized or in-use, food-contact surfaces such as for cleaning equipment and utensils before rinsing and sanitizing.
 - (c) **(Subsection (1) (g))**: **Wood**: The limited acceptance of the use of wood as a food-contact surface is determined by the nature of the food and the type of wood used. Moist foods may cause the wood surface to deteriorate and the surface may become difficult to clean. In addition, wood that is treated with preservatives may result in illness due to the migration of the preservative chemicals to the food; therefore, only specific preservatives are allowed.
 - (d) **(Subsection (1) (i))**: **Nonfood-Contact Surfaces**: Nonfood contact surfaces of equipment routinely exposed to splash or food debris are required to be constructed of nonabsorbent materials to facilitate cleaning. Equipment that is easily cleaned minimizes the presence of pathogenic organisms, moisture, and debris and deters the attraction of rodents and insects.
 - (e) **(Subsection (1) (j))**: **Single Service and Single Use Articles**: The safety and quality of food can be adversely affected through single service and single use articles that are not constructed of acceptable materials. The migration of components of those materials to food they contact could result in chemical contamination and illness to the consumer. In addition, the use of unacceptable materials could adversely affect the quality of the food because of odors, tastes, and colors transferred to the food.
- (2) **(Subsection (2) (a) through (jj))**: **Design and Construction**:
- (a) **(Subsection (2) (a))**: **Equipment and Utensils**: Equipment and utensils must be designed and constructed to be durable and capable of retaining their original characteristics so that such items can continue to fulfill their intended purpose for the duration of their life expectancy and to maintain their easy cleanability. If they cannot maintain their original characteristics, they may become difficult to clean, allowing for the harborage of pathogenic microorganisms, insects, and rodents. Equipment and utensils must be designed and constructed so that parts do not break and end up in food as foreign objects or present injury hazards to consumers. A common example of presenting an injury hazard is the tendency for tines of poorly designed single service forks to break during use.

- (b) **(Subsection (2) (b))**: **Food Temperature Measuring Devices**: Temperature measuring devices may not have sensor or stems constructed of glass except thermometers with glass sensors or stems that are encased in a shatterproof coating (candy thermometer) may be used.
- (c) **(Subsection (2) (c))**: **Multiuse Food-Contact Surfaces**: The purpose of the requirements for multiuse food-contact surfaces is to ensure that such surfaces are capable of being easily cleaned and accessible for cleaning. Food-contact surfaces that do not meet these requirements provide a potential harbor for foodborne pathogenic organisms. Surfaces, which have imperfections such as cracks, chips, or pits, allow microorganisms to attach and form biofilms. Once established, these biofilms can release pathogens to food. Biofilms are highly resistant to cleaning and sanitizing efforts. The requirement for easy disassembly recognizes the reluctance of food employees to disassemble and clean equipment if the task is difficult or requires the use of special, complicated tools.
- (d) **(Subsection (2) (d))**: **Clean In Place (CIP) Equipment**:
1. Certain types of equipment are designed to be cleaned in place (CIP) where it is difficult or impractical to disassemble the equipment for cleaning. Because of the closed nature of the system, CIP cleaning must be monitored via access points to ensure that cleaning has been effective throughout the system.
 2. The CIP design must insure that the circulating cleaning and sanitizing solutions contact all food-contact surfaces of the equipment. Dead spots in the system, i.e., areas that are not contacted by the cleaning and sanitizing solutions, could result in the buildup of food debris and growth of pathogenic microorganisms. There is equal concern that cleaning and sanitizing solutions might be retained in the system, which may result in the inadvertent adulteration of food. Therefore, the CIP system must be self-draining.
 3. An example of CIP would be a soft-service machine that has an enclosed, self-cleaning and sanitizing cycle.

(e) **In Place Cleaning Equipment**:

These are a type of equipment that are so designed that must be cleaned and sanitized where they are installed because they cannot be placed in a warewashing sink or warewashing machine. They also may be designed so that the parts may be removed, cleaned, and sanitized in a ware washing machine or warewashing sink. Parts that cannot be removed for cleaning and sanitizing are clean and sanitized in place using procedures as stated within *Rule -.05 Subsection*

(7)(h)(wet cleaning) and Rule -.05 Subsection (8)(b) 3 (sanitizing- hot water and chemicals).

1. Examples of equipment that must be cleaned and sanitized in place are steam kettles and meat slicing machines.

(f) **Subsection (2) (k): Temperature Measuring Devices, Food:**

1. Accuracy:

(a.) The Metric Conversion Act of 1975 (amended 1988, 1996, and 2004, 15 USC 205a et seq) requires that all Federal government regulations use the Celsius scale for temperature measurement. The Fahrenheit scale is included in the Code for those jurisdictions using the Fahrenheit scale for temperature measurement.

(b.) The small margin of error specified for thermometer accuracy is due to the lack of a large safety margin in the temperature requirements themselves. The accuracy specified for a particular food temperature-measuring device is applicable to its entire range of use, that is, from refrigeration through cooking temperatures if the device is intended for such use.

(c.) The right thermometer is needed to measure food product temperatures. Bimetallic Stem Thermometers have thicker stems that would not give an accurate reading of thin foods and would be difficult to use for thin meats, such as hamburger patties. However, it would be acceptable for measuring large pieces of meat or liquid foods. This is because the bi-metallic sensing element is about 1.5 inches from the tip up and its accuracy is obtained only by totally immersing the probe tip about 2 inches into the food product. In contrast, some thermistor type thermometers have a digital display with minimum and maximum hold reading capabilities. Thermocouples have small needle-like tips that will give accurate reading of thin foods. They would be ok for thick foods too. On the other hand, infrared thermometers are generally not going to be of any use for the type of measurements needed for food product temperature monitoring. However, they can be used general survey of stored product.

(e.) These are examples of these types of food thermometers:

Bimetallic Stem Thermometers



Thermocouple



(g) **(Subsection (2) (m))**: Pressure Measuring Devices:

1. Flow pressure is a very important factor with respect to the efficacy of sanitization. A pressure below the design pressure results in inadequate spray patterns and incomplete coverage of the utensil surfaces to be sanitized. Excessive flow pressure will tend to atomize the water droplets needed to convey heat into a vapor mist that cools before reaching the surfaces to be sanitized.
2. A flow pressure device is not required on ware washing machines such as low temperature machines that use only a pumped or recirculated sanitizing rinse.

(h) **(Subsection (2) (o))**: Equipment Openings, Closures and Covers:

1. Equipment openings and covers must be designed to protect stored or prepared food from contaminants and foreign matter that may fall into the food. The requirement for an opening to be flanged upward and for the cover to overlap the opening and be sloped to drain prevents contaminants, especially liquids, from entering the food-contact area.
2. Some equipment may have parts that extend into the food-contact areas. If these parts are not provided with a watertight joint at the point of entry into the food-contact area, liquids may contaminate the food by adhering to shafts or other parts and running or dripping into the food.
3. An apron on parts extending into the food-contact area is an acceptable alternative to the watertight seal. If the apron is not properly designed and installed, condensation, drips, and dust may gain access to the food.

(i) **(Subsection (2) (s))**: Beverage Tubing, Separation:

1. Beverage tubing and coldplate cooling devices may result in contamination if they are installed in direct contact with stored ice. Beverage tubing installed in contact with ice may result in condensate and drippage contaminating the ice as the condensate moves down the beverage tubing and ends up in the ice.
 2. The presence of beverage tubing and/or coldplate cooling devices also presents cleaning problems. It may be difficult to adequately clean the ice bin if they are present. Because of the high moisture environment, mold and algae may form on the surface of the ice bins and any tubing or equipment stored in the bins.
 3. In order to allow cold plates to be in the ice storage bin, it must be constructed integrally (part of) with the bin. Tubing and or difficult cleaning surfaces will not be exposed within the ice bin.
- (j) **(Subsection (2) (v))**: **Molluscan Shellfish Life-Support Systems**:
1. Shellfish are filter feeders allowing concentration of pathogenic microorganisms that may be present in the water. Due to the number of shellfish and the limited volume of water used, display tanks may allow concentration of pathogenic viruses and bacteria.
 2. Since many people eat shellfish either raw or lightly cooked, the potential for increased levels of pathogenic microorganisms in shellfish held in display tanks is of concern. If shellfish stored in molluscan shellfish tanks are offered for consumption, certain safeguards must be in place as specified in a detailed HACCP plan that is approved by the Health Authority. Opportunities for contamination, such as water used with fish other than molluscan shellfish, must be controlled or eliminated. Procedures must emphasize strict monitoring of the water quality of the tank including the filtering and disinfection system. Also, the identity of source of shellfish is retained as specified under *Rule -.04 Subsection (3) (l)*.
 3. **For more information, please see Part-I Section E entitled, “Facilities to Protect Food” and Part II Section W entitled, “Forms and Documents” within the “Food Service Establishment Manual for Design, Installation and Construction”.**

- (k) **(Subsection (2) (jj))**: **Food Service Equipment, Acceptability**:



1. Under ANSI document CA-1 ANSI Policy and Criteria for Accreditation of Certification Programs, it has been stipulated that:
 - (a.) "For food equipment programs, standards that establish sanitation requirements shall be specified government standards or standards that have been ratified by a public health approval step. ANSI shall verify that this requirement has been met by communicating with appropriate standards developing organizations and governmental public health bodies."
2. The term certified is used when an item of food equipment has been evaluated against an organization's own standard. The term classified is used when one organization evaluates an item of food equipment against a standard developed by another organization.
3. The burden of compliance to *Rule -.05 Subsection (2) (jj)* of the Chapter is with the food service permit applicant or food service permit holder. Documents, such as manufacturer's equipment specification sheets, may be submitted to demonstrate compliance with the Rule.

(3) **(Subsection (3) (a) through (j))**: Numbers and Capacities:

(a) **(Subsection (3)(a))**: Cooling, Heating, and Holding Capacities:

1. There must be enough equipment for cooling and heating of food, and holding cold and hot food in sufficient numbers and capacities to provide food product temperatures as specified within *Rule -.04* of the Chapter.
2. **See Part-I Section D – Facilities to Maintain Product Temperature in the “Food Service Establishment Manual for Design, Installation and Construction” in the determination the minimum capacities.**

(b) **(Subsection (3) (b))**: Manual Warewashing, Sink compartment Requirements:

1. A 3-compartmented sink must be provided even if other cleaning and sanitizing equipment such as a warewashing machine is present within the food service establishment. The 3-compartment requirement allows for proper execution of the 3-step manual warewashing procedure. If properly used, the 3 compartments reduce the chance of contaminating the sanitizing water and therefore diluting the strength and efficacy of the chemical sanitizer that may be used.
2. The flow of the cleaning and sanitizing process will be from left (soiled side) to the right (cleaned and sanitized side). **See Part-I Section J – Warewashing**

Facilities of the “Food Service Establishment Manual for Design, Installation and Construction” for more information.

3. Some pieces of equipment are fixed or too large to be cleaned in a sink and as such, an alternative manual warewashing procedure must be employed. Nonetheless, cleaning of such equipment requires the application of cleaners for the removal of soil and rinsing for the removal of abrasive and cleaning chemicals, followed by sanitization. It is important to rinse off detergents, abrasive, and food debris after the wash step to avoid diluting or inactivating the sanitizer.
4. **(Subsection (3) (b) 3.):** Alternative manual warewashing equipment, allowed under certain circumstances and conditions, must provide for accomplishment of the same 3 steps:
 - (a.) Application of cleaners and the removal of soil;
 - (b.) Removal of any abrasive and removal or dilution of cleaning chemicals; and
 - (c.) Sanitization.
- (4) **(Subsection (4) (a) through (c)):** Location and Installation:
 - (a) **(Subsection (4) (b) and (b)):** Fixed Equipment, Elevations or Sealing:
 1. **See Part-I Section H – Food Equipment and Installation of the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**
- (5) **(Subsection (5)):** Acceptability of Equipment:
 - (a.) The use of food service equipment located within food service establishments that are permitted prior to the December 1, 2007 implementation date of the Chapter will be allowed to continue to use their equipment until on-site evaluation by the local county EHS determines through inspection that the following conditions exist:
 1. Food service equipment is maintained in good repair (it will function as the manufacturer intended and/or will meet the requirements of the Chapter, ex.

Refrigerators must maintain potentially hazardous foods (time/temperature control for safety foods) at 41° F during holding for service;
Food service equipment is capable of being maintained in a sanitary condition (meaning that it can be kept in a clean condition free of food buildup, etc.);
and

2. Food contact surfaces of food equipment are non-toxic (will not react with cleaning and sanitizing solutions or impart anything harmful to food that encounters these surfaces).
4. Any piece of existing food equipment that has been evaluated by the local Health Authority as not being acceptable under *Rule -.05 Subsection (5)* will have to be replaced with equipment that meets *Rule -.05 Subsection (2)(jj)*.

(6) **(Subsection (6) (a) through (r))**: Maintenance and Operation:

(a) **(Subsection (6) (c))**: Microwave Ovens: Failure of microwave ovens to meet the CFR standards could result in human exposure to radiation leakage, resulting in possible medical problems to consumers and employees using the machines.

(b) **(Subsection (6) (f))**: Warewashing sinks, Use Limitation: If the wash sink is used for functions other than warewashing, such as washing wiping cloths or washing and thawing foods, contamination of equipment and utensils could occur. However, *Rule -.05 Subsection (6) (f) 2* of the Chapter does allow the preparation and thawing of food in warewashing sinks under certain conditions:

1. Fruits and vegetables cannot be washed or prepared in warewashing sinks;
2. Warewashing sinks must be cleaned and sanitized before and after each use;
3. The volume of food to be washed or prepared must fit within a colander in such a way that none of the food touches any surfaces of warewashing sinks;
4. No other operation can be conducted at the same time while food is being prepared or thawed.

Note: Dependent upon menu and volume of food, a dedicated sink for preparation and thawing of foods, such as meat, fish and or poultry may be necessary. This food preparation sink is separate from warewashing sinks, fruit and vegetable sinks, hand washing sinks or janitor sinks.

(c) **(Subsection (6) (n))**: Manual and Mechanical Warewashing Equipment, Chemical Sanitizers – Temperature, pH, Concentration, and Hardness:

1. With the passage of the Food Quality Protection Act of 1996 and the related Antimicrobial Regulation Technical Correction Act of 1998, Federal regulatory responsibility for chemical hard surface sanitizers was moved from FDA (CFSAN/OFAS) to EPA (Office of Pesticides Programs, Antimicrobial Division). As a result, the relevant Federal regulation has moved from 21 CFR 178.1010 to 40 CFR 180.940.
2. The effectiveness of chemical sanitizers can be directly affected by the temperature, pH, concentration of the sanitizer solution used, and hardness of the water. All sanitizers approved for use under 40 CFR 180.940 must be used under water conditions stated on the label to ensure efficacy. Therefore, it is critical to sanitization that the sanitizers are used properly and the solutions meet the minimum standards required in the Chapter.
3. With respect to chemical sanitization, *Rule -.05 Subsection (6) (n)* of the Chapter addresses the proper make-up of the sanitizing solution, i.e., chemical concentration, pH, and temperature at the required maximum levels specified when considered together and, with respect to quaternary ammonium compounds (quats), the maximum hardness level. If these minimums (maximum hardness) are not as specified, then this provision is violated.
4. By contrast, paragraph *Rule -.05 Subsection (8) (b) 3.* of the Chapter addresses exposure time in seconds. For chemical sanitization, this paragraph is only violated when the specified exposure time is not met.
5. *Rule -.07 Subsection (6) (g)* of the Chapter addresses two additional considerations. The first is whether or not the chemical agent being applied as a sanitizer is approved and listed for that use under *40 CFR 180.940*. If the chemical used is not listed, this section is violated.
6. The second consideration under this section is whether the product, if approved and listed, is being used in accordance with the "Limits" provided for that product under its 40 CFR 180.940 listing. The concern here is an indirect food additives concern, since chemical sanitizing solutions are not rinsed off in this country. For example, 40 CFR 180.940(a) lists several quaternary ammonium compounds as approved for “food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils,” each listing adding a limit that states, “When ready for use, the end-use concentration of all quaternary chemicals in the solution is not to exceed 200 ppm of active quaternary compound.” If the Health

Authority determines that a solution of any of these quats is at 600 ppm, then *Rule -.07 Subsection (6) (g)* of the Chapter would be violated.

7. To summarize, a too weak sanitizing solution would be a violation of *Rule -.05 Subsection (6) (n)*. A too strong solution would be a violation of *Rule -.07 Subsection (6) (g)*. *Rule -.07 Subsection (6) (e)* would not be violated due to the existence of *Rule -.07 Subsection (6) (g)* that specifically addresses the use of chemical sanitizers.

(d) **(Subsection (6) (o)): Manual Warewashing Equipment, Chemical Sanitization Using Detergent-Sanitizers:** Some chemical sanitizers are not compatible with detergents when a 2 compartment sink operation is used. When using a sanitizer that is different from the detergent-sanitizer of the wash compartment, the sanitizer may be inhibited by carry-over, resulting in inadequate sanitization. This is why the same detergent-sanitizer used in the washing step must be used in the sanitizing step where there is no distinct water rinse between the washing and sanitizing steps.

(e) **(Subsection (6) (s)): Shells, Use Limitation:**

1. The reuse of mollusk and crustacean shells as multiuse utensils is not allowed in food establishments. This prohibition does not apply to the removal of the oyster or other species from the shell for preparation, then returning the same animal to the same shell for service.
2. The shell itself may be potentially unsafe for use as a food utensil because of residues from natural and environmental contamination occurring after the mollusk or crustacean is removed. In addition, natural shells are not durable or easily cleanable as specified in *Rule -.05 Subsection (6) (r) 1*. **When mollusk or crustacean shells (from commercial sources) are re-used by filling them with shucked shellfish, the food is considered misleading and not honestly presented.**

(7) **(Subsections (a) through (k)): Cleaning and Sanitizing Equipment:**

(a) **(Subsection (7) (a)): Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils:** The objective of cleaning focuses on the need to remove organic matter from food-contact surfaces so that sanitization can occur and to remove soil from nonfood contact surfaces so that pathogenic microorganisms will not be allowed to accumulate and insects and rodents will not be attracted.

(b) **(Subsection (7) (b)): Equipment Food-Contact Surfaces and Utensils – Frequency:**

1. Microorganisms may be transmitted from a food to other foods by utensils, cutting boards, thermometers, or other food-contact surfaces. Food-contact surfaces and equipment used for potentially hazardous (time/temperature control for safety) foods should be cleaned as needed throughout the day but

must be cleaned no less than every 4 hours to prevent the growth of microorganisms on those surfaces.

2. Refrigeration temperatures slow down the generation time of bacterial pathogens, making it unnecessary to clean every four hours. However, the time period between cleaning equipment and utensils may not exceed 24 hours. A time-temperature chart is provided in *Rule .05 Subsection (7) (b) 3. (ii) (I)* to accommodate operations that use equipment and utensils in a refrigerated room or area that maintains a temperature between 41°F or less and 55°F. However, the frequencies of cleaning under *Subsection (7) (b) 3. (ii) (I)* must be documented as stated in *Subsection (7) (b) 3. (ii) (II)*.
3. In regards to *Rule .05 Subsection (7) (b) 5*, surfaces of utensils and equipment contacting food that is not potentially hazardous (time/temperature control for safety food) such as iced tea dispensers, carbonated beverage dispenser nozzles, beverage dispensing circuits or lines, water vending equipment, coffee bean grinders, ice makers, and ice bins must be cleaned on a routine basis to prevent the development of slime, mold, or soil residues that may contribute to an accumulation of microorganisms. Some equipment manufacturers and industry associations, e.g., within the tea industry, develop guidelines for regular cleaning and sanitizing of equipment. If the manufacturer does not provide cleaning specifications for food-contact surfaces of equipment that are not readily visible, the person in charge must develop a cleaning regimen that is based on the soil that may accumulate in those particular items of equipment as stated in *Subsection (7) (b) 5. (iv) (II)*.
4. Regarding the possible adulteration from one species of meat to another between cleaning of food-contact surfaces, USDA/FSIS does not automatically consider species adulteration as a health hazard.
5. **(Subsection (7) (b) 4.): Dining Counters/Table-Tops/Food Trays:**
 - a. **General Meaning and Purpose:** These surfaces are not considered as food-contact surfaces even though *Rule .05 Subsection (7) (b) 4* does require both cleaning and sanitizing after each use by the consumer. The purpose of this provision is to provide an extra precautionary step to enhance efforts to prevent cross-contamination of food and or table ware between consumers. This is necessary because at times food may contact these

surfaces, i.e. french-fry dropped on dining table and then, picked up by consumer and eaten.

- b. Cleaning and Sanitizing Methodologies: *Rule -.05 Subsection (7) (b) 4* provides methods for cleaning and sanitizing counter and table tops, once all soiled tableware has been removed. They are as follows:
- (I). The Two Step Method: One cloth rinsed in sanitizing solution is used to clean off food debris and then, a second cloth is rinsed in a second (different solution) sanitizer to sanitize the surface. This implies that you are using two separate and distinct sanitization solutions and two separate cloths. This is similar to what was provided for within the 1996 version of the Chapter; but, different in that two separate solutions and cloths are used - one for cleaning and the other for sanitizing.
 - (II). The Spray and Wipe Method: This procedure allows a spray bottle of sanitizing solution to be sprayed onto the surface and then a clean disposable towel is used to wipe the surface clean. The requirement here is to use a separate disposable towel after each cleaning operation and not to continue to use the same towel. Since there will be no build up of contamination on the towel to spread to the next table or counter top, the guiding principle of the *Rule -.05 Subsection (7) (b) 4 (ii)* is that by using a separate (new) clean disposable towel between each table will lower the risk of cross contamination to an acceptable level. If a clean disposable towel is not used for each cleaning operation (one per each table), then method (I), “The Two Step Method”, would have to be utilized instead.
 - (III) Alternative Methods: The statement, "... other method approved by the Health Authority", in *Rule -.05 Subsection (7) (b) 4* allows combinations of the methods (I) and (II) noted above. An alternative procedure where a clean cloth rinsed in sanitization solution is used to clean the surface first and then, a spray of sanitization solution is applied and the surface is wiped clean with a disposable towel, could be done also with the approval of the Health Authority. In addition, this same alternate procedure could be done in reverse with the Health Authority's approval, as well.
- (c) (Subsection (7) (e)): Dry Cleaning: Dry cleaning methods are indicated in only a few operations, which are limited to dry foods that are not potentially hazardous (time/temperature control for safety foods). Under some circumstances, attempts at wet cleaning may create microbiological concerns.
- (d) (Subsection (7) (k)): Returnables, Cleaning for Refilling: The refilling of consumer-owned beverage containers introduces the possibility of contamination of the filling equipment or product by improperly cleaned containers or the improper operation of the equipment. To prevent this contamination and possible

health hazards to the consumer, the refilling of consumer-owned containers is limited to beverages that are not potentially hazardous (time/temperature control for safety) foods. Equipment must be designed to prevent the contamination of the equipment and means must be provided to clean the containers at the facility.

(8) **(Subsection (8) (a) and (b))**: Sanitizing of Equipment and Utensils:

- (a) Objective: Effective sanitization procedures destroy organisms of public health importance that may be present on wiping cloths, food equipment, or utensils after cleaning, or which has been introduced into the rinse solution. It is important that surfaces be clean before being sanitized to allow the sanitizer to achieve its maximum benefit.
- (b) Frequency: Sanitization is accomplished after the warewashing steps of cleaning and rinsing so that utensils and food-contact surfaces are sanitized before coming in contact with food and before use.
- (c) Methods:
1. Efficacious sanitization depends on warewashing being conducted within certain parameters. Time is a parameter applicable to both chemical and hot water sanitization. The time hot water or chemicals contact utensils or food-contact surfaces must be sufficient to destroy pathogens that may remain on surfaces after cleaning. Other parameters, such as rinse pressure, temperature, and chemical concentration are used in combination with time to achieve sanitization.
 2. When surface temperatures of utensils passing through warewashing machines using hot water for sanitizing do not reach the required 71°C (160°F), it is important to understand the factors affecting the decreased surface temperature. A comparison should be made between the machine manufacturer's operating instructions and the machine's actual wash and rinse temperatures and final rinse pressure. The actual temperatures and rinse pressure should be consistent with the machine manufacturer's operating instructions and within limits specified in *Rule .05 Subsections (6) (l) and (m)*.
 3. If either the temperature or pressure of the final rinse spray is higher than the specified upper limit, spray droplets may disperse and begin to vaporize resulting in less heat delivery to utensil surfaces. Temperatures below the specified limit will not convey the needed heat to surfaces. Pressures below

the specified limit will result in incomplete coverage of the heat-conveying sanitizing rinse across utensil surfaces.

(9) **(Subsection (10))**: Protection of Clean Items:

- (a) **(Subsection (10) (a))**: Equipment and Utensils, Air-Drying Required: Items must be allowed to drain and to air-dry before being stacked or stored. Stacking wet items such as pans prevents them from drying and may allow an environment where microorganisms can begin to grow. Cloth drying of equipment and utensils is prohibited to prevent the possible transfer of microorganisms to equipment or utensils.
- (b) **(Subsection (10) (i))**: Preset Tableware: Once cleaned and sanitized, tableware must be protected from contamination through mishandling by food employees and or consumers as well as from their coughing and sneezing discharges. This protection of tableware may be accomplished as specified in *Rule -.05 Subsection (10) (i) 1*. Understanding the language within *Subsection (10) (i) 1* will be interpreted as follows:
1. The provision of *Rule -.05 Subsection (10) (i)*, Preset Tableware, is the same as noted within the *2005 FDA Model Food Code Section 4-904.13* - to prevent or reduce the risk of contamination of clean tableware. The best practice (and therefore the general rule) is provided for in *subparagraph (10) (i) 1* which states that preset tableware shall be protected from contamination by wrapping, covering, or inverting. However, the Chapter does allow preset tableware to be exposed in certain circumstances. These circumstances are detailed in *subparagraph (10) (i) 2*.
 2. Unfortunately, the way *Subsection (10) (i)* is currently written in the Chapter as a reflection of *Section 4-904.13 in the 2005 FDA Model Food Code*, *Subsections (10) (i) 1 and (10) (i) 2* are contradictory. The Chapter cannot in one paragraph, i.e. *Subsection (10) (i) 1*, dictate an absolute requirement that says that all preset tableware must be protected from contamination by wrapping, covering, or inverting, and then turn right around in another Subsection, i.e. *Subsection (10) (i) 2*, and talk about how you should handle exposed tableware. If *Subsection (10) (i) 1* is followed, then you would never have "exposed" tableware as specified in *Subsection (10) (i) 2*.
 3. In light of the above and in addition of thinking in terms of risk, if *Subsection (10) (i) 2* is followed, a reasonable level of protection is provided and a food service establishment can provide the ambiance etc. that presetting tableware provides. However, *Subsection (10) (i) 2* gives two choices: one or the other and not both. Food service establishments must choose to use either

Subsection (10) (i) 2 (i), i.e. remove table ware at the time when a consumer or consumer(s) is seated at a table or Subsection (10) (i) 2 (ii), i.e. remove tableware and clean and sanitize it before the next time that tableware is used, if the settings are not removed when a consumer is seated. Further, food service management must monitor consumer-seating activities to ensure that their wait staff is properly handling preset tableware.

4. At the time of future revision of the Chapter, the present conflicting language in *Rule - .05 Subsection (10) (i)* will be corrected to clarify this provision of the Chapter.

F. Rule 290-5-14-.06 Sanitary Facilities and Controls. Amended:

(1) **(Subsection (1)):** Water:

(a) **(Subsection (1) (a)):** Approved System:

1. Water, unless it comes from a safe supply, may serve as a source of contamination for food, equipment, utensils, and hands. The major concern is that water may become a vehicle for transmission of disease organisms. Water can also become contaminated with natural or man-made chemicals. Therefore, for the protection of consumers and employees, water must be obtained from a source regulated by law and must be used, transported, and dispensed in a sanitary manner.
2. **See Part-I Section G - Water Supply and Sewage Disposal in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

(b) **(Subsection (1) (b)):** System Flushing and Disinfection:

1. During construction, repair, or modification, water systems may become contaminated with microbes from soil because pipes are installed underground or by chemicals resulting from soldering and welding. Floods and other incidents may also cause water to become contaminated. Chemical contaminants such as oils may also be present on or in the components of the system. To render the water safe, the system must be properly flushed and disinfected before being placed into service.
2. If the drinking water system is from a public water system, then the flushing and disinfection will be as per requirements established by the regulatory authority of which governs the public water supply.
3. If the drinking water system is from a nonpublic water system, the flushing and disinfection of such system will be as per requirements established by

Georgia Department of Natural Resource’s Environmental Protection Division or the Health Authority which ever has jurisdiction.

4. **See Part-I Section G - Water Supply and Sewage Disposal in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

(c) **(Subsection (1) (c)):** Bottled Drinking Water:

1. Bottled water is obtained from a public water system or from a private source such as a spring or well. Either means of production must be from a commercial source that is regulated by the Georgia Department of Agriculture or other regulatory authority having jurisdiction.
2. Bottled drinking water may only be used in case of a temporary emergency as stated in *Rule -.06 Subsection (k)*.

(d) **(Subsection (1) (d)):** Standards - (Quality):

1. Bacteriological and chemical standards have been developed for public drinking water supplies to protect public health. All drinking water supplies must meet standards required by law.
2. **See Part-I Section G - Water Supply and Sewage Disposal in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

(e) **(Subsection (1) (e)):** Nondrinking Water:

1. Food establishments may use nondrinking water for purposes such as air-conditioning or fire protection. Nondrinking water is not monitored for bacteriological or chemical quality or safety, as is drinking water. Consequently, certain safety precautions must be observed to prevent the contamination of food, drinking water, or food-contact surfaces. Identifying the piping designated as nondrinking waterlines and inspection for cross connections are examples of safety precautions.
2. **See Part-I Section G - Water Supply and Sewage Disposal in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

(f) **(Subsection (1) (f)):** Sampling:

1. Wells and other types of individual water supplies may become contaminated through faulty equipment or environmental contamination of ground water. Periodic sampling is required by law to monitor the safety of the water and to detect any change in quality. The controlling agency must be able to ascertain that this sampling program is active and that the safety of the water is in conformance with the appropriate standards. Laboratory results are only as accurate as the sample submitted. Care must be taken not to contaminate samples. Proper sample collection and timely transportation to the laboratory are necessary to ensure the safety of drinking water used in the establishment.
 2. **See Part-I Section G - Water Supply and Sewage Disposal and Section N – Plumbing and Cross Connection Control in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**
- (g) **Subsection (1) (g): Sampling Report:**
1. A copy of the most recent water sampling report must be kept on file within the food service establishment to document a safe water supply. Likewise and as applicable, the original most recent water sampling report must be kept within each food service establishment’s inspection record file maintained by the local Health Authority.
 2. **See Part-I Section G - Water Supply and Sewage Disposal in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**
- (h) **Subsection (1) (h): Capacity:**
1. Availability of sufficient water is a basic requirement for proper sanitation within a food establishment. An insufficient supply of safe water will prevent the proper cleaning of items such as equipment and utensils and of food employees' hands.
 2. Hot water required for washing items such as equipment and utensils and employees' hands must be available in sufficient quantities to meet demand during peak water usage periods. Booster heaters for warewashers that use hot water for sanitizing are designed to raise the temperature of hot water to a level that ensures sanitization. If the volume of water reaching the booster heater is not sufficient or hot enough, the required temperature for sanitization can not be reached. Manual washing of food equipment and utensils is most



effective when hot water is used. Unless utensils are clean to sight and touch, they cannot be effectively sanitized.

3. Inadequate water pressure could lead to situations that place the public health at risk. For example, inadequate pressure could result in improper handwashing or equipment operation. Sufficient water pressure ensures that equipment such as mechanical warewashers operate according to manufacturer's specifications. Therefore, pressure generated by water under gravity flow is only allowed as applicable in *Rule -.06 Subsection (1) (k)*.
4. **See Part-I Section G - Water Supply and Sewage Disposal, Section K – Hot Water Supply Requirements and Section N - Plumbing and Cross connection Control in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**
 - (i) **(Subsection (1) (j))**: System: Inadequate water systems may serve as vehicles for contamination of food or food- contact surfaces. This requirement is intended to ensure that sufficient volumes of water are provided from supplies shown to be safe, through a distribution system that is protected.
 - (j) Alternative Water Supply:
 1. Water from an approved source can be contaminated if inappropriately conveyed. Improperly constructed and maintained water mains, pumps, hoses, connections, and other appurtenances, as well as transport vehicles and containers, may result in contamination of safe water and render it hazardous to human health. Therefore, alternative sources of water must meet *Rule -.06 Subsection (1) (a) through (j)* and it can only be utilized temporarily, such as in a temporary interruption of a permanent water supply or as a potable water supply for a temporary food service establishment. It can also be a potable water storage tank on a mobile food service unit.
 2. In the case of the mobile food service unit, the water supply must be obtained from a potable water source supplying the permitted base of operation. It is this base of operation that these units must report at least daily for supplies

and/or cleaning and servicing operations, such as flushing and refilling the potable water tank.

(2) **(Subsection (2) (a) through (r))**: Plumbing System:

- (a) **(Subsection (2) (a))**: Approved: Plumbing systems and hoses conveying water must be made of approved materials and is smooth, durable, nonabsorbent, and corrosion-resistant. If not, the system may constitute a health hazard because

unsuitable surfaces may harbor disease organisms or it may be constructed of materials that may, themselves, contaminate the water supply. Applicable State or local plumbing codes will apply.

(b) **(Subsection (2) (c): Handwashing Facility, Installation:**

1. Warm water is more effective than cold water in removing the fatty soils encountered in kitchens. An adequate flow of warm water will cause soap to lather and aid in flushing soil quickly from the hands. ASTM Standards for testing the efficacy of handwashing formulations specify a water temperature of $40^{\circ}\text{C} \pm 2^{\circ}\text{C}$ (100 to 108°F).
2. An inadequate flow or temperature of water may lead to poor handwashing practices by food employees. A mixing valve or combination faucet is needed to provide properly tempered water for handwashing. Steam mixing valves are not allowed for this use because they are hard to control and injury by scalding is a possible hazard.

(c) **(Subsection (2) (d): Backflow Prevention, Air Gap:**

1. During periods of extraordinary demand, drinking water systems may develop negative pressure in portions of the system. If a connection exists between the system and a source of contaminated water during times of negative pressure, contaminated water may be drawn into and foul the entire system. Standing water in sinks, dipper wells, steam kettles, and other equipment may become contaminated with cleaning chemicals or food residue. To prevent the introduction of this liquid into the water supply through back siphonage, various means may be used.
2. The water outlet of a drinking water system must not be installed so that it contacts water in sinks, equipment, or other fixtures that use water. Providing an air gap between the water supply outlet and the flood level rim of a plumbing fixture or equipment prevents contamination that may be caused by backflow.

3. **See Part-I Section N - Plumbing and Cross Connection Control in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

- (d) **(Subsection (2) (e): Backflow Prevention Device, Design Standard:** In some instances, an air gap is not practical such as is the case on the lower rinse arm for the final rinse of warewashers. This arm may become submerged if the machine drain becomes clogged. If this failure occurs, the machine tank would fill to the flood level rim, which is above the rinse arm. A backflow prevention device is

used to avoid potential backflow of contaminated water when an air gap is not practical. The device provides a break to the atmosphere in the event of a negative pressure within the system. Minerals contained in water and solid particulate matter carried in water may coat moving parts of the device or become lodged between them over time. This may render the device inoperative. To minimize such an occurrence, only devices meeting certain standards of construction, installation, maintenance, inspection, and testing for that application may be used. Installing these devices in accessible locations can facilitate the necessary maintenance.

(e) **(Subsection (2) (g) and (l))**: **Handwashing Facilities – Numbers and Capacities/Location and Placement**:

1. **(Subsection (2) (g))**: Because handwashing is such an important factor in the prevention of foodborne illness, sufficient facilities must be available to make handwashing not only possible, but likely. The local Health Authority will decide the adequacy of location and numbers of handwashing sinks as they relate to food employee workstations.
2. **(Subsection (2) (l))**: Hands are probably the most common vehicles for the transmission of pathogens to foods in an establishment. Hands can become soiled with a variety of contaminants during routine operations. Some employees are unlikely to wash their hands unless properly equipped handwashing facilities are accessible in the immediate work area. Facilities, which are improperly located, may be blocked by portable equipment or stacked full of soiled utensils and other items, rendering the facility unavailable for regular employee use. Nothing must block the approach to a handwashing facility thereby discouraging its use, and the facility must be kept clean and well stocked with soap and sanitary towels to encourage frequent use.
3. **See Part-I Section F – Handwashing in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

(f) **(Subsection (2) (k))**: **Backflow Prevention Device, Carbonator**:

1. When carbon dioxide is mixed with water, carbonic acid, a weak acid, is formed. Carbonators on soft drink dispensers form such acids as they carbonate the water to be mixed with the syrups to produce the soft drinks. If carbon dioxide backs up into a copper water line, carbonic acid will dissolve some of the copper. The water containing the dissolved copper will subsequently be used in dispensing soft drinks and the first few customers receiving the drinks are likely to suffer with the symptoms of copper poisoning.

2. An air gap or a vented backflow prevention device meeting ASSE Standard No. 1022 will prevent this occurrence, thereby reducing incidences of copper poisoning.
 3. **See Part-II Section N - Plumbing and Cross Connection Control in the "Food Service Establishment Manual for Design, Installation and Construction" for more information.**
- (g) **(Subsection (2) (o))**: **Using a Handwashing Sink**: Facilities must be maintained in a condition that promotes handwashing and restricted for that use. Convenient accessibility of a handwashing facility encourages timely handwashing, which provides a break in the chain of contamination from the hands of food employees to food or food-contact surfaces. Sinks used for food preparation and warewashing can become sources of contamination if used as handwashing facilities by employees returning from the toilet or from duties that have contaminated their hands.
- (3) **(Subsection (3) (a) through (n))**: **Mobile Water Tank and Mobile Food service Unit Water Tanks**:
- (a) **(Subsection (3) (a))**: **Approved**:
1. Materials used in the construction of a mobile water tank are affected by the water they contact. Tank liners may deteriorate and flake. Metals or platings can be toxic. To prevent the degradation of the quality of the water, it is important that the materials used in the construction of the tank are suitable for such use.
 2. Applicants for a mobile food service permit must submit documentation that potable water tanks and all related components comply with criteria set forth within *Rule .06 Subsection (3) (a) 1. through 3.*
- (b) **(Subsection (3) (b))**: **Enclosed System Sloped to Drain**:
1. The tank must be a closed system from the filling inlet to the outlet to prevent contamination of water. It is important that the bottom of the tank be sloped to the outlet to allow the tank to drain completely, to facilitate the proper cleaning and disinfection of the tank, and to prevent the retention of water or solutions after cleaning.
 2. Some tanks are designed with an access opening to facilitate the cleaning and servicing of the water tank. The access must be constructed to prevent the opening from becoming a source of contamination of the water.

(c) **(Subsection (3) (e): Tank Vent, Protected:**

1. Water tanks are equipped with a vent to preclude distortion during filling or draining. The vent should be equipped with a suitable screen or filter to protect the tank against the entry of insects or other vermin that may contaminate the water supply.

(d) **(Subsection (3) (g): Hose, Construction and Identification:**

1. Hoses used to fill potable water tanks must be dedicated for that one task and must be identified for that use only to prevent contaminating the water. Hoses must be made of a material that will not leach detrimental substances into the water.

(e) **(Subsection (3) (k): System Flushing and Sanitization:**

1. Contaminants of various types may be introduced into a water system during construction or repair or other incidents. The system must be flushed and sanitized after maintenance and before it is placed into service to prevent contamination of the water introduced into the tank.
2. Sanitizers used to sanitize the system must meet criteria set within *Subsection (6) (n) of Rule -05*.

(f) **(Subsection (3) (l): Using a Pump and Hoses, Backflow Prevention:**

1. When a water system includes a pump, or a pump is used in filling a water tank, care must be taken during hookup to prevent negative pressure on the supplying water system. Backflow prevention to protect the water supply is especially necessary during cleaning and sanitizing operations on a mobile system.

(g) **(Subsection (3) (n): Tank, Pump, and Hoses, Dedication:**

1. Hoses, pumps, and tanks used for food or water may not be used for other liquids because this may contaminate the water supply. If a hose, tank, or pump has been used to transfer liquid food, the equipment must be cleaned and sanitized before using it for water delivery. Failure to properly clean and sanitize the equipment would introduce nutrients, and possibly bacteria, into the water as well as inactivate residual chlorine from public water supplies.

(4) **(Subsection (4) (a) through (i): Sewage, Other Liquid Waste, and Rainwater:**

(a) **Subsection (4) (a): Mobile Holding Tank, Capacity and Drainage:** Liquid waste from a mobile or temporary food establishment must be stored in a properly constructed waste tank to discourage the attraction of flies and other vermin. The waste tank must be 15% larger than the water storage tank to allow for storage of wastes and used water from the drinking water supply tank. The drain from the waste tank must be larger than the filling hose to prevent the use of the drinking water filling hose to drain the waste tank.

(b) **Subsection (4) (c): Backflow Prevention:**

1. Improper plumbing installation or maintenance may result in potential health hazards such as cross connections, back siphonage or backflow. These conditions may result in the contamination of food, utensils, equipment, or other food-contact surfaces. It may also adversely affect the operation of equipment such as warewashing machines.
2. The exception *in Subsection (4) (c) 2. of Rule -.06* allows for a direct connection to the sanitary sewer system for floor drains originating in refrigerated spaces that are constructed as an integral part of the building structure. Examples of refrigerated spaces that are considered an integral part of the building include refrigerated preparation rooms, meat cutting rooms, and refrigerated storage rooms. The exception specifically targets refrigerated spaces that are considered an integral part of the building. It does not apply to prefabricated walk-in refrigerators and freezers with prefabricated floors. It is not intended to apply to pieces of equipment, including those which may be located in a refrigerated room and which indirectly drain to a floor drain within the room. Drainage from equipment is addressed under *Subsection (4) (c) 1 of Rule -.06*.

(c) **Subsection (4) (e): Conveying Sewage:**

1. Improper disposal of waste provides a potential for contamination of food, utensils, and equipment and, therefore, may cause serious illness or disease outbreaks. Proper removal is required to prevent contamination of ground surfaces and water supplies, or creation of other insanitary conditions that may attract insects and other vermin. Therefore, the conveyance and disposal of sewage must be under routine inspection by the Health Authority.
2. Sewage must be conveyed to a point of disposal available to or on the premises of the food service establishment that is connected to a public sewer system or a properly designed and installed onsite sewage management

system. In the case of mobile food service units, sewage may be conveyed to the point of disposal provided at the base of operation (food service establishment) by:

- (a.) A hose and pump system connected to a quick connect hook-up (recreational vehicle sewer connection); or
- (b.) A sewage transport vehicle (hand-pushed, portable waste retention tank on wheels) that is taken to a properly design and built dump station.

3. **See Part-I Section G - Water Supply and Sewage Disposal in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

(d) **(Subsection (4) (f)): Removing Mobile Food Service Wastes:**

- 1. All sewage and other liquid wastes must be removed from a mobile food service unit at an approved waster servicing area located on the premises of the unit’s base of operation; or by
- 2. A sewage transport vehicle (hand-pushed, portable waste retention tank on wheels) at the unit’s base of operation.

(5) **(Subsection (5) (a) through (t)): Refuse, Recyclables, And Returnables:**

(a) **General Requirements:**

- 1. Proper storage and disposal of garbage and refuse are necessary to minimize the development of odors, prevent such waste from becoming an attractant and harborage or breeding place for insects and rodents, and prevent the soiling of food preparation and food service areas. Improperly handled garbage creates nuisance conditions, makes housekeeping difficult, and may be a possible source of contamination of food, equipment, and utensils.
- 2. Storage areas for garbage and refuse containers must be constructed so that they can be thoroughly cleaned in order to avoid creating an attractant or harborage for insects or rodents. In addition, such storage areas must be large enough to accommodate all the containers necessitated by the operation in order to prevent scattering of the garbage and refuse.
- 3. All containers must be maintained in good repair and cleaned as necessary in order to store garbage and refuse under sanitary conditions as well as to prevent the breeding of flies.



4. Garbage containers must be available wherever garbage is generated to aid in the proper disposal of refuse.
5. Outside receptacles must be constructed with tight-fitting lids or covers to prevent the scattering of the garbage or refuse by birds, the breeding of flies, or the entry of rodents. Proper equipment and supplies must be made available to accomplish thorough and proper cleaning of garbage storage areas and receptacles so that unsanitary conditions can be eliminated. Drain-hole plugs must be in place on large waste storage receptacles, such as dumpsters, to preclude the discharge of contained liquid waste.
6. If facilities and equipment for on-site cleaning of waste receptacles, such as dumpsters, are not provided as per *Subsection (5) (i) 1*, then these facilities and equipment will not be necessary as stated in *Subsection (5) (i) 2*. If this arrangement is the case, then requirements in *Rule -.07 Subsection (2) (r)* will not be applicable unless local Codes would require such facilities.
7. Should spillage be found to occur on the waste storage facility area as the result of missing drain-hole plugs, then these plugs are to be put back in place and the leakage spot dry cleaned using absorbent material such as that used to clean-up oil spills. Once used, the absorbent material may be disposed of as garbage.
8. The hosing down of areas surrounding waste facility storage areas such as parking lots and drives are not considered as part of the garbage storage/cleaning operation and any resulting run-off would not be deemed as sewage.

(b) *(Subsection (5) (r) and (s))*: Removal- Frequency/Receptacles or Vehicles: Refuse, recyclables, and returnable items, such as beverage cans and bottles, usually contain a residue of the original contents. Spillage from these containers soils receptacles and storage areas and becomes an attractant for insects, rodents, and other pests. The handling of these materials entails some of the same problems and solutions as the handling of garbage and refuse. Problems are minimized when all of these materials are removed from the premises at a reasonable frequency.

G. Rule 290-5-14-.07 Physical Facilities:

(1) *(Subsection (1) (a) and (b))*: Materials for Construction and Repair:

(a) *(Subsection (1) (a))*: Indoor Materials:

1. Floors, walls, and ceilings that are constructed of smooth and durable surface materials are more easily cleaned.
 2. Floor surfaces that are graded to drain and consist of effectively treated materials will prevent contamination of foods from dust and organisms from pooled moisture.
 3. The special requirements for carpeting materials and nonabsorbent materials in areas subject to moisture are intended to ensure that the cleanability of these surfaces is retained.
 4. Although food served from temporary food establishments is subject to the same potential for contamination as food served in permanent establishments, the limited capabilities and short duration of operation are recognized by less stringent requirements for surface characteristics.
 5. **See Part-I Section L - Finish Schedule – Floors, Walls, and Ceilings in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**
- (b) **(Subsection (1) (b))**: Outdoor Surfaces: The requirements concerning surface characteristics of outdoor areas are intended to facilitate maintenance and minimize the accumulation of dust and mud on walking and driving areas, provide durable exterior building surfaces, and prevent the attracting, harboring, or breeding of insects, rodents, and other pests where refuse, recyclables, or returnables are stored.
- (2) **(Subsection (2) (a) through (t))**: Design, Construction, and Installation:
- (a) **(Subsection (2) (a) and (b))**: Cleanability –Floors, Walls, and Ceilings, Utility Lines:
1. Floors that are of smooth, durable construction and that are nonabsorbent are more easily cleaned. Requirements and restrictions regarding floor coverings, utility lines, and floor/wall junctures are intended to ensure that regular, effective cleaning is possible, and that insect and rodent harborage is minimized.
 2. The only exception to the requirement for coverings to be smooth and easily cleanable is found in Subsection (2) (a) to allow for antislip floor coverings or applications that may be used for safety reasons.

- (b) **(Subsection (2) (c))**: **Floor and Wall Junctures, Coved, and Enclosed or Sealed**:
When cleaning is accomplished by spraying or flushing, coving and sealing of the floor/wall junctures is required to provide a surface that is conducive to water flushing. Grading of the floor to drain allows liquid wastes to be quickly carried away, thereby preventing pooling which could attract pests such as insects and rodents or contribute to problems with certain pathogens such as *Listeria monocytogenes*.
- (c) **(Subsection (2) (d))**: **Floor Carpeting, Restrictions and Installation**: Requirements and restrictions regarding floor carpeting are intended to ensure that regular and effective cleaning is possible and that insect harborage is minimized. The restrictions for areas not suited for carpeting materials are designed to ensure cleanability of surfaces where accumulation of moisture or waste is likely.
- (d) **(Subsection (2) (f), (g) and (h))**: **Wall and Ceiling Coverings and Coatings/ Walls and Ceilings, Attachments. / Walls and Ceilings, Studs, Joists, and Rafters**:
1. Walls and ceilings that are of smooth construction, nonabsorbent, and in good repair can be easily and effectively cleaned. Special requirements related to the attachment of accessories and exposure of wall and ceiling studs, joists, and rafters are intended to ensure the cleanability of these surfaces.
 2. The exception to *Subsection (2) (f) 2* is only for dry storage areas as defined in *Rule -.01 (ee)* where unopened, packaged or containerized bulk food that is not potentially hazardous (time/temperature control for safety food) and dry goods such as single-service items are stored. These types of foods are still in the case or in their original, commercial packaging. Within these dry storage areas, the concrete block or brick surfaces do not have to be finished to provide a nonabsorbent, light colored, easily cleanable surface.
- (e) **(Subsection (2) (k))**: **Insect Control Devices, Design and Installation**:
1. Insect electrocution devices are considered supplemental to good sanitation practices in meeting the Chapter's requirement for controlling the presence of flies and other insects in a food establishment.
 2. Improper design of the device and dead insect collection tray could allow dead insect parts and injured insects to escape, rendering the device itself a source of contamination.
 3. Exposed food and food-contact surfaces must be protected from contamination by insects or insect parts. Installation of the device over food preparation areas or in close proximity to exposed food and/or food-contact

surfaces could allow dead insects and/or insect parts to be impelled by the electric charge, fall, or be blown from the device onto food or food-contact surfaces.

4. **See Part-I Section O – Insect and Rodent Control in the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

(f) **(Subsection (2) (m)): Outer Openings, Protected:**

1. Insects and rodents are vectors of disease-causing microorganisms that may be transmitted to humans by contamination of food and food-contact surfaces. Protecting outer openings to the food establishment minimizes the presence of insects and rodents.
2. In the National Fire Protection Association’s NFPA 101, Life Safety Code 7, 2003 Edition, doors to exit enclosures such as stairs, horizontal exits, or exit passageways are required to be self closing. The Life Safety Code does not require exterior doors used as exits to be self-closing, but they can be.
3. The provision of *Subsection (2) (m) 1. (iii) of Rule -.07* provides direction to protect food establishments from the entry of insects and rodents by keeping doors closed when not in use. Self-closing devices allow a door to return to its closed position after use. If an exterior door is not routinely used for entry or exit because its use is restricted by the fire protection authority for emergency use only, it is not a portal for the entry of pests and does not need a self-closing device. Doors not requiring a self-closing device include exterior

emergency exit doors that open into a public way from a fire and that meet the criteria in *Subsection (2) (m) 3. (iii)*.

(g) **(Subsection (2) (p)): Outdoor Servicing Areas, Overhead Protection:**

1. This subsection provides for an exception to *Rule -.08 Subsection (1) (g) 2. (i)* requiring overhead protection (i.e., carport, garage, awning, roof, etc.) as long as loading water and disposal of waste is accomplished through a closed system of hoses. Disposal of liquid wastes and sewage would be similar to RV (Recreational Vehicle) waste hose to dump station connection.

(h) **(Subsection (2) (r)): Outdoor Refuse Areas, Curbed and Graded to Drain:**

1. If refuse areas are not graded properly, wastewater will pool and attract insects and rodents.

2. If cleaning operations for large storage containers, such as dumpsters, is conducted off-site, i.e. a contract with a garbage collection company, then the outdoor refuse areas do not have to be designed to collect liquid waste for disposal. Should spillage be found to occur on the waste storage facility area, as the result of missing drain-hole plugs, then these plugs are to be put back in place and the leakage spot dry cleaned using absorbent material, such as that used to clean-up oil spills. Once used, the absorbent material may be disposed of as garbage.
3. Liquid wastes have to be disposed of as per applicable local Codes.

(i) **(Subsection (2) (t))**: Living or Sleeping Quarters, Separation:

1. Protection from contamination: Areas or facilities that are not compatible with sanitary food establishment operations must be located or separated from other areas of the establishment to preclude potential contamination of food and food-contact surfaces from poisonous or toxic materials, dust or debris, the presence of improperly designed facilities and equipment, and the traffic of unauthorized and/or unnecessary persons or pets.
2. Accessibility to Inspection: Further, Article IV of the Amendments to the U.S. Constitution ensures the right of persons to be secure in their homes against unreasonable search and seizure. This provision could hinder the Health Authority's access to conduct routine inspections of a food establishment operated in the living area of a private home. A search warrant may be the only mechanism by which to gain entry; yet, it may be difficult to obtain and might not authorize the necessary inspectional activities.

(3) **(Subsection (4) (a), (b), and (c))**: Location and Placement:

(a) **(Subsection (4) (b))**: Designated Areas for Employee Activity:

1. Because employees could introduce pathogens to food by hand-to-mouth-to-food contact and because street clothing and personal belongings carry contaminants, areas designated to accommodate employees' personal needs must be carefully located. Food, food equipment and utensils, clean linens, and single-service and single-use articles must not be in jeopardy of contamination from these areas.
2. Street clothing and personal belongings can contaminate food, food equipment, and food-contact surfaces. Proper storage facilities are required for articles such as purses, coats, shoes, and personal medications.

(b) **(Subsection (4) (c))**: Segregation and Location – Distressed Merchandise:



1. Products which are damaged, spoiled, or otherwise unfit for sale or use in a food establishment may become mistaken for safe and wholesome products and/or cause contamination of other foods, equipment, utensils, linens, or single-service or single-use articles. To preclude this, separate and segregated areas must be designated for storing unsalable goods.
2. The distressed products or food items must be plainly and unmistakably identified at least in English.

(4) **(Subsection (5) (a) through (o))**: **Maintenance and Operation**:

(a) **(Subsection (5) (a))**: **Good Repair**: Poor repair and maintenance compromises the functionality of the physical facilities. This requirement is intended to ensure that the physical facilities are properly maintained in order to serve their intended purpose.

(b) **(Subsection (5) (b))**: **Cleaning, Frequency and Restrictions**:

1. Cleaning of the physical facilities is an important measure in ensuring the protection and sanitary preparation of food. A regular cleaning schedule must be established and followed to maintain the facility in a clean and sanitary manner. Primary cleaning must be done at times when foods are in protected storage and when food is not being served or prepared.
2. The exception for scheduled cleaning during times when foods are in protected storage and when food is not being served or prepared is for that due to spills or other accidents.

(c) **(Subsection (5) (d))**: **Cleaning Ventilation Systems, Nuisances and Discharge Prohibitions**: Both intake and exhaust ducts can be a source of contamination and must be cleaned regularly. Filters that collect particulate matter must be cleaned or changed frequently to prevent overloading of the filter. Outside areas under or adjacent to exhaust duct outlets at the exterior of the building must be maintained in a clean and sanitary manner to prevent pest attraction.

(d) **(Subsection (5) (n))**: **Maintaining Premises**:

1. The presence of unnecessary articles, including equipment that is no longer used, makes regular and effective cleaning more difficult and less likely. It can also provide harborage for insects and rodents.

2. Unused articles, including equipment that is no longer used, must be removed from the food service establishment premises.
3. Areas designated as equipment storage areas and closets must be maintained in a neat, clean, and sanitary manner. They must be routinely cleaned to avoid attractive or harborage conditions for rodents and insects.

(e) **Subsection (5) (o): Prohibiting Animals:**

1. Animals carry disease-causing organisms and can transmit pathogens to humans through direct and/or indirect contamination of food and food-contact surfaces. The restrictions apply to live animals with limited access allowed only in specific situations and under controlled conditions and to the storage of live and dead fish bait. Employees with service animals are required in *Subsection (7) (c) 1(iii) of Rule 290-5-14* to wash their hands after each contact with animals to remove bacteria and soil.
2. Animals shed hair continuously and may deposit liquid or fecal waste, creating the need for vigilance and more frequent and rigorous cleaning efforts.
2. The definition for a “service animal” is adapted from 28 CFR 36.104 adopted pursuant to the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.). A service animal performs some of the functions that persons with a disability cannot perform for themselves, such as those provided by “seeing-eye dogs”; alerting persons with hearing impairments to sounds; pulling wheelchairs or carrying and picking up things for persons with mobility impairments; and assisting persons with mobility impairments with balance. A service animal is not considered a pet.
4. Under Title III of the ADA, privately owned businesses that serve the public are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed. Some, but not all, service animals wear special collars or harnesses. Some, but not all, are licensed or certified and have identification papers.
5. Decisions regarding a food employee or applicant with a disability who needs to use a service animal should be made on a case-by-case basis. An employer must comply with health and safety requirements, but is obligated to consider whether there is a reasonable accommodation that can be made. Guidance is available from the U.S. Department of Justice, Civil Rights Division, Disability Rights Section or the U.S. Equal Employment Opportunity

Commission, the Federal agency which has the lead in these matters, in documents such as, “Commonly Asked Questions About Service Animals in Places of Business”; “The Americans with Disabilities Act Questions and Answers”; “A Guide to Disability Rights Laws@; and “Americans with Disabilities Act Title III Technical Assistance Manual, 1994 Supplement.” The ADA Information Line is 800-514-0301 (voice) or 800-514-0383 (TDD) and the Internet Home Page address is <http://www.usdoj.gov/crt/ada/adahom1.htm>.

6. Exception – Capuchin Monkey:

- (a.) Capuchin monkeys held as service animals may be held with a Wild Animal Permit for Disabled Assistants as per OCGA 27-5-4(b). Further, pursuant to OCGA 27-5-4(b) (4), under no circumstances may the monkey be present on the premises where food is sold.
- (b.) The Georgia Department of Natural Resources’ Georgia Wildlife Resources Division regulates Wild Animals coming into Georgia and it issues the Wild Animal Permit for Disabled Assistants (*See Part II Section I of this Manual for more information*).

(5) (Subsection (6) (a) through (s)): Poisonous or Toxic Materials:

- (a) (Subsection (6) (a)): Original Containers, identifying Information: The accidental contamination of food or food-contact surfaces can cause serious illness. Prominent and distinct labeling helps ensure that poisonous and toxic materials including personal care items are properly used.
- (b) (Subsection (6) (b)): Working Containers, Common Name: It is common practice in food establishments to purchase many poisonous or toxic materials including cleaners and sanitizers in bulk containers. Working containers are frequently used to convey these materials to areas where they will be used, resulting in working containers being stored in different locations in the establishment. Identification of these containers with the common name of the material helps prevent the dangerous misuse of the contents.
- (c) (Subsection (6) (c)): Storage, Separation: Separation of poisonous and toxic materials in accordance with the requirements of this section ensures that food, equipment, utensils, linens, and single-service and single-use articles are properly protected from contamination. For example, the storage of these types of

materials directly above or adjacent to food could result in contamination of the food from spillage.

(d) **(Subsection (6) (d))**: Restriction:

1. The presence in the establishment of poisonous or toxic materials that are not required for the maintenance and operation of the establishment represents an unnecessary risk to both employees and consumers.
3. Preserving food safety depends in part on the appropriate and proper storage and use of poisonous or toxic materials that are necessary to the maintenance and operation of a food establishment. Even those that are necessary can pose a hazard if they are used in a manner that contradicts the intended use of the material as described by the manufacturer on the material's label. If additional poisonous or toxic materials are present, there is an unwarranted increased potential for contamination due to improper storage (e.g., overhead spillage that could result in the contamination of food, food-contact surfaces, or food equipment) or inappropriate application.
3. Only those poisonous or toxic materials that are required for the operation and maintenance of the food service establishment shall be allowed on the premises of a food service establishment.

(e) **(Subsection (6) (e))**: Conditions of Use:

1. Failure to properly use poisonous or toxic materials can be dangerous. Many poisonous or toxic materials have general use directions on their label. Failure to follow the stated instructions could result in injury to employees and consumers through direct contact or the contamination of food.
2. Particular precautions must be taken during the application of poisonous or toxic materials to prevent the contamination of food and other food-contact surfaces. Residues of certain materials are not discernible to the unaided eye and present an additional risk to the employee and consumer.
3. Because of the toxicity of restricted use pesticides, they can only be applied by certified operators. A certified operator would be aware of the dangers involved in the contamination of food and food-contact surfaces during the application of these materials. Improperly applied pesticides present health risks to employees as well as consumers and special precautions must be taken when restricted use pesticides are applied

4. Only those poisonous or toxic materials that are approved for use within a food service establishment, as stated within the manufacturer's use direction including labeling, and, for a pesticide, manufacturer's label instructions, may be present on the premises of the establishment.
- (f) (Subsection (6) (g)): Chemical Sanitizers, Criteria: Chemical sanitizers are included with poisonous or toxic materials because they may be toxic if not used in accordance with requirements listed in the Code of Federal Regulations (CFR). Large concentrations of sanitizer in excess of the CFR requirements can be harmful because residues of the materials remain. The CFR reference that is provided lists concentrations of sanitizers that are considered safe.
- (g) (Subsection (6) (h) and (i)): Chemicals for Washing Fruits and Vegetables, Criteria/ Boiler Water Additives, Criteria/ Drying Agents, Criteria:
1. If the chemical wash, boiler water additive, or drying agent used is not made up of components that are approved as food additives or generally recognized as safe, illness may result. This could be due to residues that may remain from the use of compounds such as unrecognized drying agents. This is why only those chemicals that are listed in the CFR can be used.
 2. Chemicals that are not listed for these uses may be submitted for review by filing a Food Additive Petition. Wash chemicals, boiler water additives, and drying agents are classified as food additives because of the possibility that they may end up in food. Therefore, they are subject to review before being used or listed in the CFR.
 5. 21 CFR Section 173.315 specifically identifies chemicals that may be used in washing fruits and vegetables, but it **does not specify any maximum level** (2000 ppm or otherwise) of chemical usage for sodium hypochlorite. FDA acknowledges the use of sodium hypochlorite on fruits and vegetables and also allows calcium hypochlorite to be used interchangeably with sodium hypochlorite under 21 CFR 173.315.
 5. Boiler water additives that may be safely used in the preparation of steam that may contact food, and their condition of use, are identified in 21 CFR 173.310 Boiler Water Additives.
- (h) (Subsection (6) (k)): Lubricants, Incidental Food Contact Surfaces: Lubricants used on food equipment may directly or indirectly end up in the food. Therefore, the lubricants used must be approved as food additives or generally recognized as safe and listed in the CFR. Lubricants that are not safe present the possibility of foodborne illness if they find their way into the food.

- (i) **(Subsection (6) (l))**: **Restricted Use Pesticide, Criteria**: Open bait stations may result in the spillage of the poison being used. Also, it is easier for pests to transport the potentially toxic bait throughout the establishment. Consequently, the bait may end up on food-contact surfaces and ultimately in the food being prepared or served.

- (j) **(Subsection (6) (n))**: **Tracking Powder, Pest Control and Monitoring**: The use of tracking powder pesticides presents the potential for the powder to be dispersed throughout the establishment. Consequently, the powder could directly or indirectly contaminate food being prepared. This contamination could adversely affect both the safety and quality of the food and, therefore, tracking powder pesticides are not allowed.

- (k) **(Subsection (6) (o))**: **Medicines, Restriction and Storage**:
 - 1. Medicines that are not necessary for the health of employees present an unjustified risk to the health of other employees and consumers due to misuse and/or improper storage.

 - 2. There are circumstances that require employees to have personal medications on hand in the establishment. To prevent misuse, personal medications must be labeled and stored in accordance with the requirements stated for poisonous or toxic materials. Proper labeling and storage of medicines to

ensure that they are not accidentally misused or otherwise contaminate food or food-contact surfaces.

- (l) **(Subsection (6) (p))**: **Refrigerated Medicines, Storage**:
 - 1. Some employee medications may require refrigerated storage. If employee medications are stored in a food refrigerator, precautions must be taken to prevent the contamination of other items stored in the same refrigerator.

 - 2. Refrigerated medications within refrigeration units, such as walk-in coolers, must be stored within a closed leak-proof, labeled container, such as “Tupperware” or zip-lock bags.

H. Rule 290-5-14-.08 Special Food Service Operations:

(1) **Overview**:

- (a) Mobile Food Service Establishments (MFSEs), Extended Food Service Establishments (EFSEs) and Temporary Food Service Establishments (TFSEs), collectively recognized within Chapter 290-5-14 as “**Special Food Service Operations**”, are in operation throughout the country and in Georgia. MFSEs

present unique challenges because they travel from location to location, whereas EFSEs remain on the premises of their base of operations. Mobile food service units are known as being difficult to track down for the Health Authority’s inspection. Identifying the source of food used by both of these units and along with their food preparation practices can be difficult.

- (b) Mobile food service units include a wide range of units from pushcarts to all types of four-wheeled vehicles and trailers, where as extended food service units tend to be pushcarts or kiosks. It is essential that the requirements for both MFSEs and EFSEs are based upon a menu review of the items to be transported, prepared, cooked, held, and served. Many mobile food service units are high-risk operations engaging in the preparation of raw ingredients and in processes that include the cooking, hot and cold holding, cooling, and reheating of potentially hazardous food (time/temperature control for safety foods) or PHF/TCS foods.
- (c) Temporary food service establishments (TFSEs) present their own set of challenges to the Health Authority. They operate under the minimum basic standards for food safety. They usually serve large numbers of consumers for a limited time period in an environment outside of the protective physical facilities and equipment that is provided within a permanent fixed food service

establishment. Health Authority decisions in applying the requirements of the Chapter for these establishments are at times difficult and may take some creative thinking on the part of the environmentalist. More times than not, food employees lack any formal or informal food safety training. Many volunteers (also employees) participate in TFSEs and when they do, they bring their home food handling practices with them to the event, as well as their education, beliefs, values, etc. Screening for potential disease problems can be more difficult for participants of TFSEs as compared to other types of food service establishments. Participants of TFSEs can be divided into 5 groups as follows:

1. The Professional:

- (a.) “Professional Eventster”: These are participants who do TFSEs for a living (or as a main source of income). They are usually experienced and participate at many events over a wide geographical area, usually staying with the same menu and equipment. Their main reason for participation at TFSEs is to obtain a stable income or profit. This particular group may include some mobile food service units.
- (b.) “Restaurateur or Fixed Permitted Food Service Establishment Operating in the Field”: These are the professionals in the food service business that occasionally participate in local or regional events. They serve their establishment menu items using current facilities or equipment to

prepare food. Usually, the reason for participating at the TFSE is profit driven or for civic reasons.

2. “The Social or Civic Organization”: Some of these groups are very experienced and organized and some are not. They can participate in one or many events per year. Their menus vary but they tend to stick with what has worked in the past and has been the easiest to prepare and most cost effective. The main reason to participate is usually for fundraising.
3. “The Cottage Industrialist”: At times, members of this group have been termed as the “Mom & Pop” variety. They can have prior experience in food safety but usually they do not. Their menu ranges from the very simple to the very complex. Their main motivation to participate at TFEs is usually to supplement their income due to retirement and/or change in a career. They may also have a need to participate in community events.
4. “The Volunteer or Innocent Bystander”: These are groups of participants, such as church or civic groups, that participate for a variety of reasons and they have good intentions in regards to food safety. They may have experience in participating at TFSEs; but, more often, they do not. They

usually perform specific tasks, such as filling beverage cups with ice or dispensing popcorn into bags; however, more complex tasks, such as cooking, is done by the more seasoned volunteer.

5. “The Novice”: This group presents the most challenge to the Health Authority. Members of this group that participate at TFSEs do not have any experience in operating a food service establishment nor do they have any food safety training. Most often, they have not planned out a formal menu and when they do, they usually want to offer food items that cannot be safely prepared and served at TFSEs. They usually have limited resources, facilities, and equipment. They may change their menu or method of operation to compete with other operations participating at TFSEs. They participate at TFSEs for varied reasons but primarily, for profit.
- (d) According to data from the Centers for Disease Control and Prevention (CDC), the most commonly reported risk factors that contribute to food borne disease are:
1. Improper holding temperature;
 2. Inadequate cooking of food;
 3. Poor personal hygiene;
 4. Contaminated equipment; and

5. Foods from unsafe sources

- (e) Regardless of whether food is prepared at a fixed, seasonal, or temporary food service establishment, or on mobile food service units or extended food service units, these above listed risk factors must be controlled in order to ensure the safety of the foods being served.
 - (f) Special Food Service Operations can be operated safely when they comply with regulatory standards in the Chapter that are established to control and minimize the contributing risk factors of food borne disease identified above. Therefore, like any food service establishment, it is important that Special Food Service Operations are in compliance with Chapter 290-5-14 requirements **BEFORE** they begin their operations.
- (2) **(Subsection (1) (a) through (k))**: **Mobile Food Service Units and Extended Food Service Units**:
- (a) **(Subsection (1) (a))**: **Compliance Required**:

1. Mobile food service units, as well as extended food service units, must be constructed and operated so as to be in full compliance with the Chapter 290-5-14". The exception to these units being in full compliance with the Chapter is found within *Subsections (1) (a) 1. through 3. and (1) (b) of Rule -.08* can only be applied to the food service operations after the Health Authority has conducted a hazard analysis of the proposed operation. This analysis of the proposed operation can be mainly accomplished first through review of the proposed menu, then through the food service plans and specifications along with the method of operation. The following will help to explain:

- (a.) Depending on how the mobile food service establishment is designed and operated, the permit holder may be required by the Health Authority to do all food preparation at the base-of-operation or within the fixed food service establishment used as a base of operation. In this case, the mobile food unit would only be allowed to vend or sell food possibly because it did not have sufficient equipment on board to do safe food processing. Any decision to allow or disallow any menu item or processing step will be based upon a hazard analysis of all processing steps of foods on the proposed menu along with that of the proposed methodology for operating the proposed mobile food service operation. **See Part – I Section B entitled, “Menu Review” of the Chapter’s Food Service Establishment Manual for Design, Installation and construction for more information.**

- (b.) ***(Subsection (1) (a) 1., 2., and 3.):*** The Health Authority may prohibit the sale of some or all potentially hazardous food. The determining factor in this case would be if risk factors noted during the review of the menu and food processing involved could be satisfactorily controlled by the permit holder. Two examples could be applied. The first example of this would be the restriction of preparing chopped barbeque sandwiches on an enclosed-type mobile food unit, such as a hot-dog cart. The permit holder could not be allowed to prepare or assemble these type food products on a unit that is not fully enclosed where both the food employee and food preparation/service is conducted from inside the mobile food unit. Since the potentially hazardous food preparation and service would not be conducted from within the protective environment of a fully enclosed unit, there would be unacceptable risk of cross-contamination of the product from the environment. The second example would be a mobile food vehicle vendor (designed as a grab & go self-service) proposing to sell plated lunches. This proposed activity cannot be allowed due to the unacceptable risk of temperature abuse of foods. However, the permit holder may be allowed to serve any food as long as it is **prepackaged in individual servings**, transported and stored

under conditions meeting the requirements of the Chapter. He or she would be allowed to individually package food before placing it on the vehicle at the base-of-operation or fixed food service establishment used as a base-of-operation. The food must be in individual portions and packaged as defined in *Rule -.01 (vvv)* and labeled as stated within *Rule -.04 Subsection (7) (c) 2*. Packaging of food can be bottled, canned, cartoned, securely bagged or securely wrapped. Packaged **does not** include attempting to package food in a wrapper, carry-out box or other nondurable container used to containerize food with the purpose of facilitating food protection during service as would occur between a food establishment employee and a consumer. The idea is that the consumer is assured the food has been protected from contamination, mishandling, or mislabeling prior to them receiving the food - there would be physical evidence of package tampering. He or she could only serve beverages that are not potentially hazardous such as coffee served out of covered urns or other protected dispensing equipment.

- (c.) If after review of the menu and the proposed food processing steps the Health Authority determines that no health hazards will result, the Health Authority, at its option, may modify all other requirements with *Rule -.08* in regards to physical facilities. The allowed modifications mentioned here are found in *Subsections (1) (b) 2; (1) (g) second sentence of 1; (1) (g) 2. (iii) and (v); and (1) (i) 2*. The two modifications that are not allowed by the Chapter are found within *Subsection (1) (a) 3 that refers to Subsection (1) (e) “Liquid Waste”* and to *Subsection (1) (f)*

“Operations”. *Subsection (1) (e)* requires a liquid waste storage tank, meeting all of the requirements regarding *Rule - .06 Subsections (4) (a), (e), (f), (g), (h) and (i)* as related to capacity, drainage, design, construction, installation, operation, maintenance and sewage disposal, onboard mobile food service units should they have a potable water supply onboard. *Subsection (1) (f)* lists the general operational requirements for mobile food service and extended food service establishments to be in compliance with the Chapter.

(b) **(Subsection (1) (b)):** Exceptions to Compliance:

1. *Rule -.08 Subsection (1) (b) entitled, “Exceptions to Compliance.”* provides for the exception as stated within *Rule -.08 Subsection (1) (a)*. that both mobile food service units and extended mobile food service units may be granted certain exemptions for construction and equipment that is required in *Rule -.08 Subsection (1) (g) 1. and Rule -.08 Subsection (1) (c) 1. through 4.* based upon a limited menu and method of operation. The two types of units are as follows:

(a.) **(Subsection (b) 1. and 2.):** The mobile vehicle vendor unit (grab & go self-service) will not be required to have a hand sink nor a warewashing sink onboard if these pieces of equipment are provided at the base of operation or food service establishment used as a base of operation. In addition, all food items must be prepackaged in individual servings (see Rule -.01(vvv) and properly labeled (Rule -.04 (7) (c))). All beverages will be non-potentially hazardous such as coffee and served from covered urns. All condiments will be commercially packaged in single servings.

(b.) **(Subsection (1) (b) 3.):** Pushcart or Pull-Behind-A-Vehicle Units:

1. Potentially Hazardous Food (Time Temperature Control for Safety Food) Limited Menu: More often than not, pushcarts and/or pull-behind-a-vehicle units are hot dog carts. The food storage area or areas on the unit must be equipped with a closable cabinet where the operator can stand outside and reach in to prepare the food product. The unit will have over-head protections in the form of a canopy large enough to completely cover the unit and the operator. A hand sink and a three-compartmented warewashing sink with sufficient hot and cold running water under pressure is provided for a minimum of one days supply. It will also be equipped with a properly sized wastewater storage tank as mentioned within *Rule - .06 subsections (4) (a), (e), (f), (g), (h) and (i)*. Its menu will be limited to potentially hazardous foods such as commercially processed foods, frankfurters, and precooked encased sausages that

only require removal from its packaging and heating prior to service. All condiments will be commercially packaged in single servings and only single-use, disposable articles will be offered for consumer use. It must be operated at a fixed location and from a base of operation or a food service establishment used as its base of operation.

2. **(Subsection (I) (g) 1.)**: Units preparing non-potentially hazardous foods, such as snow cones and popcorn, must be constructed so that food preparation and service areas are fully enclosed by accessible, protective cabinets. The food is prepared and served from these enclosed accessible, protective cabinets by the food employee. Handwashing and warewashing facilities sinks must be located on the unit. The unit will have over-head protections in the form of a canopy large enough to completely cover the unit and the operator.

3. **See Part-I Section U- Special Food Service of the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

(c) **(Subsection (I) (c))**: Equipment and Supplies Required:

1. All mobile food units where processing of food such as chopping, slicing, grinding, mixing, formulating, blending, juicing, or otherwise preparing potentially hazardous foods occurs within the unit, the following pieces of equipment will be required onboard:
 - (a.) Thermostatic control hot holding, refrigeration, and freezer equipment must be provided. Ice chests are not adequate for this purpose;
 - (b.) Food thermometers of proper tip size and scale for testing food product temperature;
 - (c.) A hand sink and a separate three-compartmented, warewashing sink with large enough compartments for the complete immersion of the largest piece of equipment or utensil. These sinks must be separate from each other in that the warewashing sink cannot be used as a hand sink; and
 - (d.) Only individually wrapped single-service articles are offered for consumer use.

(d) **(Subsection (I) (f))**: Operation:

1. In order for a mobile food service and/or an extended mobile food service operation to be in compliance with the Chapter, the following must be adhered to by the operation:
 - (a.) Mobile food service units and extended food service units must co-exist with a base of operation or a fixed food service establishment used as its base of operation. The base of operation or fixed food service establishment used as a base of operation cannot exist without its associated mobile food service unit or extended food service unit.
 - (b.) Each mobile food service unit must report back to its base of operation or fixed food service establishment used as its base of operation at least once a day for all re-supplying, cleaning and servicing of the unit or units. If this symbiotic relationship does not exist, then the mobile food service operation is not in compliance with the Chapter.
 - (c.) Extended mobile food units differ from mobile food service units because they do not move off from the premises of its base of operation or fixed food service establishment used as its base of operation. Examples of these locations would be such as within Shopping Malls or Office Buildings. They are serviced daily from their base of operation or food service establishment used as their base of operations. This means they are located at a fixed location and supplies, etc. are brought to it from the base of operation. Likewise, wastewater may be transported to its base of operation by means of transport vehicle. Its water supply can also be transported to the extended unit from its base of operation using approved water transport equipment. Finally, units that are mobile may be taken back to the base of operations for servicing.
 - (d.) Mobile food service units must be stored at the base of operation when not in operation. The exception would be if the local Health Authority agreed to allow the unit or units to be stored elsewhere, such as the operator's residence. In this case, the permit applicant must enter into a written agreement concerning this arrangement with the local Health Authority.
- (e) **(Subsection (1) (g))**: **Construction**:
 1. **Basic Construction**: With the exception of units as described within *Rule -.08 Subsection (1) (b)*, units, both mobile food service and extended food service, that are preparing potentially hazardous food as defined in *Rule -.01 Subsection (jjj)* must be constructed so as to be fully enclosed. This means that the operator must prepare and serve the food from within an area of the mobile food service unit or the extended food service unit. However, units

serving non-potentially hazardous foods, such as popcorn or snow cones may be constructed similar to that of a hot dog cart in that the food preparation area, storage, service areas are fully enclosed within a cabinet. In this case, the operator would be able to open the cabinet to retrieve the food for service.

2. **(Subsection (1) (g) 2.): Servicing Areas:** Servicing areas only apply to mobile food service units. Whether or not a base of operation will be required to have a servicing area depends on if its mobile food service unit has a wastewater tank or if unpackaged food is loaded onto the unit. The required presence of a wastewater tank would also mean that potable water supply that is under pressure is also required to be on the unit. Should servicing areas be required, they must have at least overhead protection. This overhead protection can be as elaborate as a garage or as simple as an awning. However, the overhead protection must be large enough to completely encompass the entire servicing area taking into account of blowing rain events. In addition, overhead

protection must be connected to the base of operation at the point where unpackaged food will exit from the base of operation and transferred onto the unit.

Note: The above is a physical facility that can be modified by the Health Authority as stated within *Rule -.08 Subsection (1) (a) 3.*

3. **See Part-I Section U – Special Food Service of the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

(f) **(Subsection (1) (h)) : Identification:**

1. **Signage:**

(a.) It is a requirement of the Chapter that mobile food service and extended food service units are identified to the consumer and to the Health Authority. This requirement is necessary for purposes of trace-back in the event of a foodborne illness outbreak and or other enforcement purposes. This requirement is accomplished through a sign posted or lettering that is clearly and conspicuously posted onto the outside of the unit or units. The sign or lettering must indicate the name and address of the owner, the name of the operation along with the mobile food service establishment permit number issued by the county of origin. The lettering and numbers used to create the sign or lettering must be at least two inches (2”) in height (**See Example #8-1 and #8-2 below for examples of signage for mobile food service and extended food service units:**

Example #8-1

TOM'S EATS AND SWEETS
Tom Smith (Owner and Operator)
4321 Smith Road
Anywhere, GA 30000
Permit #0700 Clarke County

Example #8-2

THE FOOD STOP
Metro Food Services, Inc. (Owner)
John Adams (Operator)
4321 Smith Road
Anywhere, GA 30000
Permit #0700 Clarke County

- (b.) **(Subsection (1) (h) 2.)**: A copy of both food service establishment permit and mobile food service unit permit(s) along with current inspection reports conducted by the Health Authority of the base of operation and current inspection report(s) conducted by each Health Authority whose county the unit operates within must be displayed for public view on the mobile food service unit. These documents must be protected from inclement weather by use of waterproof frames or other devices that will not impede clear and unobstructed observation by consumers or by the Health Authority conducting inspections.

(g) **Subsection (1) (i): Location:**

1. **Background:**

- (a.) As to the requirements for two locations and/or areas for mobile food service units, there are two administrative reasons. First, in order to administratively monitor the mobile food service operation's status or an extended food service operation of controlling risk factors and good retail practices (or SOPs), Chapter 290-5-14 requires a permit to be issued to the base-of-operation within the county of origin. In addition, a mobile unit permit must be issued to each mobile food unit (s) in each county in which the mobile unit(s) operates (**see Rule -.02 Subsections (2)**). This provision ensures that each mobile food

service unit will be inspected (or accessed) along with its base-of-operation by the local Health Authority as one food service establishment (**see Rule -.10 Subsection (2) (e)**). Secondly, all food service inspections except for preliminary, informal, follow-up, and the scheduled meeting with the CFSM of Risk-Type III establishments are conducted unannounced by the local Health Authority. Unannounced inspections are needed to get a true assessment of the establishment's compliance with the Chapter. Knowledge of assigned areas or locations of operation will allow the local Health Authority to randomly conduct unannounced food service inspections of the mobile food service unit. In addition, a defined and known point-of-contact with the mobile food service unit and its management is necessary should the operation become part of a foodborne investigation. This is why in *Rule -.02 Subsection (3) (e)* there are provisions for the applicant of both the food service permit (type "Mobile Food Service Establishment") and each mobile food service unit to list schedules of locations and times where the mobile unit or units will be parked and operating. This information of location and operating times given by said applicant must be communicated by both local Health Authorities, the county of origin where the base-of-operation is located and the county in which the mobile food unit or units will be operating. Extended food service units are restricted to two locations and/or areas on the premises of the base-of-operation or food service establishment from which it services for similar reasons as applied to mobile food service units.

(b.) **Mobile Food Service Operation vs. Off-Site Catering:**

1. **Mobile Food Service Operations:** The Mobile food service operation permit, issued by the county of origin, and the associated Mobile Food Unit permit(s), issued in each local Health Authority (county) the unit(s) operate within, would only allow the permit holder to

have a food service establishment that operates as a mobile food service establishment. This means the mobile food service unit would be allowed to go from site (location) to site (location) or a maximum of two areas (routes) soliciting sales from non-contractual consumers.

2. Catering Establishments addressed within Chapter 290-5-14: Caterers are only mentioned one time within the Chapter and that is in *Rule -.01 (yy)* as an example of a type of food service establishment within the definition of food service establishment.

There are no specific Rules to address catering establishments within the Chapter. Traditionally and as a method of operation, food service catering establishments do food service transactions based upon contractual agreement with their consumer. Food is prepared in bulk, containerized and delivered to a specific consumer on a specific date and time for a specified fee. If a catering operation is properly equipped with its own equipment and supplies, it can do some preparation onsite and can provide other services, such as decoration and serving of food, as well.

3. Types of Catering Food Service Establishments: Basically, the food industry has two types of food service catering establishments, onsite catering and off-site catering. An example of on-site catering would be a food service establishment in a hotel being contracted to provide food and service in its banquet room. An example of an off-site catering event would be that for a wedding. The caterer would prepare food and transport it to the site of the wedding. Upon arrival at the site of the wedding, the consumer would take possession of the food or at his request; the caterer could serve prepared food to his wedding guest. With a properly equipped mobile catering unit, the permit holder could prepare food on-site, as well.
4. Distinguishing Factors between Mobile Food Service Operations and Food Service Catering Establishments:
 - (I) The emphasis between a catering establishment and a mobile food service establishment is on how they both operate. There is nothing to restrict a single applicant to be the permit holder of different types of permits (food service establishment, mobile food service, temporary, etc.). A permit holder could have a food service permit and operate as a caterer and at the same time, hold a mobile food service establishment permit/mobile food unit

permit (s) and operate as a mobile food service establishment. In this case, the difference between the two operations is their method of operation and that mobile food service units are restricted to operational locations or areas. In turn, these restrictions in operational locations would require the permit holder to keep the two operations separated. If a unit is permitted as a mobile food service unit, it could not be used as a catering unit. In this case, the regular food service permit, type-catering establishment, would require that separate unit(s) would be used and operated only as an off-site catering unit(s).

(II) Should an individual hold both food service permits, type catering establishment and type mobile food service operation, the permit holder will be responsible for providing documentation, as determined by Health Authority issuing such permits, disclosing how unit(s) are being utilized for each type of food service operation.

5. Home Delivery Service: Home delivery food service, such as pizza or Chinese food delivery service, is sometimes loosely described as being a form of catering, but it is not. The customer will call the establishment and will make a verbal request of the establishment to deliver a food item from their menu. This type of food service is food delivery provided by the establishment. There is no standing contractual agreement for food to be prepared and delivered on or off-site.

6. (Subsection (1) (i) 1.): Vending “Area” Interpreted:

(I) "Area" is interpreted as meaning a “Route” and/or a “Fixed Location”:

(i) A “Route” will not be interpreted to mean a city or combination of cities, a county or combination of counties, a health district or combination of health districts, regions, nor the State itself. By making such an allowance for a wide range of operation locations, the local Health Authority’s ability to quickly and easily find a unit at any point in time would be impeded. Instead and in the case of mobile food service units, a “Route” would be a name of a street with points to be visited along that street similar to that of a milk delivery or a mail delivery route. In the case of extended food service units, a “Route” would be a series fixed locations within a defined part of the premises of the base of operation

or food service establishment being used as its base of operation. These points of location would be indicated on a floor plan or site plan of such premises furnished by the permit holder to the Health Authority at time of permit application.

- (ii) In the case of mobile food service units, a “Fixed Location” would be a street address, street corner description, business address, shopping center location or address, or with local Health Authority approval, longitude and latitude GPS

(Global Positioning Satellite) coordinates. For extended food service units, a “Fixed Location” would be a point of reference or longitude and latitude GPS (Global Positioning Satellite) coordinates within the premises of the unit’s base of operation or food service establishment being used as its base of operation. These points of location would be indicated on a floor plan or site plan of such premises furnished by the permit holder to the Health Authority at time of permit application.

2. Food Vending Requirements and Restrictions:

(a.) Mobile food service units:

1. **(Subsection (1) (i) 1. (i)):** Each mobile food service unit operation will be restricted to two (2) routes and/or fixed locations within each county in which it operates, including the county of origin. Each route and/or fixed location will be stipulated as part of the mobile food service unit permit. Should a mobile food service unit operation deviate from the routes and/or fixed locations as stipulated by the mobile food service unit permit, the mobile food service unit permit will become invalid.
2. **(Subsection (1) (i) 1. (ii)):** The operator of unit(s) must provide written evidence from the owner of the premises of the vending site that he has prior legal access to such premises for food vending. The content and format of such written evidence will be determined at the discretion of the Health Authority having jurisdiction,
3. **(Subsection (1) (i) 1. (iii)):** If applicable, permit applicants must provide documentation of compliance with another jurisdiction’s requirements, such as zoning, business licensing, building, and fire safety laws, codes, and or regulations.

(b.) Extended food service units:

1. **(Subsection (1) (i) 1. (i)):** Each extended food service unit operation will be restricted to a maximum of two (2) fixed locations on-site of the base of operation or food service establishment being used as its base of operation. The two fixed locations will be stipulated as part of the extended food service unit permit. Should an extended food service unit operation deviate from its fixed location as stipulated by

the extended food service unit permit, the extended food service unit permit will become invalid.

2. **(Subsection (1) (i) 1. (ii)):** The operator of unit(s) must provide written evidence from the owner of the premises of the vending site that he has prior legal access to such premises for food vending. The content and format of such written evidence will be determined at the discretion of the Health Authority having jurisdiction,
3. **(Subsection (1) (i) 1. (iii)):** If applicable, permit applicants must provide documentation of compliance with another jurisdiction's requirements, such as zoning, business licensing, building, and fire safety laws, codes, and/or regulations.

(c.) **(Subsection (1) (i) 2.):** Exceptions to Food Vending Requirements and Restrictions:

1. **Limitations of Exceptions:** The provisions within *Rule -.08 Subsection (1) (i) 2.* of the Chapter is intended to allow the following methods of operations to occur:
 - (I) A food service establishment operates its own extended food service unit, for example a Kiosk, under its food service permit within an enclosed building, such as a shopping mall and or office building.
 - (II) A food service establishment operates its own mobile food service unit on its premises for special nonpermanent events or occasions such as festival or special advertisement campaigns. In this example, the food service establishment may or may not be inside an enclosed building.
2. **Modification:** The local Health Authority may allow units to function under permits granted to food service establishments. This exemption to *Rule -.02 Subsection (2),* and *Rule -.08 Subsection (1)*

(i) 1. is one of the Health Authority’s discretionary modifications as mentioned within *Rule -.08 Subsection (1)*:

I. The discretionary modification in *Rule -.08 Subsection (1) (i) 2.* will be allowed by the local Health Authority as long as the following criteria is met:

(II) Unit or units must be operated as an extension to the food service establishment with a valid food service permit;

(III) The unit must be operated under the direct and complete managerial authority of that which manages the permitted food service establishment. If the unit is not owned by the permit holder of the fixed food service establishment, then the relationship between the owner of the unit and the permit holder of the food service establishment must meet the criteria as stated within **(2) (b) entitled, “Mobile Food Service Unit and Extended Food Service Unit Legitimacy” in Part-I Section B on page B41 of this Manual;**

(IV) If sanitation, temperature control, and sanitization requirements for operation of the unit are in satisfactory compliance of the Chapter at the food service establishment as determined by the local Health Authority; and

(V) The permit holder of food service establishment must obtain prior approval from the local Health Authority **BEFORE** placing an extended food service unit and/or a mobile food service unit into operation.

(h) **(Subsection (1) (j): Compliance with Other Regulations:** Mobile food service operations and extended food service operations must be in compliance with all applicable laws, regulations and ordinances as stated within *Rule -.08 Subsection (1) (j)*.

(i) **(Subsection (1) (k): Prohibition of Service of Home Prepared Foods:** *Rule -.08 Subsection (1) (k)* is linked with the provisions of *Rule -.04 Subsection (2) (a) 2* of the Chapter. Food prepared within home kitchens, with their varieties of food and open entry to humans and pet animals, are frequently implicated in the microbial contamination of food. Because commercial items seldom are eaten right away, the home kitchen's limited capacity for maintaining food at proper temperatures may result in considerable microbial growth and toxin production by microorganisms introduced through the diverse sources of contamination.

Controlled processing conducted within a properly designed and equipped food service establishment operating under the guidelines and requirements of Chapter 290-5-14 are required for the safe preparation of food to be served to the public.

(2) **(Subsection (2) (a) through (i))**: Temporary Food Service Establishments:

(a) **(Subsection (2) (a))**: Operation, Permit Application, Responsibilities:

1. It is a requirement of the Chapter that TFSEs be allowed to operate at the same location for no more than 14 consecutive days for any one event or celebration.
2. A celebration is interpreted to mean a transitory gathering of people for the purpose of taking part in organized activities, such as fairs and or festivals, for a specific purpose and it is publicly advertised.
3. An event is interpreted to mean a transitory gathering of people to take part in organized activities, such as a business marketing advertisement, outdoor sporting activities, or fund raisers, for a specific purpose and it is publicly advertised.
4. If a mobile food service unit is to be operated at a temporary food service event or celebration for more than one day, the permit holder of the mobile food service unit must obtain a valid temporary food service permit from the local Health Authority having jurisdiction of where the event and/or celebration is taking place. This action on the part of the mobile food service permit holder is necessary to allow the unit to stay at the event and/or celebration without having to report back to its base of operation for its daily servicing and supplying operations.
5. Unless the requirements in *Subsection (2) (c) 3.* can be met by the applicant, the applicant will be restricted to limited food preparation and cooking as stated within *Subsection (2) (d) 2.* Should the applicant show that he or she can provide a properly equipped and protect food preparation area onsite of his or her temporary food service establishment, then more complex food preparation may be allowed by the Health Authority.
6. Raw or under cooked food of animal origin that are filter feeders, such as oysters, clams, muscles, etc., are prohibited from service. This is necessary due to the potential time necessary for trace-back and investigation, as related to the relative short time of a temporary event, should a foodborne illness outbreak to occur involving these types of foods.
7. **See Part-I Section U – Special Food Service of the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

(b) **(Subsection (2)(b)3.): Inspections:**

1. Temporary food service inspections will be conducted using the Department’s Food Service Inspection Report Form and its associated Addendum Forms. It

is adaptable to the methods of operation and menus of temporary food service establishments, which are widely varied from that of the traditional food service establishment or other special food service operations. Items on the Food Service Inspection Report Form that are not applicable to a temporary food service establishment would be marked as N/A (not applicable). Items that are not observable during the inspection would be marked NO (not observed). All other items (i. e., IN, OUT, COS, etc.) would be marked on the Form the same as it would be on any inspection. However, in the box entitled, “Purpose of Inspection”, the bubble labeled, “Other”, would be marked for temporary food service inspections.

2. For documenting violations, corrective actions and temperatures use *Forms K-2a and K-2b entitled, “Food Service Establishment Inspection Report Addendum”*.
3. Violations for GRP’s must be corrected by the permit holder within the scope of the time-line for the temporary food service operation as intended within *Rule -.10 Subsection (j) 1* of Chapter 290-5-14 which states, “... or as otherwise directed by the Health Authority.”
4. **See Document K-11 in Part-II Section K of this Manual for general marking instructions.**

(c) **(Subsection (2) (d)):** Preparation and Service – Potentially Hazardous Foods:

1. **(Subsection (2) (d) 1.):** Acceptable preparation site: *Rule -.08 Subsection (2) (d) 1.* intends that any potentially hazardous food (time/temperature control for safety food) may be served at the site of a temporary food service establishment if the following is met:
 - (a.) The food is prepared and stored within the protective environment of a permitted, fixed food service establishment;
 - (b.) The food is transported from a permitted, fixed food service establishment that meets all of the requirements of the Chapter;
 - (c.) The food is stored and transported in protective containers at food product temperatures of $\leq 41^{\circ}\text{F}$ or at $\geq 135^{\circ}\text{F}$.

3. **(Subsection (2) (d) 2.): Limited On-site preparation and service:** On-site preparation of potentially hazardous foods (time/temperature control for safety foods) is limited to that which requires only seasoning as in adding salt,

pepper, or barbeque sauce. Preparation steps such as mixing, chopping, grinding, blinding, or slicing, etc., are not allowed on-site of the event, unless requirements as stated within *Subsection (2) (c) 3.* can be complied with by the applicant. Further, only those foods that require cooking may be prepared and served.

3. **(Subsection (1) (d) 3.): Prohibited preparation and service:** Potentially hazardous foods (time/temperature control for safety foods) such as listed in *Rule -.08 Subsection (2) (d) 3.* are those with ingredients that are made up in part or all highly protein, moist and starchy of which are ready-to-eat, such as deli meats or potato salad. They can be easily cross-contaminated through mishandling by food employees and soiled equipment and there is no cooking (or kill step) to kill pathogens in or on the food. Temperature control of these products is not easily maintained and is often abused. These types of food products have a history of being a source for foodborne illness caused by pathogens, such as *Staphylococcus aureus*, found on food employee' hands and noses and mouths. It is for these reasons that such food products cannot be safely prepared and served on-site under the limited, basic food safety environment of a temporary food service establishment.

4. **(Subsection (2) (d) 3.) Exemption to prohibited preparation and service of foods listed in Rule -.08 subsection (2) (d) 3.:** The prohibition does not apply to foods listed in *Rule -.08 Subsection (2) (d) 3.* if the following requirements are met:

- (a.) Food is prepared, packaged in individual servings, and properly labeled in a permitted, fixed food service establishment that meets all requirements of the Chapter stated within *Rule -.08 Subsection (2) (d) 1.*;
- (b.) Food is transported and held on-site at a product temperatures of $\leq 41^{\circ}\text{F}$ or at $\geq 135^{\circ}\text{F}$ until served to the consumer; and
- (c.) Food is served to the consumer directly in the unopened container in which it was packaged.

5. **See Part-I Section U – Special Food Service of the “Food Service Establishment Manual for Design, Installation and Construction” for more information.**

- (d) **(Subsection (2) (i): Exceptions to Compliance:**

1. Background: House Bill 1576 was passed by the Georgia Legislature and signed by Georgia Governor Miller on April 20, 1998 and became known as “Article 14” and as the “Non-Profit Temporary Food Service Law”. With its creation, Article 14 changed

how Georgia’s Food Laws defines food service establishments as reflected within *Rule -.01 (yy)* by exempting certain food service operations should they meet all three conditions listed within this Rule.

2. Conditions for Exemption from *Rule -.01 (yy)*: In order for a food establishment not to fall under the definition of food service establishment as defined within *Rule -.01 (yy)*, the preparation or serving of food is an authorized part of and occurs upon the site of a fair or festival. All three of the following conditions must be met:
 - (a.) The fair or festival must be sponsored by a city, county government or by a nonprofit organization;
 - (b.) The fair or festival must not last more than 120 hours (i.e. 5 days); and
 - (c.) The food service is conducted under the authorization of a permit issued by the city or county government in which the fair or festival is occurring.
3. Organizations: Organizations include entities that are by state charter nonprofit and those that hold an I.R.S. nonprofit tax exemption. City, County and State governments are nonprofit by charter. Organizations, such as religious, charitable, or nonprofit corporations, including but not limited to churches, schools, clubs, lodges, would be consider in Article 14 as examples of nonprofit organizations. A copy of the I.R.S. Form 501C (Certification of nonprofit status) is proof these organization meet the requirement for nonprofit status.
4. Applicability of Sponsorship: The determining factor as to whether or not a food service permit issued under the Georgia Food Service Rules and Regulations Chapter 290-5-14 or a nonprofit temporary food service permit issued under Article 14 depends on who is the organizer. If the fair or festival organizer is a for-profit entity, then all food service occurring at the fair or festival would be considered as food service under Chapter 290-5-14. However, should the organizer of the fair or festival be a nonprofit entity, then all food service occurring on the premises of the fair or festival would be considered as nonprofit and as such, it would fall under the jurisdiction of Article 14.
5. Permit Issuance and Forms: Under *Article 14*, state temporary food service permit as stated within Chapter 290-5-14 cannot be issued to nonprofit temporary food service establishments. Further, the state food service inspection report form and addendums used for routine food service inspections cannot be used to conduct nonprofit temporary food service establishments.

6. Jurisdiction: In order for county boards of health to issue nonprofit temporary food service establishment permits and conduct inspections, city and county governments must request county boards of health to do so on their behalf. If asked, county Boards of Health will issue a permit for the city or county government in which the nonprofit fair or festival is occurring. However, should the city or county governments wish to issue a permit themselves, then county boards of health would not have any part in the permitting and inspection process. However, county boards of health may provide staff assistance to organizations at nonprofit events for providing food safety instruction.
7. Enforcement: No adverse action against an organization may be taken by a county or city government or a county board of health acting as an agent for a city or county government, including denial of a permit or revocation of a permit, or citations for violations of *Article 14*, without the written approval of such action by the district health (medical) director. Any organization which is aggrieved or adversely affected by any final order or action of a county board of health or district health director may have review thereof by appeal, as of July 1, 2009, to the Commissioner of Community Health or his or her designee. Appeals to the Commissioner shall be heard after not more than eight hours.
8. *See K-33, K-34, K-35, K-36, K-37 and K-38 of Section K in Part-II of this Manual for forms and documents used under Article 14.*
9. *See Section F in Part-II of this Manual for reference to Article 14.*

I. Rule 290-5-14-.09 Certification and Standardization of Environmental Health Personnel:

- (l) Environmental Health Specialist (EHS) who have been assigned food service program responsibilities will complete:
 - (a) *Subsection (1) (a)*: Food Safety Certification: A Certified Food Safety Manager (CFSM) training program and a professionally validated exam that is accredited by the Conference of Food Protection (CFP) is required prior to EHS conducting independent food service program activities. The CFP website has the accredited programs listed. There is a link from the state's website at www.georgiaeh.us to delineate this requirement in *Rule -.09 Subsection (1) (a)*. This certification requirement ensures each EHS at least meets the same requirements as the managers in food service establishments who are required to obtain this same certification. A copy of the certificate should be in each EHS personnel file that is assigned food service program responsibilities. As a minimum requirement, EHS will not conduct routine food service program activities without this CFSM certification.

(Subsection (1) (b)): Standardization:

1. **Standardization** is a procedure to verify that EHS have the capacity to carry-out their assigned duties and responsibilities within the role of a Standardized Food Service Establishment Inspection Officer. This verification is demonstrated through the process of testing their knowledge, skills and abilities to properly apply the food service rules and regulations, use essential equipment, and exhibit necessary communication skills, in conducting a risk-based food service establishment inspection. Each EHS will complete this process within two years upon acquiring food service program responsibilities at which time, EHS must successfully earn a Standardized Food Service Establishment Inspection Officer Certificate. After the two year grace period has expired, EHS will not conduct food service establishment inspections without first obtaining this stated certificate. During the two year grace period, all assigned work conducted within the food service program must be reviewed and signed-off by a Standardized Food Service Establishment Inspection Officer holding a valid certificate. Also, a copy of the current certificate will be maintained within the EHS's personnel file at their place of employment. District Standard-Trainers will notify the State Environmental Health Office of certificate issuance so as to maintain a state database backup of EHS standardization certification.
2. **Re-standardization** of EHS by District Standard-Trainers will be scheduled by each Districts Environmental Health Director to be staggered so as to complete the re-standardization process within a three to five year time period. In this way, not all of the county EHS staff will be re-standardized at the same time and the District Standard-Trainers will have sufficient time to carry-out this important function. However, Certificates will expire 5 years from date of issuance.
3. **Standardization of District Standard-Trainers:** EHS who will be executing the role of a District Standard-Trainer will be standardized by a State Environmental Health Office Standard-Trainer and will earn a Standardized Food Service Establishment Inspection and Training Officer Certificate or they must hold a current FDA Standardized Retail Food Inspection Officer Certificate. Further, District Standard-Trainers must be designated by their applicable District Environmental Health Director. District Environmental Health Directors must keep the State Environmental Health Office's Food Service Program Director up-to-date of District Standard-Trainer designations.

4. **Re-Standardization of District Standard-Trainers:** Re-Standardization of District Standard-Trainers will be conducted by the State Environmental Health Office Standard-Trainers. If a District Standard-Trainer was

previously standardized by a FDA Standard and is due for re-standardization as a FDA Standardized Retail Food Inspection Officer, he or she must successfully complete the FDA re-standardization process and receive a current Standardized Retail Food Inspection Officer Certificate from FDA or be standardized by a State Environmental Health Office Standard-Trainer. Failure to be re-standardized by either the State Environmental Health Office or FDA will disqualify said District Standard-Trainer from standardizing EHS and from performing food service program duties and responsibilities.

5. **District Standardization Self-Assessment:** Each Health District will conduct self-assessments of its standardized risk based food service establishment inspection program twice annually – once during the first six months of the calendar year and once during the second half of the calendar year. Using methodologies established by the State Environmental Health Office, District Standard-Trainers will examine food service inspection reports and send data to the State Environmental Health Office for processing. A report will be generated for each Health District for District Standard-Trainers to evaluate. Occurrences of standardization trends noted will be addressed by District Standard-Trainers through at a minimum of mentoring and instruction of county EHS staff.
6. **District Standard-Trainer Support and Training: State Standard-Trainers will mentor District Standard-Trainers by** reviewing district standardization of county EHS staff. The standardization documents of the first EHS standardized by each newly standardized District Standard-Trainer will be reviewed by a State Standard-Trainer. This review of documents is a continuation of training and feedback support for newly standardized District Standard-Trainers. In addition, the State Environmental Health State Office will continue to provide support and training to all District Standard-Trainers through its provision of statewide, educational-seminars given at least once each year. These statewide, educational-seminars will focus on the self-assessment process of district standardized EHS food service establishment inspection activities, feedback on self-assessments by districts, and the provision of up-to-date training on the EHS standardization process. These steps to support District Standard-Trainers will help to provide uniformity throughout the state of Georgia in maintaining uniform food service establishment risk-based inspections. By doing so, the state food service program should be enabled to fulfill its mission of reducing the occurrence of foodborne illness through reduction in the occurrence of foodborne illness risk factors.

5. **State Environmental Health Office District Assessment Processing and Reporting; Verification Assessment; and Reporting and Corrective Action Protocols:** The State Environmental Health Office will examine district EHS standardization activities, the frequency of risk factor violations, and surveys of county EHS staff in determining the state of functionality of the State’s Food Service Program. Through such verification activities, the State Environmental Health Office will assess the weaknesses and strengths of its food service program. This verification activity will allow the State Environmental Health Office to make any needed changes within the food service program. These changes will then improve the food service program’s effectiveness in reducing the occurrence of risk factors for foodborne illness thereby, resulting in the reduction of the occurrence of foodborne illness itself.

 7. **See Part-II Section L entitled, “Standardization,” within this Manual for reference to the Georgia Standardization Procedure, the Georgia Food Service Standardization Cooperative Agreement, and District Self-Assessment/State Verification Protocols.**
- (c) **(Subsection (1) (c): Food Safety Related Continuing Education Unit (CEU) Credit:**
1. An EHS with a Standardized Food Service Establishment Inspection Officer Certificate or Standardized Food Service Inspection and Training Officer Certificate may continue inspections of food service establishments after their first two years of employment provided that they maintain Food Safety Related Credit (CEU). Specific courses taken cannot be repeated in consecutive two (2) year cycles and receive CEU credit. This requirement for the course work not to be repeated each two (2) year cycle is so that EHS will have the opportunity to be exposed to new information on a periodic basis.

 2. **Guidelines for Continuing Education Unit (CEU) Credit:**
 - (a.) **Organization Submittal For Food Service Program CEU Credit:**
 1. One half credit hour is assigned for each twenty five minute segment of continuing education lecture or exhibit attendance directly related to the food service program such as but not limited to food service plan review training, foodborne illness (FBI), and or inspection training courses.

 2. Only training or lecturing time given by course instructors will be counted toward CEU credit hours. Breaks, meal times, registration times, etc., do not count toward continuing education credit totals.



3. The sponsoring organization is responsible for submitting a completed application for continuing education to the Department of Public Health, Environmental Health Branch for continuing education approval prior to the training event.
 4. At the conclusion of the training event, the sponsoring organization is responsible for submitting a list of participants on forms provided by the Department for record keeping.
 5. *See Forms K-19 and K-20 in Part II Section K of this Manual.*
- (b.) FDA/ORAU Training: CEU food service program related training transcripts such as but not limited to food service plan review training, foodborne illness (FBI), and/or inspection training courses will automatically be accepted as CEU credit to EHS standardization certification. CEU's will be issued based upon that equivalent to contact hours issued by the training agency. Attendance certificates or other training agency documentation indicating contact hours awarded will be evaluated by the State Environmental Health Office. See the following list of FDA/ORAU Training Courses in Chart -.09:

Chart -.09

<u>TITLE OF COURSE</u>	<u>CODE</u>	<u>TYPE</u>	<u>CEUs</u>
PREVAILING STATUTES, REGULATIONS, ORDINANCES			
Basic Food Law for State Regulators	FDA35	online	0.1
Basics of Inspection: Beginning an Inspection	FDA38	online	0.2
Basics of Inspection: Issues & Observations	FDA39	online	0.2
Food Code*		online	

Chart -.09 (Continued)

PUBLIC HEALTH PRINCIPLES			
Public Health Principles	FDA36	online	0.2
COMMUNICATION SKILLS			
Active Listening Skills ^G	EHS02	online	
Communication Skills for Regulators*		online	
MICROBIOLOGY			
Food Microbiological Control 1: Overview of Microbiology	MIC01	online	0.1
Food Microbiological Control 2A: Gram-Negative Rods	MIC02	online	0.1
Food Microbiological Control 2B: Gram-Positive Rods & Cocci	MIC03	online	0.2
Food Microbiological Control 3: Foodborne Viruses	MIC04	online	0.1
Food Microbiological Control 4: Foodborne Parasites	MIC05	online	0.2
Food Microbiological Control: Mid-Series Exam	MIC16	online	
Food Microbiological Control 5: Controlling Growth Factors	MIC06	online	0.2
Food Microbiological Control 6: Control by Refrigeration & Freezing	MIC07	online	0.1
Food Microbiological Control 7A: Control by Thermal Processing	MIC08	online	0.2
Food Microbiological Control 7B: Control by Pasteurization	MIC09	online	0.2
Food Microbiological Control 7C: Control by Retorting	MIC10	online	0.2
Food Microbiological Control 8: Technology-Based Food Processes	MIC11	online	0.2
Food Microbiological Control 9: Natural Toxins	MIC12	online	0.2
Food Microbiological Control 10: Aseptic Sampling	MIC13	online	0.2
Food Microbiological Control 11: Good Manufacturing Practices	MIC14	online	0.2
Food Microbiological Control 12: Cleaning & Sanitizing	MIC15	online	0.2

Chart -.09 (Continued)

EPIDEMIOLOGY			
Foodborne Illness Investigations 1: Collecting Surveillance Data	FI01	online	0.2
Foodborne Illness Investigations 2: Beginning the Investigation	FI02	online	0.2
Foodborne Illness Investigations 3: Expanding the Investigation	FI03	online	0.2
Foodborne Illness Investigations 4: Conducting a Food Hazard Review	FI04	online	0.2
Foodborne Illness Investigations 5: Epidemiological Statistics	FI05	online	0.2
Foodborne Illness Investigations 6: Final Report	FI06	online	0.2
HACCP			
Basics of HACCP: Overview of HACCP	FDA16	online	0.1
Basics of HACCP: Prerequisite Programs & Preliminary Steps	FDA17	online	0.1
Basics of HACCP: The Principles	FDA18	online	0.1

- (c.) Institutional Training: Outside educational institution training such as through the University of Georgia Education Extension Service must be related to the food service program. CEU credits from such training courses will be accepted on a case-by-case basis at the discretion of the Department of Public Health, Environmental Health Branch.
 - (d.) DPH/Division Public Health/Environmental Health Branch New EHS Training Modules: To qualify to receive eight (8) hours CEU credit, EHS must attend all days of the course scheduled within the agenda.
- (2) **(Subsection (2))**: Records of EHS Credentials: Records of Training, Standardization, and CEU Credit shall be maintained in the office where each EHS works. Copies of such records will be maintained at the discretion of the Division of Public Health/ Environmental Health Office.
- (3) **(Subsection (3))**: Time Frame for Completion of Credentials: All EHS personnel employed prior to December 1st, 2007 that have enforcement responsibilities of Chapter 290-5-14 will have until December 1st, 2009 to complete all credentialing requirements, food safety certification and standardization, in order to continue these responsibilities within the food service program. Food safety related 2 year cycle CEU credits credentialing requirements will begin for all EHS on January 2nd, 2010 and at least eight (8) hours of these CEU credits must be accumulated each two (2) year cycle thereafter.

J. Rule 290-5-14-10 Compliance Procedures. Amended:

(1) **(Subsection (1) (a) through (e))**: Permits:

(a) **(Subsection (1) (a))**: Issuance:

1. Permits issued to food service establishments by local Health Authorities are to be those that are designed, approved, and distributed by the Department of Public Health's; Environmental Health Branch.
2. A local Health Authority wishing to include its county seal on permits must request permission from the Department of Public Health's Environmental Health Branch.
3. **See Forms K-8, K-9 and K-10 in Part-II Section K of this Manual.**

(b) **(Subsection (1) (b))**: Suspension or Revocation:

1. **Background**:

- (a.) In order for the local Health Authority to carry out its responsibility to protect the public health through compliance with the Chapter, the local Health Authority, who is charged by law to enforce the provisions of the Chapter, has the power and the authority to suspend and/or revoke food service permits that it issues to food service establishments.
- (b.) As a matter of due process of law, a hearing and notice must be afforded to food service permit applicants and permit holders whenever the following occurs:
 1. An application for a food service permit is denied; or
 2. A food service permit that was previously issued by the Health Authority that is to be suspended or revoked.
- (c.) The food service permit applicant or permit holder must be afforded notice in writing specifically stating all reasons why the Health Authority is taking such action.
- (d.) **(Subsection (1) (b) 3.)**: **Purpose of Power to Suspend or Revoke Food Service Permits**: The local Health Authority's suspending and/or revocation of a food service permit that it has issued is the minimum action that it must take to protect the public health when the following occurs:



1. Assure compliance with the rules and regulations of the Chapter when the continued operation of a food service establishment presents a substantial and imminent health hazard to the public; or
 2. When a food service establishment is in flagrant or continuing violation of the Chapter.
- (e.) **(Subsection (1) (b) (d))**: An order to suspend a food service permit may be issued by a County Board of Health based upon findings of a formal hearing. Also, an order to suspend a food service permit may occur based upon findings during a food service inspection and/or foodborne illness investigation conducted by an EHS representing a County Board of Health.
- (f.) **Suspension of a Food Service Permit during a Food Service Inspection and/or as a result of a Foodborne Illness Investigation:**
1. **Voluntary Compliance by Permit Holder**: The overall aim of the Chapter is to gain continual voluntary compliance with its Rules and Regulations on the part of the permit holder in order to protect the public. Prior to suspension of a food service permit, the local Health Authority will ask the permit holder to voluntarily close his establishment until all violations and/or imminent health hazard to the public have been corrected or abated. Prior to reopening the establishment, the permit holder must request a re-inspection from the Health Authority.
 2. **Involuntary Compliance by a Permit Holder**: Should the permit holder not wish to comply with requirements of the Chapter when the continued operation of a food service establishment presents a substantial and imminent health hazard to the public or when a food service establishment is in flagrant or continuing violation of the Chapter, then the food service permit must be suspended through the issuance of a "NOTICE OF FOOD SERVICE PERMIT SUSPENSION" and the suspended food service permit is to be removed from the establishment. The permit holder is notified of his right to a preliminary hearing, as predetermined on the "NOTICE OF FOOD SERVICE PERMIT SUSPENSION", to show just cause as to why his food service permit should be reinstated. The notice is to replace the suspended food service permit and it is to be posted publicly at or on the establishment's entry door. The "NOTICE OF FOOD SERVICE PERMIT SUSPENSION" will remain until all violations have been corrected and/or an imminent health threat has been abated. Once the notice has been issued by the EHS, then the

food service establishment must immediately cease operations and close to the public. The permit holder may resume his food service establishment operations upon obtaining approval from the Health Authority. **See Form K-12 in Part-II Section K of this Manual.**

(g) **(Subsection (1) (b) 5. through 9.): Preliminary Hearing and Duties of Hearing Official:**

1. This preliminary hearing is not the same as the formal hearing that is held before the county board of health or before a representative of the county board of health, the medical director or his appointee, a hearing officer. The preliminary hearing official is someone of experienced managerial level employee who has not been involved with the inspection and/or investigation of the food service establishment in question. The appointed hearing officer of a formal hearing must be in accordance with in O.C.G.A. § 31-5, Article 1.
2. The function of a preliminary hearing is restricted to determine if a suspension should be reinstated, rescinded, or modified, or to continue the suspension with or without conditions. An example of a suspension modification could be to add additional time to correct an out of compliance risk factor, once the 10 days are up as provided within *Rule -.10 Subsection (2) (i) 2.*, as long as an alternative controls can be applied to temporarily reduce, limit and or eliminate the public health threat within a reasonable time limit, and/or until the local Health Authority can determine the violations have been brought back into compliance with the Chapter.
3. The preliminary hearing official is authorized to oversee the proceedings of the preliminary hearing. If the suspension of a food service permit is not rescinded, the preliminary hearing official must afford the permit holder the right to request an evidentiary (or formal) hearing before the Board of Health or its designated representative. If the permit holder does not request an evidentiary (or formal) hearing before the Board of Health, the suspension of the food service permit will remain in effect until all violations have been corrected, as made apparent through an inspection to reinstate the permit.

(2) **(Subsection (2) (a) through (p)): Inspections:**

(a) **(Subsection (2) (a)): Risk Categorization of Food Service Establishments:**

1. In determining the risk type of a food service establishment, the establishment's system of operation must be assessed through the following:
 - (a.) The menu items served;
 - (b.) The food preparation processes performed; and
 - (c.) The previous food safety history in the food service establishment.

2. In determining the risk type of a food service establishment, the risk inherent within the establishment's system of processing potentially hazardous foods (or PHFs/TCSs) must be assessed by the EHS. The EHS must be concerned only with foods that are considered PHFs/TCSs, as defined in *Rule -.01 (gggg)*, and how they are processed. In addition, the EHS must consider how well the food safety of the establishment is being managed by the CFSM. In this regard, item #2(a) 1(c) listed above is automatically addressed by the Chapter through grading and enforcement in *Rule -.10 Subsection (2) (b) 4, 5, 6, 7 and Subsection 7, (c), (i), (j), (n), and (p)*. However, if a risk type I establishment's processing steps are fluctuating back and forth (or yo-yo-effect) from strictly reheating commercially process food to taking in non-ready-to-eat ingredients and cooking it in-house, the establishment would need to be assessed as a risk type II instead of risk type I. Likewise, similar food menu and processing changes can occur within risk type III establishments; therefore, it becomes necessary to periodically reassess all food service establishment menus and processing systems.

3. Risk categorization of food service establishments is not the same as grouping the establishment's menu items into the three processing steps (i.e., no cook process, same day service, and complex). Categorization of food service establishments is primarily based upon whether or not the food process has a cook step and/or it is done under a required HACCP plan in order to determine how many times the establishment is to be inspected routinely per a 12 month period. On the other hand, the menu review process groups foods according to how many times food goes through a complete trip through the food danger zone which is between 41°F and 135°F. The purpose of the food item groupings into the three processing steps is to help the EHS to determine the flow of food through the establishment. By knowing the flow of food through the establishment, the EHS will be enabled to identify the critical control points where hazards must be controlled to make food safe to eat. In this way, the EHS can determine whether the food service establishment is applying control limits at these critical control points along the flow of food through the establishment as required by Chapter 290-5-14.

4. **Subsection (2) (a) 1.**: Risk Type I:

- (a.) To be a risk type I establishment, there would not be a cooking step in the processing of food. They may reheat precooked foods that have been processed and packaged in a commercially permitted processing plant. The example of such foods is given in the regulations as precooked hotdogs and sausages. Since these food items are ready-to-eat, all that is necessary is to open the package and reheat to any temperature for immediate service or 135° F for hot holding for service. There may also be establishments serving commercially processed deli meats or salads, such as chicken salad. Also, risk type I establishments would not offer any food items that would require disclosure and reminder statements for undercooked or raw PHFs nor would their processing steps require an approved HACCP plan.
 - (b.) If an establishment previously classified as being Risk Type I changes its menu to include animal products, such as raw chicken, it would be reclassified as a risk type II food service establishment. This reclassification would be necessary because it has now changed its system of operation by adding a cook step (cooking PHF) in the flow of food through the establishment. Further, risk type II operations could include a hot holding and reheating processing step - all done in-house. The risk type II processing step creates a higher risk for contaminants to gain entrance into food through the potential for mishandling of food during processing than does that of risk type I. The food is usually handled more in a risk type II establishment (more steps in preparing the food for service). More often, the food comes into the establishment in the raw state with a high bacteria load, requiring cooking or an advisory to be considered ready-to-eat.
 - (c.) Risk type I establishments are only allowed under the Chapter to reheat commercially precooked PHFs/TCSs. Once a food has been reheated and then cooled and reheated for service the next day, the food service establishment falls within risk type II characterization. Because a cooling and an additional reheating process step are added to the flow of food through the establishment – more involved onsite food preparation is occurring within the establishment. As a result, these additional processing steps increase the potential for risk factors being out of control within the establishment, thereby raising the risk type characterization from type I to type II.
5. **(Subsection (2) (a) 2.): Risk Type II:** A risk type II food service establishment would be an establishment that **does have a COOK PROCESSING STEP** within the flow of food through the establishment. It does not have a

processing step that requires a HACCP plan. It may offer raw and/or undercooked PHFs/TCSs requiring a disclosure and a reminder statement. In addition, holding, reheating, cooling and second reheating processing steps could be included within the flow of food through the establishment.

6. **(Subsection (2) (a) 3.): Risk Type III:**

- (a.) **Characteristics:** A risk type III food service establishment most likely will have processing steps similar to a risk type II establishment. However, the significant identifying factor between a risk type II and a risk type III establishment is that a risk type III establishment conducts food processing that is outside the critical limits given in the Chapter to control risk factors to foodborne illness. These food-processing steps can only be carried-out under a required HACCP Plan which indicates such processing steps can be safely conducted on a continual basis.

- (b.) **Inspections:** Since Risk Type III establishments process food as per an approved HACCP Plan, they must be routinely inspected at a minimum of 3 times per 12 month period. One of these inspections will be prearranged when the CFM of the establishment is present specifically to assess compliance with the required HACCP Plan. During this HACCP Plan assessment, the EHS will review the records and food processing procedures conducted under the HACCP Plan. In order to meet this requirement, this third inspection must be arranged when such food processing is to occur. Because this is an arranged inspection, it cannot be considered as a routine inspection nor as a follow-up inspection or informal inspection. Therefore, the food service inspection report form should not be utilized and the establishment's evaluation will be focused on the compliance with the approved HACCP Plan only. At the conclusion of the third inspection, the EHS will complete a HACCP Plan Verification Worksheet and place the completed form within the establishment inspection file folder at the local Health Department (See Form K-4 in Section K of Part -II of this Manual).

- (c.) **Enforcement:** The EHS must assess whether or not the food service establishment complies with its approved HACCP Plan. Should the establishment be found in violation and the person in charge is not implementing corrective action for a HACCP plan provision that is not in compliance with its critical limit as stated within *Rule -.10*

Subsection (2) (i) 1, then the following response will be initiated by the local Health Authority:

1. The food processing will stop until the person in charge has voluntarily taken corrective action to bring the process back into compliance with the approved HACCP Plan. This may be accomplished through a risk control plan (RCP) with follow-up inspection(s); and
 2. Food found to be processed in non-compliance with the approved HACCP Plan will be voluntarily disposed to waste by the person in charge or a withhold from sale order will be issued by the local Health Authority and the food will be subject to condemnation as specified by *Subsection (3) (b) of Rule -.10*; or
 3. Failure of the person in charge and/or permit holder to comply with the direction and/or orders issued by the local Health Authority to correct violations to its satisfaction will result in emergency action (i.e., permit suspension/revocation or injunctive procedures) as specified within *Subsection (2) (i) of Rule -.10*.
7. Monitoring Food Service Establishments for Change in Risk Type Categorization: EHS must become familiar with the individual facility's menu and method of processing food. The EHS that inspects the facility will have the best opportunity to gain sufficient knowledge of their food processing system by asking the appropriate open-ended questions. Re-evaluation of a food service establishment's menu and processing procedures is best done during food service inspections. At a minimum, food service establishment menus and processing steps should be formally examined on a yearly basis.
- (b) **(Subsection (2) (b) 1.)**: Construction/Preoperational Inspections: Construction/Preoperational inspections are to verify compliance with Health Authority approved food service plans and specifications, as well as, the requirements of the Chapter. They are not considered routine inspections, follow-up inspections, or informal follow-up inspections. They are to confirm compliance of the installation of food service equipment and physical facilities of the food service establishment with the requirements of the Chapter. They are not for the purpose of confirming compliance of the entire operation of the establishment (food handling, etc.) with the requirements of the Chapter. The Health Authority may or may not announce construction/preoperational inspections to the permit applicant.
- (c) **(Subsection (2) (b) 2.)**: Initial Inspection: The initial inspection of the food service establishment is that conducted at the time a food service permit is to be issued to operate the food service establishment. It is to be conducted by the Health Authority after all of the food service establishment's construction and/or

remodeling work have been completed. It may be the first inspection at a change in permit holder and/or one type of food service operation to that of another, (ex. regular food service establishment to mobile food service). The Health Authority usually announces these inspections to the food service applicant.

- (d) **(Subsection (2) (b) 3.): Routine Inspection:** The first routine inspection of a food service establishment is that which occurs after a food service permit is issued to the permit holder. The local Health Authority must conduct this stated routine inspection within sixty (60) days from the date of issuance of a food service permit. Subsequent routine inspections will occur as a result of the first routine inspection and they will be unannounced to the permit holder and/or management of the food service establishment.
- (e) **(Subsection (2) (c) and (n)1. and 2.): Follow-Up Inspections:** Follow-up inspections are conducted by the Health Authority in response to findings of a routine inspection. The Health Authority will complete an inspection of the food service establishment resulting in a new score and grade. Should a food service establishment receive a grade of “C” and/or “U” during a routine inspection, then the Health Authority must conduct a follow-up inspection. However, if a food service establishment receives a grade of “C” during a follow-up inspection with all Risk Factors/Public Health Interventions (RF/PHIs) corrected, as required within *Rule -10 Subsection (2) (i) 1 and 2*, then at the option of the Health Authority, no additional follow-up inspections will be required by the Chapter.
- (f) **(Subsection (e)): Mobile Food Service Inspections:**
1. **County of Origin:** The local Health Authority in which the base of operation is located is responsible for all food service plan review and initial inspection of both the base of operation and mobile food service units. They are also responsible for food service inspections of the base of operations. Further, it will be the responsibility of the county of origin to notify other local Health Authority’s when the mobile food service establishment operator intends to operate a mobile food service unit within another Health Authority’s jurisdiction.
 2. **Local Health Authorities located Outside of the County of Origin:** Whenever a local Health Authority other than the county of origin conducts an inspection of a mobile food service unit operating within their jurisdiction, the local Health authority will contact the county of origin. The purpose of this contact

with the county of origin is to obtain knowledge of violations that occurred at the base of operation during its last inspection. Any violations noted for the base of operation will be noted as violations during the inspection of each mobile food service unit.

- (g) **Subsection (2) (o): Informal Follow-Up Inspections:** If a follow-up inspection of a food service establishment cannot be conducted, then at the discretion of the Health Authority, an informal follow-up inspection may be conducted. The purpose of the informal follow-up inspection is to verify the correction of violations that were not corrected during the routine inspection. The main focus is to ensure that RF/PHIs are corrected in a timely manner.
- (h) **Standardization Exercises:** Standardization exercises conducted at food service establishments ***are not*** construction/preoperational, initial, routine, follow-up, ***nor*** informal follow-up inspections. Completed food service inspection forms and/or documents associated with standardization exercises ***shall not*** be posted within food service establishments ***nor*** shall they be left with management of a food service establishment. Since permit holders are not required by the Chapter to allow use of his food service establishment to conduct standardization exercises and because the standardization exercise is to assess the EHS's inspection proficiency and knowledge of the Chapter and not for purposes of enforcement in regards to the establishment's operation, a fee for the standardization exercise is not to be assessed against the food service establishment.
- (i) **Subsection (2) (g): Posting Food Service Inspections:**
1. **Base of Operations:** Food service inspection reports shall be publicly posted as per *Rule -.10 Subsection (2) (g)*.
 2. **Mobile Food Service Units:** A copy of the most recent food service inspection report form of the base of operation shall be posted on the mobile food service unit at the location where the consumer makes his order of food. In addition, the most current mobile food service unit inspection report for each county the unit is operating will be posted on the unit at the location where the consumer makes his order of food.
- (j) **Subsection (2) (m), (n), (o) and (p): Relationships between Routine Inspections, Follow-up Inspections, and Same Code Provisions:**
1. In determining the relationship between routine inspections and follow-up inspections, one must define a routine inspection, a follow-up inspection, and a same code provision. These relationships are discussed below:
 - (a.) **Same Code Provision:** Code provisions are the preventive measures to protect consumer health by controlling hazards. They are the regulations that are found within each subsection of the Rules that make-up the Chapter. They are linked to each item under each category on the food service inspection form. They are public health interventions and good

retail practices that, if applied to activities and procedures of the food employee, will prevent, eliminate, or reduce hazards to a safe level thereby helping to reduce the presence of foodborne illness. Therefore, a "same code provision" is a public health intervention or good retail practice that is noted as being marked "out" on a food service inspection form on consecutive inspections.

- (b.) Routine Inspection: In regards to “routine inspections”, the current Chapter 290-5-14 does not define a routine inspection; but instead, it describes when it first must occur. This first occurrence of a routine inspection is found within *Rule -.10 Subsection (2) (b) 3.* which states, "The first routine inspection will be conducted within sixty (60) days following the opening of the establishment." After this first routine inspection, it is necessary to determine at what intervals the next routine inspection should occur. *Subsection (2) (b) 4. through 7.* gives clear instructions as to when subsequent routine inspections will be conducted **after** the first routine inspection. These subsequent routine inspections are scheduled based on the food service establishment’s Risk Categorization as per *subsection (2) (a) "Risk Categorization"*. Since the current Chapter 290-5-14 was adopted from the 2005 FDA Model Food Code, FDA can provide guidance for what is known to be a routine inspection. As defined within the FDA's Recommended National Retail Food Regulatory Program Standards, Voluntary National Retail Food Regulatory Program Standards, "Routine Inspection" means “a full review and evaluation of a food establishment's operations and facilities to assess its compliance with Food Safety Law, at a planned frequency determined by the regulatory authority. This does not include re-inspections and other follow-up or special investigations." The regulatory authority in this case is the Georgia Department of Public Health and its representatives, County Boards of Health. This planned frequency of routine inspections is set within *Rule -.10 Subsection (2) (b).*
- (c.) Follow-Up Inspections: There is one area in *Rule -.10 Subsection (2) (c)* and there are three areas within *subsection (2) (m)* and one in *subsection (2) (n)* that point to the relationship between routine inspections and follow-up inspections. The first is located within *subsection (2) (c)* that states when a follow-up inspection must occur. It states that, “Follow-up

inspections may be conducted at anytime at the discretion of the Health Authority, but must be conducted within ten days after an establishment receives a grade “U”.” The next three areas occur in subsection (2) (m) of the Chapter. First, a repeat violation is clearly defined within this subsection and it has provisions for when points are to be deducted on the food service inspection form. It states that, “A repeat violation

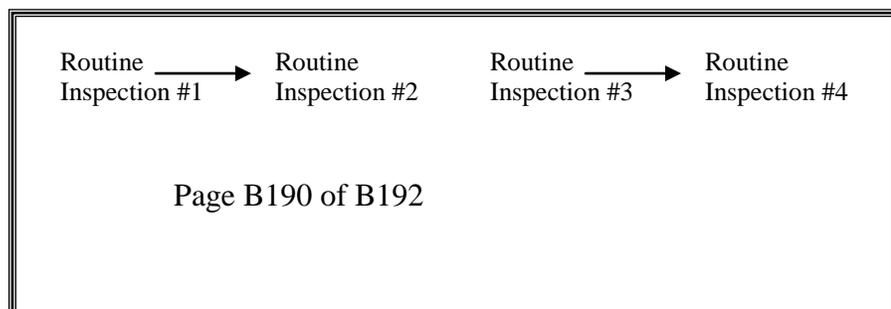
means a violation of the same code provision of this Chapter under an item in a Risk Factors/Public Health Interventions (RF/PHI) or Good Retail Practices (GRP) category as documented in the previous routine inspection.” The second is located within the last sentence in (m) after the wording, “repeat violation”, of which confirms that a follow-up violation is linked to a routine inspection by stating that, “If a repeat violation of the same code provision of this Chapter occurs for three (3) consecutive routine inspections, then the points will be deducted accordingly and the food service establishment...” The third area is found within *Subsection (2) (n) 1 of Rule -10*. It states, “A follow-up inspection means a complete inspection done as a result of a routine inspection.” In addition and just like with finding guidance with defining “routine inspections”, the FDA’s Recommended National Retail Food Regulatory Program Standards, Voluntary National Retail Food Regulatory Program Standards can be consulted to provide guidance for what is known to be a follow-up inspection. As per the FDA, follow-up inspection means, “an inspection conducted after the initial routine inspection to confirm the correction of a violation(s)”. This is to say that the follow-up inspection is always resulting from findings that occurred during a “routine inspection”.

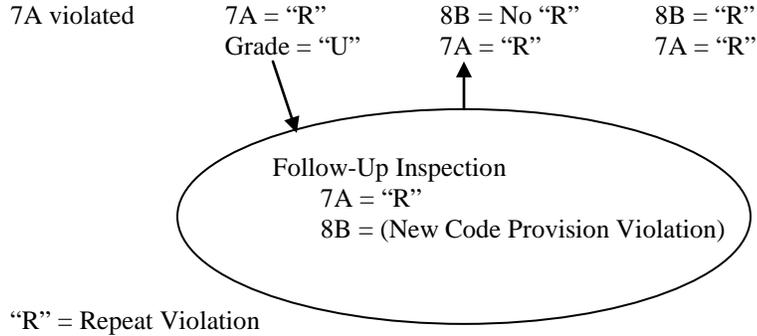
(d.) Enforcement Action:

1. If a code provision of the Chapter is repeated on the next routine inspection and a follow-up inspection is required, then the violation is marked as a repeat violation during all follow-up inspections resulting from this stated routine inspection. Points for repeated violations would be marked until said repeated violations are corrected. However, should a new violation be noted during the follow-up inspection, this newly noted code provision violation would not be marked as a repeat violation during the subsequent following routine inspection. If this stated newly noted code provision violation is still found to be in violation on the second consecutive routine inspection after the follow-up inspection, then it would be marked not only as a repeat violation; but, the associated points with a repeat violation would be taken in calculating the

establishment’s overall score. See the following diagram for clarification of enforcement action:

Diagram (2) (h) 1 (d.)





(k) **(Subsection (2) (p))**: Voluntary Closure of a Food Service Establishment as part of Food Service Inspections:

1. It is a design of the Chapter to encourage active managerial control of food service operations. In doing so, the CFSM and/or person in charge have the responsibility to do ongoing monitoring of activities of employees to ensure compliance with the requirements of the Chapter. It is through their prompt corrective action of out of control risk factors most often contributing to foodborne illness that leads to a successful food safety program within their food service establishment. When the management of a food service operation is not controlling risk factors and general good retail practices - the Health Authority may request that the establishment be voluntarily closed. Should the permit holder, CFSM, and/or person in charge not voluntarily cease operations, the Health Authority must suspend and/or revoke the food service permit as stated within *Rule -.10 Subsection (2) (p) 1 and 2*.

2. **(Subsection (2) (p) 1.)**: Grade "U" and Not Earning Grade of "C": Should a food service establishment earn a grade of "U" and does not earn at least a grade "C" within ten days of earning a grade "U", the CFSM or person in charge will be requested to voluntarily close the establishment until all violations have been corrected as per requirements of the Chapter. Failure of the food service establishment's permit holder, CFSM, and/or person in

charge to comply with a voluntary closure request from the Health Authority will require the suspension and/or revocation of the establishment's food service permit, according to *Rule -.10 Subsection (1) (b)*.

3. **(Subsection (2) (p) 2.)**: Grade "U" on Two Consecutive Routine Inspections: Should a food service establishment earn a grade of "U" on two consecutive routine inspections, the CFSM and/or person in charge will be requested to voluntarily close the establishment until all violations have been corrected as per requirements of the Chapter. Failure of the food service establishment's

permit holder, CFSM, and/or person in charge to comply with a voluntary closure request from the Health Authority will require the suspension and/or revocation of the establishment's food service permit, according to *Rule -10 Subsection (1) (b)*.

4. **(Subsection (1) (e): Reopening a Food Service Establishment:** Once a food service establishment has been voluntarily closed, the permit holder, CFSM, and/or person in charge must request the local Health Authority to conduct a follow-up inspection to determine satisfactory compliance with the Chapter. Such a request for a follow-up inspection by the food service establishment will be required for both voluntary closures and suspension of permits.

(3) **(Subsection (3)): Examination, Condemnation and Public Notice:**

- (a) **(Subsection (3) (b) 1.): Probable Cause to With Hold From Sale:** The Health Authority may, upon written notice to the owner or person in charge, place a hold (or Withhold from Sale) order on any food that the Health Authority determines or has probable cause to believe to be:

1. Unwholesome or otherwise adulterated; or
2. Misbranded.

- (b) **(Subsection (3) (b) 1.): Posting of Withhold From Sale Order:** The “Withhold From Sale Order” must be attached to food to be held. For example, cases of hamburger being held within a cooler would have a “Withhold From Sale Order” attached to the group of cases. Another example would be an entire cooler of food to be with held from sale. In this case, a “Withhold From Sale Order” describing the food would be attached to the door of the cooler and the cooler would no longer be allowed for utilization by the food service establishment, until resolution of the with hold from sale order.

- (c) **(Subsection (3) (b) 2. and 3.): See Forms K-13, K-14, K-15 and K-16 in Part-II Section K of this Manual.**



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Section C Specialty Foods

Much of our everyday food supply comes from the world market. In addition, immigrants from all over the world continue to come to America in large numbers. As their communities grow, so do the number of restaurants that serve those populations.

At the same time, mainstream America is discovering the interesting and unique cuisines of the many countries that are represented here, and in turn, restaurants that were once limited to neighborhoods heavily populated by a particular ethnic group can now be found side by side with more traditional American restaurants.

The more the Environmental Health Specialist (EHS) knows about ethnic foods, the more confident and better equipped you will be to fulfill your responsibility of keeping the foods we eat safe, and the establishments that serve them in compliance with the current Georgia Food Service Rules and Regulations Chapter 290-5-14.

Environmentalists are encouraged to review information within the Training CD entitled, “Ethnic Foods Meeting the Challenge” which is an information and training tool for U.S. food inspectors and regulators of food markets, restaurants, food service or food sales establishments. This Training CD was created through a cooperative agreement between the USDA and the Georgia Food Safety Task Force. The following excerpts from the Training CD will help EHS to become familiar with ethnic foods of which they may encounter during food service inspections:

A. African:

Traditional African cuisine is broad and varied by region. Most countries rely heavily upon the use of starches such as corn meal, teff (a flour made from millet) or cassava flour. Stews and soups both with and without meat are popular, as well as roasted meats and seafood, native fruits and vegetable dishes. African immigrants who have settled in the U.S. come from all over the continent. However, the majority of restaurants featuring native African food tend to be of Nigerian or East African origin, particularly Ethiopian and Somalian. According to the 2000 Census, over 881,000 African-born immigrants live in the U.S.

1. African – Bushmeat:

Background:

Bushmeat is a popular food in many parts of Africa. It is also commonly eaten in rural communities in Asia, South America and the Middle East. The term “bushmeat” refers to any wild animal that is killed for food and includes



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antelope, snake, crocodile, mongoose, squirrel, porcupine, monkey, elephant, fish, rodents, gorillas and other animals. It is reported that 5 million tons of bushmeat is removed annually from the Congo and the Central African Republic. The import of bushmeat is banned in the United States, but is often illegally smuggled in baggage and as freight on air flights that originate in African countries. Airport inspectors across the U.S. have reported finding bushmeat as the demand for this commodity increases. At retail, illegally imported bushmeat has been found in African and exotic food markets. It has not been seen as often in restaurants, but inspectors should be familiar with its appearance and the regulatory concerns in the event that the trend continues to grow in this country. Bushmeat is also a problem in the United Kingdom (U.K.). They estimate that 200,000 tons are brought into the country each year.

Preparation Procedure:

Bushmeat is usually prepared by skinning and roasting or smoking the meat over an open fire. In most cases the animals are gutted, but uneviscerated fish has been found in the U.S. Many in the African community believe that the smoking process preserves the meat and renders it safe for overseas shipment. While some bushmeat is processed in plants approved by local governments in Africa, much of it is processed in rural areas by methods considered unsafe by American regulatory standards.

Foodborne Illness Risk Factor – Food from Unsafe Sources:

It is illegal to import bushmeat into the U.S. According to the CDC, the illegal importation of bushmeat presents considerable risks to human, wildlife and livestock health. Preparation methods such as smoking, salting, or brining may slow down bushmeat's decay, but may not render bushmeat free of infectious agents that could cause illness, disease and even epidemics in humans.

Many agencies may have jurisdiction over this product. The Animal and Plant Health Inspection Service (APHIS) can detain a product if the animal or meat threatens domestic livestock and poultry. U.S. Fish and Wildlife has regulatory authority under the Endangered Species Act to prohibit the importation of bushmeat that comes from an endangered species. Furthermore, the Lacey Act gives U.S. Fish and Wildlife the authority to prohibit importation of species that are injurious to U.S. Wildlife. CDC has authority under the Public Health Service Act to prohibit the importation of animals and animal products and to regulate foreign quarantine to prevent the introduction of communicable diseases that threaten public health.



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Currently, CDC bans the importation of primates, African rodents, civets and Asian birds to protect against Ebola, Simian Immunodeficiency Virus (SIV), Monkeypox, Severe Acute Respiratory Syndrome (SARS) and Avian Influenza.

Control Measures:

- Recognize that bush meat is a growing problem and be on the alert for its presence in retail food stores and food service establishments.
- Verify that suspicious meats are from approved sources through labeling and invoices.
- If the source cannot be ascertained, discard the product and notify the appropriate agency that may also have jurisdiction.

2. African - Enjera (also known as “Injera”):

Background:

Enjera or Injera is a pancake-like bread made out of teff (an Ethiopian grain) flour. It is typically eaten in Ethiopia, Somalia and Eritrea. Enjera is not only a type of bread, but is also an eating utensil, since traditional Ethiopian dining does not include the use of spoons, knives or forks. Prepared foods are served on top of a large, round piece of enjera. Additional pieces of enjera are served on the side. Small pieces of the bread are torn and used to scoop up the food for eating.

Preparation Procedure:

The preparation of enjera takes place over several days because it involves a fermentation process. Once the teff flour is mixed with water, it is placed in a bowl covered with a dishtowel and left at room temperature until it bubbles and turns slightly sour. This may take as long as 3 days. The finished, fermented mixture has the consistency of a very thin pancake batter.

Once the batter is ready, it is poured into a hot, large, round skillet and cooked briefly until air holes form and the edges lift from the pan. It is only cooked on one side. A variety of stews (both meat and vegetable), side vegetables and salads are ladled onto the enjera for serving. After the foods are eaten with the Enjera that is served on the side, the enjera bread that lines the tray is eaten.

This is the tastiest part, because the enjera on the plate has soaked up the juice and flavor of each dish.



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Enjera may also be cut or torn into small pieces and added to soups.

Foodborne Illness Risk Factor – Improper Holding Temperatures:

After preparation, enjera is moist and has a lemony smell. Since it is made from flour, *Bacillus cereus* is a possible hazard with this product. If operators choose to hold this product at room temperature, they must provide documentation that shows that the water activity is below .85, or the pH is 4.6 or below or that the combination of the two factors renders the product non-potentially hazardous. They also have the option to use time only and serve or discard the product within 4 hours.

Control Measures

- Verify that enjera is held at 41°F or below or that time as a public health control is implemented with the proper documentation.

3. African – Goat:

Background:

Goat is a common meat popular among many ethnicities, including African, Caribbean, Hispanic, Greek and Indian populations. Meat and Poultry inspection falls under the purview of the United States Department of Agriculture (USDA). Through cooperative agreements, this responsibility may be transferred to States but any meat processed under State inspection is limited to intrastate commerce.

Preparation Procedure:

Goat is prepared in a variety of ways, including roasted, braised, curried and in soups and stews.

Foodborne Illness Risk Factor – Food from Unsafe Sources:

While most goat meat is purchased from state or USDA approved plants, some restaurants and markets purchase goat meat from unapproved sources. Others may purchase a live goat from an unapproved source and process it themselves. Still others raise their own goats at home and slaughter and process them as needed. There have been cases in which inspectors have discovered whole animals, frozen with fur and hooves intact.

Any goat meat that is not from a USDA or state approved source is illegal and cannot be served in restaurants or sold in markets.



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Control Measures:

- If goat is on the menu or in a meat display case, ask to see the packaging or invoice in order to ascertain that it comes from an approved source.
- If the whole skinned goat carcass is in the facility, check for the USDA stamp to verify that it is from an approved source.
- Verify that time/temperature controls appropriate for goat are used.

4. African – Halal:

Background:

Halal is a term from the Quran, the holy book of the religion of Islam. It refers to anything which is lawful or allowed according to Allah, or God. It also refers to the Islamic set of dietary laws which regulate the preparation of food. Devout Muslims are only allowed to eat Halal food.

Foods that are considered naturally halal and permissible to eat without special preparation include:

- Milk (from cows, sheep, camels, and goats)
- Honey
- Fish
- Plants which are not intoxicants
- Fresh or naturally frozen vegetables
- Fresh or dried fruits
- Legumes and nuts like peanuts, cashew nuts, hazel nuts, walnuts, etc.
- Grains such as wheat, rice, rye, barley, oats, etc.

Animals such as cows, sheep, goats, deer, moose, chickens, ducks, and game birds are also Halal, but they must be slaughtered according to Islamic rites in order to be suitable for consumption.

The primary halal concern for U.S. food inspectors relates to meats.

Preparation:

Halal laws require that animals be slaughtered in a precise manner by individuals who are authorized to do so. The procedure involves slitting the animal's throat in such a way that the three main blood vessels are cut, while pronouncing the name of Allah or reciting a blessing which contains the name of Allah.



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Regulatory Concern – Honest Presentation:

(Food safety concerns for halal foods are the same as they are for non-halal foods. The following concerns relate to economic fraud.)

Source - Markets that sell halal meats purchase their products only from processing sources that have been sanctioned by an official halal accreditation source. The processor is issued a certificate by the accreditation organization in the region or state. Only products that meet the strict halal standard can be labeled as such.

Storage Practices - No halal food can be stored with non-halal foods. The primary concern is whether or not markets and restaurants selling or serving halal foods are honestly presenting them. In other words, establishments that are not exclusively halal may be storing halal meats with meats that have not been processed according to halal methods.

Control Measures:

- Look for the halal certificate in markets that indicate they are a halal market (usually posted on a wall or other visible location).
- If the facility indicates that only halal foods are sold there, then ask to see copies of the invoices, which should indicate the distributor or processor who sold the products to them. A traceback can be done to determine if the meats came from an approved halal source.
- Check packaging for halal labels indicating approved source.
- Check to be sure that halal products are not being stored with non-halal products.

Additional Concern – Thermometer Use:

When testing the temperature of halal food items, a thermometer that has not been used on non-halal products must be utilized. Using a thermometer that has been used for non-halal products would be considered contamination (economic adulteration) and the establishment would be required by Islamic law to throw it away. Some regulatory agencies require halal establishments to provide their own thermometers which must be approved by the regulatory authority. Each inspector should be aware of their agency's protocol for halal foods and act accordingly.



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5. African – Kitfo:

Background:

Kitfo is a traditional Ethiopian dish consisting of finely minced lean beef mixed with seasonings and served raw or undercooked.

Preparation Procedure:

Kitfo is prepared by melting butter and adding spices such as cardamom, fenugreek, ginger, cayenne pepper, chili pepper, and salt. The spice mixture is then stirred into the minced, raw, lean beef and served with additional powdered seasonings or sauces.

Typical side dishes served with kitfo include yogurt, ayeb (a mild cheese similar to cottage cheese), and fitfit (enjera bread soaked in a sauce made from beef juices).

Foodborne Illness Risk Factor – Inadequate Cooking:

Kitfo is raw or undercooked beef and therefore has not been processed to eliminate pathogens such as E. coli or salmonella. Any establishment serving raw, undercooked or not otherwise processed meats must inform customers of the increased risk associated with eating such foods. This is usually done through a consumer advisory in the form of a brochure, deli case sign, wall sign, table placard or menu advisory.

Control Measures:

- Confirm that the establishment has a consumer advisory that discloses to consumers that the menu item is raw and warns the consumer of the risk of consuming this product.

B. Caribbean:

According to the 2000 U.S. Census, over 3 million Caribbean-born people live in the U.S. They come from Jamaica, Barbados, Aruba, Antigua, the U.S. Virgin Islands, Grand Cayman, St. Marten, St. Croix and other islands. Caribbean cuisine is a combination of African, Spanish and French cooking influences. These traditions were brought from the many homelands of the region's population. In addition, the Caribbean people have created a wealth of unique dishes based on native foods.



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1. Caribbean – Ackee:

Background:

Ackee is the national fruit of Jamaica and is enjoyed as a prepared breakfast dish or as a lunch or dinner entrée. When the fruit turns ripe on the tree, it opens to reveal three large black shiny seeds surrounded by a bright yellow flesh. The yellow flesh around the seed is edible, but only after the fruit has opened naturally and has not yet become overripe.

Except for the yellow flesh surrounding the ackee seeds, the rest of the fruit contains toxic levels of hypoglycin A and B, which can cause mild to severe vomiting, convulsions, coma and even death in some cases. The yellow flesh itself is also toxic prior to ripening. Once the fruit is ripe and has opened, the levels of hypoglycin in the flesh rapidly diminish to non-detectable levels, making it safe for consumption.

Preparation Procedure:

When traditionally prepared, the ackee is boiled, drained and simmered in oil with salted dried codfish, onions, peppers and spices. It is considered a delicacy by many, and has the look and consistency of scrambled eggs.

Foodborne Illness Risk Factor – Food From Unsafe Sources:

Ackee imports were banned in the U.S. for nearly 30 years before the FDA lifted the ban in 2000, after determining that safe processing methods had been developed by several companies. Imports of canned ackee are now allowed, but only from approved processing companies. It remains illegal to import fresh ackee. It is also illegal to sell or commercially serve ackee grown in the U.S.

In a number of cases, it has been discovered that unapproved companies are illegally exporting ackee into the U.S. by falsely labeling canned ackee as callaloo, breadfruit or ginger beer. Specific examples of false branding are canned ackee labeled as:

- Montego Brand Jamaican Callaloo in Brine
- Tropic Ginger Beer, Product of Jamaica
- Tropic Banana Fruit



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Control Measures:

- Confirm the source of the ackee by checking labels to be sure the canned ackee is from one of the processing companies approved by the FDA. For a current list of approved companies, go to www.accessdata.fda.gov/cms_ia/country_JM.html
- Periodically check FDA import alerts for any change in the import status of ackee.
- If there is product that is suspicious for misbranding, have the operator randomly open cans to confirm that the product label matches the contents of the can.

2. Caribbean – Bammy:

Background:

Bammy is a pancake shaped bread made with cassava flour. It may be eaten at any meal, and is commonly served with fried fish. Because it is very labor intensive, most restaurants or markets serving bammy purchase pre-processed cassava flour or the finished product from distributors. However, some establishments still make bammy from scratch, making the flour from fresh, grated cassava root, which poses a potential health risk.

Preparation Procedure:

To prepare bammy from scratch, the cassava root is grated, dried and then ground into flour. The cassava flour is then mixed with water and salt to form a thick mixture. The mixture is formed into cakes and then grilled or deep-fried. In some instances, the cooked bammy is lightly grilled, soaked in coconut milk and then re-grilled or fried until golden brown.

Regulatory Concern – Chemicals (Toxins):

The cassava root contains toxins that produce cyanide. If not properly processed, the cassava flour can be severely toxic. The process for making flour from cassava root is as follows:

1. Finely grate the cassava root
2. Press all of the liquid out of the pulp
3. Air or heat dry the pulp until it is completely dry
4. Sift into flour



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Control Measures:

- Ask the establishment how the bammy is prepared.
- For commercially processed bammy, confirm that it is from an approved source by checking packaging and invoices.
- If the establishment makes the bammy completely from scratch, ask them to describe the flour-making process from start to finish to ascertain that they are following the proper procedure listed above.

3. Caribbean – Boiled Bananas, Yams & Dumplings:

Background:

Boiled bananas, yams and flour dumplings are a common side dish in Caribbean restaurants. The yams, while similar in size and color to a potato, are nuttier in flavor and should not be confused with the Southern sweet yam or sweet potato. The trio is often served at breakfast but may also be served as side dishes at any meal.

Food Preparation Procedure:

Green bananas and yams are simply boiled in water and served as is. Dumpling preparation is also very simple. The dough is made from flour, salt and water, shaped into flat ovals about 1” thick and 3” wide and boiled for about 25 minutes.

Foodborne Illness Risk Factor– Improper Holding Temperatures:

When bananas and yams are cooked, the chemical make-up changes, resulting in products that are potentially hazardous, meaning that they need time and temperature control for safety. Because the dumplings are a flour-based product, they too must be properly held to prevent microbial growth and toxin formation. In many Caribbean facilities, these products are often cooked and allowed to sit at room temperature, which poses a health risk.

Control Measures:

- Verify that dumplings, yams and bananas are cooked and served immediately, hot held at 135°F or above or held for four hours or less, using time as a public health control with the proper documentation.



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4. Caribbean – Beverages:

Background:

Many Caribbean food establishments carry a variety of traditional drinks. Among them are Irish moss, sorrell, ginger beer, coconut water and carrot juice. Some establishments may sell commercially produced drinks, but many proprietors prefer to make their own in-house.

Preparation Procedure:

Irish Moss – A cold beverage made by mixing milk, limejuice, dried seaweed, sugar, gum arabic, isinglass (a gelatin made from dried fish bladders), linseed, spices that may include cinnamon, nutmeg, rosewater, vanilla and sometimes ginger. All of the ingredients except milk are boiled to a thick consistency. Then the milk (usually condensed) is added.

Sorrell – A cold beverage made with water, sorrell (a dried flower petal), ginger root and sugar. It is dark in appearance and is prepared by boiling water with ginger root, pouring it over the sorrell petals, allowing it to steep, and then adding sugar.

Ginger Beer – A cold beverage made by mixing boiling water, limejuice, ground ginger and sugar. It has a clear-like appearance with a light brown residue at the bottom.

Coconut Water – Liquid compressed from the meat of the nut; not to be confused with coconut milk or coconut cream.

Carrot Juice – A cold beverage made by mixing water, carrot juice and sometimes sugar.

Foodborne Illness Risk Factor – Food From Unsafe Sources:

These beverages pose no health risk if kept refrigerated. However, once a product is packaged and placed into a display cooler, it must be labeled according to the Food and Drug Administration (FDA) standards. Many Caribbean food establishments that make the beverages in-house do not label them.

In addition, if the proprietor is using natural sorrel or natural Irish moss as a beverage ingredient, it must be confirmed that they are being obtained from a reputable source. Some establishments purchase these ingredients in bulk in packages with no labeling.



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Additional Regulatory Concern - False Health Claims:

Some establishments may have signage that advertises the beverages as providing certain health benefits such as energy boosting, immune system enhancement, virility inducing, etc. If claims are made that the drink can be used in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals, it may fall under the definition of drug or health claims under the Nutrition Labeling and Education Act (NLEA), and the Food and Drug Administration (FDA) should be contacted for verification.

Control Measures:

- Check display coolers to make sure each beverage is labeled with the following information:
 - Name of beverage
 - Ingredients Quantity
 - Nutritional information
 - Manufacturer's name and address (if made on the premises, the name and address of the manufacturer should be that of the restaurant or store)
- If beverages are prepared in-house using natural sorrell or Irish moss, check packaging or labeling to ascertain whether the ingredients are obtained from a reputable source. If they have purchased it in bulk with no labeling, verify where they purchased it through invoices or receipts. If there is concern that the vendor may not have obtained the products from a reputable source, consult the agency that has jurisdiction over the product.
- Check beverages and in-store signage to be sure unsubstantiated health claims are not being made.

5. Caribbean – Cassava:

Background:

Cassava is a tropical root vegetable, also known as manioc, yuca and yucca. It should not be confused with another plant called yucca, which has spiky leaves and is not eaten. The tuber is long, irregularly shaped, about 2-3 inches in diameter and 6-12 inches in length. A brownish layer that resembles bark covers its white flesh. There are two main varieties – sweet cassava and bitter cassava.

In addition to wide use in the Caribbean and South America, the cassava is also used as a staple food in Africa and Asia and may be found on the menus of those types of restaurants.



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Preparation Procedure:

Sweet -- This variety is the most widely used in cooking. Like a potato, it can be boiled, baked or fried.

Bitter – The bitter variety is poisonous when raw and must undergo a purification process before it can be used. It is used mostly for making flour, tapioca and starch. The flour is called farofa and is bland much like corn meal and wheat flour. The flour can be mixed with water and the dough cooked on a large griddle to make large cassava flat breads. Gelatinized pellets of cassava are called tapioca, which is mixed with sugar and vanilla flavoring and used in desserts. The purified starch can be used as a thickening agent.

The proper process for making flour from bitter cassava root is as follows:

1. Finely grate the cassava root
2. Press all of the liquid out of the pulp
3. Air or heat-dry the pulp until it is completely dry
4. Sift into flour

Regulatory Concern – Preparation Methodology / Food From Unsafe Sources:

Preparation Methodology:

The bitter cassava root contains linamarin and lotaustralin, which are toxic glucosides that form cyanide. If not completely removed, these toxins can cause severe illness and even death.

Food From Unsafe Sources:

Most establishments purchase cassava in a prepackaged, commercially produced form. It is important that if purchased prepackaged, it comes from an approved source that has properly removed the toxins.

Control Measures:

- If a menu item lists cassava as an ingredient, ascertain the type of cassava used and verify that it is from an approved source.
- If bitter cassava is being utilized, verify the preparation methodology to ensure toxin removal.



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6. Caribbean – Conch:

Background:

A conch is a large marine snail and has been a popular Caribbean staple for centuries. Its shell has a brightly colored pink lip, which can reach a length of 12 inches. Its taste is somewhat sweet and its flavor has been compared to that of clams.

Conch is served as an appetizer, in soups and stews, as a side dish and as a main course.

Preparation Procedure:

Conch may be prepared in a variety of ways, including conch chowder, conch Creole, fried conch, conch fritters, in salads and grilled or boiled.

Regardless of the type of preparation, the meat must first be tenderized, as its tough connective tissue is very difficult to chew. The best way to do this is with a heavy meat mallet or a commercial meat tenderizer.

Foodborne Illness Risk Factors – Contamination / Cross Contamination:

A significant number of restaurants use improper methods for tenderizing conch, such as using an ordinary steel claw hammer to pound the meat, thus putting it at risk for contamination. There have even been cases in which inspectors have observed workers taking the conch outside behind the restaurant and pounding it with a hammer with no sanitary precautions.

The proper way to tenderize conch is with a meat mallet or specially designed conch mallet on a restaurant-grade cutting board. Some restaurants use mechanical tenderizers such as those found in fish markets. In addition, powdered tenderizers similar to those used for other meats are now commercially available. Operators also have the option of buying conch already tenderized.

Control Measures:

- Check to ascertain the method for tenderizing the conch.

If the establishment is using an improper method of tenderization, advise them on proper ways to do so.



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7. Caribbean - Escovitch Fish:

Background:

In traditional Caribbean food establishments, escovitch fish is often prepared and left at room temperature for long periods of time. The practice most likely evolved because many food establishments in the Caribbean lacked electricity to hot hold or refrigerate food items. In native countries the dish may be left at room temperature for days or even weeks. It is believed that the inclusion of vinegar in its preparation prevents spoilage.

Preparation Procedure:

Escovitch fish is a main course dish made with red snapper, onions, peppers, spices, oil and vinegar. Prior to preparation, the fish is generally kept frozen or placed in a refrigerated container of vinegar and ice. To begin preparation, the fish is washed in a fresh vinegar solution, then scaled, gutted and trimmed. It is then fried in hot oil until done. The other ingredients are sautéed in hot oil and vinegar. Once cooked, the mixture is poured over the fish and the dish is held until served.

Foodborne Illness Risk Factor – Improper Holding Temperatures:

Escovitch fish is typically held at room temperature after preparation. Although regulations require hot holding for this type of food, native proprietors are reluctant to do so. Patrons generally prefer to eat it at room temperature, and operators assert that hot holding can result in the dish becoming dry and tough.

In addition, because the dish is traditionally held at room temperature in Caribbean countries, proprietors don't understand why it is not allowed under U.S. regulations. Some contend that the vinegar added during the preparation of the fish preserves it. Because the dish is very popular, improper holding is an extremely common regulatory issue in facilities serving this product.

Control Measures:

There are a number of options available to an operator to manage escovitch fish safely. Ensure that the facility handles the product in one of the following ways:

- Hot held at 135°F or above;
- Held for four hours or less using time as a public health control with the proper documentation; or



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- Documentation that the preparation renders the product non-potentially hazardous because it results in the escovitch fish having a pH of < 4.2 or a water activity (Aw) of .85 or below. A variance must be in place and the food product prepared under a HACCP plan.

Additional Considerations:

Food establishments often take leftover escovitch fish and use it to prepare a dish called brown stew fish. If the original dish wasn't held at the proper temperature, the new dish may contain harmful pathogens or toxins. Therefore, if escovitch fish was not properly hot held or there is no documentation to verify that the fish is not potentially hazardous, it cannot be reused in the brown stew fish.

If previously hot held escovitch fish is reused for brown stew fish, it must be cooled from 135°F to 41°F within a total of six hours, provided that it is cooled from 135°F to 70°F within the first two hours.

8. Caribbean – Patties:

Background:

The Jamaican patty, similar to an English meat-pie or a Spanish empanada, contains a tasty chicken or beef filling seasoned with island spices and baked within a flaky crust. In Jamaica, patties are the fast food of choice, outselling hamburgers and pizzas because they are tasty, filling and easy to prepare and eat. It is commonly eaten at lunch but may be served at any meal.

Preparation Procedure:

The ground meat is sautéed with special seasonings and then baked in a firm, flaky pastry crust. Some restaurants add the meat to a mixture of mashed cooked vegetables (potatoes, onions, carrots) before filling the pastry shell.

Foodborne Illness Risk Factors – Food From Unsafe Sources / Improper Holding Temperatures:

Food From Unsafe Sources:

Most Jamaican food establishments don't make their own patties because it is too labor intensive. Many establishments order them from commercial processors, but a significant number have been found to purchase them locally from unlicensed vendors, so it's important to check the source.



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A restaurant is permitted to make and serve its own patties, but in order to sell patties to other restaurants; it must have a permit to be a wholesale processor of the product.

Even if a local processing plant is licensed, it is important to make sure the patties are transported in approved containers and in an approved manner. Local producers have been known to package patties in reused cardboard boxes. Since local processors of meat products are not required to use refrigerated trucks to transport their products to retailers, the temperature of the patties should be carefully checked at the time of delivery and rejected if above the required cold holding temperature of 41°F or below.

Improper Holding Temperatures:

Another concern with patties is holding temperatures. Patties, whether vegetarian or containing meat, must be properly held after preparation. Operators will sometimes place patties in cases that are designed to hot hold foods, but will not have the units turned on, or have the units' temperature high enough to safely maintain the product.

Control Measures:

- Determine the origin of the patties being used in the establishment, whether they are commercially processed or made in-house.
- If they purchase them commercially, ascertain that they are from an approved vendor by reviewing the invoice and examining the product and packaging.
- Patties containing meat shall have a USDA or State Department of Agriculture emblem on the package. State inspected meat or poultry cannot be shipped across state lines.
- If the patties are being purchased from a local processor, you may need to follow up with the processor to be sure the patties are being prepared in an approved, licensed processing plant and that they are being properly shipped.
- Make sure any cooked patties that are not being served immediately are continuously hot held at 135°F or above.
- If the filling for patties has been pre-cooked in-house, the patties must be reheated to 165°F for hot holding and then held continuously at 135 °F, or held for no more than 4 hours with the proper documentation. After 4 hours, any remaining patties must be discarded.



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- If packaged, commercially processed pre-cooked patties are used, they must be reheated to 135°F for hot holding, or reheated to any temperature if they are for immediate service.

9. **Caribbean - Pickled Products:**

Background:

Many Caribbean restaurants use pickled meats in a variety of dishes. The meats include fish, pork (feet, tails, ears, knuckles) and beef. The beef and pork products usually come in five-gallon plastic buckets. Pickled fish may come in a five-gallon bucket or sealed, plastic packaging.

Preparation Procedure:

Most pickled meat and fish products are used in soups or as ingredients in sauces and other recipes.

Foodborne Illness Risk Factor – Improper Holding Temperatures:

Many restaurants store pickled meat and fish products at room temperature, believing them to be safe because the product is pickled. The amount of salinity determines whether it can be held at room temperature. Some pickled products need to be refrigerated, so it is important to check each product.

All pickled meat product containers must bear a label that specifies that the product is packed in brine. If there is a question of whether the product is shelf stable, the manufacturer should be contacted for verification that the product does not require refrigeration.

Some facilities may attempt to pickle their own products in-house. Due to the lack of strict control at retail, any pickling of potentially hazardous products requires a variance and must be performed under a HACCP plan if they are to be held at room temperature. If the pickled products are maintained at 41°F or below, then there are no additional regulatory requirements for these products.

Control Measures:

- Check label instructions on all pickled meats and fish to determine whether the product needs to be refrigerated.
- If unsure whether the product should be refrigerated, require the product to be refrigerated until its status can be verified with the manufacturer or the facility can provide documentation from the manufacturer stating otherwise.



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- For potentially hazardous products pickled in-house, verify that a variance has been obtained from the Health Authority and the facility is operating under a validated HACCP plan.

10. Caribbean – Saltfish:

Background:

Saltfish is a popular ingredient in a variety of Caribbean dishes. Quite simply, it is a salted, dried fish, usually cod.

Preparation Procedure:

The most popular dish in which saltfish is used is Jamaica’s national dish “ackee and saltfish”, but you may also find the following saltfish dishes on a Caribbean menu: saltfish pie, saltfish cakes, fried saltfish, saltfish with pigtails, saltfish stew, saltfish patties and more.

Saltfish is always rehydrated before it is used. This is done by soaking the fish in water, usually for a period of hours or even days, or boiled for a period of hours so that the fish becomes a moist product again. Only after it has been rehydrated is it added as an ingredient to menu items. It may be used immediately after rehydrating or held for a period of time before use.

Foodborne Illness Risk Factor – Improper Holding Temperatures:

Saltfish in its dehydrated form is usually not held in refrigeration because its water activity is below .85. It is a salted product that has been soaked in a brine solution and then completely air-dried. As long as it remains in a dried state, it is not potentially hazardous.

Many food establishment proprietors believe that, because it is soaked in a brine solution and dried, saltfish is not hazardous during any part of the prep process, including after rehydration and use in dishes. This is a false assumption. Once saltfish is rehydrated, it is subject to the same handling and holding requirements as non-dehydrated fish.

Control Measures:

- Fish must be cooled from ambient temperature to 41°F within four hours of rehydrating.
- Verify that the rehydrated saltfish is maintained at 41°F prior to cooking.



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- Once cooked, saltfish dishes may be handled in one of the following ways:
 - o Hot held at 135°F or above;
 - o Held for four hours or less using time as a public health control with the proper documentation, then discarded if not consumed; or
 - o Cooked to order and immediately served, or properly cooled from 135°F to 70°F within two hours and then from 70°F to 41°F in the remaining time, not to exceed a total of six hours for the entire cooling procedure. Once the product is cooled, it must be held at 41°F or below until ordered, at which time the product can be reheated and served immediately to the customer.

C. Chinese:

Chinese food is one of the most popular ethnic cuisines in America. It can be found in every part of the country, in urban centers as well as rural areas. There are several different styles of Chinese cooking, based on the regions from which they come. They include Cantonese, Hunan, Mongolian, Szechuan and Fukien. With over 1.5 million native-born Chinese people living in the United States, there are many restaurants that cater almost exclusively to immigrant populations.

1. **Chinese - 1000 Year Old Eggs:**

Background:

The 1000 year old egg is a duck or chicken egg that has been preserved by soaking the egg in a brine of salt and lye. Also known as 'century egg' or 'pidan', it is considered a delicacy in China and among Asian populations in the U.S.

Although the egg is not 1000 years old, it looks as though it might be. Once peeled, the egg white has a gelatinous consistency, is dark brown, somewhat translucent and has very little taste. The yolk is pale to dark green, has a creamy consistency and is said to have a cheese-like taste.

Preparation Procedure:

The most common method for preserving a 1000 year old egg is by soaking it in a brine and lye solution for about 10 days and then wrapping it in plastic and allowing it to age from several weeks up to several months. The



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preserving process is accomplished by introducing alkaline hydroxide ions and sodium into the egg, thus changing its consistency.

For centuries, the traditional way of preparing the eggs involved packing them in a mixture of clay, ash, salt, lime and rice straw and burying them anywhere from 100 days to several years. Modern variations on the process include tea and lime as ingredients in the soaking solution.

Asian restaurants and markets in the U.S. do not make their own 1000 year old eggs. Instead, they are imported ready-to-eat from Asia, namely China and Hong Kong. While some establishments boil the eggs before serving, most people prefer to eat them uncooked. The eggs are usually served with soy sauce, salt, pickled ginger and/or tofu. They can be eaten as an hors d'oeuvre or as a side dish.

Foodborne Illness Risk Factors – Improper Holding Temperatures / Food From Unsafe Sources:

Improper Holding Temperatures:

Laboratory testing has found that the water activity of 1000 year old eggs is above .92 and that the pH is above 9.0. Based on these factors, if an operator wants to hold this product at room temperature, he must have a product assessment performed on the eggs to prove that they are safe to hold above 41°F.

Food from Unsafe Sources:

Some Chinese companies package their 1000 year old eggs with labeling in Chinese only. Food items imported into the U.S. must either be labeled in English or in English and Chinese and must contain the name of the food, ingredients, quantity, nutritional information (unless exempted) and the manufacturer's name and address.

Control Measures

- Verify that 1000 year old eggs are held at 41°F or below or documentation is provided that proves that the product is safe to hold at room temperature.



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- Confirm that the product label is in English or in English and Chinese and includes the following information:

Name of food
Ingredients Quantity
Nutritional information (unless exempted)
Manufacturer's name and address

2. Chinese - Animal Penises and Testicles:

Background:

The Chinese have a long tradition of making sure no part of an animal goes to waste. In the case of animal penises and testicles, they are not only served as food, but are highly prized by many as a virility enhancement.

Types of animal penises or testicles that may be found on Chinese menus include cow, deer, goat or pig.

Preparation Procedure:

Penises and testicles are prepared in a variety of ways, including pickled, baked, fried, boiled, grilled, in soups and with noodle dishes.

Foodborne Illness Risk Factor and Regulatory Concern – Food From Unsafe Sources / Improper Holding Temperatures:

Like any meat item, penises and testicles are USDA regulated. They are not prohibited from sale as long as they come from a USDA approved source. In addition, they must be stored and held before, during and after preparation at required temperatures to prevent bacterial growth and in a manner to prevent cross contamination.

Control Measures:

- Ask to see the invoice or receipt to ascertain that the food item is from an approved source.
- Ensure that the items are being properly stored and held at 41°F or below.

3. Chinese – Barbecue:

Background:

Chinese barbecue is very different from what most Americans think of as barbecue. First, the meats are hung on hooks and roasted, as opposed to



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being grilled or smoked. Secondly, Chinese barbecue sauce is very different from western barbecue sauces, which are often tomato or mustard-based. There are many variations of Chinese barbecue sauce, but the basic ingredients are soy sauce, vinegar, hoisin sauce, sesame oil and spices such as garlic, ginger and chile peppers. Sauces range from sweet to spicy. The main types of meats used in Chinese barbecue are pork (spareribs and side meat), duck and chicken, although some restaurants have been known to offer barbecued fish, squid, quail and intestines.

Preparation Procedure:

Prior to cooking, the meats are rubbed with spices, placed on hooks and then basted with a boiled mixture (salt and vinegar for pigs; honey and vinegar for poultry). For ducks, the bottom of the carcass is pinned to hold the seasonings inside of it. Next, the products are left to dry at room temperature for anywhere from several hours to several days. The purpose of this is to dry the skin so that it is crispy when cooked.

For cooking, the meats are placed in a roaster or oven. Poultry is usually cooked whole. Pork is cooked whole and in pieces, depending on the cut of meat being prepared. Prior to cooking, pork pieces are basted in a tomato sauce and sugar mixture, which gives it a red color. Once the meat is cooked, it is usually displayed on hooks in a glass case where customers can see the available meats.

Foodborne Illness Risk Factor – Contamination / Cross Contamination / Improper Holding Temperatures / Food From Unsafe Sources:

Contamination:

Most establishments receive ducks, chickens and pigs to be used for barbecuing as whole carcasses that are eviscerated but with heads and feet intact. The carcasses are often hung in the refrigerator until ready to be cooked. Establishments must hang the meats away from other products to avoid contamination from dripping blood.

In addition, establishments will often hang various types of meat carcasses together because of limited space. The required cook temperature is higher for poultry than it is for pork. Because of this, ducks/chickens must be stored separately from pork to avoid cross-contamination.

Cross Contamination:

Barbecued duck is served whole, halved or in quarters. It is essential that any cutting board used to cut poultry and other meats is of an approved grade such as hard maple or plastic. Some establishments make their own cutting



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boards out of porous wood such as pine. These cutting boards may not be used because they cannot be properly cleaned, and can harbor pathogens that may contaminate food when it is placed on its surface. In addition, employees must wear gloves while chopping or otherwise handling meats.

Improper Holding Temperatures:

Some establishments have a tendency to hold raw, marinated meats at room temperature for long periods of time in order to dry the skin before cooking. It has been observed by regulators that establishments can successfully dry the meats in the refrigerator, thus invalidating any argument that the only way to dry the meats is by leaving them at room temperature for long periods of time.

A more serious problem lies in holding cooked barbecued meats at room temperature. Most Chinese establishments that serve barbecue have a special display case where customers can see the prepared meats. Proprietors generally prefer to hold the meats at room temperature, which would allow microbial growth on the products. Any establishment that chooses to hold the meats at a temperature lower than 135 °F must use time as a public health control or provide documentation that shows that the products are safe to hold at room temperature.

Food From Unsafe Sources:

Some establishments may purchase animals for barbecuing from unapproved sources. All pig carcasses must have a USDA or state stamp on the carcass. Poultry must have USDA labeling or equivalent state labeling on the box or package in which they are delivered.

Control Measures:

- Check to ascertain that all refrigerated raw meat products are being hung in an area where other products cannot be contaminated by dripping blood or other contact.
- Verify that raw pigs and poultry are being held separately in the refrigerator.
- Observe that cutting boards are made from an approved material such as maple or hard plastic.



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- Confirm that cooked barbeque is maintained in one of the following ways:
 - o Hot held at 135°F or above, (*Note: Some establishments may want to hold a sample of each food item in the display case **for display only** so customers can see what they have, but hold the foods that are to be served in a hot holding case at the required temperature.*)
 - o Held for four hours or less using time as a public health control with the proper documentation, which would allow the meat to be held out of temperature control for no more than 4 hours during which time the product must be served, sold or discarded,
 - o Properly cooled and then held at 41°F or below until ordered, at which time the product is reheated to any temperature and served immediately to the customer, or
 - o Held at room temperature based on laboratory analysis that shows that the product (whole and cut carcasses) after cooking no longer require time/temperature control for safety. A variance must be in place and the products must be prepared under an approved HACCP plan.
- Verify that products have been obtained from an approved source.

4. Chinese – Chitterlings:

Background:

Chinese cuisine is well-known for not wasting any part of an animal. It is not considered unusual to prepare feet, tails, ears, tongue, head and most of the internal organs of a variety of animals. While most Americans associate the term ‘chitterlings’ with Soul Food, chitterlings (pig small intestines) are a very popular Chinese dish as well and can be found on the menu of many Chinese restaurants in the U.S.

In Chinese restaurants, chitterlings may be cooked in soy sauce, barbecued, used in soups or stir-fried.

Preparation Procedure:

As with the Soul Food preparation for chitterlings, most Chinese establishments begin by cleaning and then boiling the intestines until they become soft and tender. The chitterlings are then used in a variety of dishes.



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For stir-frying, intestines are drained and cut into thin slices and then stir-fried in a wok with ingredients such as green onions, garlic, ginger, chili peppers, soy sauce and salt.

Another way of preparing chitterlings is to drain them and then place them in soy sauce. They are normally held on a steam table until ordered, and then served with rice.

Soup recipes add drained chitterlings to a soup mixture, which also usually includes pork blood cubes, garlic and preserved vegetables such as nappa cabbage.

Contamination / Cross Contamination:

Care must be taken when preparing chitterlings, due to the prevalence of *Yersinia enterocolitica* and other bacteria on the product. *Yersinia enterocolitica* is of particular concern because freezing does not destroy it, it grows at refrigerated temperatures and the infective dose is not known. However, heat and sanitizers destroy the pathogen. It is important that proper hygiene is followed to prevent employees from spreading the bacteria to food, equipment and utensils.

Poor Personal Hygiene:

Cleaning raw chitterlings can transfer *Yersinia enterocolitica* bacteria to hands and surfaces throughout the kitchen. Therefore, to avoid possible contamination of food contact surfaces and cross contamination of ready-to-eat foods, it is recommended that chitterlings be parboiled to destroy *Yersinia enterocolitica* as a first step before any cleaning or preparation takes place. If frozen, chitterlings should be thawed in the cooler and then placed into boiling water, dispersed by stirring and then brought back to a boil for 5 minutes. Parboiling for 5 minutes and then cooling before cleaning should reduce the risk of yersiniosis. Placing the intestines under cold running water or covering the product with ice may accomplish cooling.

Improper Holding Temperatures:

With regard to holding, some Chinese establishments boil whole intestines and then hold them on the steam table either whole or sliced until ordered, at which time they will slice and stir-fry the intestines with other ingredients. In many cases, the steam table is turned off or the chitterlings left in a pan away from the steam table to keep food items from drying out. This isn't as much of a concern for intestines that are in a soy sauce mixture or soup, as they tend to stay hot in liquid. Plain intestines, however, can lose heat quickly when left at room temperature. All chitterlings/intestines must be held at proper holding temperatures to ensure their safety.



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Control Measures:

- Observe or confirm the prep procedure for chitterlings. Be on the lookout for possible contamination of utensils, prep surfaces and other areas of the kitchen.
- As needed, advise the establishment on safe handling procedures for cleaning and prepping chitterlings/intestines to avoid cross-contamination.
- Observe the holding procedures for chitterlings/intestines. Regardless of the type of dish being served, intestines must be cooked to 145°F and then held at 135°F or above or 41°F or below.

5. Chinese - Dim Sum:

Background:

Travelers in the ancient Canton region of China often journeyed very long distances and needed places to stop and rest throughout the day. Over time, teahouses began to appear along the road. In addition to tea, the teahouses began to offer small, bite-sized snacks (usually baked, steamed or fried) to sustain customers for the next leg of their journey. Called ‘dim sum’ which means ‘touch the heart’, the cuisine evolved over several centuries and is very popular today, with some Chinese establishments in the U.S. serving over 100 different types of dim sum.

Dim sum is usually eaten as brunch or lunch, but in the U.S. it is also popular as an evening meal. It contains combinations of meat, vegetables, seafood, and fruit, and is usually served in a small metal container with a perforated bottom or on a small dish, depending on the type of dim sum and how it is prepared.

Most Chinese restaurants serve dim sum in one of two ways: 1) Using a menu to order items a la carte; or 2) Having a server bring a cart filled with various types of dim sum to the table, where customers make selections straight from the cart.

Individual dim sum items tend to be small in size and are often served with two to four pieces of each item on one dish. It is customary to order family style, sharing dishes among the table. Hot tea is always served with dim sum.

Preparation Procedure:

Traditional dim sum uses a wide variety of ingredients. Depending upon the type of dim sum ordered, ingredients may include shrimp, fish, pork, beef,



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poultry, onions, taro, turnips, Chinese greens, bamboo shoots, mushrooms, eggs and fruit. Some items are ground into a paste-like mixture, which is then wrapped in a thin flour 'skin' before cooking. After preparation, dim sum may be refrigerated in a stackable pan in which it is cooked, reheated and also served.

Dim sum is typically prepared by steaming, baking or frying. Some items are prepared as soups, also known as 'congee'. The steamed food items are heated using a wok or in a steamer. Steamed items heated using a wok are often prepared in stackable, perforated metal containers that allow the steam to flow through the perforations to heat the food items. There are two methods for steaming foods using the wok. One method is to place a large metal plate with cut-outs on top of a wok of boiling water. Food items in individual perforated pans are then stacked and placed over the cut-outs to heat the foods. A lid is placed over the pan to retain the heat. The other method is to use large, stackable metal pans with openings that allow steam to reach the food items. A large, metal perforated pan is placed in the wok and the stackable pans are then placed on top of it with the last pan being covered. Food items may be placed on saucers, in bowls, or directly on the pans for cooking or reheating. Steamers used for dim sum are not designed like typical steamers seen in most restaurants; they are specially-designed pieces of equipment. Baked dim sum is prepared in ovens containing multiple racks for cooking large quantities at a time. Fried dim sum is usually prepared in a wok or in a deep fryer.

After cooking or reheating, restaurants may store dim sum in hot holding cabinets, steamers, ovens or on heated carts to maintain the product hot prior to service. For establishments that serve dim sum from unheated metal carts, the food items may be placed back in hot holding in an attempt to maintain product temperature, when they are returned to the kitchen. Upon being returned to the kitchen, some of the unserved cart items may be reheated and held in steamers until they are placed back on the cart for service, because they tend to quickly drop in temperature.

Following are descriptions of some of the most popular dim sum items:

Popular Types of Dim Sum:

Ha Gao - Steamed dumpling made of thin rice-flour skin and stuffed with filling made of shrimp, chives and other ingredients.

Woo Kok - A light, crispy dumpling made with mashed taro and stuffed with diced shitake mushrooms, onions, vegetables and shrimp, pork or chicken.

Cheong Fan - A large, wide rice noodle that is steamed, filled with different



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types of cooked pork, shrimp, beef and/or vegetables and then rolled and steamed again.

Cheon - A spring roll containing vegetables such as sliced cabbage, mushrooms, carrots, bamboo and sometimes meat such as pork or shrimp and deep-fried.

Cha Siu Baau - A fluffy, pastry-like bun filled with barbeque pork, onions and spices. It may be either steamed or baked.

Siu Maai - A round steamed dumpling with pork filling inside a thin flour skin that is open on top.

Lo Mai Gai - Sticky rice wrapped in a lotus leaf and steamed. It may contain a variety of other ingredients, including mushrooms, chestnuts, egg yolk, pork or chicken.

Fung Zao - Chicken feet that are blanched, deep-fried, boiled, marinated in black bean sauce and then steamed or stir-fried.

Lo Bak Go - A square cake made with mashed daikon radish mixed with finely minced pieces of pork and shrimp. The cakes are first steamed and then sautéed.

Mátuǎn - Sesame seed balls made of dough filled with red bean or lotus paste, rolled in sesame seeds and deep-fried.

Dan Tat - A baked dessert tart made with a flaky outer pastry crust and an egg custard filling.

Mong Guo Bo Din - Mango pudding with chunks of mango and served as dessert, often topped with condensed milk.

Foodborne Illness Risk Factors – Inadequate Cooking / Improper Holding Temperatures / Contamination / Cross Contamination:

Inadequate Cooking:

The method for steaming dim sum in stacked containers is a process that can result in foods being served undercooked. Items on the top of the stacks may not reach adequate cooking temperatures because of the distance from the heat and food type. In other cases, items of different sizes may be placed in the steamer simultaneously. The larger items or items that contain a dense mixture of ingredients would take longer to cook than smaller or thinner items. Also, some food products are removed directly from the freezer and placed in the steaming pans. Cooking times would need to be extended to



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allow for the thawing of these products. Therefore, to ensure that adequate cooking temperatures are achieved, operators must monitor the temperatures of the various food products with an appropriate temperature-measuring device. Temperatures of products should be measured based on their location during steaming, size and state prior to cooking.

Improper Holding Temperatures:

The rolling carts used to serve dim sum directly to the customers may contain propane tanks, Sterno or other forms of heat in the bottom of the cart. However, some establishments use carts that contain no source of heat. In these cases, time as a public health control should be implemented, which would require that all unused products be discarded at the conclusion of four hours. Most dim sum is self-limiting because of the loss in quality when held for extended periods, and is discarded at the end of the serving time anyway. Typically, restaurants only offer it at set times during the day, which also helps limit the number of hours that it is held at improper temperatures.

For those operators who want to maintain food temperature and hold any unserved foods for subsequent service, they must monitor the product temperature often enough to ensure that the food items are held at 135°F. For items that fall below 135°F, they may be immediately reheated if the monitoring of food temperatures was conducted often enough to ensure that pathogens were unable to proliferate and/or produce toxins. To understand which foods require time/temperature control for safety, inspectors need to become familiar with the different types of dim sum and the ingredients they contain. For example, cha siu baau looks like a simple bread roll, but actually contains pork.

Cross Contamination:

Dim sum that is presented on a cart that is rolled continuously throughout the restaurant is usually left uncovered, thereby exposing it to cross-contamination from a variety of sources. All cart items should be covered when not being presented to customers. Servers should take care not to allow customers to touch or otherwise contaminate the food.

In addition, the perforated pans used for steaming dim sum may contain bits of old food even after washing, due to the perforations. Steamer pans containing food particles must be re-washed, rinsed and sanitized prior to use.



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Control Measures:

- Ensure that dim sum is cooked to required temperatures:
 - o Products containing any poultry must be cooked to 165°F or above;
 - o Comminuted fish or meat products must be cooked to 155°F or above; or
- Stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, and stuffing containing fish, meat or poultry must be cooked to 165°F or above.
- Verify that dim sum is held at 135°F or above, or is held for four hours or less using time as a public health control with the proper documentation.
- Confirm that dim sum that is reheated for hot holding is heated to 165°F or above.
- Verify that the establishment has an appropriate temperature-measuring device for monitoring the temperature of food products. (Note: For thin food masses, a suitable small diameter probe that is designed to measure these type foods must be provided.)
- Examine the metal perforated dim sum containers for dried food debris.
- Ascertain the cleaning procedure for these containers, and ensure that they are being washed, rinsed, and sanitized.
- Observe the serving procedure of dim sum from carts in the dining room to determine if food items are adequately protected from possible contamination by consumers and employees.

6. Chinese - Live Frogs:

Background:

Frogs are a popular food in China and are prepared in a variety of ways.

Often referred to as ‘field chicken’ on Chinese menus both in China and here in the U.S., they are usually battered, stir-fried and mixed with different vegetables and sauces. They are also used in soups and stews.



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Preparation Procedure:

Live frogs are often stored in styrofoam containers in small amounts of water. Operators will store containers of frogs at room temperature or in the cooler. In retail stores, the live frogs may be stored in aquariums. Customers can then pick out which frogs they would like the operator to prepare for them.

In food establishments, when an order is received, the live frog is removed from its storage container and then stunned before it is slaughtered. The stunning of the frog may be accomplished by striking the frog against the interior of a sink. The animal is then washed and beheaded. Next, the frog is skinned and its internal organs removed and discarded. The frog is washed again and then cut into large, bite-sized chunks, bones included. The pieces are then dipped in flour and fried in hot oil. Some establishments serve only the legs, while others prepare the entire frog.

Once the frog is cooked, it can be used in a variety of stir-fry dishes, such as pepper frog, where it is mixed with sautéed bell peppers, onions, scallions and jalapeno peppers. Ginger frog is another common way to prepare it. It entails cooking the battered frog and then adding scallions, garlic, ginger and dried chile peppers. Other popular Chinese dishes that include frog are garlic frog, frog legs in black bean sauce and hairy gourd soup with frog.

Foodborne Illness Risk Factors – Food From Unsafe Sources / Contamination / Cross Contamination:

Food From Unsafe Sources:

In the FDA Food Code, fish means fresh or saltwater finfish, crustaceans and other forms of aquatic life such as alligator, frog, aquatic turtle, jellyfish, sea cucumbers and sea urchin. Some of these animals may be brought in alive and slaughtered by the food establishment. Live aquatic animals should only be purchased from commercial sources that are licensed according to applicable laws or regulations. Holding, storing and handling live aquatic animals such as frogs are considered part of “processing” under Seafood HACCP regulations in 21 CFR 123 Fish and Fishery Products, which requires a hazard analysis to determine whether there are food safety hazards reasonably likely to occur for each species. Therefore, any supplier of live aquatic animals to food establishments should be inspected under Seafood HACCP regulations or their equivalent.

Contamination / Cross Contamination:

The tub, tank or container used to hold live aquatic animals must be cleaned frequently enough to prevent contamination of the animals. Dead animals



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should be culled on a daily basis or as necessary to prevent the transfer of disease and decomposed material from one animal to another. Live animals are not required to be refrigerated below 41°F, but should be held at the optimal temperature for that animal. Aquarium tanks and other live animal holding containers generally are contaminated with Salmonella, Aeromonas and other potential foodborne pathogens, and therefore serve as pathogen reservoirs in the establishment.

Prior to slaughtering live aquatic animals in a retail store or food establishment, the regulatory authority may request that an operator obtain a variance and conduct this process under a HACCP Plan. The Food Code gives the regulatory authority the option to require a variance if an establishment is preparing food by another method that is determined by the regulatory authority to require a variance. Based on the storage, handling and preparation procedures and hygienic practices in the establishment, slaughtering aquatic animals under a HACCP Plan may be warranted to ensure that cross contamination does not occur.

When any animal is slaughtered in a food establishment, all work surfaces, knives and utensils must be cleaned and sanitized before and after use. Sanitary handling and removal of intestines, fecal material and other waste products from the slaughtering process is critical so that no other food, food-contact surface or non food-contact surface is contaminated. It may be useful to provide a dedicated area for slaughter and cleaning of live aquatic animals that is used for no other purpose. If provided, it should be situated where splash and drainage will not contaminate food products, especially ready-to-eat foods, utensils or single service articles. Once the aquatic animal is slaughtered, it should be cooked immediately or refrigerated at 41°F or less.

Control Measures:

(NOTE: Some restaurants that keep live frogs may not have them listed on their menu. If styrofoam coolers or containers with breathing holes cut into them are observed, this is a good indication that the establishment may be handling live frogs.)

- Verify the source of live frogs through sales invoices.
- Confirm that live frogs are held in clean containers and that dead frogs are culled.
- Observe that proper hand washing is performed before and after handling frogs.



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- Determine the measures that are in place to prevent cross-contamination from live frogs and their meat to other food and other surfaces.
- Confirm that equipment and food-contact surfaces are washed, rinsed and sanitized before and after contact with frogs.
- Check that frog meat is cooked to 145°F or above for 15 seconds.
- Verify that after slaughter, frog meat that is not cooked immediately is cooled to 41°F or less within 4 hours, and then held at 41°F or below.

7. Chinese - Sea Cucumber:

Background:

A sea cucumber (also known as a ‘sea slug’ or ‘sea rat’) is an invertebrate saltwater animal. It is named for its cucumber-like shape and is mostly found on the sea floor. It is often mistaken for a plant, but it has tentacles, feet, a mouth and feeds on plankton and other organic matter in water or sand. It does not have a brain, but it breathes, reproduces via sperm/egg fertilization and can live 5 to 10 years. In addition to being a food source, it is also highly valued for its reputed medicinal properties, including as an aphrodisiac.

It is rich in iron and contains minerals including calcium, zinc and magnesium. Like tofu, the sea cucumber is flavorless, but has the ability to soak up the flavors of other foods and seasonings with which it is cooked. It is used in soups and stews, stir-fried, deep-fried, stuffed and as an ingredient in braised dishes. It varies in appearance from white to nearly black in color.

Preparation Procedure:

When the sea cucumber is harvested, the internal organs are removed and it is thoroughly washed. Next, it is boiled in salt water and air-dried. While some facilities purchase sea cucumbers in frozen form, most restaurants and markets purchase packaged sea cucumber that has been commercially processed and dried prior to arriving at the retail facility. Even so, preparing dried cucumber is very labor intensive. First the skin is removed, and then the cucumber soaked in water for several days, during which it is washed and the water replaced several times.

Once it is rehydrated, it is boiled until it becomes soft and gelatinous and expands to several times its original size. At this point, it is ready for use. If not prepared properly, the sea cucumber can have a rubbery texture that is difficult to chew. Sometimes it is boiled with ginger or fruit to remove the



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fishy odor.

Sea cucumber in its dehydrated form is usually not held in refrigeration because its water activity is below .85. As long as it remains in a dried state, it is not a food that requires time-temperature control for safety.

Foodborne Illness Risk Factor -- Improper Holding Temperatures:

Although it looks like a vegetable and is even named after one, it is important to realize that the sea cucumber is an animal. Once it is rehydrated, it must be held at proper holding temperatures to prevent microbial growth. Sea cucumber is categorized as fish and therefore must be cooked to 145°F or above.

Control Measures:

- Be able to recognize a sea cucumber in both its dried and reconstituted states.
- Verify that reconstituted sea cucumber is being held at 41°F or below.

8. Chinese - Sizzling Rice:

Background:

Sizzling rice is rice that has been boiled, dried, fried and then served sizzling hot as an ingredient in a variety of dishes. The most common way to serve sizzling rice is in sizzling rice soup, which usually has a chicken broth base.

In addition to soup, it is also used in stir-fry meals in which the rice sizzles as hot sauce is poured over it. Most Asian markets sell pre-cooked sizzling rice cakes, but many restaurants prefer to make their own.

Preparation Procedure:

Sizzling rice preparation involves several steps and can take several hours to complete. First, rice is cooked in the normal manner by steaming or boiling. Once the rice is cooked, the residue that is stuck to the bottom of the pan is what is used to make sizzling rice (it can also be made from regular steamed rice). The rice is scraped out, spread into a thin layer and then dried. Once a sizzling rice dish is ordered, the rice is fried very hot in a wok and taken immediately out to the table where it is added to soup or sauce, thus creating the ‘sizzling’ effect.



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Foodborne Illness Risk Factors – Improper Holding Temperatures / Contamination / Cross Contamination:

If cooked rice is improperly held, *Bacillus cereus* bacteria may grow and produce a heat stable toxin in the product, which may cause illness when consumed.

Many facilities dry their rice by leaving it out at room temperature for many hours, which is an environment conducive for microbial growth. Some establishments place the trays or pans of rice outdoors to dry in the sun, which exposes the product to environmental contamination in addition to allowing microbial proliferation. To prevent bacterial growth and possible toxin formation of *Bacillus cereus*, the rice should be dried in an oven at a temperature that would maintain the rice during drying at 135°F or above, or dried uncovered in the refrigerator. Once the rice is completely dried, it should be properly cooled and stored in an air-tight container or refrigerated until used.

If a facility wants to dry the rice at room temperature or below 135°F in an oven, they must obtain a variance and prepare the rice under an approved HACCP plan.

Control Measures:

- Observe or ask the establishment to describe their method of drying rice used in sizzling rice dishes.
- Verify that rice used for sizzling rice is dried in an oven or refrigerator. Any rice being held to dry at room temperature must be discarded, or have an approved HACCP plan that is being implemented.
- Confirm that the dried rice has a water activity (Aw) of .85 or below, or is held at 41°F or below.

D. Indian:

Nearly 2 million India-born Indians currently live in the United States. Until the 1980's, the vast majority of them lived in the northeastern part of the country. Now, however, Indian communities can be found in many urban centers and the largest population resides in California.

Indian cuisine is perhaps best known for its use of spices, the most common of them being curry, coriander, cumin, turmeric, red pepper, nutmeg, mustard, saffron, cinnamon, cardamom, ginger, paprika and mace. As a rule, Indian food tends to be quite spicy. Because so much of their diet is vegetarian, the art of flavoring is high on



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every chef's list of skills. In fact, many Indian restaurants are strictly vegetarian. More and more people are discovering this unique, time-honored cuisine, especially with the rise in popularity of buffets at Indian restaurants.

1. **Indian - Biryani Masala:**

Background:

Biryani Masala is a famous blend of spices created to add flavor to ordinary rice. When prepared with these spices, the rice dish is called 'biryani' and may also include lamb, chicken, fish or vegetables. It originated centuries ago and today remains one of India's most popular dishes. 'Masala' is an Indian word that means 'spice blend'.

The spices used in the biryani masala include turmeric, black pepper, nutmeg, mace, bay leaf, fenugreek, fennel, cumin, coriander, clove, chili, cassia, green cardamom, caraway and black cardamom. Variations may include saffron, ginger, dried prunes and other ingredients.

Preparation Procedure:

The preparation of biryani masala simply involves the blending of the above-mentioned spices, although different establishments have their own variations of the recipe. The bulk of the blend is ground and mixed together, creating a red to reddish-brown powder, but larger pieces may be included such as crystallized ginger, dried fruits or seeds that give it a 'rocky' texture.

The preparation of the rice dish itself is somewhat labor intensive. For instance, to prepare a vegetable biryani, the rice is first parboiled and then mixed with ingredients such as onions, garlic paste, tomato puree, and oil. After cooking until the oil separates, other ingredients are added, including yogurt and the spice mixture, and it is further cooked, creating a thick gravy along with the rice mixture. Next, a layer of rice is placed in a greased bowl or pan, followed by a layer of cooked vegetables and another layer of rice, which is then covered and cooked over low heat until done.

Regulatory Concern – Misidentification:

Even though it is available commercially, many establishments prefer to make their own biryani masala in-house. Depending on the recipe used by a given establishment, the spice mixture may be quite unusual looking. It may be stored in containers previously used for something else, adding to the confusion. In some cases, an inspector might even mistake it for a container of dirt and small rocks.



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Control Measures:

- Know that biryani masala is a blend of spices used to prepare the rice dish, biryani.
- Be able to recognize biryani masala and other spice mixtures used in Indian cooking.

2. Indian - Copper Pots and Utensils:

Background:

Many Indian restaurants use copper pots and utensils to both prepare and serve food. The benefits of copper cookware are that it is a superior conductor of heat, especially for stovetop cooking. Because of this, it heats pans up faster, cooks more evenly and is less likely to scorch food than other metals.

Serving bowls used in traditional Indian cuisine are also often made of copper or include copper in their construction. This use stems from a variety of reasons, including availability, attractive appearance and belief in copper as a folk medicine remedy for a number of human ailments.

Regulatory Concern – Chemical (Toxicity):

Copper is reactive, which means that the copper will chemically combine with certain foods with a pH below 6. This includes foods such as tomatoes, fruit juices, salad dressings, wine or foods that contain vinegar. As a result, direct contact of these type foods with copper is dangerous. In sufficient quantities, copper can cause nausea, vomiting and diarrhea when the food is consumed.

Because of its toxic potential, copper cooking and serving pots and bowls are usually coated with stainless steel, tin, aluminum or a porcelain enamel interior finish, which renders them safe for use. However, even if copper pans or bowls are lined with tin, they should not be used for moist, acidic foods.

It is important for restaurants to properly care for copper cookware, avoiding scouring, as this can erode the protective surface. If the lining of a copper pan is severely scratched, the pan should be replaced.

Control Measures:

- Check the establishment for copper pans, serving dishes and utensils.



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- If present, determine how they are being used.
- Check the lining of copper based pans and serving dishes to be sure they are free of excessive pitting and scoring.
- Educate the establishment on the dangers of copper and the types of precautions they need to take to ensure the safety of their customers.

3. Indian – Goat:

Background:

Goat is a common meat popular among many ethnicities, including African, Caribbean, Hispanic, Greek and Indian populations. Meat and Poultry inspection falls under the purview of the United States Department of Agriculture (USDA). Through cooperative agreements, this responsibility may be transferred to States but any meat processed under State inspection is limited to intrastate commerce.

Preparation Procedure:

Goat is prepared in a variety of ways, including roasted, braised, curried and in soups and stews. Probably the most popular Indian dish using goat is curried goat.

First the goat is cut into small pieces and seasoned with a variety of spices, which may include curry, cumin, fenugreek, cinnamon, cloves, ginger, garlic, chili powder, paprika and cardamom. Next, sliced onions are cooked in hot oil until browned, at which time more of the previously mentioned spices are added. Then the meat is added and cooked until well browned. After the meat is browned, the heat is reduced to low and tomatoes, water, more curry powder and other spices are added. The dish is simmered from 1.5 to 3 hours, until the liquid thickens somewhat and the meat is tender.

Curried goat may be served with basmati rice, mango chutney or other Indian side dishes.

Foodborne Illness Risk Factor – Food From Unsafe Sources:

While most goat meat is purchased from state or USDA-approved plants, some restaurants and markets purchase goat meat from unapproved sources. Others may purchase a live goat from an unapproved source and process it themselves. Still others raise their own goats at home and slaughter and process them as needed. There have been cases in which inspectors have discovered whole animals, frozen with fur and hooves intact.



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Any goat meat that is not from a USDA or state-approved source is illegal and cannot be served in restaurants or sold in markets.

Control Measures:

- If goat is on the menu or in a meat display case, ask to see the packaging or invoice in order to ascertain that it comes from an approved source.
- If the whole skinned goat carcass is in the facility, check for the USDA stamp to verify that it is from an approved source.
- Verify that time / temperature controls appropriate for goat are used.

4. Indian – Idli:

Background:

Idli is a steamed rice and lentil cake native to southern India. Light and spongy in consistency, it is most often eaten at breakfast or as a snack. It may also be enjoyed as a side dish. It is white, round and usually 2”-3” in diameter and about 1” deep in the center.

The traditional idli is somewhat bland and is served with a light curry sauce, chutney or sambar (dish made of lentils and vegetables in a spicy sauce). Other versions may incorporate extra ingredients such as mustard seeds, chile peppers, coriander seed, cumin, sesame seeds, garlic, nuts, scallions, coconut or sugar to give it a spicy or sweet flavor.

Preparation Procedure:

To prepare the traditional idli, uncooked rice and split black lentils are soaked until somewhat tender, then ground into a flour or paste with 2 parts rice to one part lentils. Salt and water are added and the paste is allowed to ferment overnight or 8 – 12 hours, during which time it will expand to about 2.5 times its original volume. Once the batter is fermented, it is spooned into an idli tray, which looks somewhat like a poached egg pan. The idlis are then steamed 8 – 25 minutes in a special piece of equipment designed specifically for idlis.

Foodborne Illness Risk Factors – Improper Holding Temperatures / Inadequate Cooking:

During the preparation of idli, rice is soaked in water and then ground into a paste. Afterwards, the paste is steamed and normally stored at room temperature. Inadequate holding temperatures after preparation and cooking



of the idli could result in the multiplication of *Bacillus cereus* bacteria, which produces a heat-stable toxin that can cause illness when the product is consumed. Therefore, refrigeration at 41°F or below is required; both during the soaking process, and after the idlis are prepared.

Control Measures:

- Verify that the rice is being held at 41°F or below during soaking.
- Confirm the cooling procedures for idlis. Idlis shall be cooled from 135°F to 41°F within 6 hours, provided that they are cooled from 135°F to 70°F within the first two hours.
- Ensure that after cooking, idlis are cooled and then held at 41°F until service.

5. Indian – Nan:

Background:

Nan (also Naan) is a type of Indian flat bread that is traditionally baked in a tandoor oven. It is unleavened bread that originated in East India and can be served with any meal. While not specifically intended to be used in place of utensils like the Ethiopian enjera bread, some diners tear small pieces of Nan and use it to scoop up chunks of food.

Preparation Procedure:

The basic ingredients for Nan are flour, yogurt, milk, sugar, salt, yeast and butter. Once the ingredients are mixed and the dough is formed, it is kneaded and then covered and left to rise for about 2 hours. The dough is then divided into balls about 3” in diameter and rolled or stretched by hand into flattened rounds about 8” in width.

The round is then placed on a cloth mitt-like ball, which protects the hand as the chef quickly reaches into the hot tandoor oven and ‘slaps’ the dough onto the sides of the oven. The dough cooks very quickly in 1-2 minutes, becoming slightly browned on the side touching the oven wall.

Because the dough is vertically attached to the hot oven, it tends to sag slightly, forming a teardrop shape. Once the bread is ready, it is removed with a special hooked utensil that separates it from the wall and prevents it from falling to the bottom of the oven.

The bread is served hot with melted butter and usually sprinkled with sesame seeds. Some establishments may add additional herbs and spices, such as garlic or cracked pepper, for flavoring.



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Foodborne Illness Risk Factor – Contamination / Cross Contamination:

The chief concern with Nan bread is not the bread itself but the application device that enables the chef to ‘slap’ the dough onto the sides of the tandoor oven. It has been variously described by food inspectors as a white cloth mitt, a cloth bundle, and a white cotton puff. Basically it is a series of white cotton cloths, usually regular restaurant dishtowels that are layered on top of one another in a dome-like fashion.

The problem with this method is that restaurants tend to use the same cloth over and over. When not in use it may be left on any number of unsanitized surfaces.

In addition, restaurants have a tendency to keep adding new cloths to increase the size and protective value of the implement, covering the old, dirty dishtowel with another one, often one that has been used for other activities such as wiping countertops or hands. While the bread itself is not potentially hazardous, it can be contaminated by the dirty, damp cloths, which can be breeding grounds for bacteria.

Control Measures:

- Observe the establishment’s method for placing the dough into the tandoor oven.
- Verify that the establishment is using a food grade cloth, such as cheesecloth, on the application device and confirm method and interval for changing cloth.

6. Indian – Tandoori:

Background:

The word ‘tandoori’ refers to the Indian style of cooking using the traditional ‘tandoor’ oven made of brick and clay. The oven has rounded sides and stands up to 5 feet high. It uses charcoal in the bottom as a heat source. The intense heat (up to 900°F) cooks meat very quickly, with the meat becoming crispy on the outside while remaining tender and juicy on the inside.

In the U.S., many Indian restaurants still use the traditional clay oven while others use a variation that uses gas instead of charcoal, with a steel casing around the clay cylinder to prevent cracking.



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Preparation Procedure:

Tandoor ovens are used for baking Indian breads such as ‘roti’ and ‘nan’. They are also used to cook a variety of meats, such as ‘tandoori chicken’.

Tandoori meats are marinated in a yogurt-based sauce marinade or dry spices. The red color often associated with tandoori cooking comes from saffron and red food coloring. When the meats are ready for cooking, they are usually skewered and lowered into the oven’s intense heat.

Foodborne Illness Risk Factors – Inadequate Cooking / Improper Holding Temperatures:

Inadequate Cooking:

While a tandoor oven is very hot, the temperature may not be even throughout the oven and therefore even cooking may not occur. For example, a skewer with only 4 or 5 pieces of chicken may cook very quickly, as all of the chicken is near the bottom of the oven where the heat is very intense. However, if a dozen or more pieces of chicken are placed on the skewer (as is often the case), the pieces near the top of the skewer may not be getting the same level of heat as those on the bottom, where the source of the heat is located. The temperature variables may result in the pieces on the bottom becoming overcooked before the ones on top reach the required internal cook temperature of 165°F. Unless the temperature of the chicken is measured in different areas on the skewer, some of the chicken may end up being served undercooked.

For those establishments that prepare large quantities of tandoori meats and then refrigerate them for later use, reheating may be an issue. The reheat method is usually by placing the meat back into the tandoor oven, where even heating may not occur. The meats must be reheated to an internal temperature of 165°F or above if it is going to be hot held. Tandoori for immediate service may be reheated to any temperature as long as it has been properly cooled.

Improper Holding Temperatures:

If the tandoori meat is not being served immediately, it must be hot held or properly cooled and refrigerated. Establishments often cook the meat (or partially cook it) in advance and then leave it out at room temperature, most likely to prevent it from drying out. They will then reheat it (or finish cooking it) right before service. Buffet lines may also pose a challenge for maintaining tandoori meats at the proper temperature due to the shape and size of the meats and the lack of moisture in the product.



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Control Measures:

- Assess cooking procedure for tandoori meats. Tandoori meats must reach a final internal cook temperature of the following:
 - 165°F or above for chicken; and
 - 155°F or above for beef and lamb that has been tenderized
- If meats are not reaching the proper temperature, suggest that the operator place smaller portions of meat on the skewer, or remove pieces on the bottom nearest to the heat once they cook and rotate top pieces downward.
- Confirm that the establishment has and is using an appropriate thermometer for measuring the temperature of meats being removed from the oven.
- Verify that meats held on the buffet, kitchen steam table or holding cabinet are at 135°F or above.
- Regardless of the method of reheating, check the reheat temperature to be sure foods reach 165°F or above within 2 hours if the meat is going to be hot held prior to service.

E. Japanese:

Japanese cuisine is famous for its simplicity and uncluttered, yet elegant presentation. There are several different types of Japanese restaurants in the U.S., the most popular of which are hibachi (teppanyaki) style establishments, steakhouses and sushi restaurants. There are over 5,000 sushi restaurants in the U.S.

Rice is the base of most meals and many foods are left raw or just slightly cooked to maintain and highlight their freshness. While Japanese food has become increasingly popular among Americans, many eating establishments still cater solely to native-born Japanese customers.

1. Japanese – Hibachi:

Background:

Hibachi, also known as ‘teppanyaki’, refers to a Japanese style of cooking in which specially trained chefs prepare a meal in front of guests from a specially designed cooking area. By Japanese standards it is a recent cooking style, originating in the southern Japan region of Kobe in the 1940’s.



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A ‘teppan’ grill is a solid steel, flat-topped grill with several gas jets underneath and surrounded on three sides by a table where guests sit and eat. The fourth side is where the chef prepares the meal while entertaining the guests.

In the United States, hibachi chefs are known not only for their expert cooking skills, but also for spectacular displays of dexterity as they cut, stir, season, and serve each diner's portion onto plates on the teppan. Enjoying the art of the cooking process is as important as the meal itself, as the chef entertains diners with slicing, dicing and flipping the food, manipulating fire and juggling items such as eggs, onions, pepper shakers and in some cases, knives. Most hibachi chefs train for well over a year before they are allowed to cook/perform at their own hibachi table.

Preparation Procedure:

Hibachi cuisine generally consists of seafood (mainly prawns and fish), meat (mainly steak and chicken), vegetables and rice, with beef being the most popular part of most hibachi meals.

One of the skills a hibachi chef must have is to be able to control the intensity of the heat applied to the food through various areas of the ‘teppan’ plate. Seafood and vegetables require slow cooking over low intensity heat while meats require higher intensity heat. Balancing the heat is essential to the successful preparation of the meal. Timing is also important, as the chef must be able to serve all of the guests’ meals at once.

Foodborne Illness Risk Factor – Contamination / Cross Contamination / Inadequate Cooking:

Contamination / Cross Contamination:

While the Food Code does not prohibit hibachi style cooking, there is some concern about the possibility of cross contamination.

Some hibachis have a small, refrigerated storage area located at the table but others may require carrying the ingredients from the kitchen to the hibachi table. Cross contamination may occur with the chef bringing different types of meat that are touching one another out to the hibachi area from the main kitchen. Even establishments with refrigerated storage at the hibachi should be checked to be sure meats are being stored properly to avoid cross contamination.



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Cross contamination may also result from using the same utensils on different meats or on meats in various stages of cooking, such as using a utensil to place raw seafood on the grill and then using the same utensil to remove finished beef.

Inadequate Cooking:

Like any other type of cooking, food cooked on a hibachi grill must be cooked to proper temperature before serving. Inspectors should vary inspection times so that actual cooking on the hibachi grill can be observed. Although some operators may not view it as appropriate, temperatures should be taken of the final cook temperature of meat, poultry and seafood removed from the grill unless the food is ordered undercooked. For the foods that are served undercooked, a consumer advisory must be provided to warn the consumers of the risk of consuming these products. Whole muscle-intact beef steaks, steaks that have not been injected, mechanically tenderized, reconstructed, or scored and marinated may be served without a consumer advisory if the steaks are cooked on both the top and bottom to a surface temperature of 145°F or above with a cooked color change on all external surfaces.

Control Measures:

- Observe restaurant operations to ascertain whether seafood, meats and poultry are being transported, stored or handled in such a way that cross contamination can occur.
- Determine that the establishment has a consumer advisory that discloses to consumers, which animal foods are served raw or undercooked and warns the consumer of the risk of consuming these products.
- Determine that refrigerated foods are held at 41°F or less or are held refrigerated for no more than 4 hours (time as a public health control) with a time tracking system in place.
- Verify the final cook temperature of animal foods and that a thermometer is provided for measuring food temperatures.
- Confirm that utensils are being washed, rinsed and sanitized between meals.



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Background

In Japan, the word ‘sushi’ means ‘rice dressed with vinegar’. However, as we know it here in the United States, it is used to describe sticky vinegar rice that is shaped into bite-sized pieces and topped with raw or cooked fish, or formed into a roll with fish, egg or vegetables and wrapped in seaweed. It is sometimes confused with sashimi, which is delicately sliced raw seafood served with only a dipping sauce.

Sushi began as a method of preserving fish centuries ago, but has since evolved into an artful and unique dining experience. Although sushi uses relatively few ingredients, it is perhaps one of the most well-known examples of the artistry of Japanese cuisine. In Japan, one must train for more than ten years before earning the title of master sushi chef or ‘shokunin’.

Preparation Procedure:

Sushi is made with white, short-grained, Japanese rice mixed with a dressing made of rice vinegar, sugar, salt, nori (a type of seaweed) and sake. Once it is cooked, it is cooled to body temperature before being used. There are regional variations in the preparation of sushi rice. Most of the variations are in the rice vinegar dressing; some contain more salt, others are made with more sugar.

There are dozens of kinds of sushi, some of which are cooked (shrimp, crab, octopus) and others that are served raw. Fish that is commonly used in sushi includes salmon, snapper, tuna, mackerel and yellowtail. Other seafood includes fish roe, sea urchin, eel, clam, conch and scallop. Additional ingredients common to sushi menus include quail eggs, avocado, cucumber, mushrooms and seaweed. Sushi is always served with wasabi (a very spicy green horseradish paste), soy sauce and pickled ginger.

The five most popular types of sushi seen in American restaurants are nigiri-sushi, maki-sushi, chirashi-sushi, temaki-sushi and inari-sushi. Nigiri-sushi is little fingers of rice topped with a filet of raw or cooked fish or shellfish and sometimes dipped in wasabi. Nigiri is generally the most common form of sushi seen. Maki-sushi is rice and seaweed rolls with fish and/or vegetables. Most maki places the seaweed (nori) on the outside, but some, like the California and rainbow rolls, place the seaweed on the inside. It’s reported that sushi chefs in Los Angeles restaurants created the well-known California roll in the 1970s for American diners who were squeamish about eating raw fish. The California roll consists of cooked crab, cucumber and avocado. Chirashi-sushi, which translates as "scattered sushi" is a bowl or box of sushi rice topped with a variety (usually nine) of sashimi.



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Temaki-sushi is a hand-rolled cone of sushi rice, fish and vegetables wrapped in nori (seaweed). Lastly, inari-sushi is fried tofu pouches stuffed with sushi rice.

Sushi may be served in various combinations, depending on what the guest orders. Most sushi restaurants have a bar area where guests can sit in front of a clear partition and observe the master sushi chef preparing various dishes.

Foodborne Illness Risk Factors – Food From Unsafe Sources / Improper/
Holding Temperatures / Poor Personal Hygiene:

Food From Unsafe Sources:

Fish that is not purchased from an approved source may not be properly acquired or handled prior to shipping and can contain toxins harmful to humans. Two common examples are ciguatera and scombroid toxins.

Ciguatera is an illness caused by eating fish that contain toxins called ciguatoxins, produced by a marine algae microorganism. The toxin is acquired by the fish through the food chain and mostly affects fish that feed close to tropical reefs, including red snapper, grouper, triggerfish, jacks and barracuda. The larger the fish, the more likely they are to contain the toxin. In all, over 400 different kinds of fish have been linked to the disease, even salmon. Cooking the fish does not prevent ciguatera. People who have ciguatera may experience nausea, vomiting, and neurologic symptoms such as tingling fingers or toes. They also may find that cold things feel hot and hot things feel cold. Seafood restaurants should only purchase fish from a supplier who can ensure that the fish are not harvested at or near reefs.

Improper Holding Temperatures:

Scombroid toxin is formed when fish has been temperature abused and bacteria present on the fish produces the enzyme histidine decarboxylase, which converts histidine that is naturally in the fish's flesh to histamine, which is toxic to humans upon eating the fish. The infective dose (the amount of histamine in the flesh required to cause illness) is not known. Histamine poisoning, as it is sometimes referred, causes allergic reactions such as itching, rashes and shortness of breath. The presence of the toxin does not make the fish smell bad or otherwise appear spoiled. Once histamine is present, neither freezing nor cooking the fish will eliminate it. The only control for scombroid toxin is prevention, by maintaining proper temperature of the fish from harvest through service. The fish most frequently affected by scombroid poisoning include mackerel, tuna, mahi-mahi and bluefish. Operators must not only purchase fish from reputable sources, but also properly maintain the fish below 41°F after receipt in their establishments to reduce the risk of exposure to scombroid



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toxin.

In order to ensure the safety of sushi, raw seafood must be frozen in order to destroy parasites. Parasitic worms live in many species of fish. When live worms are consumed in raw fish flesh by humans, they can cause acute abdominal pain, and in some cases have to be surgically removed from the stomach lining. Cooking or freezing fish to required temperatures will destroy them. The Food and Drug Administration has concluded that to enhance safety, fish must be subjected to HACCP controls at the processor/supplier level. The control measures for a retail establishment are that it purchases only fish that has been properly frozen or that it conducts in-house freezing.

Many sushi establishments are acquiring fresh fish that have never been frozen, and therefore have not undergone parasite destruction. It is the restaurant's responsibility to make sure that it is done. Most refrigerators in retail facilities are unable to freeze fish to the temperatures required to destroy parasitic worms. Operators who have equipment capable of freezing the fish to proper temperatures must keep records on how long they froze the fish and to what temperature(s) the fish was frozen. These records must be maintained for 90 days. If they cannot prove that they are able to freeze the fish adequately in-house, they must have a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time capable of destroying parasites. Most tuna species, aquacultured fish such as salmon and molluscan shellfish are exempt from freezing.

Sushi rice typically includes vinegar and sugar in the recipe. Laboratory tests have indicated that sushi rice made in the traditional method has a pH of 4.2 or less and does not require time-temperature control for safety. As a result, sushi restaurants and markets that make their own sushi and wish to hold the rice at room temperature can do so if they receive a variance from the regulatory authority and operate under a HACCP plan. They must also have a pH meter, routinely calibrated against a known buffer, or test strips to regularly check the pH of the product. If the establishment does not want to apply for a variance, they can use time as a public health control for the rice, which requires that each batch of rice be identified with the time that is 4 hours past the point in time when the rice was removed from temperature control, and should be used or discarded.



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Poor Personal Hygiene:

Sushi, even if made with raw fish, is a ready-to-eat product because it is consumed in that form. Products that include raw or undercooked seafood require a consumer advisory to warn consumers of the risk of eating raw seafood products. No bare hand contact is allowed during preparation or service at any point. Sushi chefs must wear protective gloves or use other utensils or implements while working to prevent contacting sushi with hands.

Control Measures:

Determine whether the raw fish has been frozen to destroy parasites in-house or at the supplier. Review documentation that raw, raw-marinated, partially cooked, or marinated-partially cooked fish has been:

- Frozen and stored at a temperature of -4°F or below for a minimum of 7 days in a freezer;
- Frozen at -31°F or below until solid and stored at -31°F or below for a minimum of 15 hours; or
- Frozen at -31°F or below until solid and stored at -4°F or below for a minimum of 24 hours.
- If fish is frozen in-house, check freezers to verify that they are capable of maintaining the product at the specified freezing temperatures.
- Confirm that fish is stored at 41°F or below prior to service and that prepared sushi is held at 41°F or below, or time as a public health control is implemented with proper documentation.
- Verify that sushi rice is being prepared under an approved HACCP plan and has a pH of 4.2 or below, is held at 135°F or above, or the facility is using time as a public health control with proper documentation.
- Confirm that the establishment has a consumer advisory that discloses to consumers which items contain raw or undercooked animal food and warns the consumer of the risk of consuming these products.
- Observe the preparation of sushi to ensure that it is prepared with no bare hand contact.



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- Due to difficulty in cleaning, verify that bamboo mats used to roll sushi are covered/lined with a food grade plastic wrap.
- Ascertain whether fish is fresh by checking for the following signs:

Signs of Freshness in Fish:

- o Eyes are clear and not sunken
- o Bright red gills
- o No slime on fish's body
- o Scales do not come off easily
- o Belly area is firm and elastic
- o No fishy smell

Signs of Temperature Abuse in Frozen Fish:

- o Sour odor
- o Off color
- o Sunken eyes
- o Ice crystals formed on fish
- o Paper wrapping is moist, slimy or discolored

Special Note: Sushi chefs are among the most highly regarded professions in Japan. Because of the great pride they take in their culinary art, it is rare for a sushi restaurant to serve products that are not fresh. However, the growing popularity of sushi has resulted in other types of restaurants (Korean, Chinese, etc.) adding sushi to their menus. In many cases, they will leave sushi sitting out at room temperature all day. It is important to be especially aware of the holding conditions for sushi in non-Japanese restaurants. It is also important to monitor the holding procedures for rice because non-Japanese restaurants typically do not prepare rice in the unique way that makes Japanese sushi rice safe at room temperature.

3. Japanese – Tempura:

Background:

Tempura is the classic Japanese method of cooking vegetables and shellfish by coating them with a light batter and deep-frying them. Typical tempura items include seafood (shrimp, scallop, eel, crab, squid and various types of fish) and vegetables (zucchini, sweet potato, shiitake mushroom, carrot, green pepper, eggplant, green bean, onion, okra and asparagus). It is best eaten hot immediately after frying.



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Preparation Procedure:

Tempura is prepared by first cutting and slicing items into thin, bite sized pieces. The pieces are then dipped in a light batter. Tempura batter recipes vary, but the basic ingredients are flour, eggs, and very cold water. Other ingredients may include cornstarch, baking soda, baking powder, sugar, milk and butter. After being dipped into the batter, the pieces are deep fried in sesame oil at 340°F or hotter. The prepared tempura is served with a flavorful tentsuyu sauce (made of soy sauce, sake and soup stock) and grated daikon (Japanese radish).

Foodborne Illness Risk Factor – Improper Holding Temperatures:

Tempura is best served hot immediately after frying. If not served immediately, some establishments will hold it at room temperature because hot holding causes the tempura to become soggy and the batter to fall off. Operators who do not want to hold the tempura hot have the option of holding the tempura for no more than 4 hours at room temperature. At the end of the 4 hours, any food that has not been served must be discarded. Food that is being held by time instead of temperature must be marked to indicate the time that is 4 hours past the point in time when the food is removed from temperature control.

Control Measures:

- Ascertain whether tempura is cooked to order or cooked and held.
- If tempura is not served immediately, confirm that the facility is holding the tempura at 135°F or above or using time as a public health control with the proper documentation.

F. Korean:

Korean cuisine is widely known for its spicy flavors and the large number of side dishes (up to 20) served with meals. The basic staples of Korean food are rice, vegetables, tofu, fish and seaweed. Soup plays a large role in the typical Korean diet, as does kimchi (fermented vegetables). There are more than 1 million native Koreans living in the U.S. and over 4,000 Korean restaurants.



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1. Korean – Sushi:

Background:

Korean sushi is known as ‘kim bap’. ‘Kim’ means ‘seaweed’ and ‘bap’ means ‘rice’. While similar to Japanese sushi in many ways, there are some key differences. Japanese sushi rice is made with vinegar and sugar, whereas Korean sushi uses sesame oil and salt. In addition, Korean sushi is always wrapped in seaweed and does not use raw ingredients except for vegetables.

Unlike Japanese sushi, which is considered a delicacy, Korean sushi is more of an everyday food, often eaten for lunch or as a snack.

Preparation Procedure:

Korean sushi is prepared by taking slivers of various ingredients and stacking them on top of a layer of rice. These are then rolled in seaweed and sliced. Typical fillings include thinly-sliced sautéed beef or sausage, crab, fried eggs, carrots, cucumber and pickled radish. It is typically served with kimchi.

Foodborne Illness Risk Factors – Improper Holding Temperatures / Poor Personal Hygiene:

Improper Holding Temperatures:

The chief regulatory concern with Korean sushi is the rice. Whereas the Japanese make their rice with vinegar and sugar, Korean sushi rice is made with sesame oil and salt. It is not acidified like the Japanese rice, and therefore must be held at proper temperature or held using time as a public health control. If this control is implemented, the establishment must mark the item to show the time 4 hours past the time it was taken out of temperature control and must be used or discarded.

In addition to kim bap, many Korean eating establishments also prepare Japanese-style sushi using Korean-style rice, so the same regulatory concerns apply. In many cases, not only rice, but also completely prepared sushi rolls are left sitting out at room temperature. The same regulations that apply to the rice also apply to the sushi rolls.



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F. Korean:

Poor Personal Hygiene:

Since Sushi is a ready-to-eat product, employees must not contact the food with their bare hands. They must wear protective gloves or use other utensils or implements while working to prevent possible contamination of the sushi.

Control Measures:

- Confirm that rice is held at 135 °F or above, prepared sushi is held at 41°F or below, or that time as a public health control is implemented with proper documentation.
- Monitor sushi preparation to ensure that there is no bare hand contact with ready-to-eat food.

G. Mexican:

According to the 2000 U.S. Census, Mexicans are by far the largest Hispanic group in the United States. With 20.6 million Mexican-born people living here, they account for nearly 60 percent of the country's 35.3 million Latinos.

As a result, Mexican restaurants are a common sight in nearly every part of the country. In general, Mexican food is known for being mildly to very spicy, thanks in large to the use of the chile pepper. Some 'Americanized' Mexican restaurants serve only dishes (ground beef tacos, enchiladas, burritos, tostadas, chile rellenos, quesadillas, rice and beans) that are popular among non-Hispanic Americans. Others, especially those catering to people of Mexican and Central American heritage, serve these and more traditional foods such as buche (pork stomach), lengua (beef tongue), and menudo (a stew made with beef intestines and hominy), as well as Mexican specialty drinks such as horchata and tamarindo.

Regardless of the type of Mexican restaurant you are inspecting, there are foods and preparation procedures you need to be aware of in order to carry out a complete and informed inspection. It's also important to have a basic understanding of Mexican culture and etiquette, in order to establish and maintain a positive relationship with the restaurant and market owners you will encounter.



1. Mexican - Al Pastor:

Background:

Al Pastor is a traditional Mexican dish in which meat (usually pork) is cooked using a special method and served in a taco. The name 'al pastor' means 'shepherd's style' and it is believed to be an adaptation of the gyro rotisserie style of cooking brought to Mexico when Lebanese immigrants settled there beginning in the late 1800s, bringing their vertical rotisseries with them.

Food Preparation Procedure:

First the meat is thinly sliced and marinated in lemon and pineapple juice, along with vinegar, garlic, chilies and other spices. Each piece is then stacked layer by layer onto a vertical rotisserie, resulting in a skewer of meat that can weigh as much as forty pounds. The product is slow cooked and as the outside edge of the meat is cooked, it is shaved and served in a taco with green onions, cilantro and salsa, or on a plate with onions, peppers, cactus and sometimes cheese.

Foodborne Illness Risk Factor - Improper Holding Temperatures:

Some facilities shave the outside meat as it is cooked and hold it until ordered, at which time they grill it and serve it hot. Other facilities partially cook the meat, turn off the rotisserie and leave it on the skewer until the next wave of customers arrives. Still others partially cook the meat and then hold it in a pan until an order is placed, at which time the meat is grilled to doneness and then served. The reason for not fully cooking the meat is to avoid burning it or causing it to dry out.

The problem with this process is that the meat (cooked and partially cooked) is often held at improper room temperatures for lengthy periods of time. The outside edges may be cooked, but the innermost part of the meat may only be partially cooked or raw. Because the raw meat has been marinated in acidic juices and has competing organisms on it, the bacterial risk is relatively low for the product in its raw form. However, the *Trichinella* parasite spiralis would still be a hazard in raw or undercooked pork. Once the product is cooked or partially cooked and held, it must be properly handled to prevent the outgrowth of spore-formers.

Control Measures:

Verify the cooking and handling procedure for al pastor. If there is meat on the rotisserie and it is not turning, or the heating element or gas flame is turned off, investigate further to determine how long the meat has been on the skewer, when it was placed on the skewer and how long it has been turned off.



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Ensure proper handling of the product in one of the following ways:

- Cooking the al pastor until the edges are browned, shaving the meat off and hot holding the shavings at 135°F or above or cold holding at 41 °F or below until ordered;
- Holding the product (shavings and slices on the skewer) for four hours using time as a public health control with a written tracking system, and then discard the remains; or
- Providing documentation that the preparation process renders the product non-potentially hazardous because it results in the meat having a pH of 4.2 or below. A variance is in place and the food product is prepared under an approved HACCP plan.

2. Mexican – Barbacoa:

Background:

Barbacoa is a Mexican specialty dish of meat (beef, pork, goat or lamb) slow-cooked with vegetables, herbs and spices. Although the preparation method and type of meat used depends on the Mexican region the recipe originates from, traditionally it is wrapped in banana leaves or maguey and placed in a pit over hot coals and then buried to slowly cook for hours (12 to 18 is usual). Most U.S. restaurants cook it indoors using modern equipment such as steamers and/or ovens.

There are three types of barbacoa:

- Boneless
- Bone-in
- Whole cow head (including brains) with tongue removed

Preparation Procedure:

Boneless barbacoa is cooked using the modern method of steaming in a pot or in an oven with doves, pimentos, chilies, garlic, salt, barbecue sauce and other spices. It is chopped with a knife and served on corn or flour tortillas.

Bone-in barbacoa is cooked with the same basic ingredients but may be prepared in either the modern way or in the traditional "pit cooking" process and served with rice and beans.

Barbacoa made from cow's head is labor intensive and is usually reserved for special occasions such as holidays or celebrations such as weddings. The traditional "pit cooking" method is the most common way this type of barbacoa



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is prepared and involves skinning the cow's head and removing the eyes and tongue (which causes a bad taste to the barbacoa if not removed). It is seasoned with onions, garlic and cilantro, wrapped in banana leaves, covered with maguey or wrapped in a paper bag and then in burlap and roasted or steamed for hours (usually overnight for 12 to 18 hours) until the meat falls off the bone or can be easily pulled.

Foodborne Illness Risk Factor - Inadequate Cooking / Improper Holding Temperatures / Food From Unsafe Sources:

Depending on the cooking method and size of the cut, the meat may be not be cooked enough, to an internal temperature of 145 °F. Once cooked, it must be maintained at the proper hot or cold temperature. Most of the time this isn't a problem but some restaurants turn off their steam tables during certain times of the day, leaving barbacoa and other food items at risk.

Because of the recent USDA ban on the sale of cow brain from cows 30 months or older, any establishment that prepares barbacoa using cow head must have documentation from the distributor which certifies that the processor obtained the head from a cow that was younger than 30 months.

Control Measures:

- Ask the establishment what method they use to prepare barbacoa (steaming, roasting, etc.).
- Ascertain what measures are employed to ensure proper cook temperatures and confirm that it is cooked to 145°F or above for 15 seconds in the thickest portion of the meat.
- Verify that the facility is hot holding the product at 135°F or above or holding at room temperature using time as a public health control with documentation.
- If cold holding, verify that it is being held at 41 °F or below.
- If preparing whole cow head, ask to see documentation from the distributor, which certifies that the processor obtained the head from a cow that was younger than 30 months.

3. Mexican – Buche:

Background:

Buche is pork stomach and is a popular item at many Mexican restaurants,



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especially those serving immigrants from Mexico and other Central American populations.

Preparation Procedure:

First the buche is washed and chopped. Then it is cooked in a large skillet or pot in salt water and lard until it is tender. Next it is held hot and once ordered, chopped into slivers and grilled until slightly crispy. The meat is served in a tortilla with green onions, cilantro and salsa. Some establishments deep fry it and serve it very crispy.

Foodborne Illness Risk Factor and Regulatory Concern - Improper Holding Temperatures / Misidentification:

Improper Holding Temperatures:

After cooking, buche must be maintained at the proper hot or cold holding temperature. Some establishments turn off their steam tables during slow periods of operation, leaving buche and other food items at improper temperatures. If potentially hazardous cooked foods are not properly held, spore-forming bacteria present in the product may germinate and grow to unsafe levels.

Misidentification:

Buche and tripas (beef intestines) closely resemble each other in certain stages of preparation. Although both are required to be cooked to 145°F or above, source becomes a critical issue with the service of tripas because of the threat of Bovine Spongiform Encephalopathy.

Control Measures:

- Verify that the facility is hot holding the product at 135°F or above, or holding the buche at room temperature using time as a public health control with a written plan tracking the time.
- Verify whether buche, tripas or both products are being served in the facility through invoices and product labeling.

4. Mexican – Ceviche:

Background:

Ceviche is a dish traditionally made with raw fish, shrimp and shellfish such as scallops or oysters, marinated in limejuice and combined with tomatoes, onions, garlic, cilantro and chilies. Alternate recipes may include squid, lobster, parsley



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and other ingredients. It is served cold, typically as an appetizer, salad or side dish, but sometimes as a main entree. At Mexican restaurants it is usually served with tomatoes, raw onion slices and tortilla chips.

Preparation Procedure:

In some Mexican restaurants in the U.S., all of the seafood in Ceviche is served raw. However, most establishments cook the shrimp, squid and shellfish before adding them to the recipe. The fish, which is a white fish such as mackerel, cod, red snapper, whitefish or pompano, remains uncooked, having been marinated in limejuice for several hours. The acid in the limejuice firms the flesh and turns it opaque, giving it the look and texture of being cooked. The seafood is then combined with tomatoes, onions, garlic, cilantro and chilies and allowed to sit several hours at room temperature before serving.

Foodborne Illness Risk Factor - Inadequate Cooking:

Many operators believe that the acid in the limejuice "cooks" the fish. However, this is incorrect. Fish that is marinated in limejuice can still contain parasites and bacteria, therefore presenting a health risk when the product is consumed.

The health risk from parasites in the fish can be prevented by freezing it prior to preparation. Most refrigerators in retail facilities are unable to freeze fish to the temperatures required to destroy parasitic worms. Operators who have equipment capable of freezing the fish to proper temperatures must keep records on how long they froze the fish and to what temperature(s) the fish was frozen. These records must be maintained for 90 days. If they cannot prove that they are able to freeze the fish adequately in-house, they must have a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time capable of destroying parasites.

Many suppliers do not know how the fish they are providing to food service facilities and retail food stores are going to be used. Therefore, it is the operator's responsibility to require that the suppliers freeze the fish and provide them with documentation that confirms that the appropriate freezing temperatures for the fish have been met.

Fish is required to be cooked to 145°F to destroy bacteria and parasites that might be on and in the flesh of the product. Establishments that choose to serve fish that has not been treated to destroy pathogens through cooking must provide a consumer advisory that discloses to consumers, which dishes contain raw or undercooked foods and informs them of the risk associated with consuming those products.



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Control Measures:

- Determine which seafood ingredients in the Ceviche are raw and whether they require freezing to destroy parasites. (Note: Molluscan shellfish, some species of tuna and certain aqua-cultured fish are exempt from the freezing requirement. See the current Food Code for specific exemptions.)
- Ascertain whether the raw fish has been frozen to destroy parasites in-house or at the supplier. Review documentation that raw, raw-marinated, partially cooked, or marinated-partially cooked fish has been:
 - o Frozen and stored at a temperature of -4°F or below for a minimum of 7 days in a freezer;
 - o Frozen at -31 °F or below until solid and stored at -31 °F or below for a minimum of 15 hours; or
 - o Frozen at -31 °F or below until solid and stored at -4°F or below for a minimum of 24 hours.
- If fish is frozen in-house, check freezers to verify that they are capable of maintaining the product at the specified freezing temperatures.
- Confirm that the establishment has a consumer advisory that discloses to consumers which items contain raw or undercooked seafood and warns the consumer of the risk of consuming these products.

Encourage the proprietor to purchase any seafood that is served raw from reputable suppliers that have high standards for quality, sanitation and safe handling.

5. Mexico-Chile Rellenos:

Background:

The chile relleno is a popular dish in Mexican restaurants. In Spanish, the term 'rellenos' means stuffed. The dish is a roasted and peeled pepper (traditionally a poblano pepper) that is stuffed with beef, pork or cheese, dipped in a light egg batter and fried or oven roasted.

In less traditional Mexican establishments, chile relleno will be listed on the menu, but the product may not be a stuffed pepper. Instead, it is a ground beef patty shaped into a ball with pieces of pepper and covered with a flour, egg and



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cheese batter.

Connoisseurs of Mexican food would argue that this product is not a true chile relleno since it is not a stuffed pepper.

Some restaurants purchase frozen, precooked chile rellenos from suppliers, but most prepare them in-house from scratch. It is usually served as a main entree with rice and beans.

Preparation Procedure:

The meat filling used in the chile relleno is normally the ground beef that is prepared and held on the steam table or stovetop and used in a number of other entrees such as tacos and burritos. It is usually prepared daily. The meat is browned and drained and then other ingredients (onions, garlic, tomatoes, etc.) are added and the mixture is further cooked (baked or sautéed). The peppers are roasted and the skin and seeds removed. They are then stuffed with the filling and coated with a batter made from eggs, salt and flour. Some establishments encase the pepper in an egg roll wrapper instead of coating it with the egg batter. The rellenos are then oven roasted or deep-fried. They may be served plain or with a light tomato sauce or melted cheese.

The patty-type of chile relleno may be prepared 1-2 weeks in advance of service. The preparation method involves shaping ground beef into a ball along with pieces of pepper, then covering it with a cheese, egg and flour coating. The product is then flash fried in a deep fryer long enough to melt the batter around the ground beef, and held frozen until needed.

Foodborne Illness Risk Factors - Improper Holding Temperatures / Inadequate Cooking:

Improper Holding Temperatures:

Authentic chile rellenos may be prepared and held or made to order. If the chile rellenos are precooked days in advance, they must be properly cooled and held until used. For the chile rellenos that are made to order, each potentially hazardous ingredient should be maintained at required temperatures. Once the peppers are roasted, some establishments will hold the peppers at room temperature. However, the peppers are cooked vegetables and require time and temperature control for safety.

The patty-type of chile rellenos are taken from the freezer each day and placed in the cooler or held on the countertop for thawing. Often establishments will leave them out at room temperature during hours of peak operation. This is done in an effort to warm the product up so that it takes less time to heat it during the lunch and dinner rush. When ordered, some operators will heat the chile relleno in the microwave first, then cover it with cheese and place it on a



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plate with rice and beans in the oven while others will put it directly on the plate in the oven. However, microwaving usually destroys the consistency of the product, so establishments are reluctant to use this method.

Inadequate Cooking: If a chile relleno is fully cooked, it can be served at any temperature. If it is partially cooked and then cooled, the product must be cooked throughout to the minimum internal temperature for ground beef prior to service.

Control Measures:

- Confirm that cooked peppers are hot held at 135°F or above or cooled properly and cold held at 41°F or below.
- Verify that the patty-type chile relleno is cooked to 155°F.
- Ensure that the chile rellenos (both types) are cooled properly and held at 41 °F or below prior to use, or time as a public health control with proper documentation is implemented, then discarded if not served within 4 hours.

6. Mexican – Goat:

Background:

Goat is a common meat popular among many ethnicities, including African, Caribbean, Hispanic, Greek and Indian. It is a common staple among Hispanic people.

Preparation Procedure:

Goat is prepared in a variety of ways, including roasted, braised, curried and in soups and stews.

Foodborne Illness Risk Factor - Food From Unsafe Sources:

While most goat meat is purchased from USDA or state-approved commercial suppliers, some restaurants and markets may obtain goat meat from unapproved sources. Others may purchase a live goat from an unapproved source and process it themselves. Still others raise their own goats at home and slaughter and process them as needed. There have been cases in which inspectors have discovered whole animals, frozen with fur and hooves intact in establishments.

Any goat meat that is not from a USDA or state-approved source is illegal and cannot be served in restaurants or sold in markets.



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(Control Measures:

- If goat is on the menu or in a meat display case, ask to see the packaging or invoice in order to ascertain that it comes from an approved source.
- Verify that time/temperature controls appropriate for goat are used.

7. Mexican – Horchata:

Background:

Horchata is a traditional Mexican drink often served with spicy foods or as a dessert beverage. The basic ingredients are ground rice or rice flour, sugar and water. Other ingredients may include condensed milk, milk, blanched almonds, cinnamon, lemon zest, vanilla, lime or strawberry flavoring.

Preparation Procedure:

Uncooked rice is covered in water and refrigerated, usually a day in advance. The rice is then drained and blended with water and sugar in a blender, along with other ingredients such as condensed milk and flavorings. It is allowed to sit for several hours and then blended again for several minutes until texture is smooth. Depending upon the consistency, more water may be blended in, as well as additional flavorings. Some establishments have refrigerated counter dispensers, while others keep it in pitchers or other containers. The prepared drink has a milky appearance, even when milk is not used in its preparation.

Foodborne illness Risk Factor - Improper Holding Temperatures:

Some establishments hold horchata at improper temperatures during and after preparation. When the rice is soaked in water and during the blending process, an environment conducive for the growth of *Bacillus cereus* is created. The same would apply when rice flour is used instead of rice. Inadequate holding temperatures can result in the multiplication of *Bacillus cereus* bacteria and the possible formation of a heat-stable toxin that can cause illness when the product is consumed. Therefore, refrigeration at 41°F or below is required, both during the soaking process and after the drink is prepared.

Control Measures:

- Ascertain the preparation procedure for the horchata.
- Verify that the rice is being held at 41 °F or below during soaking.
- Ensure that after preparation, the horchata is cooled to 41 °F within 4



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hours and maintained at proper cold holding temperature until service.

8. Mexican – Lengua:

Background:

Lengua is beef tongue. It is served in a variety of ways, including in tacos, salads, sandwiches and as a main course.

Preparation Procedure:

The tongue is brought to a boil and then slow cooked with garlic, onions and spices for several hours. It is then skinned and either refrigerated or hot held whole, or it may be sliced or chopped and cold or hot held until an order is placed. It is most commonly served hot on a tortilla with tomatillos, chiles, garlic, cilantro and onions. Other toppings may include serrano peppers, lime wedges, avocado slices, jalapenos, pico de gallo or salsa.

Foodborne Illness Risk Factor / Regulatory Concern – Improper Holding Temperatures/ Misidentification:

Improper Holding Temperatures:

Like any beef product, lengua must be cooked to 145°F. Once cooked, it may be hot held at 135°F or cold held at 41°F. Many establishments take refrigerated lengua and placed it directly on the steam table without first reheating the product. The Food Code requires that it be reheated to 165°F before being placed on the steam table for hot holding and then continuously held at 135°F.

Some establishments routinely turn off the steam tables after lunch and turn them on again before dinner, leaving items such as lengua at room temperature.

Misidentification:

Another issue is misidentification. Because of its unusual appearance, many inspectors may not recognize lengua as a beef product.

Control Measures:

- Once cooked, beef tongues may be maintained in one of the following ways:
 - o Hot held at 135°F or above;
 - o Held for four hours or less using time as a public health



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control with the proper documentation, then discarding after 4 hours if not served;

- o Properly cooled and then held at 41°F until ordered, at which time the product is reheated to any temperature and served immediately to the customer; or
- o Properly cooled and then held at 41°F, after which it may be reheated to 165°F and then held continuously at 135 °F, or held for up to 4 hours using time as a public health control with the proper documentation, then discarded if not served.

- Be able to identify beef tongue.

9. **Mexican – Menudo:**

Background:

Menudo is a spicy soup made with tripe (beef stomach), hominy, chile, garlic and other spices. It is a traditional Mexican dish, often served for breakfast or on special occasions.

The origin of menudo is not exactly known. Some accounts claim that it was invented long ago during war times, when the cattle in villages were slaughtered and the meat given to Mexican soldiers, leaving only the remains (organs, hooves, tail, etc.) for the villagers. Other stories attribute it to wealthy landowners taking the desirable parts of the cow for themselves and giving what was left of the carcass to their poor farm workers. The poor, not wanting to waste any part of the carcass, took the entrails (and sometimes the feet) and made a soup from them. To make the soup palatable, they spiced it up with chiles and added hominy to it.

Regardless of its origin, today menudo is a popular dish eaten on special occasions by Mexicans from all walks of life. Most Mexican restaurants that serve menudo offer it as a special item on weekends and holidays. It is also believed by many to be a cure for hangovers.

Preparation Procedure:

Menudo is prepared by first thoroughly washing the tripe, cutting it into bite-sized pieces and then combining it with the various ingredients and water in a large pot. It is then brought to a boil and stewed for several hours. The broth is reddish in color. It is usually served in a bowl with lemon slices and other condiments such as avocado slices, onions and shredded lettuce. It may also be served as a taco.



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Regulatory Concern – Misidentification:

Because of its unusual appearance, many inspectors may not recognize menudo as a beef product requiring temperature control.

Control Measures:

- Recognize menudo in both its raw and cooked states.
- Verify that the product is cooked to 145°F or above and held at 135°F or above.

10. Mexican - Refried Beans:

Background:

Refried beans are a Mexican staple served as a side dish or as a filling for various tortilla preparations.

Preparation Procedure:

Dried pinto beans are soaked for several hours and then boiled until soft. Next, the beans are mashed, mixed with various seasonings and lard, vegetable oil or butter until a smooth paste is formed.

Foodborne Illness Risk Factor – Improper Holding Temperatures:

One of the most common problems with refried beans is the cooling procedure. Refried beans are usually made in large quantities and often left sitting out at room temperature. Establishments may be reluctant to refrigerate the beans out of fear that the beans will cool on the outside and stay hot on the inside, causing the product to sour. Although beans can sour when placed in the refrigerator in large quantities, this can be easily avoided by cooling large containers of beans in an ice bath, by using a chill stick, or by placing the beans in shallow pans before refrigerating.

Many establishments take refried beans directly from the refrigerator to the steam table without first reheating the product. Because the beans are very dense, it is difficult to get them up to proper temperature in this manner. The beans must be reheated to 165°F within 2 hours before placing on the steam table. Once on the steam table, the beans must be held at 135°F or above. The beans may also be reheated and held at room temperature using time as a public health control with documentation.



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Control Measures:

- Verify the cooling procedures for refried beans. Refried beans must be cooled from 135°F to 41°F within 6 hours, provided that they are cooled from 135°F to 70°F within the first two hours. (Note: If refried beans are stored in refrigerators in bus pans and large stock pots, assist the operator with proper cooling methods if the product is being cooled in those containers. Times of inspections should be varied so that different phases of cooling can be observed.)
- Confirm the reheating procedure for refried beans. Beans must be reheated to 165°F within 2 hours before placing on a steam table or other hot holding unit.
- Verify that beans are maintained at 135°F or above during hot holding.

11. Mexican – Rice:

Background:

Rice is a Mexican staple served as a side dish or as a filling for various tortilla preparations.

Preparation Procedure:

First the rice is soaked to remove the starch, then rinsed. Next, the rice is sautéed in a large saucepan or skillet over medium heat until rice begins to brown. Once the rice begins to brown it is added to sautéed chopped garlic, onions and tomatoes and cooked some more. After a few minutes, water, tomato sauce and spices are added and the mixture is brought to a boil, then covered and simmered until tender.

Foodborne Illness Risk Factor – Improper Holding Temperatures / Inadequate Cooking:

Improper Holding Temperatures:

One of the most common regulatory problems with rice is the cooling procedure. It is usually prepared in large quantities and then often left sitting out at room temperature. Establishments may be reluctant to refrigerate the rice out of fear that it will sour. Although rice can sour when placed in the refrigerator in large quantities, this can be easily avoided by cooling large containers of rice with an ice bath or by placing the rice in shallow containers before refrigerating. Leaving the rice at room temperature invites bacterial growth and toxin formation, and is a violation of the Food Code.



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Inadequate Cooking:

Many establishments take rice directly from the refrigerator to the steam table without first reheating the product. Because the rice is very dense it is difficult to get it to proper temperature. The rice must be reheated to 165°F before placing on the steam table. Once on the steam table, it must be held continuously at 135°F or above. Many establishments also hold rice cooked for lunch or dinner service out of temperature control for longer than 4 hours prior to placing it on the steam table.

Control Measures:

- Observe the cooling procedures for rice. Typical problems to look for are rice kept in bus pans or large stockpots. If the establishment claims to be cooling the rice in smaller containers and then placing it back in the larger container, suggest that they keep a log of the procedure. Rice must be cooled from 135°F to 41°F within six hours, provided that it is cooled from 135°F to 70°F within the first two hours. If the procedure is not getting the temperature to 41° F in the six hours described in the Food Code, then the inspector should assist them in making changes in their cool-down methodology, such as using an ice bath, smaller containers or thin layers on sheet pans.
- Observe the reheating procedure for rice. It must be reheated to 165°F within two hours before placing on steam table for hot holding.
- Observe the hot holding procedure. Reheated rice must be hot held at 135°F or above.

12. Mexican – Sesos:

Background:

Sesos is beef brains, fried and served as a taco filling, in tamales, empanadas, as a sandwich or with flour tortillas. It may also be served as an entrée with rice and beans.

Preparation Procedure:

First, the brains are placed in a saucepan with water, vinegar and salt and simmered over low heat for about 15 minutes. They are then drained, rinsed in cold water and allowed to cool.



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The cooled brains are then placed in a non-reactive bowl and sprinkled with salt and pepper and allowed to stand for an hour at room temperature. Afterwards they are cut into bite-sized pieces, dipped in beaten eggs, rolled in flour and fried in lard or vegetable oil.

Foodborne Illness Risk Factor – Food From Unsafe Sources:

On January 12, 2004, the Food Safety Inspection Service (FSIS) of the United States Department of Agriculture (USDA) issued new rules to further minimize human exposure to materials that scientific studies demonstrated contain the Bovine Spongiform Encephalopathy (BSE) agent in cattle infected with the disease. FSIS issued the rules in response to the diagnosis on December 23, 2003, of BSE in an imported dairy cow in Washington State. The animal had been imported from Canada. One of the rules, “Prohibition on the Use of Specified Risk Material (SRM) for Human Food and Requirements for the Disposition of Non-Ambulatory Cattle” referred to as “the SRM interim final rule” designated certain materials from cattle as Specified Risk Materials and declared that SRMs are inedible, and prohibits the use of these materials for human food. The materials identified as SRMs in the rule are the following:

- brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (DRG) of cattle 30 months of age and older, and
- the distal ileum of the small intestine and tonsils from all cattle.

Due to the ban on the sale of cow brains from cattle 30 months of age or older, it is crucial that records be provided that validate the age of the brain used in the facility.

Control Measures:

- Verify the source of the brain through invoices and packaging.
- Confirm that the processing company is approved to sell beef brains by contacting the United States Department of Agriculture.
- If the source cannot be confirmed, discard the product.
- Verify that sesos is cooked to 145°F or above and is properly cold and hot held before and after cooking.



13. Mexican – Tamarindo:

Background:

Tamarindo is a tart, refreshing cold drink made from the seed pods of the tamarind tree. The pod is bean-like in appearance, pale brown in color and is approximately 3-8” in length.

Preparation Procedure:

Whole tamarind pods are added to boiling water, along with sugar or honey. Some establishments may remove the pod covering before boiling. After boiling for one minute, the mixture is allowed to stand for several minutes, then drained, rinsed and drained again. The seeds, stems and strings are removed and the pods are placed in more hot water and allowed to stand for 2 to 4 hours. Afterwards, the pods are strained and the liquid reserved. The pods are then pressed through a sieve to extract the pulp, which is then mixed into the reserve liquid, along with more sugar or honey if necessary. The beverage is then refrigerated until chilled and served on ice.

Regulatory Concern – Misidentification:

Because of its unusual appearance, food regulators may not readily identify the tamarind pod as a beverage ingredient.

Control Measures:

- Know what a tamarind pod looks like and understand that it is a beverage ingredient.

NOTE: Tamarind pods may also be found in Asian food establishments and markets.

14. Mexican – Tripas:

Background:

Tripas (also known as 'tripitas') are beef small intestines that are boiled, sliced thinly and fried. They are usually served in tacos and are extremely popular in Latino communities, especially those with large Mexican-American populations. In some parts of Mexico, tripas are as popular as hotdogs or hamburgers are in the U.S. The 2004 ban on tripas and other beef products by the USDA (see below) had a negative cultural and economic impact on many communities where tripas are eaten several times a week and some businesses that rely on the sale of tripas for a significant portion of their income. The ban was lifted in September 2005.



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Preparation Procedure:

First, the intestines are thawed and thoroughly washed. Next, they are boiled with onions, garlic, salt and sometimes milk for several hours. After they are cooled, they are sliced into small pieces and rebelled or fried with lard. The tripas are then either held hot until ordered or they are cooled again and refrigerated until ordered, at which time they are reheated on a grill or in a skillet and served in a com tortilla with onions, cilantro, lime wedges and salsa.

Foodborne Illness Risk Factor - Food From Unsafe Sources:

On January 12, 2004, the Food Safety Inspection Service (FSIS) of the United States Department of Agriculture (USDA) issued new rules to further minimize human exposure to materials that scientific studies demonstrated contain the Bovine Spongiform Encephalopathy (BSE) agent in cattle infected with the disease. FSIS issued the rules in response to the diagnosis on December 23, 2003, of BSE in an imported dairy cow in Washington State. The animal had been imported from Canada. One of the rules, "Prohibition on the Use of Specified Risk Material (SRM) for Human Food and Requirements for the Disposition of Non-Ambulatory Cattle", referred to as "the SRM interim

final rule", designated certain materials from cattle as Specified Risk Materials and declared that SRMs are inedible, and prohibits the use of these materials for human food. The materials identified as SRMs in the rule are the following:

- brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (DRG) of cattle 30 months of age and older, and
- the distal ileum of the small intestine and tonsils from all cattle.

Although scientific evidence had only confirmed BSE infectivity in the distal ileum, the bottom portion of the small intestine, the entire small intestine was banned from being processed for human food in the United States by FSIS. The Food and Drug Administration (FDA) in July of 2004 instituted an equivalent ruling that banned the use of such materials in human food, including dietary supplements and in cosmetics.

After examination of research that showed that the proper removal of the distal ileum provided the same level of protection from human exposure to BSE infection as the exclusion of the entire small intestine, an amendment to the rule was announced by FSIS on September 7, 2005. The amendment permits beef small intestines, excluding the distal ileum, to be used for human food, provided that such product is derived from cattle that were slaughtered in an official establishment in the United States or in a certified foreign



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establishment from a foreign country that is eligible to export beef products to the United States. This rule went into effect October 7, 2005.

Although the ban on the consumption of small intestines has been lifted, plants that process the intestines for food must document through a HACCP plan, Sanitation Standard Operating Procedures or other prerequisite programs that have written procedures for the proper removal of the distal ileum. FSIS has deemed that a procedure requiring the removal of 80 inches of the uncoiled and trimmed intestine as measured from the juncture of the ileum and the cecum would be in compliance with the requirement.

Control Measures:

- Ascertain the source of the beef intestines.
- Verify with the USDA that the company is approved to process small intestines for human consumption.
- If the source cannot be verified, discard the product.
- Ensure that, after cooking, tripas are properly cooled and/or hot or cold held.

H. South American:

Although South America is made up of 13 countries, this learning tool focuses on the three countries from which immigrants to the U.S. have established a significant number of restaurants and food markets featuring the cuisines of their country. They are Brazil, Peru and Argentina.

These countries' cuisines have been heavily influenced by significant European, Asian, African and Middle Eastern immigrations to those countries in the 19 th and 20 th centuries. Of course, the native Indian population and native foods have also played a large role in the vast array of foods enjoyed there, and in U.S. restaurants and markets owned and operated by native South Americans.

Most of the food products you will encounter in these facilities are similar to the types of foods you find in American restaurants. However, there are a few items/styles of cooking which deserve a closer look, as many food inspectors may be unfamiliar with them and therefore unaware of special considerations that must be made when dealing with these foods during an inspection.



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1. South American – Churrascaria:

Background:

A Churrascaria (pronounced “shoe hoss Korea”) is a Brazilian steakhouse.

The style in which the meats are cooked is called ‘churrasco’, which translates roughly from the Portuguese for ‘barbecue’. This style of cooking owes its centuries-old origins to the gauchos (cowboys) of southern Brazil, who would roast the meats over an open fire pit.

A typical churrascaria serves a wide variety of meats, including beef, pork, chicken, lamb, goat, alligator and kangaroo. The cuts include steaks, ribs, loin chops, sausages, ham slices, chicken breast medallions and more.

Preparation and Serving Procedure:

First the meats are seasoned, seasoned and marinated or infused with red or white wine, citrus juices and various spices, depending on the type and cut of meat. Some cuts of meat are bacon wrapped, such as filet mignon and chicken breast medallions.

After seasoning or marinating for up to 12 hours, the meats are slow roasted rotisserie-style on rotating skewers over an open flame or charcoal bed. The meats are cooked to varying states of doneness, at which point the servers remove them from the grill and take them out into the restaurant dining room to serve.

Different servers come to individual tables in quick succession with knives and a skewer, each with a different kind of meat. The server (gaucho) serves the entire portion from the skewer or carves the meat while the patron holds the edge of the slice with tongs and pulls the portion toward their plate. Once the meat that is sliced is free of the skewer, the patron places it on their plate.

After serving several portions of meat, the server will take the skewer back to the kitchen for further cooking or reheating. Some of the cuts of meat are thick and therefore may be rare in the middle.

Foodborne Illness Risk Factors – Inadequate Cooking / Cross Contamination / Improper Holding Temperatures:

Inadequate Cooking:

Different types of meat require different cook temperatures. It is important to make sure that the restaurant is checking the temperature of each skewer of meat before serving it.



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In some cases, the meat may be removed from the heat before it is cooked to required temperatures. This is because the meat is sliced from the outside and the gauchos do not want it to be burned. It is important that the preparers are knowledgeable of the required cook temperatures for each type of meat they are cooking and have been trained to properly monitor the products.

If the establishment is tenderizing whole muscle meats (i.e. puncturing, pinning, injecting, marinating or pounding the meat), they may be inserting bacteria into the center of the meat. If these meats are served rare or undercooked, harmful bacteria may survive that could cause illness when consumed. If the restaurant is prepping meats in this manner, they will need to have a consumer advisory for undercooked meats that are served.

Cross Contamination:

There are several contamination or cross contamination issues associated with churrascaria restaurants:

Preparation – Because the rotisserie spits are multi-level, it is crucial that the meats are rotated to ensure that the most done cuts are on the top level. If raw meat is placed above meat that is nearly done or is being reheated, the drippings may contaminate the meat on the bottom level. For the same reason, it is also essential that adjacent meats not touch one another during the cooking process.

Storage – Raw chicken should never be held touching raw beef or other meats in the cooler. No meat should touch another type of meat in the cooler, or be stored in such a way that dripping could occur from one meat onto another.

Service – When the server is carving meat at the patron’s table, it is important to make sure the patron never comes in direct contact with the meat until it is on their plate. Using the tongs will prevent this, but patrons may forget and try to use their forks instead of the tongs. This should never be permitted. In addition, the server must make sure the skewer of meat never touches the patron’s plate.

Walking throughout the restaurant with large cuts of meat presents the opportunity for unintentional human contamination, such as exposure to sneezing customers or physical contact from a patron or another server. Regardless of the type of contamination, servers should mitigate any potentially harmful effects by proper reheating or discarding the meat.

Servers who are filling multiple roles such as prepping, cooking and serving must wash their hands between handling raw or undercooked meats and cooked meats and as often as necessary to prevent contamination.



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Sanitization - Used meat skewers must be properly washed, rinsed and sanitized and then stored for reuse.

Improper Holding Temperatures:

Sometimes the meats are cooked in advance, refrigerated and then reheated. Most restaurant coolers are not large enough to accommodate this type of process. Having too many hot meats stacked together in a cooler can prevent proper cooling and result in bacterial growth. The establishment must follow proper cooling procedures of cooling the meats from 135°F to 70°F within the first two hours and from 135°F to 41°F within a total of six hours.

Holding vs. Immediate Service - Some meats take longer to cook than others, so many restaurants pre-cook them and serve them later. On a typical churrascaria rotisserie, the meats on the very top level away from the flames are being hot held. It is important to make sure those meats are holding at 135°F. An extreme difficulty for the regulator lies in being able to distinguish which meats on the lower levels are cooking and which are being reheated for hot holding versus immediate service. The important thing is to make sure the establishment understands the proper cooking, reheat and holding procedures for meats in various states of preparation.

Reheating - In the churrascaria, fully cooked meats that have been held cold at 41°F or below that are reheated for hot holding must be reheated to 165°F. Fully cooked meats that have been held cold and are reheated for immediate service may be reheated to any temperature.

Most churrascarias do not serve leftovers. However, always ask what the facility does with leftover meats. If the establishment serves these meats, ensure that the proper procedures for storage and reheat are followed.

Servers who are filling multiple roles such as prepping, cooking and serving must wash their hands between handling raw or undercooked meats and cooked meats and as often as necessary to prevent contamination.



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Control Measures:

Pork	145°F
Chicken	165°F
Lamb	145°F
Goat	145°F
Alligator	145°F
Kangaroo	145°F

- Observe restaurant operations to ensure that:
 - o Marinating meats or other meats are not being stored touching other types of meats or in such a way that they could drip onto other meats;
 - o Meats on the rotisserie are positioned so that the least cooked meats are always on the bottom level and the most cooked meats are always on the top level;
 - o Meats on the rotisserie are not touching one another;
 - o Servers are not touching meats to consumer plates;
 - o Patrons or servers are not coming into direct contact with the meat other than with tongs; and
 - o Potential contamination in the dining room is mitigated by proper reheating or discarding of product.
- If meats are being pre-cooked, verify the cooling procedures. Ask to see meats that are being cooled to ascertain that proper cooling procedures are being followed and that proper cooling temperatures are being achieved.
- Make sure the establishment understands the proper holding procedures for meats in various states of preparation.
- Check numerous products to ensure proper holding temperatures are being maintained.
- Confirm that meats are being reheated to proper temperatures.
- Monitor that meat skewers are properly cleaned and sanitized and stored for reuse.



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- Observe servers who are filling multiple roles such as prepping, cooking and serving to verify that hand washing is performed between handling raw or undercooked meats and cooked meats.
- Confirm that the establishment has a consumer advisory that discloses to consumers which meats are served undercooked and warns the consumer of the risk of consuming these products.

I. Vietnamese:

According to the 2000 U.S. Census, there are approximately 1.2 million native-born Vietnamese people living in the United States. The largest concentration of Vietnamese immigrants lives in San Jose, CA and Houston, TX. However, there are many sizable Vietnamese communities in states ranging from New York and Pennsylvania to Virginia and Georgia.

Vietnamese cuisine is rapidly growing in popularity in the U.S., as people continue to explore ethnic foods and discover the delicious soups and other dishes that make up the Vietnamese's varied and healthy food offerings. While the Vietnamese diet relies heavily on rice, pasta, vegetables, fish and pork, Vietnamese cooking also includes a number of unusual foods, culinary practices and cultural differences with which U.S. food inspectors need to be familiar.

1. Vietnamese – Baluts:

Background:

A balut is a fertilized duck or chicken egg with a nearly developed embryo inside that is boiled and eaten straight from the shell. In Vietnam and the Philippines, it is considered a delicacy and is eaten as a hearty snack. It is high in protein and is widely believed to be an aphrodisiac. Baluts are commonly purchased and prepared at home.

Preparation Procedure:

In producing baluts, fertile duck eggs are incubated for approximately 18 days at a temperature of 108.5°F in incubators with a relatively high humidity. Where chicken eggs are used in preparing baluts, the incubation period may only be 14 days at 99°F. After incubation, baluts are usually held at room temperature until cooked, and most often are found held at room temperature in retail establishments.



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There have been reports that baluts held in warm temperatures in warehouses have actually hatched ducklings, but normally the embryonic duckling will die in a short period of time when removed from the incubator. Refrigeration keeps the balut from deteriorating.

After being boiled for approximately 20 minutes, the balut is ready to eat. The shell is cracked and the balut is eaten right out of the shell, sometimes with a sprinkling of salt and/or vinegar. All of the contents of the egg are consumed with the exception of a hard white chunk (the *bato* or "rock") that is found in the bottom of the egg. The embryo inside is recognizable as a baby duck and may have tiny feathers, which are eaten along with the rest of the balut.

Foodborne Illness Risk Factor – Improper Holding Temperatures:

Baluts are derived from fertile eggs, usually duck eggs, subjected to incubation temperatures for a period of time less than necessary for the embryo to hatch, resulting in a partially formed embryo within the shell. Typically, an egg is considered adulterated if it has been incubated. However, baluts are specifically exempted from inspection as eggs in 9 CFR 590.5. During incubation, conditions are conducive for the potential growth of *Salmonella Enteritidis* within the shell, and an increase in pathogenic organisms on the shell itself. Baluts are deemed as a food requiring time-temperature control for safety in Chapter 290-5-14 and therefore must be properly held prior to and after cooking. Even so, some scientists would still argue that a balut is a living organism and should not be refrigerated.

Control Measures:

- Verify that baluts are held at 41°F or below.
- If cooked on-site, confirm that baluts reach an internal temperature of 165 °F.

2. Vietnamese - Bean Sprouts:

Background:

Bean sprouts are a popular and versatile food used in Vietnamese cooking. Sprouted from mung bean seeds, bean sprouts have a crunchy texture and nutty flavor. They may be used as a garnish, soup ingredient, spring roll filling and as a substitute for noodles. Although light and airy in consistency, sprouts contain a variety of nutrients, including vitamins A, B and C, thiamin, riboflavin, niacin and ascorbic acid, and are an important source of nutrition in the Vietnamese diet.



Preparation Procedure:

Bean sprouts are prepared in a variety of ways, including served raw, steamed, stir fried, or added as an ingredient to soups and many meat and vegetable dishes. While many Vietnamese restaurants order their bean sprouts from a produce distributor, on occasion an establishment will grow its own sprouts in-house from seeds. Regardless of source, bean sprouts are a potentially hazardous food and must be treated accordingly.

Foodborne Illness Risk Factor – Improper Holding Temperatures:

Mung beans, like other raw agricultural products, may contain pathogens such as Salmonella and E. coli. Since 1999, when the FDA originally issued its health advisory on sprouts, there have been several reported foodborne illness outbreaks in the U.S. associated with sprouts. Among the seven outbreaks of salmonella in the U.S. since 1999, four were associated with mung bean sprouts and two with alfalfa sprouts. All mung bean outbreaks and one alfalfa sprout outbreak involved salmonellosis. The mung bean outbreaks have been associated with raw or lightly cooked sprouts.

Sprouts produced from contaminated seeds are of special concern because of the potential for pathogen growth during the sprouting process, even though the pathogen may not be detected on the seed using standard sampling and laboratory methods. If pathogens are present on or in the seeds, sprouting conditions (environmental conditions and the nutrients) may favor their proliferation. In addition, the sprouting process does not have any inherent steps to reduce or eliminate pathogens.

In 2002 the FDA issued a health advisory warning consumers of the risks associated with eating raw sprouts due to an outbreak of E. coli associated with alfalfa sprouts. The advisory also included raw and undercooked mung bean sprouts.

Since bean sprouts are a staple of Vietnamese cooking, they are of particular concern to regulators inspecting Vietnamese restaurants and markets. Raw bean sprouts are served as a side dish with almost every serving of soup, which is a popular menu item. In order to have the sprouts easily accessible for the many bowls of soup that are served, many establishments leave containers of raw sprouts in water out at room temperature for long periods of time. Pathogens present in bean sprouts can multiply between 41°F and 135°F, so to prevent bacterial growth they must be maintained at proper temperatures, or held for no more than 4 hours, after which they must be discarded.



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Control Measures:

- Verify that bean sprouts are being held at 41°F or below or time as a public health control is implemented with proper documentation.
- If beans are sprouted in-house, a variance and HACCP are required.

3. Vietnamese – Beverages:

Background:

Many Vietnamese food establishments carry a variety of traditional drinks. Among them are Basil Seed Drink, Rainbow Drink and Chinese Fortified Drink. Some establishments may also sell commercially produced drinks, but many proprietors prefer to make their own in-house.

Preparation Procedure:

Nuoc Da Hot E (Basil Seed Drink) – Prepared by combining basil seeds, sugar, honey and water. Additional flavoring may include rose water, vanilla or peppermint. After a few minutes the basil seeds expand, giving the drink an unusual appearance, as if it contains tadpoles/frog eggs. It is not uncommon to see commercially produced bottles or cans of this drink alongside the homemade version.

Che Ba Mau (Rainbow Drink) – This beverage is prepared by adding softened yellow mung beans and sugar to simmering water and cooking until the water is absorbed. Next, more water is boiled and red mung or azuki beans and sugar are added and cooked until the beans are softened. Next, coconut milk and water are boiled and sugar and tapioca are added. Finally, all of the ingredients are mixed (or layered), along with jello bits and dried longan fruits, to create a colorful dessert drink.

Che Sam Bo Luong (Chinese Fortified Drink) – A mixture of longan fruit, seaweed, black dates and white lotus seeds in syrup.

Regulatory Concern – Labeling / Source:

These beverages pose no health risk if kept refrigerated. However, once a product is packaged and placed into a display cooler for self-service, it must be properly labeled. The information must be written in English, but can also be dually written in Vietnamese. Many Vietnamese food establishments that make beverages in-house do not label them.



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In addition, if the proprietor is using herbs and other natural ingredients as a beverage ingredient, it must be confirmed that they are being obtained from a reputable source. Some establishments purchase these ingredients in bulk in packages with no labeling.

Control Measures:

- Check display coolers to make sure each beverage is labeled with the following information:
 - Name of beverage
 - Ingredients
 - Quantity
 - Nutritional information (unless exempt)
 - Manufacturer’s name and address (if made on the premises, the name and address of the manufacturer should be that of the restaurant or store)
 - Name of the food source for each major food allergen in the food unless the food source is already part of the common or usual name of the respective ingredient
- If beverages are prepared in-house using natural ingredients, check packaging or labeling to ascertain whether the ingredients are obtained from a reputable source. If they have purchased it in bulk with no labeling, verify where they purchased it through invoices or receipts. If there is concern that the vendor may not have obtained the products from an approved source, consult the agency that has jurisdiction over the product.

J. USA – Soul Food:

‘Soul food’ is the term used for the ethnic cuisine traditionally eaten by African Americans in the southern United States. This style of cooking originated during the time of slavery, when African slaves were given only leftovers and the parts of animals that the plantation owners didn’t eat, such as pig’s feet and ears, ham hocks, hog jowls, skin and intestines. Deprived of most of their native African vegetables and fruits (okra, rice, black-eyed peas and watermelon being exceptions), the slaves learned to cook with the types of foods grown on the plantation or indigenous plants and animals found in the regions where they lived. Vegetables included yams, onions, cabbage and greens such as collard, mustard and turnip greens. Most slave families also received a small allotment of corn meal and sometimes sorghum.

Using these few ingredients and items, such as lard, salt, garlic and whatever herbs were grown locally, slave women created a variety of delicious dishes that made their way into the mainstream of Southern cooking and exist today as regional favorites. These include fried chicken, grits, hush puppies, corn bread, bread pudding,



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croquettes, chow chow, fried pies and many others.

The term ‘soul food’ became popular in the 1960’s, as the civil rights movement inspired African Americans to embrace and reclaim their ethnic heritage and culture. Along with terms like “soul music”, “soul food” identifies one of the many unique contributions to American culture made by the first African Americans and their descendants.

Today, soul food restaurants can be found in every major U.S. city and anywhere else where there are sizable African American communities. What began as a means of survival became an enduring legacy passed down from generation to generation. Today it claims a respected place among America’s unique and celebrated cuisines and is enjoyed by people of all ethnicities. While most of the dishes found on a soul food menu can be found in any restaurant serving traditional American fare, there are a few items with which some food inspectors may not be familiar. This section addresses those items and any regulatory concerns that may accompany them.

1. Soul Food – Oxtails:

Background:

Oxtails (beef or veal tail) are a popular soul food dish and are usually served as a stew or braised and served over rice with brown gravy. Oxtails are usually purchased in two forms: 1) the whole tail, which is several feet long, and 2) already cut into small portions. Most often, they come packaged in a box.

Preparation Procedure:

Oxtail stew ingredients may vary, but usually include onions, carrots, garlic, tomatoes and spices. Sometimes green beans, lima beans, potatoes, turnips, cabbage and other vegetables are added. The dish is slow cooked for several hours and served with rice or other vegetable side dishes.

Braised oxtails with brown gravy first involves searing the oxtails in hot oil and then boiling them, along with garlic, onions and spices for several hours until the meat is very tender. Next, the brown gravy is prepared using bacon grease, broth from the oxtails, flour and seasonings. The final step consists of placing the oxtails back in the skillet, mixing them with the gravy and cooking over low heat for several minutes.

Regulatory Concern – Misidentification:

Oxtails are seen primarily in Caribbean and Soul Food restaurants. Inspectors who do not have a number of these facilities in their jurisdiction might not recognize what they are and how they should be handled. Oxtails are beef and should be cooked to 145°F. Before and after cooking, they require



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time-temperature control for safety and should be held, stored and/or properly cooled to prevent the growth of bacteria. As is the case with any meat, oxtails must be received from an approved source. To determine whether the product is from an approved food source, check for the inspection marking from USDA or the state inspection program on the package label.

Control Measures:

- Recognize raw and cooked oxtails.
- Verify that it is from an approved food source through examination of packaging and invoices.
- Verify that time/temperature controls appropriate for beef are used.

2. Soul Food – Chitterlings:

Background:

Chitterlings are the small intestines of a pig. They can be prepared in a variety of ways. They are a popular dish in the Deep South as well as other parts of the United States. Pig intestines are also popular in many other areas of the world, including Asia, Central America, South America and the Caribbean.

Preparation Procedure:

Chitterlings are generally pre-cleaned by the commercial food processor prior to sale. However, once received by the food establishment, additional cleaning is usually needed. Some establishments clean and wash the chitterlings numerous times in water, while others par-boil them and then clean and wash them in water before cooking. Once the chitterlings have been thoroughly cleaned, they are chopped into small pieces about an inch in length and boiled or simmered until tender, which can take from 1 to 3 hours. They are then seasoned with a variety of ingredients, depending on the establishment. Typical ingredients include salt, onion, celery, garlic, red pepper, green pepper and/or vinegar during cooking. Once the chitterlings are tender, they are drained and served immediately, held hot, or cooled and refrigerated for later use. Other ways to prepare chitterlings include taking the tender chitterlings and sautéing them in butter, or dipping them in a flour and egg batter and deep-frying them.

Foodborne Illness Risk Factor – Contaminated Equipment / Poor Personal Hygiene/ Improper Holding Temperatures:

Contaminated Equipment:



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Care must be taken when preparing chitterlings, due to the prevalence of *Yersinia enterocolitica* bacteria on the product. *Yersinia enterocolitica* is of particular concern because freezing does not destroy it, it grows at refrigerated temperatures and the infective dose is not known. However, heat and sanitizers destroy the pathogen. It is important that proper hygiene is followed to prevent employees from spreading the bacteria to other food, equipment and utensils.

Poor Personal Hygiene:

Cleaning raw chitterlings can transfer *Yersinia enterocolitica* bacteria to hands and surfaces throughout the kitchen. Therefore, to avoid possible contamination of food contact surfaces and cross contamination of ready-to-eat foods, it is recommended that chitterlings be parboiled to destroy *Yersinia enterocolitica* as a first step before any cleaning or preparation takes place. If frozen, chitterlings should be thawed in the cooler and then placed into boiling water, dispersed by stirring and then brought back to a boil for 5 minutes. Parboiling for 5 minutes and then cooling before cleaning should reduce the risk of yersiniosis. Cooling may be accomplished by placing the intestines under cold running water or covering the product with ice.

Improper Holding Temperatures:

After cooking chitterlings, many establishments pour them into bus pans and store them in the cooler until needed. Because of the large quantity, proper cooling may not occur. It is recommended that the establishment cool the chitterlings prior to placing them in the cooler by using an ice bath or chill stick. Another method to facilitate proper cooling of the product is to place the chitterlings in the cooler in shallow pans.

Cooked chitterlings taken directly from the refrigerator for immediate service may be reheated to any temperature as long as they have been properly cooled. However, if the chitterlings are going to be hot held, they must be reheated to 165°F and held at 135°F. If reheated in a microwave oven, the product must be covered and allowed to stand for 2 minutes after reheating.

Control Measures:

- Observe the prep procedure to confirm that chitterlings are boiled for at least 5 minutes before cleaning and washing, and that food and non-food contact surfaces contacting raw chitterlings or chitterling containers are washed, rinsed and sanitized.



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- Ensure that employees that are handling chitterlings are properly cleaning hands and exposed portions of their arms, and changing outer clothing if contamination of clothing occurs.
- Verify the cooling procedure for cooked chitterlings. Chitterlings must be cooled from 135°F to 41°F within 6 hours, provided that they are cooled from 135°F to 70°F or lower in the first two hours. (Note: If chitterlings are stored in refrigerators in bus pans and large stockpots, assist the operator with proper cooling methods. Times of inspections should be varied so that cooling can be observed.)
- Confirm that chitterlings that are reheated for hot holding are reheated to 165°F within 2 hours and then held at 135°F or above.

3. Soul Food – Pig’s Feet / Neck Bones:

Background:

Pig’s feet and neck bones are popular dishes in soul food restaurants. The feet may be boiled, barbecued or pickled. Neck bones are usually boiled or stewed. Both are often eaten with vinegar and hot sauce.

Preparation Procedure:

In soul food restaurants throughout the United States, the most common way pig’s feet and neck bones are served is boiled. Both are prepared by first washing the items, bringing them to a boil and then washing them again. Next the feet or bones are boiled and then simmered for several hours with ingredients that may include onions, garlic, red peppers, and bay leaves.

Foodborne Illness Risk Factor - Improper Holding Temperatures:

Some food establishments have a tendency to leave pig’s feet and neck bones sitting on the stove after cooking. Unless the entire product is going to be served within four hours or less, this is not permitted. Instead, both items must be properly cooled like any other pork product. Pig’s feet are somewhat thick and may take longer to cool than other products, so strategies must be employed to cool the product within the required time limits.

If served right out of the refrigerator, pig’s feet and neck bones may be reheated to any temperature as long as they have been properly cooled. However, if they are going to be hot held, they must be reheated to 165°F before being placed on the steam table. Once on the steam table, they must be held at 135°F.



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Regulatory Concern – Misidentification:

Pig's feet are somewhat unusual in appearance, so it is important to be able to identify them as a pork product requiring time or temperature control for safety.

Rarely is the cooking temperature an issue with pig's feet, because for palatability the product must be cooked to a high enough temperature to soften the flesh.

Also, some inspectors may mistake neck bones in the raw state as just leftover bones with the meat removed, and not realize that they are going to be utilized by the facility.

Control Measures:

- Be able to recognize pig's feet and neck bones in both their raw and cooked states.
- Confirm that cooked pig's feet and neck bones are maintained at 135°F or above, or held only 4 hours and discarded using time as a public health control with the proper documentation.
- Observe the cooling procedure. Pig's feet and neck bones shall be cooled from 135°F to 41°F within 6 hours, provided that they are cooled from 135°F to 70°F within the first two hours. (Note: If the product is stored in refrigerators in bus pans and large stockpots, assist the operator with proper cooling methods if the product is being cooled in those containers. Times of inspections should be varied so that cooling can be observed.)

Verify that pig's feet and neck bones that have been cooked and then cooled are reheated to 165°F before placing in hot holding units.



SECTION D

Conducting Risk-based Inspections

A. PURPOSES AND SCOPE:

- (1) The ultimate responsibility for food safety at the food service establishment lies with the food service permit holder, the Certified Food Safety Manager (CFSM) and or the Person in Charge (PIC) and their ability to develop and maintain effective food safety management systems. The goal of Section D is to provide the Environmental Health Specialist, also known here after as EHS, with a practical, HACCP-based approach to evaluate the food service establishment through his assessment of active managerial control of foodborne illness risk factors within the establishment. Since food safety management systems are designed by food service operators to best meet their own needs, the EHS will need to use a risk-based methodology during his or her inspections to uncover the systems being used and to evaluate their effectiveness.
- (2) Regardless of the resource limitations that the EHS may have, he or she can still use the principles of HACCP to guide their inspections. Many of them already have the technical food safety knowledge needed to effectively use a HACCP approach.
- (3) The Centers for Disease Control and Prevention (CDC) Surveillance Report for 1993-1997, “Surveillance for Foodborne Disease Outbreaks – United States” (<http://www.cdc.gov/mmwr/preview/mmwrhtml/ss4901a1.htm>) identifies the most frequently reported contributing factors to foodborne illness. Five of these broad categories of contributing factors directly relate to food safety concerns within retail and food service establishments and are collectively termed by the FDA as “foodborne illness risk factors.” These five broad categories are:
 - (a) Food from Unsafe Sources
 - (b) Inadequate Cooking
 - (c) Improper Holding Temperature
 - (d) Contaminated Equipment
 - (e) Poor Personal Hygiene

B. RISK-BASED ROUTINE INSPECTIONS:

- (1) Inspections have been a part of food safety regulatory activities since the earliest days of public health. The term "routine inspection" has been used to describe periodic inspections conducted as part of an on-going regulatory scheme.



- (2) Environmental Health Program managers should strive to have adequate staffing and resources to allow all inspectors ample time to thoroughly evaluate establishments and ask as many questions as needed to fully understand establishments' operations. For most jurisdictions, however, inspectors continue to have limited time in which to complete inspections. This does not negate the need to thoroughly identify and assess the control of foodborne illness risk factors during each inspection.
- (3) It is a false assumption that inspectors cannot conduct risk-based inspections in a limited timeframe. Even with limited time, inspectors can focus their inspections on assessing the degree of active managerial control an operator has over the foodborne illness risk factors. By focusing inspections on the control of foodborne illness risk factors, inspectors can be assured that they are making a great impact on reducing foodborne illness.
- (4) Active managerial control means the purposeful incorporation of specific actions or procedures by industry management into the operation of their businesses to attain control over foodborne illness risk factors. It embodies a preventive rather than reactive approach to food safety through a continuous system of monitoring and verification.
- (5) Developing and implementing food safety management systems to prevent, eliminate, or reduce the occurrence of foodborne illness risk factors is recommended to achieve active managerial control. Routine inspections and follow-up activities must be proactive by using an inspection process designed to evaluate the implementation of the Chapter's interventions and the degree of active managerial control that foodservice operators have over foodborne illness risk factors. The five interventions within the Chapter below were new interventions introduced with the 1993 FDA Model Food Code and they are just as important today as they were in 1993. They encompass a wide-range of control measures specifically designed to protect consumer health:
 - (a) Demonstration of Knowledge
 - (b) Implementation of Employee Health Policies
 - (c) Hands as a Vehicle of Contamination
 - (d) Time/Temperature Relationships
 - (e) Consumer Advisory.
- (6) When the Georgia Food Service Rules and Regulations Chapter 290-5-14 hereafter called, the Chapter, interventions are not being implemented or if behaviors, activities, or procedures likely to cause foodborne illness are observed, EHS should verify that the operator takes immediate corrective action so that consumers do not become sick or injured. Observations made on the day of the inspection, as well as information gained about the behaviors, activities, and



procedures that occur at other times, allow inspectors to assess the strengths and weaknesses of the food safety management system that is in place.

- (7) An operator should be made aware of the inspectional findings both during, and at the conclusion of, the inspection and strategies for achieving compliance in the future should be discussed. Corrective actions taken during the inspection and repeat violations should be noted on the inspection report. Repeat violations should trigger further compliance and enforcement actions.
- (8) The inspection process is also an opportunity to educate the operator on the public health reasons supporting the Chapter requirements. If operators are afforded the chance to ask questions about general food safety matters, they may clearly understand the public health significance of non-compliance.
- (9) Lastly, if the operator demonstrates a history of violations related to foodborne illness risk factors, the inspection process can be used to assist the operator with implementing long-term control systems to prevent those risk factors from occurring in the future.

C. WHAT IS NEEDED TO PROPERLY CONDUCT A RISK-BASED INSPECTION:

(1) Schedule Inspections Based on Risk:

- (a) Studies have shown that the types of food served, the food preparation processes used, the volume of food, and the populations served all have a bearing on the occurrence of foodborne illness risk factors in foodservice establishments. Rule 290-5-14-.10 subsection (2)(a) of the Chapter requires that food service establishments be grouped into three categories based on potential and inherent food safety risks. In addition, Rule 290-5-14-.10 subsection (2)(b) requires that Health Authorities assign inspection frequency based on the risk categories to focus program resources on food operations with the greatest food safety risk. With limited resources, creating a variable inspection frequency for each category will allow inspection staff to effectively spend more time in high-risk establishments that pose the greatest potential risk of causing foodborne illness.
- (b) Table 1 of this Section provides an example of risk categories and assignment of inspection frequency based on risk. In this example, the type of food served, food preparation processes conducted, and history of compliance related to foodborne illness risk factors are used as the basis of categorizing risk. Each local Health Authority will need to group all food service establishments within their jurisdiction according to risk categories according to the Chapter Rule 290-5-14-.10 subsection (2)(a). It is recommended that each local Health Authority reassess each establishment's assigned risk categorization at a rate of not less than once per year.

Table 1. Risk Categorization of Food Establishments

RISK CATEGORY	DESCRIPTION	FREQUENCY #/YR
1 (NO COOK STEP)	Examples include mobile food service units serving hot dogs, most concessionaires and coffee shops. Establishments that serve or sell only pre-packaged, non-potentially hazardous foods (non time/temperature control for safety (TCS) foods). Establishments that prepare only non-potentially hazardous foods (non-TCS foods). Establishments that heat only commercially processed potentially hazardous foods (TCS foods) for hot holding. No cooling of potentially hazardous foods (TCS foods). Establishments that do not intake raw ingredients of animal origin and cook them for food safety. Establishments that do not prepare or serve any food items that require a consumer disclosure and reminder. Establishments that do not have processing steps that require a variance and/or HACCP plan.	1
2 (COOK STEP)	Examples may include schools, and fast food service operations. Limited menu. Most products are prepared/cooked and served immediately. May have an extensive menu and with handling of raw ingredients. May conduct complex preparation of potentially hazardous foods (TCS foods) requiring cooking, cooling, and reheating for hot holding such as a full service restaurant. Variety of processes require hot and cold holding of potentially hazardous food (TCS food).	2
3 (REQUIRED HACCP PLAN)	Establishments that conduct specialized processes, e.g., smoking and curing; reduced oxygen packaging for extended shelf life, requiring a variance and an approved HACCP plan. An example may be a full service restaurant that serves sushi rice. Extensive menu and handling of raw ingredients. Complex preparation including cooking, cooling, and reheating for hot holding involves many potentially hazardous foods (TCS foods). Variety of processes require hot and cold holding of potentially hazardous food (TCS food).	3
Note: Frequency of Inspection will also be based on Establishment grading as per the Chapter in Rule 290-5-14-.10 (2)(b)		



(c) Regardless of the risk category initially assigned to food establishments, the following factors may be used by local Health Authorities to justify an increase in inspection frequency:

1. History of non-compliance with provisions related to foodborne illness risk factors or critical items
2. Specialized processes conducted
3. Food preparation a day in advance of service
4. Large number of people served
5. History of foodborne illness and/or complaints
6. Highly susceptible population served.

(2) Have the Proper Equipment:

(a) In order to conduct risk-based inspections, each inspector must be provided with the proper equipment to assess the control of foodborne illness risk factors within food establishments. At a minimum, each EHS should be provided with the following essential equipment:

1. Thermocouple with the appropriate probes for the food being tested
2. Alcohol swabs or other suitable equipment for sanitizing probe thermometers
3. Chemical test kits for different chemical sanitizer types
4. Heat-sensitive tape or maximum registering thermometer
5. Flashlight
6. Head cover, such as baseball cap, hair net, or equivalent.

(b) Other equipment may be provided to EHS on an “as needed” basis. While it is desirable for each inspector to have the following equipment, depending on the resources available to the Health Authority, this equipment may be shared in a central office as appropriate:

1. Pressure gauge for determining in-line pressure of hot water at injection point of warewashing machine (15-25 psi)
2. Light meter
3. Measuring device for measuring distances
4. Time/temperature data logger
5. pH meter
6. Water activity meter
7. Camera
8. Computers with or without an electronic inspection system
9. Black light



10. Foodborne illness investigation kits
11. Sample collection kits
12. Cell phones.

(3) Provide Adequate Training: EHS staff shall have the knowledge, skills, and ability to adequately perform their required duties. EHS need the proper training before they can be expected to conduct risk-based inspections. Training includes a combination of classroom training, in-field training, standardization, and continuing education

(a) Classroom Training:

1. The first phase of staff training will be to provide an orientation to the program with a review of program history, structure, and relationships to other food-related programs. Specific emphasis must be on the program's goals and objectives. The basic training curriculum will include the following components:
 - a. Basic knowledge of Chapter 290-5-14
 - b. Public health principles
 - c. Communication skills
 - d. Epidemiology
 - e. Microbiology
 - f. HACCP.
2. FDA's ORA-U (<http://www.fda.gov/ora/training/>) provides basic curriculum components free of charge to Health Authorities via the Internet. It allows EHS to access training as needed. Online learning allows the local Health Authority to cost-effectively disseminate the most current technical and regulatory information on an as-needed basis.

(b) Field Training and Experience:

1. The second phase of training will move the new EHS into the field with a training officer, the District Standard. On-site training should focus on specific inspection tasks such as interviewing, making observations, measuring conditions such as temperatures and sanitizer strength, assessing the control operators have over the foodborne illness risk factors, ensuring implementation of Chapter interventions, and completing the inspection form. If an electronic database is used by the local Health Authority, training in its use should be included in this phase.



2. The evaluation of food safety management systems based on HACCP principles is to be part of the field training experience. The trainee and the trainer will review establishment menus, operations, recipes, and standard operating procedures. EHS must be able to demonstrate proficiency in gathering information about the food preparation processes, including accurate charting of the food flows and determination of the Critical Control Points (CCPs) and critical limits in an operation. This part of the training will also include a familiarization with the compliance and enforcement protocol in the Chapter including recommendation of voluntary strategies, such as risk-control plans, to prevent risk factor occurrence.
- (c) Standardization: The third part of staff training will include standardization. This process improves uniformity in the application and interpretation of applicable regulations, inspection methodology, and report writing. Standardization of County EHS will be as per Chapter in Rule 290-5-14-.09 and as prescribed within the Georgia Standardization Procedure – **see Part I Section B Subsection I entitled, “Certification and Standardization of Environmental Health Personnel” and Part II Section L – “Georgia Standardization Procedure”**.
 - (d) Continuing Education: The training process for EHS should be continuous. The final phase of training will include a mechanism to ensure that learning is ongoing and staff is kept abreast of food safety issues and the latest science. **See Part I Section B Subsection I entitled, “Certification and Standardization of Environmental Health Personnel”**.
- (4) Ensure Adequate Program Resources:
 - (a) The local Health Authority is encouraged to maintain adequate funding, staff, and equipment necessary to support a risk-based food safety program designed to reduce the occurrence of foodborne illness risk factors. Local Health Authorities should do everything they can to secure funding and resources to support their food safety program.
 - (b) The food safety program budget should provide the necessary resources to develop and maintain a food safety program that has a staffing level of one full-time equivalent (FTE) devoted to the food service program for every 280 - 320 inspections performed. Inspections, for purposes of this calculation, include routine inspections, re-inspections, complaint investigations, outbreak investigations, compliance follow-up inspections, risk assessment reviews, process reviews, variance process reviews, and other direct establishment contact time such as on-site training.



(5) Focus the Inspection:

- (a) Conducting a risk-based inspection requires EHS to focus their efforts on evaluating the degree of active managerial control that operators have over foodborne illness risk factors. In addition, it is essential that the implementation of the Chapter interventions also be verified during each inspection. EHS need to spend the majority of their time observing the behaviors, practices, and procedures that are likely to lead to out-of-control foodborne illness risk factors and asking management and food employee's questions to supplement actual observations.
- (b) Food service establishment operators must implement “control measures” to ensure food safety. Control measures are actions or activities that are used to prevent, eliminate, or reduce food safety hazards. EHS need to determine the control measures that should be implemented to prevent the occurrence of foodborne illness risk factors in each food preparation process. In order to determine the foodborne illness risk factors common to each operation, it is important for EHS to understand that the food preparation processes and all the associated control measures initiated by a food service operator represent a food safety management system. It will be necessary for EHS to ask questions in order to gain information about the system already in place. Once the degree of active managerial control is determined, EHS will be able to assist operators with strengthening their existing food safety management systems.

(6) Lead by Example:

- (a) Nonverbal communication is just as important as verbal communication in relaying important food safety principles to food service establishment operators. By setting the example during inspections, EHS not only demonstrate competency, but they also relay important food safety information to the person in charge and food employees. The following are ways that EHS set the example during inspections:
 - 1. Washing their hands when entering the food preparation area at the beginning of the inspection and after engaging in any activities that might contaminate their hands
 - 2. Not working when they are suffering from symptoms such as diarrhea, fever, vomiting, or jaundice or if they are diagnosed with a disease transmittable by food
 - 3. Being careful not to touch ready-to-eat (RTE) food with their bare hands
 - 4. Washing and sanitizing their thermocouple probe at the start of the inspection and between foods
 - 5. Using a proper hair restraint and practicing good personal hygiene



6. Being careful not to contaminate clean and sanitized food contact-surfaces with unclean hands or their inspection equipment.

(7) Conduct Inspections at Variable Times:

- (a) EHS should enter the food service establishment during hours of operation or at other reasonable times. They should show identification and provide the permit holder or person in charge with a verbal or written notice of the purpose of the inspection. Requirements outlined in Rule 290-5-14-.10 subsection (2) (d) of the Chapter should be followed if access to conduct an inspection is denied. Refusal should be documented on the inspection report and an inspection warrant should be obtained as per the Chapter in Rule 290-5-14-.10 subsection (2)(d) 1. Legal council representing the local Health Authority should always be consulted during this process.
- (b) In planning for inspections, EHS should consider the importance of timing. Several operational steps at the food service establishment such as receiving, preparation, and cooling can be evaluated only during limited time periods. In order to properly evaluate critical processes that occur outside of the normal 8 a.m. to 5 p.m. working hours, EHS should be allowed the flexibility to conduct inspections early in the morning and late in the evening.

(8) Establish Inspection Priorities and Use Inspection Time Wisely:

- (a) With the limited time allotted for inspections, EHS must develop clear priorities to make the most efficient use of their time in each food establishment. Although basic sanitation issues generally do not change during the course of an inspection, critical behaviors, practices, and procedures leading to foodborne illness risk factors may be only observable during limited time periods of the preparation or cooling process. For this reason, assessment of the active managerial control of foodborne illness risk factors should generally be performed before reviewing basic sanitation issues.
- (b) To effectively set priorities, the following four activities should be completed early in the inspection:
 1. Establish an Open Dialogue with the Person in Charge:
 - a. The tone of the inspection is often set during the first few minutes of the inspection. A professional but personable approach is the balance that should be maintained. Genuine interest in the food establishment and the staff translates into good relations that may be helpful in conveying the goal of promoting public health. Having an open dialogue with the person in charge during all phases of the inspection gives EHS an



opportunity to learn important information about the existing food safety management system. However, there may be times when misunderstanding of the applicability of a particular rule of the Chapter may occur where an interpretation may be sought by either the food service operator or the Environmentalist. See Part-I, Section A of this Manual for processes by which the food service operator may seek clarification of the applicability of a Rule or a violation of the Chapter noted by the Environmentalist during an inspection. In addition, Part-I Section A of this Manual provides the process by which an interpretation of a Rule and Regulation of the Chapter may be sought by both the food service operator and the Environmentalist.

- b. It is important to know both the strengths and weaknesses of the existing food safety management system early in the inspection in order to focus the inspection on weak areas. Questions about practices and procedures related to foodborne illness risk factors and the Chapter interventions such as the establishment's employee health policy and consumer advisory notice should be asked during all phases of the inspection. It is important to ask enough questions to fully understand the system being utilized in the food establishment. This is especially true when evaluating whether the employees are adhering to the established no bare hand contact and hand washing policies. Asking the person in charge questions about important activities such as receiving, cooling, and preparation is also important in relaying the importance of out-of-control foodborne illness risk factors.
- c. The person in charge should be encouraged to accompany EHS during the inspection. This may ultimately save time since violations can be pointed out and corrected as they are observed. In addition, the importance of violations related to foodborne illness risk factors and Chapter interventions is more apparent if they are pointed out during the inspection rather than waiting until the end. Violations shall be marked on the inspection form even if immediate corrective actions are taken. Corrective actions taken will also be recorded on the inspection form. EHS can also use this time to share knowledge about critical processes. By communicating the public health rationale behind the regulations, inspectors will leave the person in charge with a clear understanding for why active managerial control of foodborne illness risk factors must be a top priority in the day-to-day operation of the business.
- d. Early in the inspection, inspectors should inquire about activities that are presently occurring. Processes that occur over time like cooling and reheating also need to be assessed over time; thus, EHS should ask in the



beginning of the inspection if any foods are currently being cooled or reheated.

It is important for EHS to allow the operator a chance to discuss issues related to food safety. One-way communication in which inspectors do all the talking is not conducive to a risk-based philosophy. An effective risk-based inspection is dependent on inspectors' ability to maintain two-way communication in order to properly assess behaviors, processes, and procedures that occur in the food establishment.

2. Review Previous Inspection Reports:

- a. In order to detect trends of out-of-control foodborne illness risk factors, it is important for EHS to review past inspection reports before conducting an inspection. This can be done in the office or on-site in the food establishment. This activity is especially important in jurisdictions where EHS rotate from one inspection to the next. If the same foodborne illness risk factor is out-of-control during more than one inspection, it is strongly recommended that the operator develop an intervention strategy to prevent its recurrence. Intervention strategies are discussed later in this Section.
- b. Knowledge of what has been corrected from the last inspection also gives EHS an opportunity to provide positive feedback to the operator and allows inspectors to track corrected violations in accordance with the Chapter.

3. Conduct a Menu/Food List Review:

- a. Menus, including all written and verbal lists of foods prepared and offered in a food service establishment, can be reviewed in a fairly simple manner. The review can either be done simultaneously with a quick walk-through of the operation or at the beginning of the inspection as a discussion with management. The menu/food list also does not need to be reviewed during every inspection. If a review was done during a recent inspection, inspectors should inquire about new items, seasonal items, substitutions, or changes in preparation since the last menu review was conducted.
- b. A review of the menu/food list allows inspectors to begin to group food items into one of three broad process categories. Mentally grouping products by process assists inspectors in focusing the inspection on the control measures critical to each process. Conducting a review of the



menu/food list also allows inspectors to establish inspection priorities by identifying:

- (I). High-risk foods or high-risk food preparation processes
 - (II). Operational steps requiring further inquiry such as receiving, preparation, cooking, and cooling.
- c. By identifying high-risk foods or high-risk food preparation processes, inspectors can focus the inspection on those foods or processes that are more likely to cause foodborne illness if uncontrolled. The menu/food list review might be the only time EHS are made aware of specialized processes such as formulating a food so that it is not potentially hazardous (time/temperature control for safety) food or high-risk seasonal menu items such as “raw oysters on the half shell.” Foods such as shellstock and certain fish for raw consumption require documentation that should be reviewed during the inspection. If Caesar salad or hollandaise sauce is served, further inquiry is needed regarding the preparation of these items since they are sometimes prepared with raw or undercooked eggs.
- d. Several operational steps like receiving, preparation, cooking, and cooling may not be inspected as vigorously in food service inspections due, in part, to the hours of the day in which these steps occur. If a food establishment is inspected in the afternoon hours, for example, receiving and food preparation might have already occurred. In order to evaluate the establishment’s active managerial control of foodborne illness risk factors, it is imperative that EHS asks enough questions to obtain information about the operational steps that they cannot directly observe during the current inspection.

4. Conduct a Quick Walk-through:

- a. As EHS discuss the menu or food list and establishes open communication with the person in charge, it is suggested that they conduct a quick walk-through of the food establishment to observe what is going on at that time. Conducting a quick walkthrough is especially important to observe several activities that might otherwise go unnoticed or unobserved until later in the inspection, including:
 - 1. Receiving:
 - 2. Food preparation and handling
 - 3. Cooking
 - 4. Cooling



5. Reheating.

- b. Speaking directly to the food service employees doing specific tasks is also an excellent way to assess the effectiveness of the person in charge performing his or her duty of food safety training. Should an employee be found not washing equipment and utensil properly, the EHS may question the employee's knowledge of the warewashing sink's proper set up and use. Further, noting that receiving or food preparation is occurring at the beginning of the inspection allows EHS an opportunity to take advantage of viewing "real-life" production processes and will help them to obtain a clear picture of the establishment's true practices. Receiving and food preparation only occur during limited times, so EHS may want to stop and observe these operational steps while they are happening.
- c. Early in the inspection, temperatures of potentially hazardous foods (time/temperature control for safety foods) (or TCS foods) should be taken. For example, if inspecting in the morning, EHS should check the temperatures of last night's stored leftovers. If inspecting in the afternoon, they should check the temperatures of foods prepared that morning that are now cooling. Also, EHS should ask whether any foods are currently being cooked or reheated.

(9) Determine Process Flows:

- (a) Many retail and food service establishments have implemented effective food safety management systems by establishing controls for the food preparation methods and processes common to their operation. Control of food preparation processes rather than individual food items is often called the "process approach" to HACCP. The process approach using the principles of HACCP can best be described as dividing the many food items in an operation into food preparation processes then analyzing the foodborne illness risk factors associated with each process. By placing managerial controls on specific operational steps in the flow of food, foodborne illness can be prevented.
- (b) Most food items produced in a food service establishment can be categorized into one of three preparation processes based on the number of times the food passes through the temperature danger zone between 41°F and 135°F. In conducting risk-based inspections, it is necessary for an EHS to be knowledgeable regarding how food is prepared in the operation. Knowing how products are prepared in an establishment allows EHS to focus their inspections on the critical procedures and steps in the preparation of those products.



- (10) Determine Foodborne Illness Risk Factors In Process Flows: EHS should generally focus their inspections on verifying that operators have implemented control measures to control for foodborne illness risk factors common to the processes conducted in each operation. There may be other foodborne illness risk factors unique to specific operations; thus, EHS should independently evaluate each operation and food preparation process conducted.
- (11) Assess Active Managerial Control of Foodborne Illness Risk Factors and Implementation of the Chapter's Interventions:
- (a) Although some food establishments have formal HACCP plans, many do not. Even without a HACCP system, every food establishment needs to have active managerial control of foodborne illness risk factors. This may be achieved through several means, such as training programs, manager oversight, or standard operating procedures. For example, some food establishments incorporate control measures into individual recipes, production schedules, or employee job descriptions to achieve active managerial control.
- (b) While a person in charge may require the maintenance of in-house written records by employees to ensure that monitoring is being performed using the correct method and at the proper frequency, foodborne illness risk factors may be managed without the use of formal record keeping. Monitoring, whether through direct observations or by taking appropriate measurements, is by far the most important step in ensuring food safety. If an operator is effectively monitoring all critical activities in the food establishment and taking corrective actions when needed, safe food will result. With a few exceptions, maintaining formal records at retail is not required; therefore, records may not be in place for use during the inspection. As a result, it will be necessary to use direct observations and interviewing to determine whether a food establishment is adequately monitoring foodborne illness risk factors in their existing food safety management system.
- (c) This section provides a comprehensive discussion of how to assess the active managerial control of each of the foodborne illness risk factors and the implementation of each of the Chapter interventions. Assessment of active managerial control involves more than determining compliance with the Chapter provisions. In assessing whether the operator has active managerial control, EHS should observe whether the operator has established the appropriate control measures and critical limits and whether appropriate monitoring and corrective action procedures are in place and followed. In addition, EHS should assess whether managers and employees are knowledgeable of food safety principles and critical practices and procedures necessary to prevent foodborne illness. If during the inspection, the EHS



observes that control measures are not being implemented appropriately to control risk factor occurrence, immediate corrective action must be taken.

(12) Demonstration of Knowledge:

- (a) It is the responsibility of the person in charge to ensure compliance with Chapter 290-5-14. Knowledge and application of the Chapter's provisions are vital to preventing foodborne illness and injury. Data collected by FDA suggest that having a certified food manager on-site has a positive effect on the occurrence of certain foodborne illness risk factors in the industry.
- (b) In order to assess whether the person in charge demonstrates knowledge, inspectors should verify that the person in charge has one or more of the following:
 - 1. A valid food protection manager certificate
 - 2. No critical violations during the current inspection
 - 3. Correct responses to food safety related questions as presented in Rule 290-5-14-.03 subsection (1) (c) of the Chapter

(13) Assessing Safe Sources and Receiving Temperatures:

- (a) The time and day of the inspection is important when assessing whether foods are received from safe sources and in sound condition. Foods may be received in the food establishment on set days. EHS should ask questions to ascertain the day or days that deliveries are received and also the receiving procedures in place by the food establishment. Inspections can be scheduled at times when it is known that products will be received by the food establishment. If food is being delivered during the inspection, EHS should:
 - 1. Verify internal product temperatures
 - 2. Examine package integrity upon delivery
 - 3. Look for signs of temperature abuse (e.g., large ice crystals in the packages of frozen products)
 - 4. Examine delivery truck and products for potential for cross-contamination
 - 5. Observe the food establishment's behaviors and practices as they relate to the establishment's control of contamination and holding and cooling temperatures of received products
 - 6. Review receiving logs and other documents, product labels, and food products to ensure that foods are received from regulated food processing plants (no foods prepared at home) and at the proper temperature.
- (b) When evaluating approved sources for shellfish, such as clams, oysters, and mussels, EHS should ask whether shellfish are served at any time during the



year. If so, they should review the tags or labels to verify that the supplier of the shellfish is certified and on the most current Interstate Certified Shellfish Shippers List (<http://www.cfsan.fda.gov/~ear/shellfis.html>). EHS should note whether all required information is provided on the tags or label (harvester's certification number, harvest waters and date, type and quantity of shellfish and similar information for each dealer that handles the shellfish after the harvester). Shellstock tags should also be retained for 90 days in chronological order.

- (c) With regard to fish, EHS should verify that fish are commercially caught and harvested and received from reputable vendors. If fish are being delivered during the inspection or if they were received just before the EHS's arrival, temperatures should be taken, especially if there are finfish such as tuna, mahi-mahi, bluefish, mackerel, and snapper. These fish are subject to scombrototoxin formation if time/temperature abused. EHS should verify freshness by conducting an organoleptic inspection of the gills, eyes, and bodies of the fish.
- (d) EHS should verify that fish, except for certain species of tuna, intended for raw or undercooked consumption have been frozen for the required time and temperature parameters to destroy parasites by either reviewing freezing records or verifying that a letter of guarantee from the purveyor is kept on file. If freezing is conducted on-site, they should verify that the freezing records are maintained for at least 90 days beyond the date of sale or service.
- (e) With regard to the service of game or wild mushrooms, EHS should ask if these products are served at any time during the year. If so, EHS should verify that they are from an approved source by reviewing invoices.
- (f) With regard to juice and milk products, EHS should verify that fluid milk and milk products are pasteurized and received at the proper temperature. For packaged juice, they should verify that the juice was pasteurized or otherwise treated to achieve a 5-log reduction of the most resistant microorganism.
- (g) During the inspection, EHS should inquire as to the source of foods that have been removed from their original containers. If at any time during the inspection there is any doubt as to the source of certain products, they should ask for invoices or receipts to demonstrate their source. Certain products, such as flat breads, waffles, pies, and cakes may require special cooking equipment to prepare. If suitable equipment is not on-site to prepare such products and the products are not stored in original containers, then EHS should inquire as to the source of these products.
- (h) Food from unapproved, unsafe, or otherwise unverifiable sources should be discarded or put on hold until appropriate documentation is provided. In addition, EHS should ensure that management and employees are aware of the



risk of serving or selling food from unapproved sources. Fish that are intended to be consumed raw or undercooked and for which no freezing certification or equipment is found on-site, can be used in menu items that will be fully cooked. If cooking is not an option due to the menu items served, the fish should be discarded.

(14) Assessing Contaminated Equipment and Potential for Cross-Contamination:

- (a) This risk factor involves the proper storage and use of food products and equipment to prevent cross-contamination. The cleaning, sanitization, and storage of food-contact surfaces of equipment and utensils in a manner to prevent transmission of foodborne pathogens or contamination is also included in this risk factor.
- (b) As EHS walk through the food establishment, they should examine food storage areas for proper storage, separation, segregation, and protection from contamination. They should look to see that raw animal foods and ready-to-eat foods are separated during receiving, storage, and preparation. For example, cooked shrimp should not be returned to the same container that previously held uncooked product. Cutting boards should be washed, rinsed, and sanitized between trimming uncooked chicken and cooked steak.
- (c) In addition, raw animal foods should be separated by cooking temperatures such that foods requiring a higher cooking temperature, like chicken, should be stored below or away from foods requiring a lower temperature, like pork and beef. If potentially hazardous foods (TCS foods) are not being cooled, they should be covered or packaged while in cold storage.
- (d) Following the flow of food as it is prepared in the food establishment may alert EHS to opportunities for cross-contamination. When contamination has occurred between raw and ready-to-eat food, they should assess whether the food can be reconditioned. In some cases, depending on the affected food, it may be possible to reheat the food to eliminate any hazards. If the food cannot be reconditioned, then the food should be discarded.
- (e) EHS should verify that exposed food such as chips, bread, and dipping sauces are not re-served to the consumer. Consumer self-service operations are addressed in the Chapter with regard to the types of food offered for consumer self-service, the protection of food on display, and the required monitoring by employees of such operations.
- (f) A visual check of the food-contact surfaces of equipment and utensils should be made to verify that the utensils are maintained clean and sanitized using the



approved manner and frequency. Utensils that are observed to have debris, grease, or other visible contamination should be rewashed and re-sanitized.

- (g) Observations should be made to determine whether practices are in place to eliminate the potential for contamination of utensils, equipment, and single-service items by environmental contaminants, employees, and consumers. When clean equipment and utensils are stored where they are subject to environmental contamination such as near hand washing sinks or prep sinks, inspectors should have the operator rearrange the equipment in a manner to prevent cross-contamination. Depending on the circumstances, the operator may need to rewash and re-sanitize the equipment.
- (h) EHS should observe hand washing operations. If hand washing sinks and fixtures are located, where splash may contaminate food contact surfaces or food, then splash guards should be installed or food-contact surfaces should be relocated to prevent cross-contamination. They should pay particular attention to prep sinks, especially those that are currently in use at the time of the inspection. Built-up grime is a visible sign that the sink is not being washed, rinsed, and sanitized appropriately before use. If there are designated vegetable or meat sinks, they should verify that the placement of sinks and food preparation areas do not facilitate opportunities for cross-contamination from one to the other.
- (i) With regard to the cleaning and sanitization of food-contact surfaces, EHS should verify the compliance of any warewashing operations by ensuring that cleaning and sanitizing procedures for all food-contact surfaces conform to the requirements in the Chapter. Questions should be asked to assess how utensils and cookware are washed, rinsed, and sanitized in the food service establishment. When assessing the warewashing procedure and equipment, they should pay particular attention to cooking and baking equipment that is too large to fit in the warewashing-machine or sinks. It is good ideas to have the person responsible for dishwashing demonstrate the procedure that is followed in the food establishment by setting up the sinks and watching the dishwashing procedure.

(15) Assessing Cooking Temperatures:

- (a) If an opportunity exists, food cooking temperatures and times must be verified by EHS during each inspection. Every effort should be made to assess the cooking temperatures of a variety of products served in the food establishment.
- (b) To assess cooking, inspections must occur at times when food is being cooked. It is also important to conduct inspections during busy times, such as lunch and



dinner, as there may be a tendency for the operator to rush the cooking of foods during these times.

- (c) Critical limits for cooking potentially hazardous foods (TCS foods) in the Chapter include specifications that all parts of the food be heated to a certain temperature. For large roasts, temperature measurement should take into account post-cooking heat rise, which allows the temperature to reach equilibrium throughout the food. The critical limit of time at the terminal temperature must also be measured during inspections. For example, a roast beef cooked at 54°C (130°F) is required to be held at this temperature for 112 minutes to ensure destruction of pathogens. Cooking times and temperatures should be noted on the inspection report.
- (d) The correct temperature-measuring device and technique are essential in accurately determining the temperatures of potentially hazardous foods (TCS foods). The geometric center or thickest parts of a product are the points of measurement of product temperature particularly when measuring critical limits for cooking.
- (e) EHS must take internal temperatures of products using a thermocouple or thermistor with a probe suitable for the product thickness. A thin diameter probe must be used for temperature measurements of hamburger patties and fish filets. Alternately, although less desirable, a EHS may use a suitable, calibrated bimetal stem thermometer for checking cooking temperatures of thick foods. Infrared thermometers are inappropriate for measuring internal cooking temperatures.
- (f) In order to better assess cooking during all phases of the inspection, EHS could enlist the help of cooperative food employees to notify them of foods that have finished cooking. This allows EHS to continue with the inspection in other areas of the operation yet continue to verify that proper cooking temperatures are being met.
- (g) Food establishments should routinely monitor cooking temperatures. EHS should verify that monitoring is occurring by involving the person in charge in these activities during the regulatory inspection. The presence of required thermometers and their proper use should be assessed.
- (h) Comparisons should be made between EHS's calibrated temperature measuring device and those used by the food establishment. Notation of deviations should be made on the inspection report. They should ask food establishment personnel to demonstrate proper calibration of their temperature measuring devices.



- (i) If required cooking temperatures are not met, EHS should have the operator continue cooking the food until the proper temperature is reached. Additionally, they should explain the public health significance of inadequate cooking to management and food employees.

(16) Assessing Holding Time and Temperatures and Date Marking:

- (a) Available hot and cold holding temperatures, as well as cooling time and temperatures, of potentially hazardous foods (TCS foods) must be thoroughly checked with a thermocouple, thermistor, or other appropriate temperature measuring device during each inspection. This includes the temperature of potentially hazardous food (TCS food) during transport, e.g., hot holding carts being used to transport food to patient rooms in a hospital or satellite kitchens. As a rule, every effort should be made to assess every hot and cold holding unit in the food service establishment during a risk-based inspection
- (b) Use of an infrared thermometer for verifying holding temperatures is not consistent with the Chapter requirements since verifying only the surface temperature of the food may not alert EHS to problems that exist under the food's surface. Such problems could stem from improper cooling, in the case of cold-held foods, or improper reheating, in the case of hot-held foods. In addition, EHS should not stir a food before taking its temperature since it is important to know the temperature of the food before it is agitated.
- (c) The geometric center of a product is usually the point of measurement of product temperature particularly when measuring the critical limit for cold holding.
- (d) The hot holding critical limit may need additional measurements taken at points farthest from the heat source, e.g., near the product surface for food held on a steam table. Temperatures monitored between packages of food, such as cartons of milk or packages of meat, may indicate the need for further examination. However, the temperature of a potentially hazardous food (TCS food) itself, rather than the temperature between packages, is necessary for marking violations. In large holding units and on steam tables, it is necessary to take the temperatures of foods in various locations to ensure that the equipment is working properly. If deviations are noted in the product temperatures, it is important to take extra steps to find out whether the problem is the result of equipment failure or whether a breakdown in a process such as cooling or reheating is the reason for the problem.
- (e) Corrective actions for foods found in violation should be required based on the Rule 290-5-14-.10 subsection (3) of the Chapter (i.e., the Chapter) and the guidance provided within this Manual. If foods are to be discarded, forms such as, "Withhold from Sale Order" may need to be completed as per



Rule 290-5-14-.10 subsection (3) of the Chapter. In order to properly evaluate the degree of time and temperature abuse and the proper disposition of the affected food, several issues must be considered. Answers to these questions, in combination with observations made during the inspection, should provide EHS with enough information to make the appropriate recommendation for on-site correction:

1. Are there any written procedures in place for using time alone as a public health control and, if so, are they being followed properly?
 2. What are the ingredients of the food and how was it made?
 3. Is it likely that the food contains *Clostridium perfringens*, *Clostridium botulinum*, or *Bacillus cereus* as hazards?
 4. Has there been an opportunity for post-cook contamination with raw animal foods or contaminated equipment?
 5. If there has been an opportunity for post-cook contamination, can the hazards of concern be eliminated by reheating?
 6. Are the food employees practicing good personal hygiene including frequent and effective hand washing?
 7. Was the food reheated or cooked to the proper temperature before being allowed out of temperature control?
 8. What is the current temperature of the food when taken with a probe thermometer?
 9. How long has the food been out of temperature control (ask both the manager and food employees)? Are the answers of the food employees and the manager consistent with one another?
 10. Is it likely that food has cooled to its current temperature after being out of temperature control for the alleged time?
 11. Will the food be saved as leftovers?
 12. How long before the food will be served?
 13. Given what is known about the food, the food's temperature, the handling of the food, and the alleged time out of temperature, is it reasonably likely that the food already contains hazards that cannot be destroyed by reheating?
- (f) Even if food can be reconditioned by reheating, steps should be taken by the person in charge to ensure compliance in the future. Examples include repairing malfunctioning or inoperative equipment or implementing a risk control plan (RCP) to modify preparation procedures or to institute a procedure for monitoring holding temperatures of food.
- (g) If using time only or time-temperature combinations in lieu of temperature for controlling the growth and toxin-formation of pathogenic bacteria, strict controls must be in place and followed. EHS must verify that the written procedures are on-site and followed in accordance with the Chapter.



- (h) Date marking is the mechanism by which active managerial control of time-temperature combinations can prevent the growth of *Listeria monocytogenes* in potentially hazardous (TCS), ready-to-eat foods during cold storage. With exceptions, all ready-to-eat, potentially hazardous foods (TCS foods) prepared on-site and held for more than 24 hours should be date marked to indicate the day or date by which the foods need to be served or discarded. EHS must ask questions to ascertain whether the system in place to control for *L. monocytogenes* meets the intent of Rule 290-5-14-.04 subsection (6) (g) in the Chapter. Food that should be date marked and is not must be discarded.

(17) Assessing Reheating for Hot Holding:

- (a) In order to assess a food establishment's control of reheating for hot holding, the time of day that the inspection occurs is a key factor. Every effort should be made to schedule an inspection during pre-opening preparation. If inspections are conducted during preopening preparation or other preparation periods, EHS should ask questions regarding the history of hot-held foods. Foods in compliance for minimum hot holding temperatures may have in fact been improperly reheated before being placed into hot holding units or steam tables.
- (b) If items are found "reheating" on the steam table, further inquiry is needed to assess whether the equipment in question is capable of reheating the food to the proper temperature within the maximum time limit. Corrective action for foods found out of compliance for reheating for hot holding would depend on how long the food had been out of temperature and other factors. In most cases, however, the food may be rapidly reheated and hot held.

(18) Assessing Cooling:

- (a) Improper cooling remains a major contributor to bacterial foodborne illness. Cooling temperatures and times need to be closely evaluated during every inspection. In order to assess whether a food establishment has control over cooling, the time of day that the inspection occurs is critical. Early morning inspections allow an opportunity to verify that leftovers from the night before were cooled properly or cooled using a proper cooling method. Alternatively, afternoon inspections may allow a EHS to verify cooling of products that may have been prepared that morning. Because many food establishments prepare bulk products only on certain days of the week, it is essential that EHS become as familiar as possible with each operation and schedule their inspections accordingly.
- (b) Due to the time parameters involved in cooling, EHS should always inquire at the beginning of the inspection whether there are any products currently being cooled. This allows EHS an opportunity to take initial temperatures of the



products and still have time to re-check temperatures later in the inspection in order to verify that critical limits are being met.

- (c) Problems with cooling can often be discovered through inquiry alone. Even when no cooling is taking place, EHS should ask the food employees and managers questions about the cooling procedures in place.
- (d) When examining cold holding units, bulk containers and buckets, tightly packed pans, shrouded rolling racks, or closed rolling cabinets should warrant further temperature and time investigation. Bulk containers and buckets should be opened since they are commonly reused for food storage and cooling.
- (e) The geometric center of a product is often chosen as the point of measurement of product temperature particularly when measuring the critical limits for cooling. For foods that are being cooled, temperature profiles throughout the product may show proper temperatures at outer edges and hot spots at the core of the product. Inspectors can verify cooling by first taking a temperature measurement in the geometric center of the product, then at various points around the perimeter of the product. Warmer temperatures in the center of the product, in combination with cooler temperatures around the perimeter, indicate that a product is cooling. Additional questions should be asked to ascertain the cooling time parameters of the food in question. Information gained from food employees and management, in combination with temperature measurements taken, should form the basis for assessing compliance of cooling during an inspection.
- (f) The following guidance may be used for determining the appropriate corrective action for improper cooling:
 - 1. Cooked hot food may be reheated to 165 °F for 15 seconds and the cooling process started again using a different cooling method if the food is:
 - a. Above 70 °F and two hours or less into the cooling process.
 - 2. Cooked hot food should be discarded immediately if the food is:
 - a. Above 70 °F and more than two hours into the cooling process; or
 - b. Above 41 °F and more than six hours into the cooling process.
 - 3. A different, more accelerated, cooling method may be used for prepared ready-to-eat foods if the food is above 41 °F and less than four hours into the cooling process; however, such foods should be discarded if the food is above 41 °F and more than four hours into the cooling process.



(19) Assessing Personal Hygiene, Hands As a Vehicle of Contamination, and Proper Implementation of Employee Health Policies:

- (a) Special attention should be given to the potential for hands as a vehicle of contamination. An effective management system for prevention of hand contamination involves three elements:
1. Employee health policy
 2. Proper hand washing
 3. No bare hand contact with ready-to-eat foods.
- (b) There are a wide range of communicable diseases and infections that can be transmitted by an infected food employee. Proper management of the risks associated with ill food employees begins with employing healthy people and implementing a policy that excludes or restricts ill employees as specified in Rule 290-5-14-.03 subsection (4) of the Chapter. Employees must be aware of the symptoms, illnesses, or conditions that must be reported to the person in charge. In addition, the person in charge must be knowledgeable regarding the appropriate action to take should certain symptoms, illnesses, or conditions be reported.
- (c) With regard to the employee health policy, EHS should ask a series of open-ended questions to ascertain whether the employee health policy in place complies with the Chapter. The following are example questions that may be asked:
1. What kind of policy do you have in place for handling sick employees?
 2. Is there a written policy? (Note: a written policy is not required in the Chapter, but having a written policy may give an indication of the formality of the policy being discussed.)
 3. Describe how managers and food employees are made knowledgeable about their duties and responsibilities under the employee health policy.
 4. Are food employees asked if they are experiencing certain symptoms or illnesses upon conditional offer of employment? If so, what symptoms or illnesses are food employees asked about? Is there a written record of this inquiry?
 5. What are food employees instructed to do when they are sick?
 6. What conditions or symptoms are reported?
 7. What may some indicators be of someone who is working while ill?
 8. When are employees restricted from working with exposed food or food-contact surfaces? When are they excluded from working in the food establishment?



9. For employees that are sick and cannot come to work, what policy is in place for allowing them to return and for notifying the local Health Authority?
- (d) Special attention should be given to the potential for hands as a vehicle of contamination. Ensuring that hands are washed using the proper procedure and at the appropriate times must be a top priority during every inspection. Data show that viruses can be tenacious even in the presence of good hand washing. EHS should observe employee use of utensils and gloves during the preparation and service of ready-to-eat foods and ingredients, such as salads and sandwiches.
- (e) If ready-to-eat food is touched with bare hands, EHS will need to address several questions in order to make the appropriate on-site correction recommendation. The answers to the following questions should provide enough information to determine the likelihood of occurrence of hazards transmitted by bare hands and should be the basis for making a recommendation for on-site correction:
 1. Does the facility have an employee health policy to identify, restrict, and exclude ill employees?
 2. Did the employees working with the food in question effectively wash their hands and is hand washing facilities adequate?
 3. Is there an approved, alternate procedure to no bare hand contact (i.e., variance with an approved HACCP plan) in place and was it followed before the bare hand contact?
 4. Has there been an opportunity for the employee's hands to become contaminated?
- (f) EHS should examine the location of hand washing sinks in relation to where food is being prepared. A basic distance measurement is referenced within **Part-I Section F - Handwashing located within the "Food Service Establishment Manual for Design, Installation and Construction"** as a guideline when considering the location and number of hand washing sinks required in a food establishment during the plan review process. While this information can be used to assist with the review process, it should not be used as the sole basis for determining whether there is an adequate number of hand washing sinks or whether the hand washing sinks are conveniently located.
- (g) Special emphasis should be placed on spacing in and around fixed equipment, the expected staffing, and the flow of food throughout a food establishment. For instance, a kitchen may be 30 feet in length and 12 feet wide. Although the size of the kitchen may dictate only one hand washing sink using the referenced distance measurement in the plan review manual, if a prep table the length of



the line is placed between the line and the hand washing sink, the hand washing sink may not be conveniently located. Likewise, one hand washing sink located at the end of cook line is useless to employees working at the other end if there is limited space for employees to go around one another during busy periods.

- (20) Assessing Compliance with Approved Procedures: When conducting certain specialized processes, the Chapter requires variances and HACCP plans. This is because such processes carry a considerable risk if not conducted under strict controls. For food service establishments conducting specialized processes, each inspection should involve a review of the written variance, if applicable, and the implementation of the HACCP plan to ensure that food safety hazards are being consistently controlled.
- (21) Assessing Special Requirements Related to Highly Susceptible Populations (HSP):
- (a) Food establishments that serve highly susceptible populations (HSP) must adhere to additional requirements as specified under Rule 290-5-14-.04 subsection (9) of the Chapter. Every effort should be made to inspect such facilities during preparation, service, or other applicable times to assess these additional requirements as well as those in other Rules of the Chapter.
 - (b) Because those persons who are very young, elderly, or who live in a facility that provides custodial care are extremely vulnerable to foodborne illness because of age or health status, it is important that risk factors be controlled on-site in a timely manner. Inspections of HSP facilities should be conducted by EHS knowledgeable in the control of foodborne illness risk factors who take extra care to assure that the most vulnerable segment of the population are not at risk.
- (22) Assessing Labeling, Storage, and Use of Poisonous and Toxic Chemicals:
- (a) During each inspection, the proper labeling, storage, and use of poisonous and toxic chemicals should be verified. Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label. Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies should be clearly and individually identified with the common name of the material. Only chemicals that are necessary to the operation and maintenance of a food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, should be in the food establishment. Medicines necessary for the health of employees may be allowed in a food establishment, but they should be labeled and stored to prevent contamination of food and food-contact surfaces.



- (b) EHS should verify that solutions containing poisonous and toxic chemicals, like mop water, are discarded in an appropriate service sink to prevent contamination of food and food-contact surfaces. In addition, they should check delivery trucks to verify that food is protected from chemical contamination during shipment. Any food that has been cross-contaminated with poisonous or toxic chemicals should be discarded or rejected immediately.

(23) Assessing Compliance with Consumer Advisory:

- (a) EHS should ascertain whether animal foods such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish are served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food. They should review the menu or food list to verify that a consumer advisory with a disclosure and reminder is present as specified under Rule 290-5-14-.04 subsection (7)(e) of the Chapter.
- (b) In addition to reviewing the menu or food list, EHS should ask whether raw or undercooked foods are served or sold routinely or seasonally. It is useful to know foods that are often served in this manner such as oysters-on-the half shell, hollandaise sauce, béarnaise sauce, eggnog, salad dressings, hamburgers to order, or sunny-side up eggs.

(24) Evaluating Basic Sanitation and Facilities (Good Retail Practices):

- (a) An important part of a risk-based, routine inspection is to review how the food establishment actively monitors the active managerial control of foodborne illness risk factors and interventions; however, overall sanitation should not be overlooked. Systems to control basic operational and sanitation conditions within a food establishment, referred to as Good Retail Practices (GRPs), are the foundation of a successful food safety management system. GRPs found to be out-of-compliance may give rise to conditions that may lead to foodborne illness, e.g., sewage backing up in the kitchen. Just as monitoring is required by the food establishment to ensure that foodborne illness risk factors are controlled and interventions are in place, monitoring of basic sanitation conditions in the food service establishment allows the operator an excellent opportunity to detect weaknesses and initiate actions for improvement. Basic operational and sanitation programs must be in place to:
 1. Protect products from contamination by biological, chemical, and physical food safety hazards
 2. Control bacterial growth that can result from temperature abuse during storage



3. Maintain equipment, especially equipment used to maintain product temperatures.

(b) Examples of concerns addressed by the basic operation and sanitation programs mentioned above include the following:

1. Pest control
2. Food protection (non-critical)
3. Equipment maintenance
4. Water
5. Plumbing
6. Toilet facilities
7. Sewage
8. Garbage and refuse disposal
9. Physical facilities.

E. ACHIEVING ON-SITE AND LONG-TERM COMPLIANCE:

(1). Developing an Effective Compliance and Enforcement Protocol:

- (a) Compliance and enforcement are essential elements of the Chapter and encompass all voluntary and regulatory enforcement actions taken to achieve compliance with it. Rule 290-5-14-.10 establishes a compliance and enforcement protocol that will result in credible follow-up for each violation noted during an inspection, especially violations related to foodborne illness risk factors and Chapter interventions. Lack of follow-up on the part of the County Health Authority signals to the operator that the critical violations noted were not important.
- (b) The resolution of out-of-compliance foodborne illness risk factors and the Chapter's interventions must be documented in each food establishment record. The desired outcome of the Chapter is an effective compliance and enforcement program that is implemented consistently to achieve compliance with its Rules and Regulation requirements.
- (c) It is essential that local Health Authorities develop a written compliance and enforcement protocol that details the order in which both voluntary corrections may be taken on the part of the operator and involuntary enforcement actions are to be taken on the part of the local Health Authority as prescribed within Rule 290-5-14-.10 of the Chapter. Involuntary enforcement actions include, but are not limited to, such activities as warning letters, re-inspections, citations, administrative fines, hearings, permit suspensions, and permit revocation - see Rule 290-5-14-.10 subsection (1) (b), (c), (d) and (e) and subsection (2) (i), (j), (m), (n),(o) and (p).



- (d) Food establishment with a history of noncompliance or with the number of foodborne illness risk factors and interventions violated at a level as indicated within Rule 290-5-14-.10 of the Chapter thereby warranting enforcement action, signals the need for either a strong enforcement response or an alternate approach to compliance to protect public health. Such compliance can be achieved through active managerial control, behavioral change by using tools such as Risk Control Plans.
 - (e) Voluntary corrections taken on the part of the operator include, but are not limited to, such activities as on-site corrections at the time of inspection, voluntary destruction, risk control plans, and remedial training. Obtaining voluntary corrections by the operator can be very effective in achieving long-term compliance. Voluntary corrections by the operator are referred to in this manual as “intervention strategies.” Intervention strategies can be divided into two groups:
 - 1. Those designed to achieve immediate on-site correction
 - 2. Those designed to achieve long-term compliance.
 - (f) Successful intervention strategies for out-of-control foodborne illness risk factors can be tailored to each operation’s resources and needs. This will require EHS to work with the operator to identify weaknesses in the existing food safety management system and consulting with the operator to strengthen any weak areas noted.
- (2) On-site Correction:
- (a) On-site corrections are intended to achieve immediate corrective action of out-of-control foodborne illness risk factors posing an immediate, serious danger to the consumer during the inspection. Usually these violations are "operational" rather than structural and can be addressed by management at the time of the inspection.
 - (b) **It is essential to consumer protection and to the Health Authority’s credibility for on-site correction to be obtained for any out-of-control foodborne illness risk factors before completing the inspection and leaving the food establishment.** Obtaining on-site correction conveys the seriousness of the violation to the management of the food service establishment. Failure to require on-site correction when an out-of-control risk factor has been identified implies that the risk factor has little importance to food safety.
 - (c) When recommending on-site correction, effective communication regarding out-of control foodborne illness risk factors is essential and can be accomplished best by:



1. Discussing food safety concerns in words that can be easily understood by the person in charge and employees.
 2. Conveying the seriousness of the out-of-control foodborne illness risk factors in terms of increased risk of illness or injury.
- (d) During the discussion of inspection findings with the person in charge, EHS should keep the discussion focused on correction of violations that present an immediate danger to the consumer. Discussion of less serious Chapter violations should be deferred until out-of-control foodborne illness risk factors are discussed and on-site correction is obtained.
- (e) In most cases, selecting the most appropriate on-site correction when out-of-control foodborne illness risk factors are observed will be straightforward; however, in instances such as improper cooling, the appropriate corrective action may be more complicated. Since determining on-site correction depends on a number of factors, an EHS may need to conduct a hazard analysis of the food in order to determine the appropriate course of action to take.
- (3) Intervention Strategies for Achieving Long-term Compliance:
- (a) While on-site correction of out-of-control foodborne illness risk factors is essential to consumer protection, achieving long-term compliance and behavior change is equally important. Overcoming several misconceptions about long-term compliance will help in achieving a desirable change of behavior. For example, in jurisdictions using a 44-item inspection report in which only observed violations are marked, it is often taken for granted that if there are no violations marked, the foodborne illness risk factors are being controlled. This is not necessarily true since the observation of Chapter violations is subject to many variables such as the time of day, day of the week, or duration of the inspection. An inspection system that records only observed violations rather than the actual status of all foodborne illness risk factors, such as whether the risk factor was in compliance, not observed, or not applicable to the operation, may be unable to detect some foodborne illness risk factors that are continually or cyclically out of control.
- (b) Another misconception is that training alone will result in foodborne illness risk factors being controlled. While training may help, there is no guarantee that knowledge acquired will equate to knowledge applied in the workplace. In order for knowledge to translate into changed behavior, it must be reinforced and the behavior must be repeated for a period of time sufficient for the behavior to become an ingrained pattern. Another assumption is that regulatory enforcement actions such as citations or administrative hearings or on-site corrections alone will automatically result in future management control.



Unfortunately, there is no assurance that any of these actions will result in the long-term control of foodborne illness risk factors.

- (c) The operator may best achieve long-term compliance through voluntary actions. If an operator supports the concept that a food safety management system is needed, there is a better chance that long-term compliance will be achieved. The following are ways operators can better ensure long-term active managerial control of foodborne illness risk factors.

- (c) Change Equipment and Layout:

1. Critical limits are difficult to achieve when equipment does not work properly. In addition, this is why maintenance and replacement of equipment is important as well. Proper calibration of equipment is vital to achieving food safety. When calibration is unsuccessful or is not feasible, equipment should be replaced. In addition to equipment malfunctioning, poor equipment layout can present opportunities for cross contamination and must be considered. This is why good plan and specification review is important in the construction, renovation and remodeling food service establishments. For example:
 - a. Hamburgers with uniform thickness and weight are not all reaching a safe cooking temperature in a given time. Upon examination, it is determined that the grill is distributing heat unevenly. A new element is installed to correct the problem.
 - b. Splash from a nearby hand washing sink is seen on a prep table. A splashguard is installed to prevent cross contamination from the hand washing sink to the prep table.

- (4) Establish Buyer Specifications: Written specifications for the goods and services purchased by a food establishment prevent many problems. For example:

- (a) Fish posing a parasite hazard and intended for raw consumption have not been frozen for the specified time and temperature and no freezing equipment is on-site at the food service establishment. Buyer specifications are established to place the responsibility for freezing the fish on the supplier.
- (b) Lobster tails, hamburgers, or other products cooked with a set time parameter on a conveyor are not reaching the proper temperature in the specified time because they are larger than the size for which the conveyor is calibrated. Buyer specifications are established to restrict the size of products received from the supplier.



- (5) Develop and Implement Recipe/Process Instructions: Simple control measures integrated into recipes and processes can improve management control over foodborne illness risk factors. For example:
- (a) Process instructions that specify using color-coded cutting boards for separating raw animal foods from ready-to-eat products are developed to control the potential for cross contamination.
 - (b) Pasteurized eggs are substituted in recipes that call for raw or undercooked eggs to reduce the risk of foodborne illness.
 - (c) Commercially precooked chicken is used in recipes calling for cooked chicken such as chicken salad to reduce the risk of contaminating food-contact surfaces and ready-to-eat food with raw chicken.
 - (d) Pasta is chilled in an ice bath immediately after cooking and before apportioning into single servings. This is specified in the procedures for cooking spaghetti.
- (6) Establish First-In-First-Out (FIFO) Procedures: Product rotation is important for both quality and safety reasons. “First-In-First-Out” (FIFO) means that the first batch of product prepared and placed in storage should be the first one sold or used. Date marking foods as required by the Chapter facilitates the use of a FIFO procedure in refrigerated, ready-to-eat, potentially hazardous foods (TCS foods). The FIFO concept limits the potential for pathogen growth, encourages product rotation, and documents compliance with time/temperature requirements.
- (7) Develop and Implement Standard Operating Procedures (SOPs):
- (a) Following standardized, written procedures for performing various tasks ensures that quality, efficiency, and safety criteria are met each time the task is performed. Although every operation is unique, the following list contains some common management areas that can be controlled with SOPs:
 - 1. Personnel (disease control, cleanliness, training)
 - 2. Facility maintenance
 - 3. Sanitary conditions (general cleaning schedule, chemical storage, pest control, sanitization of food-contact surfaces)
 - 4. Sanitary facilities (approved water supply and testing, if applicable, scheduled in-house inspection of plumbing, sewage disposal, handwashing and toilet facilities, trash removal)
 - 5. Equipment and utensil maintenance.



- (b) SOPs can also be developed to detail procedures for controlling foodborne illness risk factors:
1. Procedures are implemented for measuring temperatures at a given frequency and for taking appropriate corrective actions to prevent hazards associated with inadequate cooking.
 2. Adequate handwashing is achieved by following written procedures that dictate frequency, proper technique, and monitoring.

(8) Develop and Implement Risk Control Plans (RCPs):

- (a) A Risk Control Plan (RCP) is a concisely written management plan developed by the retail or food service operator with input from the EHS that describes a management system for controlling specific out-of-control risk factors. A (RCP) is intended to be a voluntary strategy that the EHS and the PIC jointly develop to promote long-term compliance for *specific* out-of-control risk factors. For example, if food is improperly cooled in the establishment, a system of monitoring and record keeping outlined in an (RCP) can ensure that new procedures are established to adequately cool the food in the future. By implementing basic control systems over a period of time (e.g., 60 – 90 days), it is likely that the new controls will become "habits" that continue.
- (b) A (RCP) should stress simple control measures that can be integrated into the daily routine. It should be brief, no more than one or two pages for a single risk factor, and address the following points in very specific terms:
1. What is the risk factor to be controlled?
 2. How is the risk factor controlled?
 3. Who is responsible for the control?
 4. What monitoring and record keeping is required?
 5. Who is responsible for monitoring and completing records?
 6. What corrective actions should be taken when deviations are noted?
 7. How long is the plan to continue?
 8. How are the results of the (RCP) communicated to you?
- (c) By implementing an (RCP), the retail or food service operator will have the opportunity to determine the appropriate corrective action for the identified problem and design an implementation strategy to best suit their facility and operation. Since the (RCP) is tailored to meet the needs of the establishment, the operator takes complete ownership of the plan and is ultimately responsible for its development and implementation. Your role as the health inspector is to consult with the operator by suggesting ways that the risk factor(s) might be controlled. By creating an (RCP), the operator realizes that a problem exists in their food safety management system and commits to a



specific correction plan rather than merely acknowledging a single violation. Follow up by telephone or in person indicates to the operator your interest in seeing their plan succeed. This also gives you an opportunity to answer any questions and offer feedback to make the (RCP) more useful. See the following example of a risk control plan:

Example - Risk Control Plan (Part A)

Example Risk Control Plan for Turkey Vegetable Soup				
Establishment Name: ABC		Establishment		Type of Facility: Full Service
Physical Address: 123 Any Street			Person in Charge: John Doe	
City: Any City		State: Any State	Zip: 00000	County: Any County
Inspection Time In: 9:00 a.m.	Inspection Time Out: 12:30 p.m.	Date: July 12, 2001	Inspector's Name: Jane Doe	
Agency: Your jurisdiction				

Specific observation noted during inspection:

Temperature of turkey vegetable soup in walk-in cooler was 65 °F after cooling in the walk-in all night (12 hours).

Applicable code violation(s):

290-5-14-.04(5)(d) - Soup not cooled from 135 °F - 41 °F in 6 hours or less

Risk factor to be controlled:

Improper Holding Temperatures (Cooling)

What must be done to achieve compliance in the future:

Cool from 135 to 41 °F within 6 hours provided that food is cooled from 135 to 70 °F in < 2 hours.



Example - Risk Control Plan (Part B)

How will active managerial control be achieved:

(Who is responsible for the control, what monitoring and record keeping is required, who is responsible for monitoring and completing records, what corrective actions should be taken when deviations are noted, how long is the plan to continue)

Conduct a Trial Run to Determine if Cooling Procedure Works:

The head chef will portion soup at a temperature of 135 °F in cleaned and sanitized 3-inch metal pans, and place them uncovered in the coolest, protected area of the walk-in cooler. He will record the time on the "Time-Temperature Log." Two hours later, the temperature of the soup will be checked and recorded. If the temperature of the soup is not 70 °F or less, the soup will be reheated to 165°F, and the trial run will be restarted in an ice bath. When the temperature is 70°F or less within 2 hours, the time and temperature will be recorded, and cooling will continue. Four hours later, the temperature of the soup will again be checked and recorded. If the soup is 41 °F or less, the cooling procedure will be established. If the soup is not 41 °F or less, it will be discarded and other cooling options will be used (see below).

Procedure:

When there is less than one gallon of soup left over at the end of the day, the head chef will log the volume and disposition of the soup. When the volume is greater than one gallon, the established procedure will be followed. The head chef will complete the Temperature Log daily for 30 days. The general manager will review the log weekly for completeness and adherence to the procedure.

Other options that may be suggested to the operator include: purchasing a data logger to record cooling overnight; discarding any leftover soup at the end of the day; using chill sticks/ice paddles; using a ice bath to cool leftovers prior to storage; and purchasing a blast chiller).

How will the results of implementing the RCP be communicated back to the inspector:

The log will be available for review by the county health authority upon request.

As the person in charge of the _____ located at _____,
I have voluntarily developed this risk control plan, in consultation with
_____ and understand the provisions of this plan.

(County Health Authority)

(Date)



F. INSPECTION FORM AND SCORING:

(1) The Inspection Form:

- (a) The Georgia Department of Community Health (DCH) current approved Food Service Establishment Inspection Report Form and Food Service Inspection Report Addendum Form(s), as referenced within Rule 290-5-14-.10 subsection (2)(f) 1. of the Chapter, are the official documents utilized by the Health Authority for documentation of compliance of the food establishment with its regulatory requirements. The goal of the inspection form is to clearly, concisely, and fairly present the compliance status of the food establishment and to convey compliance information to the permit holder or person in charge at the conclusion of the inspection. Likewise, through public display, the food service inspection report form will serve to make the dining public aware of the compliance status of the food service establishment. In this way, the dining public can make a well informed decision concerning their health.
- (b) The food service inspection report addendum form should be kept in the food establishment's files for subsequent compliance actions and review before the next inspection. Individual inspection reports are to be made available for public review in accordance with Freedom of Information criteria.
- (c) Section K within Part-II of this Manual provides copies of the current (DCH) approved Food Service Establishment Inspection Report Form and the Food Service Inspection Report Addendum Form(s) to be completed during construction/pre-operational, initial, routine, follow-up, and informal follow-up inspections as required by the Chapter.

(2) Debiting Methodology:

- (a) If a violation exists during an inspection, ***it shall always be marked on the inspection report, even if corrected on site.*** Violations existing at the time of the inspection probably would have persisted if it were not for the inspection. A slight violation, such as one dirty utensil among hundreds of clean utensils, does not indicate that the food establishment is significantly deviating from the Chapter requirements; therefore, discretion in marking is required.
- (b) It is very important to investigate the root causes of violations and mark them appropriately. Without taking this extra step, EHS will merely point out violations and will not identify weaknesses in the management system in place. If long-term control of the behaviors or practices leading to the violations is expected, EHS must identify the causes.



(3) Grading, Posting of Inspection Report Forms and Enforcement:

- (a) The inspection grading will be as referenced within Rule 290-5-14-.10 subsection (2) (h), (l), (m) and (n) of the Chapter. The overall Score/Grade along with the frequency of occurrence of Risk Factors/ Public Health Interventions (RF/PHI) and Good Retail Practices (GRP) being out of control or repeated will serve as the basis for triggering follow-up inspections or other forms of enforcement action such as voluntary or in-voluntary closure of the establishment. In addition, scoring and posting the food service inspection report form will provide a mechanism for consumers to make informed choices regarding their health.
- (b) Posting of the Food Service Establishment Inspection Report Form and the Food Service Inspection Report Addendum Form(s) will be as per Rule 290-5-14-.10 subsection (2) (g), (n), and (o) of the Chapter.
- (c) Enforcement of the Chapter will be as per Rule 290-5-14-.10 Compliance Procedures. Amended.

(4) Closing Conference:

- (a) The closing conference should include a detailed discussion of the food establishment's plans for correcting violations found during the inspection. The evidence collected or observed during the inspection and the alternatives available for compliance should be emphasized. On-site corrections made during the inspection must be recorded on the inspection report and in the closing conference - **see Rule 290-5-14-.10 subsection (2) (f).**
- (b) The compliance plan should address changes in procedures that will prevent the recurrence of noted violations. The food establishment's compliance plans should be formally documented on the inspection report form. Follow-up letters may be necessary to elicit fulfillment of these agreements. It is important to stress to the operator that long-term correction of violations related to foodborne illness risk factors and Chapter interventions is far more important than corrections of non-critical items.



Section E

Foodborne Illness Investigation Procedure

The Georgia Division of Public Health (GDPH) is placing increased emphasis on foodborne illness investigation, control and prevention. Its reference manual, Georgia Foodborne Illness Investigation and Control Reference Manual is part of the GDPH's focus on providing more trainings and technical assistance for local boards of health and health department staff. The purpose of the manual is to guide district health offices, local boards of health and county health department staff through foodborne illness investigation and control. It is designed as a comprehensive reference covering both epidemiologic and environmental aspects of a foodborne illness investigation, and emphasizes the practical and necessary features of investigation and control. Contained within the manual are basic information, guidelines, recommendations and regulatory requirements. This manual is targeted to district and county health department members and staff. Environmental Health Specialists (EHS), who find themselves conducting an environmental assessment during a foodborne illness outbreak, will find that this is a valuable reference tool when conducting their assessments.

In regards to Chapter 290-5-14, the Georgia Foodborne Illness Investigation and Control Reference Manual is intended to be utilized only as a reference guide for EHS in their conducting foodborne illness outbreak investigations. It is not the intent of this Interpretation Manual that the Georgia Foodborne Illness Investigation and Control Reference Manual take precedent over or supercede the intent and requirements found within the Chapter.

A copy of the most recent version of the reference manual can be found in PDF format on the GDPH web site at www.health.state.ga.us/pdfs/epi/foodborneIllnessManual.pdf or you may call the GDPH, Notifiable Diseases Epidemiology Section at (404) 657-2588 to obtain a copy.



SECTION F
Official Code of Georgia Annotated, Title 26-2-370 thru 378,
390 thru 393 and 410

ARTICLE 13 – FOOD SERVICE ESTABLISHMENTS

O.C.G.A. § 26-2-370 (2009):

§ 26-2-370 (2009). Definitions

As used in this article, the term:

(1) "Food nutrition information" means the content of food including, but not limited to, the caloric, fat, carbohydrate, cholesterol, fiber, sugar, potassium, protein, vitamin, mineral, and sodium content.

(2) 'Food service establishment' means establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either for carry out or service within the establishment. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; institutions, both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include a 'food sales establishment,' as defined in Code Section 26-2-21, except as stated in this definition. The food service component of any food sales establishment defined in Code Section 26-2-21 shall not be included in this definition. This term shall not include any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any indoor or outdoor public school function, or any outdoor private school function. This term also shall not mean establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of an event which:

(A) Is sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;

(B) Lasts 120 hours or less; and

(C) When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted.



(3) 'Person' or 'persons' means any individual, firm, partnership, corporation, trustee, or association, or combination thereof.

HISTORY: Ga. L. 1958, p. 371, § 1; Code 1933, § 88-1001, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 1985, p. 660, § 1; Ga. L. 1992, p. 1174, § 2; Ga. L. 1998, p. 1220, § 2; Ga. L. 2000, p. 1558, § 3; Ga. L. 2001, p. 1216, § 1; Ga. L. 2008, p. 361, § 1/ HB 1303.

O.C.G.A. § 26-2-371 (2009):

§ 26-2-371. Permits -- Required; issued by county board of health or Department of Community Health; validity; transferability; rules and regulations by municipalities.

It shall be unlawful for any person to operate a food service establishment without having first obtained a valid food service establishment permit. Such permits shall be issued by the county board of health or its duly authorized representative, subject to supervision and direction by the Department of Community Health; but, where the county board of health is not functioning, such permit shall be issued by the Department of Community Health. Such permits shall be valid until suspended or revoked and shall not be transferable with respect to person or location. Nothing contained in this article shall prevent any municipality from adopting rules and regulations governing the licensing and operation of food service establishments.

HISTORY: Ga. L. 1958, p. 371, § 2; Code 1933, § 88-1002, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 2009, p. 453, § 1-4/ HB 228.

O.C.G.A. § 26-2-372 (2009):

§ 26-2-372. Permits -- Issuance; suspension, revocation, or denial; notice and hearing

The Department of Community Health, or county boards of health acting as agents of the department, shall have the power and authority to issue permits to operate food service establishments and to suspend or revoke such permits in accordance with the rules and regulations adopted and promulgated as provided for in this article. When, in the judgment of the department or the county board of health, acting as agent of the former, it is necessary and proper that such application for a permit be denied or that the permit previously granted be suspended or revoked, the applicant or holder thereof shall be afforded notice and hearing as provided in Article 1 of Chapter 5 of Title 31. In the event that such application is finally denied, suspended, or revoked, the applicant or holder of the permit shall be notified in writing. Such written notice shall specifically state any and all reasons why the application has been denied or the permit has been suspended or revoked.

HISTORY: Ga. L. 1958, p. 371, § 3; Code 1933, § 88-1003, enacted by Ga. L. 1964, p. 499,

§ 1; Ga. L. 2009, p. 453, § 1-4/ HB 228. § 26-2-373.1. Use of hair nets or hats by food preparers; penalty

(a) A person who, in the ordinary course of business in a food service establishment,



prepares food which is to be consumed by humans shall wear, when preparing food, appropriate hair nets or hats or restraints to prevent contamination of such food.

(b) Notwithstanding the provisions of Code Section 26-2-377, any person who violates subsection (a) of this Code section shall be subject to a civil penalty as follows:

- (1) For a first offense, neither fine nor punishment, but only a warning; and
- (2) For a second or subsequent offense, a civil penalty not to exceed \$50.00.

(c) The county board of health or its representative which issues food service establishment permits under this article shall be authorized to impose the penalties authorized under subsection (b) of this Code section and shall provide the permit holder with notice of any violation of subsection (a) of this Code section.

(d) Hair nets shall not be required of food preparers when the preparer is a volunteer without payment for his or her services and the food is being prepared for a religious, educational, charitable, or nonprofit corporation.

HISTORY: Code 1981, § 26-2-373.1, enacted by Ga. L. 1997, p. 836, § 1; Ga. L. 1998, p. 128, § 26.

O.C.G.A. § 26-2-374 (2009):

§ 26-2-374. Contents and posting of notices relating to assistance to persons choking; relief from civil liability of persons rendering emergency aid

(a) The Department of Community Health shall print and distribute notices to every food service establishment in this state explaining the proper procedures to be taken to assist or aid persons who are choking. The notices shall contain such information as is found appropriate or necessary by the department and shall be posted and maintained by the food service establishment in a conspicuous place or places on the premises as required by the department.

(b) Any person who renders emergency aid in good faith to persons who are choking, without any charge for his services, shall not be liable for any civil damages for any act or omission in rendering such emergency aid or as a result of any act or failure to act to provide or arrange for further treatment or care for such persons.

HISTORY: Code 1933, § 88-1004.1, enacted by Ga. L. 1979, p. 1272, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228.

§ 26-2-375. Enforcement of article; inspection of food service and food sales establishments

(a) The Department of Community Health and the county boards of health, acting as duly authorized agents of the department, are authorized to enforce this article and rules, regulations, and standards adopted and promulgated under this article in establishments that have the majority of square footage of building floor space, including indoor and outdoor dining areas, used for the operation of food service as defined in Code Section 26-2-370. Their

duly authorized representatives are authorized to enter upon and inspect the premises of any



food service establishment as provided in Article 2 of Chapter 5 of Title 31.

(b) Notwithstanding any other provisions of this article, food sales establishments as defined in Code Section 26-2-21 shall be inspected and regulated under Article 2 of this chapter and shall not be subject to inspection or enforcement under this article.

HISTORY: Ga. L. 1958, p. 371, § 7; Code 1933, § 88-1006, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 1985, p. 660, § 2; Ga. L. 2000, p. 1558, § 4; Ga. L. 2009, p. 453, § 1-4/HB 228.

O.C.G.A. § 26-2-376 (2009):

§ 26-2-376. Review of final order or determination by Department of Community Health; appeal to superior court

Any person aggrieved by any final order or determination of any county board of health denying, suspending, or revoking any permit authorized in this article may secure review thereof by the Department of Community Health by appeal in the manner prescribed in Article 1 of Chapter 5 of Title 31. Any person aggrieved by any final order or determination made by the Department of Community Health, whether originally or on appeal, may secure review thereof by appeal to the superior court in the manner prescribed in Article 1 of Chapter 5 of Title 31.

HISTORY: Ga. L. 1958, p. 371, § 8; Code 1933, § 88-1007, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228.

O.C.G.A. § 26-2-377 (2009):

§ 26-2-377. Penalty for violation of article

Any person who violates any provision of this article or any rule or regulation promulgated under this article by the Department of Community Health or by any county board of health shall be guilty of a misdemeanor.

HISTORY: Ga. L. 1958, p. 371, § 11; Code 1933, § 88-1008, enacted by Ga. L. 1964, p. 499, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228.

O.C.G.A. § 26-2-378 (2009):

§ 26-2-378. Meat products that contain extenders to be displayed on menus or placards; applicability to minor amounts of extenders

(a) All food service establishments in this state which serve meat products that contain extenders, such as textured vegetable protein, textured soy flour, fortified textured vegetable protein, or other such products, shall display on their menus, or by placards visible to the public, information stating that the meat product contains extenders. Products which contain extenders shall not be advertised using names which designate all meat products. The menu or

other advertisement must bear the same name that appears on the package when received from the processor and the ingredients statement as listed on the label.



(b) This Code section shall not be applicable to the serving of meat products which do not contain such an amount of extenders as to require additional labeling in accordance with other laws of the United States and laws of this state relating to meat products.

HISTORY: Code 1933, § 88-1009, enacted by Ga. L. 1974, p. 1116, § 1.

ARTICLE 14 – NONPROFIT FOOD SALES AND FOOD SERVICE

O.C.G.A. § 26-2-410 (2009):

§ 26-2-410. Definitions

As used in this article, the term:

(1) "Meat" means the carcass or any part of any carcass of any animal or any by-product thereof in any form.

(2) "Mobile vehicle" means any vehicle that is mobile and includes land vehicles, air vehicles, and water vehicles.

(3) "Poultry" means domestic fowl including, but not limited to, water fowl such as geese and ducks; birds which are bred for meat or egg production; game birds such as pheasants, partridge, quail, and grouse, as well as guinea fowl, pigeons, doves, and peafowl; ratites; and all other avian species.

(4) "Seafood" means all fresh or frozen fish and all fresh or frozen shellfish, such as shrimp, oysters, clams, scallops, lobsters, crayfish, and other similar fresh or frozen edible products, but such term shall not include canned or salted seafood.

HISTORY: Code 1981, § 26-2-410, enacted by Ga. L. 1998, p. 1377, § 1; Ga. L. 1999, p. 81, § 26; Ga. L. 2008, p. 458, § 26/SB 364.

O.C.G.A. § 26-2-391 (2009):

§ 26-2-391. Permits for nonprofit food sales and food service at events; duration of permit; issuance of subsequent permits

A county or municipality shall be authorized to issue permits for the operation of nonprofit food sales and food service at events sponsored by the county, municipality, or an organization. A permit shall be valid for a period of 120 hours or less and another permit shall not be issued to the organization holding such permit until five days have elapsed from the date of the expiration of the permit. No fees shall be charged to an organization for the

issuance of any such permit by a county or municipality.

HISTORY: Code 1981, § 26-2-391, enacted by Ga. L. 1992, p. 1174, § 3; Ga. L. 1998, p. 1220, § 3.



O.C.G.A. § 26-2-392 (2009):

§ 26-2-392. Standards for food, labeling, and containers; protection from contamination; temperature; prohibited foods; utensils and equipment; ice; transport to other location; reuse at another event; handwashing facilities; unapproved facilities

(a) This Code section applies to food items prepared and offered for sale by organizations at events covered under this article. Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a licensed food processing establishment is prohibited.

(b) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, flooding, drainage, and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous food shall be either 45 degrees Fahrenheit or below or 140 degrees Fahrenheit or above at all times.

(c) The preparation of the following potentially hazardous foods is prohibited unless the organization has an established hazard control program:

- (1) Pastries filled with cream or synthetic cream;
- (2) Custards;
- (3) Products similar to the products listed in paragraphs (1) and (2) of this subsection; or
- (4) Salads containing meat, poultry, eggs, or fish.

(d) Frozen desserts shall only be produced using commercially pasteurized mixes or ingredients. Suitable utensils must be provided to eliminate hand contact with the cooked product. All utensils and equipment shall be cleaned periodically as necessary to prevent a buildup of food.

(e) Ice that is consumed or that contacts food shall be from an approved source and protected from contamination until used. Ice used for cooling stored food shall not be used for human consumption. Food shall be served in an individual-meal type of container and handed to the customer. Food items shall not be transported for sale at any other location or sold, held, or reused at another event.

(f) A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, running water and individual paper towels.

(g) This Code section shall in no way be construed to allow the sale of food items which have



been packaged, bottled, or canned in unapproved facilities.

(h) County boards of health are authorized to provide staff assistance to organizations at events covered under this article for the purpose of providing food safety instruction.

HISTORY: Code 1981, § 26-2-392, enacted by Ga. L. 1992, p. 1174, § 3; Ga. L. 1998, p. 1220, § 3.

O.C.G.A. § 26-2-393 (2009):

§ 26-2-393. Enforcement of article

(a) The county or municipality issuing a permit for the operation of a nonprofit food sales and food service event shall be authorized to enforce the provisions of this article; provided, however, no adverse action against an organization may be taken by a county or municipality or any agent of a county or municipality, including a denial of a permit or revocation of a permit, or citation for violation of this article, without the written approval of such action by the district health director.

(b) Any organization which is aggrieved or adversely affected by any final order or action of a county board of health or district health director may have review thereof by appeal to the commissioner of community health or his or her designee. Appeals to the commissioner shall be heard after not more than eight hours.

HISTORY: Code 1981, § 26-2-393, enacted by Ga. L. 1992, p. 1174, § 3; Ga. L. 1998, p. 1220, § 3; Ga. L. 2009, p. 453, § 1-6/HB 228.



SECTION G

Food Safety and the Role of the Environmental Health Specialist

The Environmental Health Specialist can take on many roles such as a regulator, investigator, educator and an enforcer. Sometimes, the dominant role can depend on what type of environmental health program the Environmental Health Specialist is currently working in at a place in time. If they are evaluating a lot for suitability for an on-site sewage treatment system, they are predominately a regulator. If they are responding to an indoor air quality complaint, they are predominately an investigator. An Environmental Health Specialist can be in many different roles just throughout one workday. This seems to be most true when an Environmental Health Specialist is working in a food safety program.

The Regulator:

An Environmental Health Specialist working in a food safety program is a regulator. They are put in that role to make sure that food service establishments are in compliance with whatever mandated food service rules and regulations are in place. They perform this role by conducting routine inspections of food service establishments. With the exception of opening or follow-up inspections, the inspection is unannounced so that an inspector can get a true picture of the overall conditions of a food service establishment and the establishment is given a rating as a numerical and letter grade to indicate the condition and operation at the time of inspection of the establishment in relation to the applicable food service rules and regulations (See Rule .10(2)(a), (b), (c), and (e) of Chapter 290-5-14).

The Investigator:

Another role of an Environmental Health Specialist working in a food safety program is as an investigator. The inspector will respond to complaints made by the general public or another governmental agency on a food service establishment. The inspector will investigate the complaint in a timely manner to see if it is valid and in violation of any of the applicable food service rules and regulations. At that time, the environmental health specialist will take appropriate action. The Environmental Health Specialist will also work hand and hand with epidemiologists to investigate foodborne illness outbreaks to try and determine the source food and what type of biological or chemical agent caused the illnesses (See Rule .10(4)(a), and (b) of Chapter 290-5-14).



The Educator:

One of the most important roles of an Environmental Health Specialist assigned to a food safety program is as an educator. Without providing education to food service operators, both parties, inspector and operator, will have a very difficult time in regulating and operating an establishment. Education is the key to helping the operator to understand how to be compliant with the rules and regulations. The education should start from the moment the operator comes forward with plans to operate an establishment and throughout the time period in which the establishment operates. The inspector should be knowledgeable on all aspects of the rules and regulations in order to provide the most correct information to the operator. The inspector should also keep himself or herself up to date on the most current food service technology. Both operator and inspector will have to become certified food service operators through state approved testing (See Rule .09(3) of Chapter 290-5-14).

The Enforcer:

Probably the least pleasant role of an Environmental Health Specialist working in a food safety program is as an enforcer. When all avenues of regulation, investigating and education have failed to bring a food service operation in compliance with the rules and regulations, enforcement is a necessary tool. Enforcement usually comes in the form of formal hearings, issuing of citations, and in extreme cases, closure of the food service establishment. A closure can be temporary or permanent (See Rule .10(1)(a), (b), (c) (d) and (e) and Rule .10(3)(a), (b), and (c) of Chapter 290-5-14).

All of these roles of an Environmental Health Specialist are important for the success of any food safety program. The ultimate reason for these programs is to ensure the protection of public health.



SECTION H

Code of Conduct

A. Introduction:

The Environmental Health Specialist (EHS) must be professional in both actions and appearance. Depending on what work activities must be accomplished during the day, the EHS may need to change clothes before conducting a food service inspection. It is very important that the EHS set the example for food service employees. Appropriate conduct during an inspection will aid in the ongoing working relationship with the management and staff of the food service establishment (FSE). Appropriate conduct and proper attire are also excellent aids to educating FSE employees in food safety.

B. Preparation:

The EHS must do the following:

- Maintain good personal hygiene.
- Wear attire that is appropriate, professional and clean.
- While conducting food inspections, he or she must wear no more than a plain ring such as a wedding band.
- Wear closed toed, rubber soled, non-slip shoes.
- Wear an appropriate hair restraint (defined as the same required of food service establishment FSE employees - hair net or baseball cap type hat). Staff with long hair should style hair in a ponytail or bun with bangs pushed under the hair restraint. The hair restraint should be put on before entering the food preparation area.
- Maintain clean and trimmed nails. Because the EHS will not be putting his/her hands in a food product, it is not mandatory that the EHS wear gloves. However, should the EHS wear decals, false nails, etc., on their fingernails, they will be required to wear gloves as these items may come off and contaminate food. However, it is important that the EHS's hands never touch ready-to-eat food products. Should it become necessary during the inspection, the EHS will use clean and sanitized utensils or single-use or single-service articles to handle unwrapped or non-containerized food items.

The EHS should have all of the necessary forms: inspection report, legal notice and/or citation (ticket) if applicable in the county, food Withhold From Sale Form, etc. (**See Section K of this Manual for these forms**).



The EHS should have the following equipment and supplies prior to conducting an inspection:

- A clipboard reserved for food service inspections
- An appropriate carrying bag or case for equipment
- One thermocouple or thermister thermometer capable of reading -40°F to 500°F with an accuracy of $\pm 2^\circ\text{F}$
- Two stem type bimetallic thermometers capable of reading 0°F to 220°F with an accuracy of $+2^\circ\text{F}$
- One container of pH test strips or pH meter
- One container of quaternary ammonium test strips
- One container of chlorine test strips
- One container of iodine test strips
- One container of individually packaged alcohol swabs
- Two black or blue ink pens
- One flashlight
- One tape measure
- One small ice chest
- One package of pre-sterilized food sampling bags

In addition to the above individual equipment and supplies, each Environmental Health office should have at least one light meter and one black light.

The EHS should review the FSE inspection file and obtain a copy of the last inspection report prior to leaving the office.

C. Initial Interview:

Inspections of the food service establishments should be conducted only during normal operating hours, but at varying times of the workday in order to see the total operation of the facility.

Upon entering the facility, the EHS shall locate the person in charge of the establishment, identify himself and explain the reason for his visit (routine, follow-up, etc). An identification badge should always be worn. If the person in charge refuses to allow an inspection, the EHS shall inform said person in charge as per instructions found in **Rule.10 (2)(d) of Chapter 290-5-14**. If all attempts at gaining access to the establishment fail, he should then leave the premises and inform his supervisor immediately.



D. Leading by Example:

Hands shall be washed correctly according to **Rule .03(5)(a)(b)(c) and (d) of Chapter 290-5-14** before beginning an inspection utilizing the hand sink in the food preparation area, nearest to the entry door. Note that this is good personal hygiene as well as a training opportunity for FSE employees. The EHS should wash his hands again if they become contaminated.

Stems of thermometers shall always be sanitized prior to use and food residue wiped off each time prior to placing the thermometer in a different food item. The EHS should calibrate his thermometer at least weekly and after anytime it is dropped or jarred.

No inspection equipment shall be placed on a food contact surface.

EHS are not to eat, drink or chew gum/tobacco while conducting an inspection.

E. Forms and General Evaluation:

Upon entering the FSE, the EHS shall complete the pertinent information at the top section of the Food Service Establishment Inspection Report including name and address of the FSE, permit #, inspection date, "time in" of inspection, purpose, risk type and previous grade (**See Instructions for Marking the Georgia Food Establishment Inspection Form: Rules and Regulations for Food Service Chapter 290-5-14 document K-4 in Part II - Section K**).

The EHS shall locate the last inspection report, permit, license (if applicable) and the certified food safety manager (CFSM) certificate. If these documents are not posted, request them from the person-in-charge (PIC) and instruct him/her to post them in according to Rule .03(3)(c) 1. and Rule.10 (2)(g) of the 2007 Georgia Food Service Rules and Regulations Chapter 290-5-14. If items are not onsite, indicate this as a violation on the inspection report. Should a CFSM certificate not be available, do further investigation to ensure there is a CFSM employed with the FSE.

The EHS shall evaluate the entire facility based upon the Risk-Factors/Public Health Intervention (RF/PHI) and Good Retail Practice (GRP) item categories designated on the inspection report (**see Part II - Section D – Conducting Risk-based Inspections**). Each violation of a (RF/PHI) and (GRP) item must be marked in its respective category on the Food Service Establishment Inspection (). Observations and corrective actions (**See Instructions for Marking the Georgia Food Establishment Inspection Form: Rules and Regulations for Food Service Chapter 290-5-14 document Part II - Section K of this Manual**) needed shall be documented on the inspection report addendum (s).

The EHS shall calibrate his/her thermometer and document the calibration at the food service establishment if several food products are found out of the required temperature range. This will be very helpful should calibration be questioned during any subsequent enforcement action.



F. Exit Interview:

Upon completion of the inspection, the EHS shall review and discuss the inspection report with the food service establishment's PIC. During the inspection report review, the EHS shall identify violations, recommend methods of correction for violations, and if needed or required, indicate the necessity for a follow-up inspection. Should RF/PHI be out-of-control (or violated), risk control plans are to be utilized to gain long-term compliance and should be jointly developed by the EHS and the PIC (**see Part II - Section D – Conducting Risk-based Inspections**). Further, the EHS shall request the signature of receipt from the food service establishment PIC and shall record the "end time" of the inspection. If the PIC refuses to sign the report, the EHS shall indicate his/her decision by writing "refused to sign" in the signature space and initial this statement (See Rule .10(2)(f) of Chapter 290-5-14 for additional guidance).

The EHS shall give the copy of the inspection report to the food service person-in-charge, thank him for his cooperation, and exit the premises. The EHS shall submit the original inspection report and appropriate documentation to the administrative staff for processing and filing. He shall also document any follow-up inspection on his work calendar as a reminder.



SECTION I Collaboration with Other Agencies

The Georgia Department of Community Health, Division of Public Health's Environmental Health Section collaborates with the Georgia Department of Agriculture (GDOA) in an effort to promote food safety in Georgia's food service establishments. In carrying out this collaborative effort, the Department, at times, seeks guidance pertaining to Federal Code of Regulations and Georgia Food Safety Laws applicable to Chapter 290-5-14. Likewise, another state agency that is consulted is the Georgia Department of Natural Resources (GDNR). Two of its Divisions, Wildlife and Environmental Protection Divisions, are consulted on occasions as necessary. The Wildlife Division/Special Permit Unit is a source to ascertaining approved source for aquaculture of fish and to determine if a wild animal can be legally held as an assistant for the disabled through the Unit's Wild Animal Permit for Disabled Assistants program. In addition, the FDA (United States Food and Drug Administration) is closely consulted for interpretation of its Code, since Chapter 290-5-14 is adopted from the 2005 FDA Model Food Code. Finally and at times, the United States Department of Agriculture (USDA) is consulted to determine the approved source for meats.

The following subsections will provide guidance in regards to the inter agency collaborative efforts stated above:

A. Georgia Department of Agriculture:

1. September 24, 2001 Revised Interpretation of Agency Jurisdiction in Food Sales and Food Service Establishments:

- (a) **Background:** Amendments made to Chapter 2 of Title 26 of the Official Code of Georgia Annotated changed the definition for food sales and food service, effective July 1, 2000. Since the initial interpretation was issued on June 8, 2000, some problems concerning agency jurisdiction have become evident.

Through several meetings between then Georgia Department of Human Resources (DHR) Environmental Health and the Georgia Department of Agriculture (GDOA) Consumer Protection and a joint meeting with District Environmental Health Program Directors and District Department of Agriculture Supervisors, several revisions have been made to the original interpretation. Please review the revised interpretation carefully and contact your state office should you have any questions.



(b) Separately Operated: In an establishment that has combined food service and food sales components, the components are considered to be separately operated if the answer "yes" can be given to any of the following criteria.

1. Do the components have different owners?
2. Do the components each have a separate business license?
3. Do the components have separate persons legally responsible or in charge of the operation? The person in charge of a particular component of a facility is not directly supervised by one on-site responsible party for the entire facility, thus making each the legally responsible person over that particular component.
4. Do the components each have different names where one name is not solely owned and used by the other component's franchise or corporation?

(c) Bakeries: An establishment selling baked items will be considered a food sales component if baking is actually done on the premises and primary consumption of the product is off the premises. If it is determined that there is a food sales component and a food service component because of consumption on the premises and/or other foods prepared and sold, agency responsibility will be determined by being separately operated or square footage.

-Exception to above rule- Any bakery component that is baking on-site and wholesaling, is considered to be a processor. A food processor is under the jurisdiction of the Georgia Dept. of Agriculture (GDOA). If a food service component in the same building is larger when measured by square footage, the Georgia Dept. of Community Health (DCH) will inspect only the food service component. If the food service component is not larger, GDOA will inspect the whole establishment.

(d) Mobile Units: Units that sell only wrapped and properly labeled sandwiches and/or other foods bought for resale from a sandwich manufacturer or food distributor, are considered food sales. It is also considered food sales if a sandwich manufacturer has his own mobile unit selling his own sandwiches. If, however, there is a food service component, such soft served or dipped ice cream and or sandwich preparation, on the mobile unit (excluding non-potentially hazardous beverages) it will fall under the jurisdiction of DHR.

(e) Kiosk in malls selling baked items: The definition for "food sales establishment" includes bakeries and confectioneries when consumption is primarily off the premises. A shopping mall kiosk, selling such items as pretzels, mini donuts and other baked goods, whether baked on or off site, is considered to be food service because the baked items are primarily sold in small quantities and assumed to be consumed in a food court or elsewhere in the mall. In contrast, a cookie shop, such as The Great American Cookie Factory, or a fudge shop are considered to be food sales because a large portion



of sales is in quantity and assumed to be taken off the mall premises before consuming.

- (f) Ice cream trucks: When these trucks sell only commercially wrapped ice cream, they are considered food sales and fall under the jurisdiction of GDOA. If, however, the ice cream is dipped or poured, it will be considered food service, under the jurisdiction of DCH.
- (g) Caterers: Any operation in which foods are prepared in bulk quantity for delivery and service off the premises, by the owner of the operation and not packaged and labeled for resale, will be considered food service. This operation will be separate from any food sales component operated in the same building. A sandwich manufacturer who sells his own sandwiches off the premises is not considered a caterer. A catering operation also will not include any operation that only prepares and delivers individually wrapped meals, sandwiches, etc.
- (h) Health Supplement Stores: If these stores prepare health drinks, smoothies, etc., and/or sell any other prepared food items, they are considered food service. GDOA does not consider health supplement stores as food sales and does not require these stores to have food sales permits. The FDA approves health supplements and labeling under its standards.

Square Footage Determination of Jurisdiction: If an establishment is determined to have separately operated components, DCH will inspect the food service component and GDOA will inspect the food sales component. If components are not separately operated, agency jurisdiction will be determined by square footage unless otherwise noted above.

1. If not separately operated, the Food Sales or Food Service component with the most square footage will determine agency jurisdiction as follow:



How to determine square footage:

Food Service sq. ft. = Floor area of food prep., dishwashing,
 Cooking, service. _____
 Dry storage for food products used in
 Food service. _____
 Storage of utensils and other dry
 Goods Stored..... _____
 Dining areas inside building..... _____
 Dining areas outside building _____

TOTAL sq. ft. _____

Food Sales includes retail sales areas where food, beverages and single service articles are displayed.

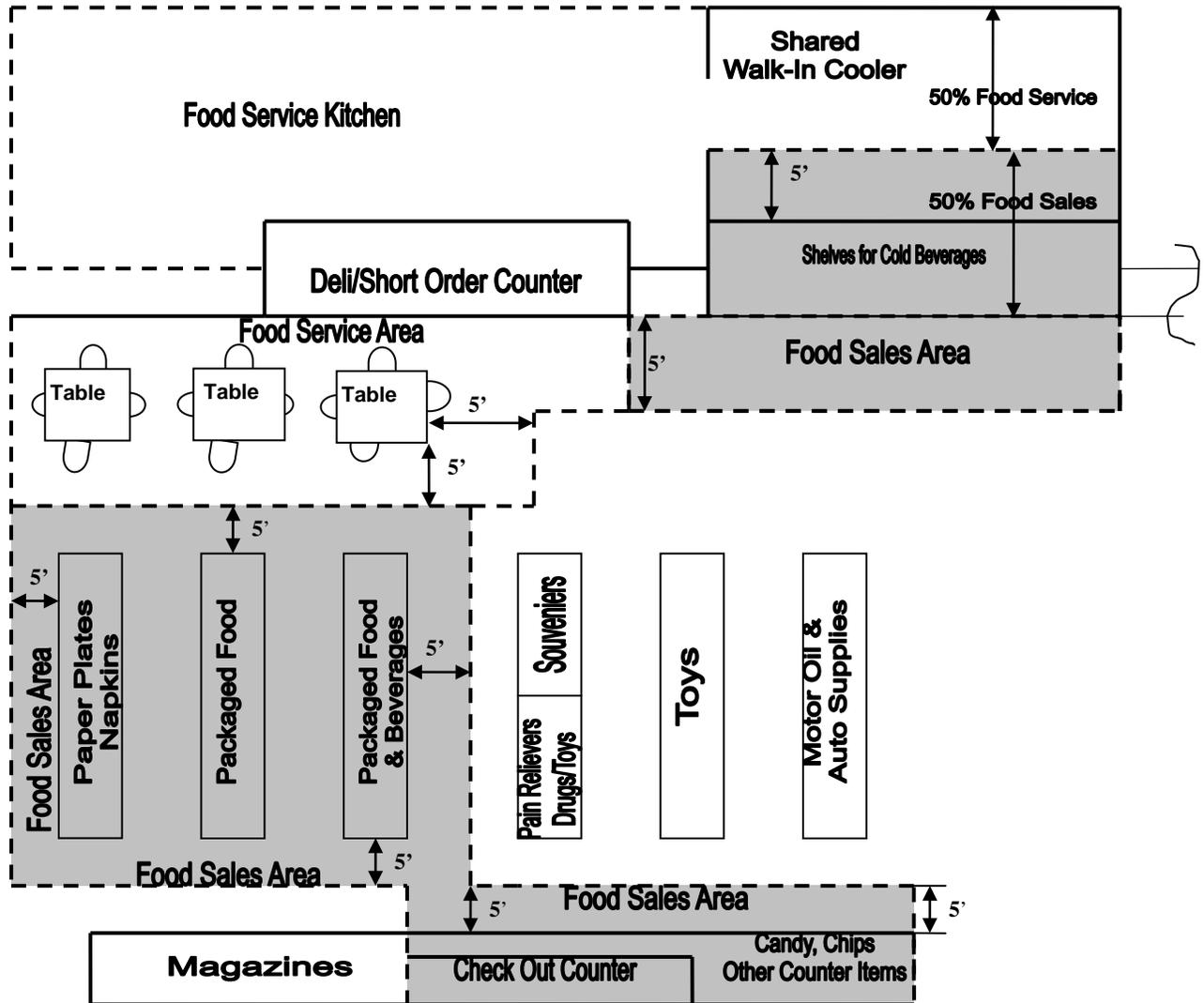
Food Sales sq. ft. = Floor area including and between
 display cases _____
 Dry storage for food products and single
 service articles _____
 Cold Storage _____

TOTAL sq.ft. _____

NOTE:

- For any storage area that is jointly used between Food Sales and Food Service, estimate square footage by percentage of use for each operation. If area is used equally for both, use 50% of area for each.
- For dining areas that are not enclosed or are adjacent to an open aisle adjoining food sales or other areas, measure area in these locations to a distance of five feet from the back edge of seating as placed when not being used or counter, as applicable.
- For display cases that face non-food items, measure the area in these locations to a distance of five feet from the bottom of the food display case.

EXAMPLE - Area measurements for combination food sales/food service components where the two are not separately operated.



NOTE: NOT TO SCALE



Shaded areas are considered food sales. Other areas within dotted lines, labeled as food service, will be considered food service. The walk-in cooler is used by both food sales and food service, therefore it is to be measured as 50% food sales and 50% food service. The checkout counter is measured as part of food sales because there are candy items displayed underneath. The square footage is measured for each area. Note that if this establishment did not have tables and chairs, but only had the service counter at the deli/short order area, we would measure the area five feet out from the base of the counter.

If food sales has the most area, DOA will permit and inspect the entire establishment as a food sales establishment. If food service has the most area, DHR will permit and inspect the entire establishment as a food service establishment. If, however, each component is operated separately or has a separate business license then square footage will not be measured. Each component will be inspected separately by the agency having jurisdiction.

- (j) The following is a list of traditional food service operations that are not solely owned by any food sales franchise or corporation and if combined with food sales operations, will always fall within the jurisdiction of DHR. There may be other similar food service operations. Refer to the interpretive guidelines to determine agency jurisdiction for other operations.

- | | |
|------------------------------|---|
| 1. Blimpie | 19. Hardee's |
| 2. Taco Bell | 20. McDonald's |
| 3. Dairy Queen | 21. Huddle House |
| 4. Burger King | 22. Waffle House |
| 5. Subway | 23. Krystal |
| 6. Popeye's Chicken | 24. Waffle King |
| 7. KFC | 25. Waffle Queen |
| 8. TCBY | 26. Zaxby's |
| 9. Baskin-Robbins | 27. Steak & Shake |
| 10. Domino's Pizza | 28. Pizza Inn |
| 11. Papa John's Pizza | 29. Godfather's Pizza |
| 12. Papa's Pizza | 30. Cici's Pizza |
| 13. Pizza Hut | 31. Chick-Fil-A |
| 14. Little Caesars Pizza | 32. Church's Fried Chicken |
| 15. Captain D's Seafood | 33. Wendy's Old Fashion Hamburgers |
| 16. Long John Silver Seafood | 34. Bojangles Famous Chicken 'N
Biscuits |
| 17. Checkers | |
| 18. Arby's Roast Beef | |



- (k) Difficulties of Determining Jurisdiction: When ever there are some uncertainties as to what agency, the Health Authority or GDOA, should have jurisdiction over an establishment, the EHS is advised to meet with his local GDOA sanitarian at the establishment for joint evaluation.

2. Hotel, Restaurant, Institution (HRI) Exemption:

(a) Background:

1. FMIA, 21 U.S.C. 624 [Sec 24] and 661 [Sec 301] and PPIA, 21 U.S.C. 454 [Sec 5] provide for several types of retail exemptions. Inspectors are not required to be present during the preparation of meat, and meat products, at a retail store or restaurant,
2. Since the meat and poultry exemption regulations have differences, we'll discuss them separately. Let's look now at the retail exempt criteria for retail stores, restaurants and central kitchens operating under these provisions.

(b) Meat - Retail and Restaurant Exemption:

1. 21 U.S.C. 624 [Sec 24] and 661 [Sec 301] of the FMIA and 9 CFR 303.1 (d) cover the exempt provisions for retail stores, retail dealers and/or restaurants.
2. 21 U.S.C. 661 (c)(2) [Sec. 301] and regulation 9 CFR 303.1 (d)(2)(iv) identify those operations eligible for the *Retail and Restaurant Exemption*. They are traditionally and usually conducted at retail stores and restaurants, or similar retail-type establishments, which offer meat and meat products for sale or service to consumers at the retail business. The amount purchased by the customer is considered to be a normal amount for a retail purchase. The statute and regulations clearly specify meat or meat product sales and services are made directly to the consumer. As mentioned previously, a consumer is any household consumer, hotel, restaurant, or similar institution.
3. There are 8 main criteria for the *Retail and Restaurant Exemption*. These are:
 - (a.) Only federally or State inspected and passed meat product is handled or used in the preparation of any product sold at the retail store. This exemption is allowed because the retail operator is able to demonstrate that the product being sold as retail meets the criteria addressed in 9 CFR 303.1 (d). There is no slaughtering or retort processing of canned products.
 - (b.) Sales of meat products are in normal retail quantities, and at least 75 percent of the dollar value of total sales of product represents sales



to household consumers. A normal retail quantity does not exceed a half carcass or weight considered equivalent to a half carcass in accordance with regulatory requirements. 9 CFR 303.1 (d)(2)(ii) gives half carcass weights (cattle - 300 lbs, calves - 37.5 lbs, sheep - 27.5 lbs, swine - 100 lbs, and goats - 25 lbs).

Note: The sale or distribution of unopened fully labeled products is not restricted by any exemption since it does not involve opening and preparation of products. When sold at the retail level, it is commonly referred to as pass through product, which differs distinctly from product preparation conducted under the retail exemption. Therefore, **pass through product is not considered as part of the dollar value limit of total meat sales.**

- (d.) Sales to hotels, restaurants and similar institutions do not exceed either of two maximum limits: 25 percent of the dollar value of the total meat and meat product sales, or the calendar year dollar limit for retail stores set by the FSIS Administrator. The 75/25 figure is based on calendar years, and any changes to the dollar amount are found on the FSIS web page:

http://www.fsis.usda.gov/regulations/2007_Notices_Index/

- (e.) The facility is operated and maintained in a manner that prevents the creation of unsanitary conditions and ensures product is not adulterated. Retail operations are not exempt from the adulteration and misbranding provisions.
- (f.) Retail operations can prepare meat and meat products for sale to consumers using various processing methods, except slaughtering and retort processing of canned products as previously mentioned. In addition, retail stores can sell from mobile trucks that they own (not stationary). Such trucks are considered extensions of the retail business.
- (g.) Retail stores can prepare product for sale to other than household consumers including restaurants, hotels and other similar institutions (HRI) within the sales limits set out in 9 CFR 303.1 (d) in terms of quantity and percentage of total sales. Retail prepared products eligible for sales to other than household consumers may include within the limits set out in 9 CFR 303.1 (d): raw or ready-to-eat meat products which are ground, sliced, or chopped, with or without added ingredients (e.g., seasoned ground pork, ground beef and pork, sliced cold cuts, ham salad, bacon wrapped filets) provided these products are not cured, cooked, smoked or rendered by the retail establishment.



- (h.) The regulations in 9 CFR 303.1 (5)(f) require retail exempt operations to comply with the adulteration and misbranding provisions of the Act. Federal code 9 CFR 317.2 (k)(1)(i) requires that all meat and meat products that have not undergone other processing that would render them ready-to-eat, must bear safe handling instructions. **This includes product destined for household consumers, hotels, restaurants or similar institutions.** CFR 317.400 exempts nutrition labeling requirements for meat products prepared and served or sold at retail, provided the labels or the labeling of these products bear no nutrition claims or nutrition information. **There are no other mandatory labeling requirements for meat products at the retail level.**
- (c) **Restaurant Central Kitchen Exemption:** In addition to the previously mention requirements, product can be prepared at a restaurant central kitchen, provided certain conditions are met. **A restaurant central kitchen operation must meet 5 conditions under this exemption:**
1. Meat products used in the preparation of meals at a retail store and restaurant must be derived from federally or state inspected and passed meat products. Restaurants, combination retail stores and restaurants, caterers and central kitchens can process inspected and passed meat for sale or service either as a meal or an entree, which is sold directly to individual consumers. Caterers cannot sell to a company, which in turn would resell the product. Federal or State Inspection is required if products are prepared and sold to someone who is going to resell the product.
 2. Products prepared at the central kitchen must be ready-to-eat when they leave the facility. They can be chilled, or frozen, and then reheated at the destination restaurant.
 3. Transported directly to a receiving restaurant by its own employees without intervening transfer or storage. Interstate shipments are permitted if the firm is exempt. **The regulations exempt firms who operate a restaurant central kitchen and ship product to restaurants they own***. In this case, to qualify for the Central kitchen, the product can never leave their control and ownership until delivered to the consumer. Transportation must be by the owner, or it's employees, in it's own vehicles. Central kitchens that prepare and transport fresh, uncooked product, which is then cooked at the restaurant, are required to be under federal inspection. If a firm prepares both uncooked and cooked products, all items are required to be covered under federal inspection.

**There are times when a firm supplies many restaurants, some of which may be under a different corporate name. As long as the corporate officials are the same, it is considered the same ownership.*



4. Maintained in a safe, unadulterated condition during transportation.
 5. Served in meals or as entrees only to customers at restaurants, or through vending machines owned and operated by the same person that owns and operates such facility. These end locations can be receiving restaurants, vending machines, kiosks at a mall, leased exhibit booths at a county fair, etc. The product must not leave the owner's control from preparation through transportation, and then to direct sale to the consumer.
- (d) Poultry Products Inspection Act, Public Law 90- 492: USDA allows various exemptions to retailers and companies in states that do not have consumer protections laws. Georgia consumer and food service laws require all meat sold or used for food service to be inspected by the agency that has animal health jurisdiction. For poultry in Georgia that agency would be the USDA.
- (e) Approved Source and Game Animals - Georgia Food Regulations - Georgia Department of Agriculture:

“40-7-1-.08. Food from Approved Source.

- (1) Compliance with applicable law.* Food shall be of sound condition and safe for human consumption and shall be obtained from sources that comply with applicable laws relating to food safety.
- (2) Food prepared in a private home may not be used or offered for human consumption in a food sales establishment, neither shall rooms used to store food or offer food for sale, be used as living quarters.
- (9) Game Animals.* Game animals may be received for sale if:
 - (a) Game animals commercially raised for food are:
 1. Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction, or
 2. Under a routine inspection program conducted by a regulatory agency other than the Agency that has animal health jurisdiction and are raised, slaughtered, and processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program. The agencies shall consider factors such as the need for ante mortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority.



- (b) Exotic species of animals including animals raised for exhibition purposes in a zoo or circus:
 - 1. Meet Subparagraph (a) 1 of this section, or
 - 2. Receive ante-mortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority, and
 - 3. Are slaughtered and processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.
- (c) As allowed by law, wild game animals that are live-caught are:
 - 1. Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction.
 - 2. Are slaughtered and processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
 - 3. The agencies consider factors such as the need for ante-mortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority; or
- (d) As allowed by law, field dressed wild game animals that are under a routine inspection program under which the animals:
 - 1. Receive a postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority,
 - 2. Are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
 - 3. Are processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.
- (11) Un-inspected Meats.* Except as provided for in paragraph 10 (*Processing of Deer in Retail Stores*), un-inspected meat and/or poultry or products of such, may not be received for holding and/or processing or sale.”

(f) Program Assistance:

1. For questions concerning distribution of meat and poultry products to HRI, please contact the Georgia Department of Agriculture:

(a.) Consumer Protection Division, Atlanta, GA at
 404-656-3627; or

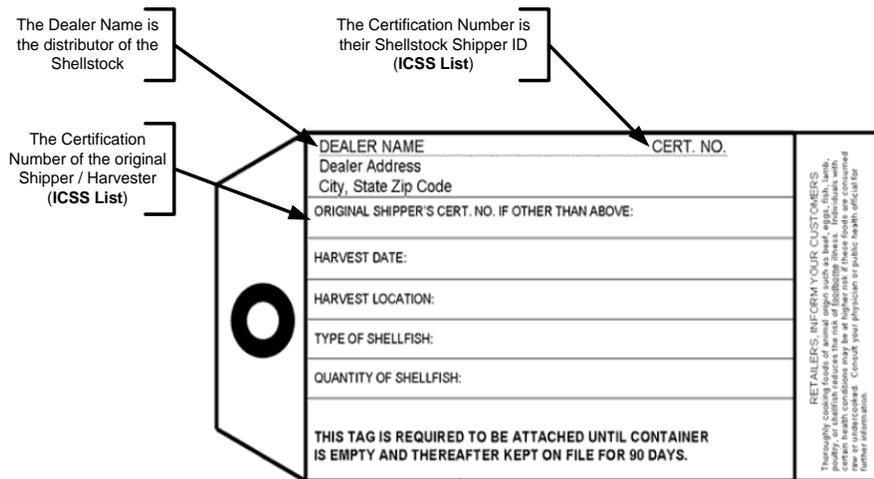
(b.) Blandon Moseley, Meat Compliance Supervisor, at
 404-656-3673

2. If Environmental Health Specialist need technical assistance involving meat and poultry exemptions, please contact either of these numbers and speak with someone that can assist you with your investigation.

3. Shellfish Guidelines:

(a) Receiving: All raw molluscan shellfish on entering a food establishment must have a Shellstock Tag attached to the container. Shellstock shall only be obtained from Certified Harvesters or Dealers – consult the Interstate Certified Shellfish Shippers (ICSS) List for a list of approved sources. Shellstock shall be reasonably free of mud, dead shellfish or shellfish with badly broken shells. Dead Shellstock should be discarded.

(b) Shellfish Tags: The National Shellfish Sanitation Program (NSSP) recognizes two types of Shellstock Tags: Harvester Tags and Dealer Tags. Many of the requirements are the same for both tag types. See the following key features of a shellstock tag:



DEALER TAG***



**** When both the dealer and harvester tags appear on the container, the dealer tag is not required to list the date of harvesting, and the harvest location.*

1. Other Tags of Concern:
 - (a.) White or Gold Banded Oysters: These Oysters have undergone a high pressure or pasteurization process to destroy potential pathogens. In addition to the other required information, their shellstock tag which is usually blue in color will also display a Lot Number. They will have a yellow heat shrink band or white rubber band around the oyster to keep the oyster shell closed. They may be consumed raw like a regular oyster.
 - (b.) Neon-Green Tag Oysters: These oysters were harvested in a manner that will not allow them to be consumed raw. They should only be found at a Certified Dealer facility licensed to further process them (see ICSS List). If these are found offered or held for sale, they should be discarded immediately. Alert the Atlanta Office or Seafood Safety Officer immediately and obtain shipping documents / invoices to further support your investigation.
 - (c) Storage: The Shellstock Tag should remain attached to the shipping container while the product is being stored in the firm. The dates that the product is offered for sale, Beginning and End-Sale dates, should be recorded on the tag; and the tag should be kept on file at the firm for 90 days from the End-Sale date. Freezing shellstock kills it and defeats the purpose of obtaining it live.
 - (d) Handling:
 1. Shellstock must be treated as a ready-to-eat food since it may be consumed raw. Product should be stored or displayed in a manner that prevents cross-contamination from other raw foods. For oysters on the half-shell, Rule 290-5-14-.05 subsection (6) (s) states, “Mollusk and crustacean shells shall not be used more than once as serving containers.”
 2. Shellstock must never be commingled, in either storage or display. Rule 290-5-14-.01 (q) states that “commingle” means, “to combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or to combine shucked shellfish from containers with different container codes or different shucking dates.”



(e) Consumer Advisory: A Consumer Advisory statement must be conspicuously displayed at locations that sell Shellstock intended for raw consumption. Rule 290-5-14-.04 subsection (7) (e) explicitly requires “Disclosure” and “Reminder” statements to be at the point of customer ordering raw or undercooked animal derived ready-to-eat foods.

(f) Program Assistance:

1. For questions concerning shellfish within food service operations, please contact:

(a.) Seafood Safety Office, Savannah, GA at 912-963-2500; or

(b.) Department of Agriculture, Atlanta, GA at 404-656-3621

2. If technical assistance is needed by Environmental Health Specialists investigating shellfish / seafood from an unapproved source, please contact either of these numbers and speak with someone that can assist you with your investigation.

(g) Approved Sources for Shellfish: The ICSS List is available on-line at: <http://vm.cfsan.fda.gov/~ear/shellfis.html>.

4 Seafood Substitution:

(a) Economic Deception or Fraud in the sale of seafood occurs when a less expensive species is substituted for a more expensive species and, in interstate commerce, constitutes fraud and is prohibited under the Misbranding Section of the Federal Food Drug and Cosmetic Act Section 403: MISBRANDED FOOD. (See also, United States Code, Title 21, Chapter 9, Subchapter IV, Section 343.)

Section 403(b) - Misbranded food: *A food shall be deemed to be misbranded if it is offered for sale under the name of another food.*

FDA's Examples of Substituted Seafood

Products in **Column A** have been known to be substituted for those in **Column B**, which in most cases are more expensive.

Column A	Column B
Rockfish	Red Snapper
Yellowtail	Mahi Mahi
Shark	Swordfish
Oreo Dory or John Dory	Orange Roughy
Alaska Pollock	Cod
Column A	Column B
Sea Bass	Halibut
Arrowtooth Flounder	Dover Sole
Black Drum	Red Drum (Red Fish; Southern or Gulf)
White Perch	Lake or Yellow Perch (Great Lakes)
Zander	Lake or Yellow Perch (Great Lakes)
Paddlefish and other Fish Roe	Caviar (Sturgeon species)
Farm raised shrimp	Wild caught shrimp
Pacific Salmon	Atlantic Salmon
Pink Salmon	Chum Salmon
Skate Wings	Scallops
Alaskan Pollock	Walleye
Steelhead Trout	Salmon
Imported Crabmeat	Blue Crabmeat
Farm Raised Salmon	Wild Caught Salmon



(b) Program Assistance (Georgia):

1. Food Sales and Food Service establishments in Georgia are required to obtain their seafood from approved sources. This occurs by direct sales from licensed commercial fishermen or from licensed wholesale fish dealers. These dealers must comply with state and federal regulations requiring proper labeling and representation. To report this type of economic fraud, to relay consumer complaints of fish substitution, or to arrange a joint-inspection with the Georgia Department of Agriculture when substitution is suspected; contact:
 - (a.) Seafood Safety Office, Savannah, GA at 912-963-2500; or
 - (b.) Department of Agriculture, Atlanta, GA at 404-656-3621
2. If technical assistance is needed by local county environmental health jurisdictions investigating fish substitution, misbranding, or seafood from an approved source please contact either of these numbers and speak with someone that can assist you with your investigation.

(c) Program Assistance (Federal):

1. To guide consumers and industry with species identification, FDA maintains a *Seafood Names List*, which includes shellfish. The list is used mostly by industry so it can uniformly label its products using FDA acceptable market names. Developed in cooperation with the National Marine Fisheries Service, the list includes over 1,000 species currently sold in the United States or that have a strong potential for sale here. It does not list endangered species nor those prohibited for sale. These can be accessed at: <http://www.cfsan.fda.gov/~frf/seaintro.html>.
2. The seafood list shows the Acceptable Market Name, the Scientific Name, the Common Name, and any Vernacular Names. It is advisable to use either the Acceptable Market Name or the Common Name in labeling seafood products, which will help assure that identity labeling of the seafood will comply with FDA and NMFS regulations. **Use of the vernacular name is not encouraged, and may cause the seafood to be misbranded.** The listing of Vernacular Names has been included for information purposes, and to help reference the Acceptable Market Name.



5. Dairy Processing License:

(a) Guidelines For Requiring A Dairy Processing License:

1. All dairy products that are manufactured in Georgia are required to hold a valid Georgia license to be sold or stored in this state.
2. Manufacturing is defined as any combination of: collecting, processing, pasteurizing, aseptic processing, freezing, packaging, bottling, wrapping and labeling. This would include taking an already prepared dairy product and changing its physical property by heating, blending, reconstituting, recombining, etc. and repackaging such products for sale.
3. Soft serve freezing of a (approved) soft serve mix for sale in cones, cups or other serving containers is not considered manufacturing. This includes adding flavoring ingredients. Cutting a cheese from an approved source, and rewrapping into smaller containers is allowed with proper labeling.
4. Dairy products are extremely susceptible to cross contamination of pathogenic organisms that grow well even at cold temperatures (such as listeria). Therefore, even though a license may not be required in some instances where dairy products are being handled in restaurants or grocery stores, careful consideration should be given to keeping the equipment that may come in contact with dairy products segregated (used only for dairy). This includes counter tops, ladles, scoops, containers, spatulas, freezer compartments, grinders, etc. Completely separate areas (rooms) should be required where raw meat - poultry, vegetables etc. are handled.

If someone makes a dairy product or takes an already prepared dairy product and change its nature - physical composition and/or package it, they will be required to get a dairy license.

Using finished dairy products, as ingredients in other non-dairy foods, would not require a dairy license.

(b) Examples of Products NOT REQUIRING a Dairy License:

1. A soft serve mix soft frozen and offered to a consumer in a serving container on the premises.
2. This includes certain products that are non-dairy, such as water ices (sometimes referred to as Italian Ices), sorbets, popsicles, etc.



3. Mixing water, sugar and flavoring, soft freezing and serving on the premises in a serving cup-container, etc. (snow cone, slurpee, etc.).
4. Mixing water ice (sugar, water & flavoring), hard freezing it and packaging it for retail sale.
5. Cutting and rewrapping a cheese into smaller sizes. Must have appropriate labeling if displayed for retail sale. Cutting and wrapping in customer's presence O.K. without labeling.
6. Making Cocoa drink from a powdered mix and serving to customer from individual packages, even though Cocoa is mostly nonfat dry milk, the Cocoa drink is not a regulated dairy product. Nonfat dry milk is an ingredient in another food production in this example.

(c) Examples of Products REQUIRING Dairy Licensing:

1. Reconstituting a soft serve dry dairy mix.
2. Blending cheese(s) - grinding and melting, etc.
3. Hard freezing and packaging for sale a soft serve mix.
4. Preparing an ice cream cake by hard freezing mix and packaging for sale.
**Note Item 3 and 4 could be conducted in certain situations with a food service permit from a county health department. (Title 26-2-373, Article 13).*
5. Reconstituting any nonfat or dry milk product for drinking purposes except by the consumer himself.
6. “Homemade” Yogurt: Yogurt made within food service establishments is a Grade A milk product and shall be produced under the regulations of the Grade A Pasteurized Milk Ordinance which is Georgia Law. It does not matter if such yogurt is produced for food service or wholesale, it has to meet all the pasteurization, production, packaging, etc. requirements of the law.

A link to the Grade A Pasteurized Milk Ordinance is:

<http://www.cfsan.fda.gov/~ear/pmo03toc.html>.



- (d) All dairy products are required to be fully pasteurized in their final form when offered to the consumer. Flavoring ingredients can be added after pasteurization to dairy products.
- (e) These examples do not exclude individuals from obtaining proper permits from the County Health Department or the Consumer Protection Division of the Georgia Department of Agriculture.
- (f) Program Assistance: For assistance with dairy processing license, please contact the Dairy Division of Georgia Department of Agriculture, Atlanta, GA at 404-656-3621.
- (g) Ice Manufacturing: The Georgia Department of Agriculture license and regulates ice manufacturing in Georgia. For assistance, contact Georgia Department of Agriculture Consumer Protection Division at 404-656-3621.

6. Georgia Department of Agriculture Contact Information:

(a) Website address: www.agr.state.ga.us

(b) Georgia Department of Agriculture Districts by Counties:

District 1	District 2	District 3	District 4	District 5
Banks	Carroll	Baldwin	Baker	Appling
Bartow	Clayton	Barrow	Brooks	Atkinson
Catoosa	DeKalb	Bibb	Calhoun	Bacon
Chattoga	Douglas	Burke	Chatahoochee	Ben Hill
Cherokee	Fayette	Butts	Clay	Berrien
Cobb	Fulton	Clarke	Colquitt	Bleckley
Dade	Haralson	Columbia	Coweta	Brantley
Dawson	Henry	Crawford	Crisp	Bryan
Fannin	Spalding	Elbert	Decatur	Bulloch
Floyd		Franklin	Dooly	Camden
Forsyth		Glascok	Dougherty	Candler
Gilmer		Greene	Early	Chatham
Gordon		Gwinnett	Grady	Charlton
Habersham		Hancock	Harris	Clinch
Hall		Hart	Heard	Coffee
Jackson		Jasper	Houston	Cook
Lumpkin		Jefferson	Lee	Dodge
Murray		Jones	Macon	Echols
Paulding		Jenkins	Meriwether	Effingham
Pickens		Lamar	Miller	Emanuel



Georgia Department of Agriculture Districts by Counties: (continued)

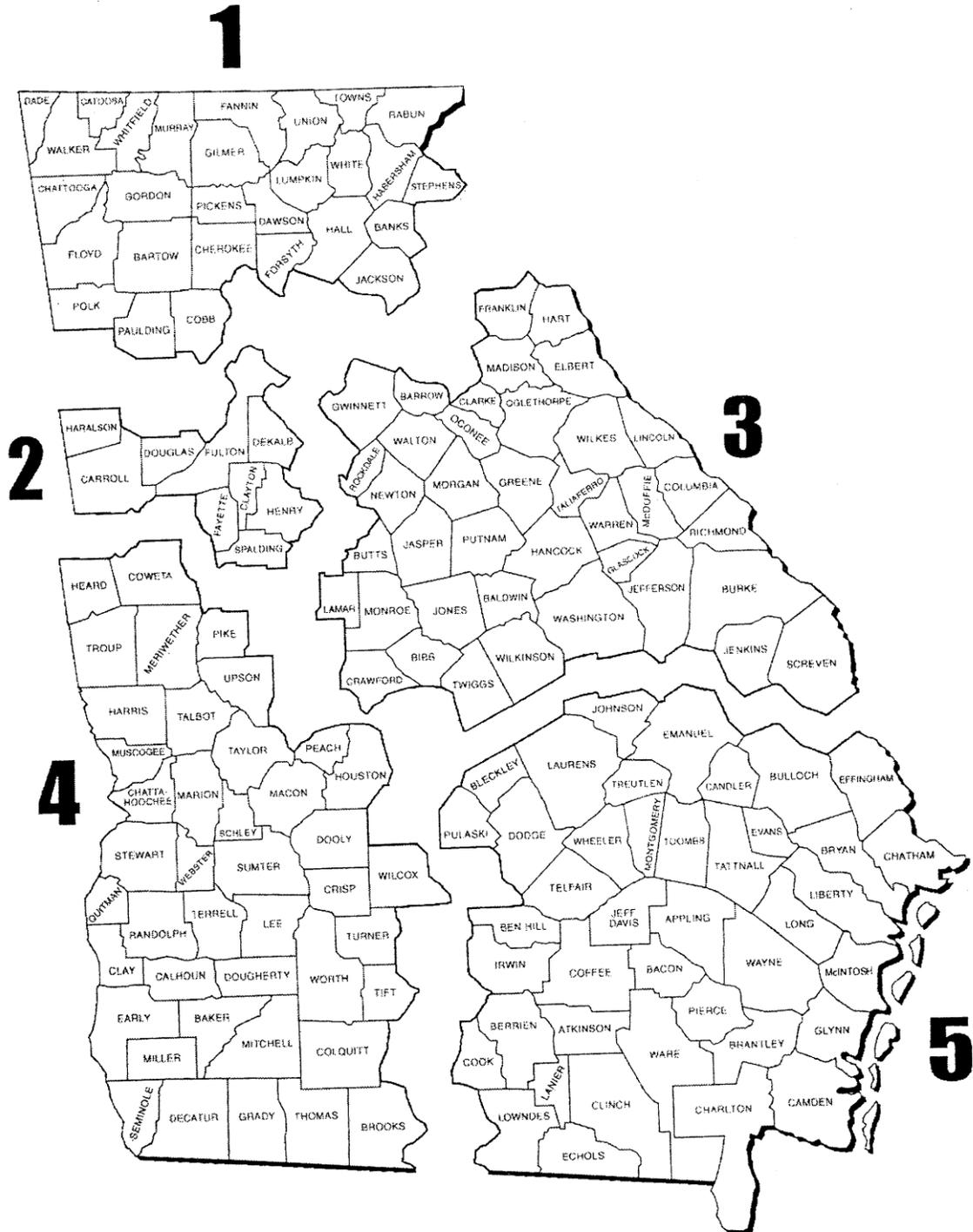
District 1	District 2	District 3	District 4	District 5
Polk		Lincoln	Mitchell	Evans
Rabun		Madison	Muscogee	Glynn
Stephens		McDuffie	Peach	Irwin
Towns		Monroe	Pike	Jeff Davis
Union		Morgan	Quitman	Johnson
Walker		Newton	Randolph	Lanier
White		Oconee	Schley	Laurens
Whitefield		Ogelthorpe	Seminole	Liberty
		Putnam	Stewart	Long
		Richmond	Sumter	Lowndes
		Rockdale	Talbot	McIntosh
		Screven	Taylor	Montgomery
		Taliaferro	Terrell	Pierce
		Twiggs	Tift	Pulaski
		Walton	Troup	Tattnall
		Warren	Thomas	Telfair
		Washington	Turner	Toombs
		Wilkes	Upson	Treutlen
		Wilkinson	Webster	Ware
			Wilcox	Wayne
			Worth	Wheeler



(c) Georgia Department of Agriculture District Office Listings:

District #1	Georgia Department of Agriculture P.O. box 7638 (1195 Jesse Jewel Parkway, Gainesville, GA 30504)	Phone: 770-535-5955 Fax: 770-531-6483 Toll Free: 1-800-473-0119
District #2	Georgia Department of Agriculture Administration Building #2 16 Forest Parkway Forest Park, GA 30297	Phone: 404-363-7646 Fax: 404-362-2604 Toll Free: 1-800-359-3287
District #3	Georgia Department of Agriculture 224 Main Street Thomson, GA 30824	Phone: 706-595-3408 Fax: 706-595-5478 Toll Free: 1-800-786-0175
District #4	Georgia Department of Agriculture P.O.Box 3566 (Albany State Farmers Market, 701 Gaines Avenue, Albany, GA 31706)	Phone: 229-430-4245 Fax: 229-430-2999 Toll Free: 1-800-927-0112
District #5	Georgia Department of Agriculture P.O. Box 631 (533 N. First Street, Jesup, GA 31598)	Phone: 912-427-5773 Fax: 912-427-5812 Toll Free: 1-800-874-0258

(d) Georgia Agriculture Districts Map:





B. FDA (Federal Food and Drug Administration):

1. Consultations and Interpretation: The Environmental Health Section of the Division of Public Health may seek consultation and guidance in its interpretation of Chapter 290-5-14. Such interpretations are at the sole discretion of the Environmental Health Section, representing the Division of Public Health, and/or the Division's legal officer. In addition, the Division of Public Health/Environmental Health Section may seek other programmatic collaboration concerning the Chapter such as revisions of the Chapter as the FDA Model Food Code is revised, foodborne illness investigations, and EHS standardization.
2. Interstate Food Service Operations: FDA District Offices have jurisdiction over food service operations that are conducted across state boundary lines. It is the District Office where the food service commissary is located that has the responsibility to permit and regulate the operation. For example, the FDA Atlanta District Office would regulate the Jackson-Hartsfield International Airport in Atlanta, Georgia. They would also regulate food service aboard trains and boats/ships that went out into international waters and returned to the United States without traveling to another country. Contact information: Russell Zablan 404-253-2264.

C. US Health and Human Services (HHS): The Health and Human Services have jurisdiction over food service operations aboard ships that travel international waterways. Contact information: Jarrett Aimes 770-488-3139

C. Georgia Department of Natural Resources:

1. For assistance in determining if whole fish from an aquaculture farm (fish pond) is an approved source, contact the Special Permit Unit of the Georgia Wildlife Resources Division at 770-761-3044.
2. For assistance with wildlife used as assistants for the disabled, contact the Special Permit Unit of the Georgia Wildlife Resources Division at 770-761-3044. The Special Permit Unit is responsible for the issuance of a "Wild Animal Permit for Disabled Assistants".
 - (a.) Capuchin Monkeys: Monkeys of any species may not be held in Georgia except by persons possessing a valid wild animal license or permit. Capuchin monkeys held as service animals may be held with a "Wild Animal Permit for Disabled Assistants" as per O.C.G.A. 27-5-4(b). Pursuant to O.C.G.A. 27-5-4(b)(4), under no circumstances may a capuchin monkey be present on the premises where food is sold. O.C.G.A. 27-5-4(b)(4) supercedes Rule 290-5-14-.07 subsection (5)(o) in regards to



“service animal” as defined within Rule 290-5-14-.01 (aaaaa) within the Georgia Food Service Rules and Regulations Chapter 290-5-14.

- (b) For assistance and to report possible illegal wildlife being used as disability assistants, contact the Special Permit Unit of the Georgia Wildlife Resources Division at 770-761-3044.

3. Non-Community Well Water Supply: *See Section 5 of the “Food Service Establishment Manual for Design, Installation and Construction”.*

D. United States Department of Agriculture (USDA):

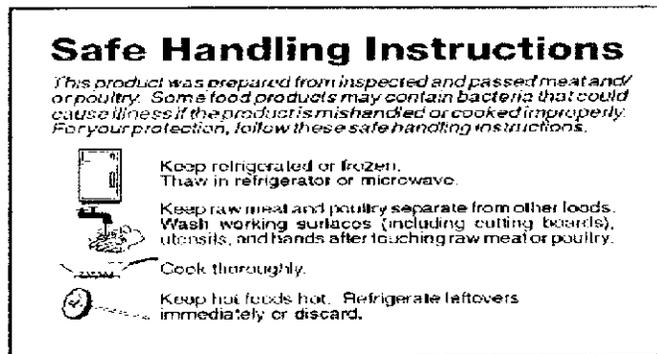
The following is information that will guide the Environmental Health Specialist in determining whether goat, oxtails, brains, tripe and other meat and poultry products are USDA approved.

1. Inspection & Grading * What are the differences? The inspection and grading of meat and poultry are two separate programs within the U.S. Department of Agriculture (USDA). Inspection for wholesomeness is mandatory and is paid for out of tax dollars. Grading for quality is voluntary, and the service is requested and paid for by meat and poultry producers/processors.
2. Inspection:
 - (a) Under the Federal Meat Inspection Act and the Poultry Products Inspection Act, FSIS inspects all raw meat and poultry sold in interstate and foreign commerce, including imported products. The agency monitors meat and poultry products after they leave federally inspected plants, so you may find FSIS compliance officers in retail establishments, or be asked questions about them by retail managers.
 - (b) In addition, FSIS monitors state inspection programs, which inspect meat and poultry products sold only within the state in which they were produced. The 1967 Wholesome Meat Act and the 1968 Wholesome Poultry Products Act require state inspection programs to be "at least equal to" the Federal inspection program. If states choose to end their inspection program or cannot maintain this standard, FSIS must assume responsibility for inspection within that state. There are currently 25 states and territories that allow USDA to conduct all meat and poultry inspections. They are: Alaska, Arkansas, California, Colorado, Connecticut, Florida, Guam, Hawaii, Idaho, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, Northern Mariana Islands, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, U.S. Virgin Islands and Washington.

3. Identifying USDA Inspected Meats and Poultry:

- (a) Meat that has been federally inspected and passed for wholesomeness is stamped with a round purple mark. The firm is also allowed to use the USDA state inspection mark on labels of inspected meat or poultry in bulk containers or individual consumer-sized packages. The dye used to stamp the grade and inspection marks onto a meat carcass is made from a food-grade vegetable dye and is not harmful.
- (b) The mark is put on carcasses and major cuts. After trimming it might not appear on retail cuts such as roasts and steaks. A retail food store cannot use the USOA or state inspection marks on its labels because USDA does not inspect them. However, meat that is packaged in an inspected facility will have an inspection mark that identifies the plant on the label. (See graphic images below.)

3. Safe Handling Instructions: The requirements in the new final rule on Pathogen Reduction and Hazard Analysis and Critical Control Points (HACCP) are designed to minimize the likelihood of harmful bacteria being present in raw meat and poultry products. However, some bacteria could be present and might become a problem if meat and poultry are not handled properly and kept refrigerated. To assist food handlers, USDA requires that safe handling instructions be put on all consumer-sized packages of raw and not fully cooked meat and poultry.





Rules and Regulations for Food Service – 290-5-14
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- E. References: June 8, 2000 Memorandum of Interpretation between Georgia Department of Human Resources and Georgia Department of Agriculture, “Implementation of New Definitions for Food Sales and Food Service” and its October 9, 2001 revised version, “Food Sales and Food Service Jurisdiction”; and email communiqués between the Georgia Department of Agriculture, and Department of Natural Resources.



Section J

DEPARTMENT OF PUBLIC HEALTH PROCESS FOR CONSIDERING RULES VARIANCE AND WAIVER REQUESTS

- I. Request for Variance/Waiver
 - A. The Petition for variance/waiver should be made in writing to the Program/Section responsible for implementing the rule from which the variance/waiver is requested. The petition should include, at a minimum, the following information:
 1. Name of petitioner, address, phone number, contact person, attorney, or person representing the petitioner/applicant.
 2. The rule from which a variance or waiver is requested.
 3. The type of action requested (variance or waiver).
 4. The specific facts of substantial hardship which would justify a variance or waiver for the petitioner.
 5. The alternative standards which the petitioner agrees to meet.
 6. A showing that such alternative standards will afford adequate protection for the public health, safety, and welfare.
 7. The reason why the variance or waiver requested would serve the purpose of the underlying statute.
 8. The duration of the variance/waiver requested.
- II. Procedures for processing petitions
 - A. Upon the receipt of a petition for a variance or waiver, the Program/Section should review the petition to determine if it contains all the information required. If additional information is required, the petitioner should be contacted and informed about the need to provide such information
 - B. When the Program/Section determines that a petition is complete, the date should be stamped on the petition and the request posted on the Georgia Net. This date will be the official "receipt" date. The Division Attorney will be responsible for posting the request on the Georgia Net, and should be notified within 1 day of the receipt of a complete petition.
 - C. Decisions about granting or denying petitions must be made no sooner than 15 days after posting the petition on the Georgia Net, but no more than 60 days after



receiving the completed petition. Time limits should not begin until all required information has been received and the petition has been determined to be complete.

- D. The Division must enter all pending petitions for variances/waivers and all approved variances/waivers on the Georgia Net in a timely manner.
 - 1. The register must be updated upon each grant or denial of a variance/waiver
 - 2. The register must be made available to the public upon request.
- E. Members of the public may submit written comments concerning a proposed variance/waiver prior to the approval of the variance/waiver.

III. Review of Petitions for Variance/Waivers

- A. A review of petition for a variance/waiver should be conducted by the Program/Section responsible for implementing the rule from which a variance/waiver is requested. The Division Attorney had been designated by the Director to decide whether to grant or deny variances/waivers. Program staff should provide the following information to the Division Attorney within 15 calendar days after receipt of the complete petition:
 - 1. Name of petitioner
 - 2. Complete Rule Citation. The exact title and chapter of rules and the specific rule for which variance is being requested.
 - 3. Purpose of the Rule. Explanation of the intended purposes of the rule.
 - 4. Justification for Variance/Waiver. Specific facts of substantial hardship which would justify a variance/waiver, including:
 - a. alternative standards which the person seeking the variance/waiver agrees to meet;
 - b. a showing that such alternative standards will afford adequate protection for the public health, safety, and welfare; and
 - c. the reason why the variance/waiver would serve the purpose of the underlying statute.
 - 5. Program's Recommendation. The Program/Section can either recommend granting the variance/waiver with or without conditions, or it can recommend denial. An explanation of the recommendation must be included. If the Program/Section recommends granting the petition, the following information must be included:



- a. Recommend Conditions if Variance/Waiver is Granted
 - b. Recommend Length of Time for Variance/Waiver
6. Attach the petition

IV. Variance and Waiver Person

The Department Attorney has been designated to decide whether to grant or deny petitions for variances/waivers.

- A. The Attorney will review the request, the recommendation of the program, and all supporting documents before making a decision to grant or deny the request.
- B. The Attorney will notify the program of its decision within 20 calendar days from receipt of the program's recommendation. The decision to grant or deny the request shall be in writing and shall contain a statement of the relevant facts and the reasons supporting the agency's action.
- C. The program will notify the petitioner of the decision. If the request is denied, the program will notify the petitioner as to any further opportunity for review.

V. Review by Department Director

- A. The request for a review by the Department Director must be received by the Director within 10 days after the petitioner has received notice of the denial.
- B. The Department Director shall review the request and all supporting documents and shall issue a final decision no more than 60 days after the receipt of the initial request. If the petitioner's request for a variance or waiver is denied, the petitioner shall be informed of the right to judicial review of the decision.
- C. The Director's decision to grant or deny the petition shall be in writing and shall contain a statement of the relevant facts and the reasons supporting the agency's actions.

VI. Posting on the Georgia Net

The decision by the agency to approve or deny a variance or waiver must be posted on the Georgia Net. The Department Attorney will post the decision.

VII. No variance or waiver shall be sought or authorized when:

- A. Any agency rule or regulation has been adopted to implement or promote a federally delegated program; or
- B. The granting of a waiver or variance would be harmful to the public health, safety, or welfare.



SECTION K

Forms & Documents

The following forms and documents are provided to complete the administration of the Georgia's Food Safety Program. A brief description of each follows:

FOR PROFIT - MANDATED

FOOD SERVICE INSPECTION:

K-1 Food Service Inspection Report Form:

The Department has published and promulgated this Form for the purpose of recording findings of a food service inspection. As the current "Food Service Inspection Report Form", it functions to document observations of compliance or non-compliance with the Chapter during all inspections of food service establishments. It also serves to communicate to the consumer the establishment's state of compliance with the Chapter at the time of the inspection.

K-2a & K2-b Food Service Inspection Report Addendums:

These are forms published by the Department for the purpose of recording findings of food service inspections.

K-3 Temporary Food Service Inspection Report Form:

This is the same Form as stated within K-1 above. However, it is adaptable to the methods of operation and menus of temporary food service establishments, which are widely varied from that of the traditional food service establishment or other special food service operations. Items on the inspection form that are not applicable to a temporary food service establishment would be marked as N/A (not applicable). Items that are not observable during the inspection would be marked NO (not observed). All other items (i. e., IN, OUT, COS, etc.) would be marked on the Form the same as it would be on any inspection. However, in the box entitled, "Purpose of Inspection", the bubble labeled, "Other", would be marked for temporary food service inspections.

For documenting violations, corrective actions and temperatures use Forms K-2a and K-2b entitled, "Food Service Establishment Inspection Report Addendum".

Note: Violations for GRP's must be corrected by the permit holder within the scope of the time-line for the temporary food service operation as intended within Rule 290-5-14-.10 subsection (j) 1 of Chapter 290-5-14 which states, "... or as otherwise directed by the Health Authority."



K-4 HACCP Plan Verification Inspection Form:

This Form is used to record verification that a Risk Type III food service establishment is following its required HACCP plan. This inspection is to be scheduled so that it can be conducted jointly with the Certified Food Safety Manager (CFSM) of the establishment. Further, the inspection must be scheduled so that the Environmental Health Specialist can observe food processing under the approved HACCP plan.

K-5 Permit Application Food Service Establishments and Mobile Food Service Operations Permit:

Document published by the Department for the purpose of recording administrative information concerning a regular fixed food service establishment and a mobile food service operation (i.e. base of operation). The purpose of this document is to establish identity of permit holder and his legal representative, parameters of how the food service operation will be conducted, and how the establishment will be equipped to operate safely according to the Chapter.

It is recommended this document be retained within the establishment inspection file throughout the life of the establishment document equipment and facility construction.

K-6 Application for Mobile Food Service Unit and Extended Food Service Unit Permit:

The purpose of this Form, as published and promulgated by the Department, is to record administrative information similar to that in document K-4. A Form K-5 must be completed for each mobile food service unit to each County Health Department in which it will be operated. Counties of origin (where the base of operation is located) must communicate to other county health departments of the mobile food service operation permit applicant's intent of operation within their counties.

K-7 Temporary Food Service Establishment Application Packet:

This document is intended to collect administrative information similar to document K-5. However, it also collects information as to who is the organizer of the event and who is responsible for the administration of the event. As per Rule 290-5-14-.08 within Chapter 290-5-14, it also provides guidelines for safe operation of the temporary food service establishment.



K-8 Food Service Permit:

This permit must be issued to fixed food service establishments in order for them to legally operate in Georgia. These food service establishments would be those that are non-mobile or non-temporary types of establishments, such as a mobile food service base of operation, a dine-in, and a drive-through or carryout establishment. For the space on the permit to indicate, the “types of establishment”, could be listed as a catering establishment, bar (beverage only), Institutional (School, Hospital, Nursing Home, etc.), fast food establishment or base of operation.

County Health Departments may obtain a copy of the original permit by calling the Division of Public Health’s Environmental Health Office at 404-657-6534 or their District Environmental Health Director.

K-9 Mobile Food and Extended Food Service Unit Permit:

Each mobile food service unit or extended mobile food service unit must be issued this permit to legally operate. They are to be issued by the county in which the units are operating. Type of Unit will be indicated as either Mobile Food Service or Extended Food Service.

County Health Departments may obtain a copy of the original permit by calling the Division of Public Health’s Environmental Health Office at 404-657-6534 or their District Environmental Health Director.

K-10 Temporary Food Service Establishment:

This is the only permit that is issued an expiration date from the date of issue. It is to be issued to for-profit organized, special events and is valid for no more than 14 days from date of issuance.

County Health Departments may obtain a copy of the original permit by calling the Division of Public Health’s Environmental Health Office at 404-657-6534 or their District Environmental Health Director.

K-11 Instructions for Marking the Georgia Food Establishment Inspection Form: Rules and Regulations for Food Service Chapter 290-5-14:

This document is intended to provide general violation marking guidance during food service inspections. This Form is not all-inclusive to the Chapter and it does not in any way negate the Environmental Health Specialist (EHS) from not referencing Chapter 290-5-14 as necessary during inspections.



K-12 Notice of Food Service Permit Suspension:

As noted within Rule 290-5-14-.10 (1) (b) of Chapter 290-5-14, this Form shall serve as notice of food service permit suspension. It must be served upon the permit holder and or person in charge in person by the EHS.

Once issued, it cannot be removed unless all violations have been corrected as documented during a follow-up inspection or upon order resulting from a hearing.

K-13 Withhold From Sale Order:

As noted within Rule 290-5-14-.10 (3) (b) of the Chapter, this Form will be issued by the Health Authority should a food product is believed to be unwholesome or otherwise adulterated or misbranded. If issued by the Health Authority, the permit holder and or person in charge cannot use, serve, or remove the suspect embargoed food unless ordered to do so because of a hearing before the County Board of Health.

Once the Health Authority has issued the Withhold From Sale Order, the permit holder can petition the Health Authority to allow him to have suspect food tested by a private approved food-testing laboratory. The purpose of such testing would be an attempt to prove that the suspect food is not unwholesome neither adulterated nor misbranded.

The voluntary destruction of suspect food is preferred over compulsory destruction through the withhold from sale process.

K-14 Report Of The Issuance Of A “Withhold From Sale Order”:

This Form is to notify the District Medical Director that a Withhold From Sale Order has been issued to a food service establishment.

K-15 Food Product Destruction Order:

This Form is to facilitate the order for suspected, embargoed food to be destroyed. Once issued, the EHS must witness and document the destruction of the embargoed food through burial in an approved landfill or in another approved manner as deemed by the County Board of Health or as appropriate by Law.

K-16 Release From Withhold From Sale Order:

This Form is issued as a result of findings through laboratory examination and/or as a result of a hearing of which findings suggest the suspect food is wholesome, not adulterated or misbranded and is otherwise fit for human consumption.



K-17 Georgia Division of Public Health Request for Variance from the Rules and Regulations Food Service Chapter 290-5-14:

The completed form is a petition to the Division of Public Health by the permit holder to request that a variance from a Rule be granted to them. The permit holder must show that the compliance with a Rule will cause him undue hardship and that he has an acceptable alternative means of meeting the intent of the Rule. This alternative means to meet the intent of the Rule must provide equal protection to the public health, safety and comfort, as does the Rule from which the variance is being sought.

K-18 Risk Control Plan:

This Form's function is to help permit holders and/or the person in charge to gain long-term control of risk factors. In addition, it serves as a tool to test EHS ability to write a plan of correction for risk factors and their ability to gain by in to risk control plans during the standardization process.

K-19 Application for Certification of Continuing Education Units for Environmental Health Specialist Working in the Food Program:

As per Part-II, Section B subsection I (1) (c) 2 of this Manual, this form is to be completed by the sponsoring organization, company or institution wishing to submit continuing education programs for the Divisions review and approval for CEU assignments.

K-20 Continuing Education Participant Registry Form:

As per Part-II, Section B subsection I (1) (c) 2 of this Manual, this form is used to record the attendance of a continuing education course. It is to be completed by the sponsoring organization, company or institution and submitted to the Division's Environmental Health Section upon completion of the course.

STANDARDIZATION EXERCISE AND ADMINISTRATION:

K-18 Risk Control Plan:

In addition being used to gain long-term compliance during inspections, Form K-18 is used during EHS standardization exercises. It serves as a tool to test EHS ability to write a plan of correction for risk factors and their ability to gain by in to risk control plans during the standardization process.



K-21 Standardization Inspection Form:

This Form is utilized during standardization of EHS. It is to be used as an attachment to document the completed number of the food service inspection forms. It provides information that may be left blank on the inspection form and instructions for the EHS to do observations.

K-22 Scoring Form:

This Form is completed by the Standard at the conclusion of the standardization process to document EHS performance and to tally the disagreements between the Candidate's and the Standard's responses.

K-23 Standardization Checklist:

This Form is to be completed by the Standard to document the completion of the EHS standardization process.

K-24 Georgia Standardization Nomination Form:

This Form is to be completed by the Candidate's supervisor. It is only to be submitted to the Standard when the Candidate has met all the prerequisites for standardization. All sections must be completed and all prerequisites must be documented on the form. The section entitled, "Retail Food Inspection Experience", should include the number of food service establishments assigned to the candidate, the number of inspections conducted within a time frame (daily, weekly, monthly, yearly) and whether those inspections are conducted jointly or independently. Proper training of the candidate in the food inspection program should also be documented. Dates and jurisdictions where the minimum 25 joint and 25 independent inspections were completed must be documented in the "Other Prerequisites Completed" section. A copy of the candidate's CFMS certificate and other required training must accompany the Nomination Form when submitted.

Note: The statement, "Prior Retail Food Experience" on the form means, "What experience does the Candidate have inspecting food service establishments?"

K-25 HACCP Plan Verification Summary:

This Form has two functions. The first is to provide guidance to the Candidate during the standardization exercise in his verification of HACCP Plan records and for the recording of the Candidate's response to the questions of verification. The second function is to record the number of disagreements with the Standard during this part of the exercise.



K-26 Inspections For Standardization:

This form is used by the Standard for the recording of the food service establishments used during the standardized exercise. It is maintained within standardization records of the Candidate.

K-27 Final Scoring Report:

This Form is to be completed by the Standard and maintained within the Candidate's standardization records. The Standard will use this Form to summarize the performance of the candidate at the completion of the exercise to make his or her final decision as to the Candidate's standardization certification status.

OPTIONAL AND NOT MANDATED:

K-28 Georgia Conditional Employee and Food Employee Interview Form:

This Form is optional and its use is not mandated by Chapter 290-5-14. It is derived from the 2005 FDA Model Food Code Annex 7. Food Service Establishment permit holders and persons in charge may use this Form as part of their employee health policy.

K-29 Georgia Conditional Employee or Food Employee Medical Referral:

This Form is optional and its use is not mandated by Chapter 290-5-14. It is derived from the 2005 FDA Model Food Code Annex 7. Food service establishment permit holders and persons in charge may use this Form as part of their employee health policy.

K-30 Conditional Employee or Food Employee Reporting Agreement:

This Form is optional and its use is not mandated by Chapter 290-5-14. It is derived from the 2005 FDA Model Food Code Annex 7. Food service establishment permit holders and persons in charge may use this Form as part of their employee health policy.

K-31 Employee Health Information:

This Form was adapted by permission from the Florida Department of Agriculture. It is based upon employee health requirements within the 2005 FDA Model Food Code. This Form is optional and its use is not mandated by Chapter 290-5-14. The food service establishment permit holder and the person in charge may use this Form as part of their employee health policy. It is used by food service permit holders and persons in charge must be with the understanding that it does not supersede requirements for employee health found within Rule 290-5-14-.03 subsection (4) of Georgia's Rules and Regulations Food Service Chapter 290-5-14.



K-32 Food and Water Related Illness Complaint Form:

This Form is to record information concerning reports of foodborne and waterborne illness. This Form should be used during first contact with the complainant. Response to foodborne illness and or waterborne illness reports should be within 24 hours upon their receipt.

NONPROFIT:

(These are suggested forms and they are not mandated.)

K-33 Temporary Nonprofit Food Service Inspection Report:

This Form is used to record findings during inspection of a temporary nonprofit food service inspection. It is used instead of Form K-1.

K-34 Application For Temporary Nonprofit Food Service Permit:

Document used for the purpose of recording administrative information concerning an applicant to receive a temporary nonprofit food service permit.

K-35 Temporary Nonprofit Food Service Permit:

This suggested permit may be issued to a nonprofit food service applicant once all requirements of Article 14 have been met. It is not the state temporary food service permit that is issued to an establishment under the authority of Chapter 290-5-14. If a county or city government and or county board of health acting as agents for a city or county government wish to publish their own permit, they may do so as well.

K-36 Guidelines For Approving A Hazard Control Program For The Preparation Of Certain Potentially Hazardous Foods:

This document is intended to guidance to meet the requirements of 26-2-392 (c) Article 14 of which it prohibits the preparation of certain potentially hazardous foods. These foods are:

1. Pastries filled with cream or synthetic cream;
2. Custards;
3. Products similar to the products listed in paragraphs (1) and (2); and
4. Salads containing meat, poultry, eggs, or fish.



The above foods cannot be prepared at a temporary nonprofit food service unless the organizer has an approved hazard control plan. This plan can be reviewed by the city or county or can be reviewed by a county board of health acting as agent for a city or county.

K-37 Hazard Control Plan:

This is a blank form for preparing a hazard control plan.

K-38 Hazard Control Plan:

This Document gives an example of a completed hazard control plan.

Food Service Establishment Inspection Report Addendum

Page _____ of _____

Violations cited in this report must be corrected within the time frames specified below, or as stated in the Georgia Department of Human Resources Rules and Regulations Food Service Chapter 290-5-14, Rule .10 subsections (2)(i) and (j).

Establishment	Permit #	Date
---------------	----------	------

Address	City/State	Zip Code
---------	------------	----------

Item Number	OBSERVATIONS AND CORRECTIVE ACTIONS
-------------	-------------------------------------

Example Not For Posting

Person in Charge (Signature)	Date
------------------------------	------

Inspector (Signature)	Date
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See K-3 - Temporary Food Service Inspection Report Form on page K-I of Section K entitled, “Forms & Documents”, for more information.



HACCP PLAN VERIFICATION INSPECTION FORM
(To be completed as a separate inspection)

Establishment Name: _____	
Address: _____	
City: _____	CFSM: _____
Verification Inspection Date: ____/____/____	Permit#: _____
Time In: ____:____ a.m. /p.m.	Time Out ____:____ a.m. /p.m.

This Form is to be used instead of the Food Service Inspection Report Form during the scheduled inspection with the CFSM to verify compliance with a required HACCP plan

This inspection must be arranged with the establishment's Certified Food Safety Manager (CFSM) at a time when food processing under the required HACCP plan can be observed by the Health Authority.

Document Review:

1. Documents provided for review:

Type of Document	Reviewed (Y or N)	Comments/Problems Noted
Prerequisite Programs (list them below)		
Menu or Food List or Food Preparation Process		
Flow Diagram (Food Preparation)		
Equipment Layout		
Training Protocols		
Hazard Analysis		
Written Plan for Food Safety Management System		
Other		



HACCP PLAN VERIFICATION INSPECTION FORM
(To be completed as a separate inspection)

4. Who is responsible for verification that the required records are being completed and being properly maintained?

Comments:

5. Describe the training that has been provided to support the HACCP Plan.

Comments:

6. Describe examples of any documentation that the above training was accomplished.

Comments:

7. Is the approved HACCP plan readily available within the food service establishment? Yes No

Note: The approved HACCP plan and its supportive documentation must be present onsite within the establishment. The HACCP plan must be the same as that on record as the approved plan within the establishment's inspection file at the local Health Authority.

Comments:

8. Do managers and employees demonstrate knowledge of the HACCP plan?
Managers: Yes No Food Employees: Yes No

Comment:



HACCP PLAN VERIFICATION INSPECTION FORM
(To be completed as a separate inspection)

9. Record Review and On-site Verification (Choose at random one week from the previous four and examine the current day's records, if possible):

Note: The following will apply when accessing HACCP plan records:

- a. Does the food service establishment's HACCP documentation indicate that the required monitoring procedures were followed (frequency, initialed, dated, etc.) on the form? A "YES" answer would indicate that ALL required monitoring was documented. If ANY required monitoring was NOT documented, a "NO" answer would be circled.
- b. Does the food establishment's HACCP plan documentation for the selected dates appear accurate (NO dry tabbing results, repeated temperatures)? A "YES" answer would indicate that the record appears accurate. A "NO" answer would indicate that there are inaccurate HACCP documentation.
- c. Was corrective action(s) documented in accordance to the HACCP plan when critical limits were not met on the form? A "YES" answer would indicate that ALL corrective action(s) were documented for each critical limit for that particular date. A "NO" answer would indicate any missing documentation of corrective action(s).

HACCP Plan Verification Summary			
	Record #1	Record #2	Record #3
	Current Date (if possible)	2 nd Selected Date	3 rd Selected Date
*Required Monitoring Recorded – See question "a" above	YES/NO	YES/NO	YES/NO
*Accurate (Believable) See question "b" above	YES/NO	YES/NO	YES/NO
*Corrective Action Documented. See question "c" above	YES/NO	YES/NO	YES/NO

10. Are routine calibrations of equipment/thermometers required by the plan? Yes No

11. Are the calibrations performed according to the plan? Yes No

Comment:



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

Complete in duplicate and forward the original to the local Health Authority, County Health Department, in which the facility is located.

Name of Facility: _____

Check Appropriate Block(s): [] Mobile food Service [] Food Service Establishment [] Catering Operation
[] New [] Change of Owner [] Renovation of Existing Establishment
[] Plans Attached [] Equipment List Attached [] Menu Attached

Supporting Documentation: [] Plan Review Checklist [] Food Preparation Review [] Construction Review

Food Service Risk Categorization: [] Risk Type I [] Risk Type II [] Risk Type III/HAACP Plan

Address of Facility: _____ Ga.
(Street, Highway, or RFD) (City) (County) (Zip Code)

Physical Location of Mobile Unit(s) if Applicable: _____
(Counties in which mobile units will operate)

Facility Owner's Name: _____ Phone Number: _____

Facility Owner's Address: _____
(Street, Highway, or RFD) (City) (County) (State) (Zip Code)

Business Ownership: _____ Phone (_____) _____
(Individual, Association, Partnership, Corporation or legal Entity)

If Association, Partnership, Corporation or Legal Entity, give names, title, address and phone number of persons involved, including owners and officers. Otherwise indicate N/A

Name _____ Address _____ City _____ Phone _____

(USE ADDITIONAL PAPER IF NEEDED)



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

OPERATIONAL INFORMATION

Hours of Operation: Sun, Mon, Tues, Wed, Thurs, Fri, Sat

Number of Seats: Number of Staff: (Maximum per shift)

Total Square Feet of Facility: Number of Floors on which operations are conducted

Maximum Meals to be served: (approximate number) Breakfast, Lunch, Dinner

Projected Date for Start of Project: Projected Date for Completion of Project:

Type of Service: (check all that apply) Sit Down Meals, Take Out, Caterer, Mobile Vendor, Other

Please enclose the following documents:

- Proposed Menu (including seasonal, off-site and banquet menus)
Manufacturer Specification sheets for each piece of equipment shown on the plan
Site plan showing location of business in building; location of building on site including alleys, streets; and location of any outside equipment (dumpsters, well, septic system - if applicable)
Plan drawn to scale of food establishment showing location of equipment, plumbing, electrical services and mechanical ventilation
Equipment schedule



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

FOOD PREPARATION REVIEW:

Check categories of Potentially Hazardous Foods (PHF's) to be handled, prepared and served.

Table with 3 columns: CATEGORY *, (YES), (NO). Rows include: 1. Thin meats, poultry, fish, eggs; 2. Thick meats, whole poultry; 3. Cold processed foods; 4. Hot processed foods; 5. Bakery goods; 6. Other

PLEASE CIRCLE/ANSWER THE FOLLOWING QUESTIONS

FOOD SUPPLIES:

- 1. Are all food supplies from inspected and approved sources? YES [] NO []
2. What are the projected frequencies of deliveries for: Frozen foods, Refrigerated foods, Dry goods
3. Provide information on the amount of space (in cubic feet) allocated for: Dry storage, Refrigerated Storage, Frozen storage
4. How will dry goods be stored off the floor?



**PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS
AND MOBILE FOOD SERVICE OPERATIONS**

COLD STORAGE:

1. Is adequate and approved freezer and refrigeration available to store frozen foods frozen, and refrigerated foods at 41° F (5 ° C) and below? YES NO

Provide the method used to calculate cold storage requirements.

2. Will raw meats, poultry and seafood be stored in the same refrigerators and freezers with cooked/ready-to-eat foods? YES NO

If yes, how will cross-contamination be prevented?

3. Does each refrigerator/freezer have a thermometer? YES NO

Number of refrigeration units: _____

Number of freezer units: _____

4. Is there a bulk ice machine available? YES NO

THAWING FROZEN POTENTIALLY HAZARDOUS FOOD:

Please indicate by checking the appropriate boxes how frozen potentially hazardous foods (PHF's) in each category will be thawed. More than one method may apply. Also, indicate where thawing will take place.

Thawing Method	*THICK FROZEN FOODS	*THIN FROZEN FOODS
Refrigeration		
Running Water Less than 70 ° F(21 ° C)		
Microwave (as part of cooking process)		
Cooked from Frozen state		
Other (describe)		

* Frozen foods: approximately one inch or less = thin, and more than an inch = thick.



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

COOKING:

1. Will food product thermometers be used to measure final cooking/reheating temperatures of PHF's? YES [] NO []

What type of temperature measuring device: _____

Minimum cooking time and temperatures of product utilizing convection and conduction heating equipment:

Table with 2 columns: Product Name and Temperature/Time. Includes items like Beef roasts, Solid seafood pieces, Other PHF's, Eggs (Immediate service, Pooled*), Pork, Comminuted meats/fish, Poultry, and Reheated for hot holding of cooked and cooled PHF's.

(*pasteurized eggs must be served to a highly susceptible population)

(See Rule 290-5-14-.04 (5) pages 60 through 62 of the Chapter for more information.)

2. List types of cooking equipment.

Two horizontal lines for listing cooking equipment.

HOT/COLD HOLDING:

1. How will hot PHF's be maintained at 135 ° F (57 ° C) or above during holding for service? Indicate type and number of hot holding units.

Two horizontal lines for describing hot holding methods.

2. How will cold PHF's be maintained at 41 ° F (5 ° C) or below during holding for service? Indicate type and number of cold holding units.

Two horizontal lines for describing cold holding methods.



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

COOLING:

Please indicate by checking the appropriate boxes how PHF's will be cooled to 41 ° F (5 ° C) within 6 hours (135 ° F to 41 ° F in 6 hours; provided the food reaches from 135°F to 70 ° F in 2 hours). Also, indicate where the cooling will take place.

Table with 6 columns: COOLING METHOD, THICK MEATS, THIN MEATS, THIN SOUPS/ GRAVY, THICK SOUPS/ GRAVY, RICE/ NOODLES. Rows include Shallow Pans, Ice Baths, Reduce Volume or Size, Rapid Chill, and Other (describe).

1. Please describe how the cooling process for PHF's from 135 ° F to 70 ° F within 2 hours and 135 °F to 41 °F within 6 hours will be monitored to ensure that cooling parameters are met. Indicate type of food, cooling strategy, and the monitoring procedures (frequency, type of temperature measuring equipment used, written policies/procedures you intend to follow, etc).

Four horizontal lines for text entry.

REHEATING:

1. How will PHF's that are cooked, cooled, and reheated for hot holding be reheated so that all parts of the food reach a temperature of at least 165 ° F for 15 seconds. Indicate type and number of units used for reheating foods.

Three horizontal lines for text entry.



**PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS
AND MOBILE FOOD SERVICE OPERATIONS**

2. How will reheating cooked and cooled food to 165 ° F for at least 15 seconds for hot holding be done rapidly and within 2 hours?

3. Will food employees be trained in good food sanitation practices? YES / NO
Method of training:

Number(s) of employees: _____

Dates of completion: _____

4. Will disposable, single-use gloves and/or utensils and/or food grade paper be used to prevent handling of ready-to-eat foods? YES NO

5. Is there a written policy to exclude or restrict food workers who are sick or have infected cuts and lesions?
YES NO

Please describe briefly: _____

Will employees have paid sick leave? YES NO

6. How will cooking equipment, cutting boards, counter tops and other food contact surfaces which cannot be submerged in sinks or put through a dishwasher be sanitized?

Chemical Type: _____

Concentration: _____

Test Kit: YES NO

7. Will ingredients for cold ready-to-eat foods such as tuna, mayonnaise and eggs for salads and sandwiches be pre-chilled before being mixed and/or assembled? YES NO

If not, how will ready-to-eat foods be cooled to 41 ° F?



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

8. Are raw fruits and vegetables indicated within the menu? YES [] NO []

If yes, is a dedicated sink provided for washing raw fruits and vegetables prior to their preparation?

YES [] NO []

(Note: Multi-compartmented sinks are considered as one unit. For example, a 2-compartment sink is one unit and not two separate sinks.)

Describe _____

9. Describe the procedure used for minimizing the length of time PHF's will be kept in the temperature danger zone (41 ° F - 135 ° F) during preparation.

10. Check Appropriate Block(s) for your proposed specialized processes:

- [] Not Applicable
[] Curing*
[] Smoking for preservation*
[] Sprouting seeds or beans*
[] Reduced Oxygen Packaging+
[] Operating a molluscan shellfish life-support system*
[] Custom processing animals that are for personal use as food and not for sale*
[] Using food additives or adding components to render food non-PHF or for preservation*

*Require a variance

+Providing a HACCP plan is required for specialized processing methods such as vacuum packaged food items prepared on-site or otherwise required by the regulatory authority. Attach a copy of HACCP plan, if applicable. (See Rule 290-5-14-.02 (5) page 24 and Rule 290-5-14-.04 (6) (j) page 70 and 71 of Chapter.)



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

11. Will the facility be serving food to a highly susceptible population? YES NO

If yes, how will the temperature of foods be maintained while being transferred between the kitchen and service area? _____

The undersigned hereby applies for a permit to operate a Food Service Establishment pursuant to O.C.G.A. 26-2-371-373 and hereby certifies that he has received a copy of the Rules and Regulations for Food Service, Chapter 290-5-14, Georgia Department of Public Health. Further and if granted a permit by the Health Authority to operate a food service establishment, the undersigned agrees to comply with all provisions contained with the Rules and Regulations of Chapter 290-5-14.

Signed: _____

Date _____

Title: _____

(State Whether Business Owner or Authorized Agent)

NOTE: ANY CHANGES IN THE EXISTING FOOD SERVICE ESTABLISHMENT FACILITY WILL REQUIRE THE OWNER OR AGENT TO CONTACT THE LOCAL HEALTH AUTHORITY. IT IS ILLEGAL FOR FOOD SERVICE ESTABLISHMENTS TO BEGIN OPERATION WITHOUT FIRST OBTAINING A VALID FOOD SERVICE PERMIT FROM THE LOCAL HEALTH AUTHORITY.

**PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS
AND MOBILE FOOD SERVICE OPERATIONS**

A. FINISH SCHEDULE

Applicant must indicate which materials (quarry tile, stainless steel, 4" plastic covered molding, etc.) will be used in the following areas.

	FLOOR	COVING	WALLS	CEILING
Kitchen				
Bar				
Food Storage				
Other Storage				
Toilet Rooms				
Dressing Rooms				
Garbage & Refuse Storage				
Mop Service Basin Area				
Warewashing Area				
Walk-in Refrigerators and Freezers				

B. INSECT AND RODENT CONTROL

APPLICANT: Please check appropriate boxes.

	YES	NO	NA
1. Will all outside doors be self-closing and rodent proof ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are screen doors provided on all entrances left open to the outside?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Do all openable windows have a minimum #16 mesh screening?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the placement of electrocution devices identified on the plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Will all pipes & electrical conduit chases be sealed; ventilation systems exhaust and intakes protected?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is area around building clear of unnecessary brush, litter, boxes and other harborage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Will air curtains be used? If yes, where? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

C. GARBAGE AND REFUSE

YES NO NA

Inside

- 8. Do all containers have lids?
9. Will refuse be stored inside?
10. Is there an area designated for garbage can or floor mat cleaning?

Outside

- 11. Will a dumpster be used?
12. Will a compactor be used?
13. Will garbage cans be stored outside?

14. Describe surface and location where dumpster/compactor/garbage cans are to be stored

15. Describe location of grease storage receptacle

- 16. Is there an area to store recycled containers? Describe

Indicate what materials are required to be recycled;

- Glass Metal Paper Cardboard Plastic

- 17. Is there any area to store returnable damaged goods?

**PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS
AND MOBILE FOOD SERVICE OPERATIONS**

D. PLUMBING CONNECTIONS

	AIR GAP	AIR BREAK	*INTEGRAL TRAP	* P TRAP	VACUUM BREAKER	CONDENSATE PUMP
18. Toilet						
19. Urinals						
20. Dishwasher						
21. Garbage Grinder						
22. Ice machines						
23. Ice storage bin						
24. Sinks a. Mop b. Janitor c. Handwash d. 3 Compartment e. 2 Compartment f. 1 Compartment g. Water Station						
25. Steam tables						
26. Dipper wells						
27. Refrigeration condensate/ drain lines						
28. Hose connection						
29. Potato peeler						
30. Beverage Dispenser w/carbonator						
31. Other _____						



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

* TRAP: A fitting or device which provides a liquid seal to prevent the emission of sewer gases without materially affecting the flow of sewage or waste water through it. An integral trap is one that is built directly into the fixture, e.g., a toilet fixture. A "P" trap is a fixture trap that provides a liquid seal in the shape of the letter "P". Full "S" traps are prohibited.

32. Are floor drains provided & easily cleanable, if so, indicate location: _____

E. WATER SUPPLY

33. Is water supply public [] or private []?

34. If private, has source been approved? YES [] NO [] PENDING []
Please attach copy of written approval and/or permit.

35. Is ice made on premises [] or purchased commercially? []

If made on premise, are specifications for the ice machine provided? YES [] NO []

Describe provision for ice scoop Storage: _____

Provide location of ice maker or bagging operation _____

36. What is the capacity of the hot water generator? _____

37. Is the hot water generator sufficient for the needs of the establishment?

Provide calculations for necessary hot water. (See Section 9 of the Food Service Manual for Design, Installation and Construction for more information)

38. Is there a water treatment device? YES [] NO []

If yes, how will the device be inspected & serviced? _____

39. How is backflow prevention devices inspected & serviced? _____



**PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS
AND MOBILE FOOD SERVICE OPERATIONS**

F. SEWAGE DISPOSAL

40. Is building connected to a municipal sewer? YES NO

41. If no, is private disposal system approved? YES NO PENDING
Please attach copy of written approval and/or permit.

42. Are grease traps provided? YES NO

If so, where? _____

Provide schedule for cleaning & maintenance _____

G. DRESSING ROOMS

43. Are dressing rooms provided? YES NO

44. Describe storage facilities for employees' personal belongings (i.e., purse, coats, boots, umbrellas, etc.) _____

GENERAL

45. Are insecticides/rodenticides stored separately from cleaning & sanitizing agents? YES NO
Indicate location: _____

46. Are all toxics for use on the premise or for retail sale (this includes personal medications), stored away from food preparation and storage areas? YES NO

47. Are all containers of toxics including sanitizing spray bottles clearly labeled? YES NO

48. Will linens be laundered on site? YES NO
If yes, what will be laundered and where? _____

If no, how will linens be cleaned? _____

49. Is a laundry dryer available? YES NO

50. Location of clean linen storage: _____



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

51. Location of dirty linen storage: _____

52. Are containers constructed of safe materials to store bulk food products? YES NO Indicate type: _____

53. Indicate all areas where exhaust hoods are installed:

Table with 6 columns: LOCATION, FILTERS &/OR EXTRACTION DEVICES, SQUARE FEET, FIRE PROTECTION, AIR CAPACITY CFM, AIR MAKEUP CFM

54. How is each listed ventilation hood system cleaned? _____

I. SINKS

55. Is a mop sink present? YES NO If no, please describe facility for cleaning of mops and other equipment: _____

56. If the menu dictates, is a food preparation sink separate from a dedicated raw fruit and vegetable sink present? YES NO

J. DISHWASHING FACILITIES

57. Will sinks or a dishwasher be used for warewashing? Dishwasher Two compartment sink Three compartment sink



**PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS
AND MOBILE FOOD SERVICE OPERATIONS**

58. Dishwasher Type of sanitization used:

Hot water (temp. provided) _____

Booster heater _____

Chemical type _____

Is ventilation provided? YES NO

59. Do all dish machines have templates with operating instructions? YES NO

60. Do all dish machines have temperature/pressure gauges as required that are accurately working?
YES NO

61. Does the largest pot and pan fit into each compartment of the pot sink? YES NO

If no, what is the procedure for manual cleaning and sanitizing?

62. Are there drain boards on both ends of the pot sink? YES NO

63. What type of sanitizer is used?

Chlorine

Hot water

Iodine

Quaternary ammonium

Other _____

64. Are test papers and/or kits available for checking sanitizer concentration? YES NO

K. HOT WATER GENERATING EQUIPMENT

65. For information on sizing water heating equipment see attachment "A"

L. HANDWASHING/TOILET FACILITIES

66. Is there a hand washing sink in each food preparation and warewashing area? YES NO

67. Do all hand washing sinks, including those in the restrooms, have a mixing valve or combination faucet?
YES NO

68. Do self-closing metering faucets provide a flow of water for at least 15 seconds without the need to
reactivate the faucet? YES NO



PERMIT APPLICATION FOOD SERVICE ESTABLISHMENTS AND MOBILE FOOD SERVICE OPERATIONS

69. Is hand cleanser available at all hand washing sinks? YES NO

70. Are hand drying facilities (paper towels, air blowers, etc.) available at all hand washing sinks? YES NO

71. Are covered waste receptacles available in each restroom? YES NO

72. Is hot and cold running water under pressure available at each hand washing sink? YES NO

73. Are all toilet room doors self-closing? YES NO

STATEMENT: I hereby certify that the above information is correct, and I fully understand that any deviation from the above information and approved food service plans and specifications without prior permission from the local health authority may nullify this approval.

Approval of these plans and specifications by the local health authority DOES NOT indicate compliance with any other code, law or regulation that may be required – federal, state, or local. It DOES NOT constitute endorsement or acceptance of the completed establishment (structure or equipment). A final inspection of each completed establishment with the necessary equipment will be necessary to determine if it complies with the Georgia Rules and Regulations Governing food Service Establishments.

A food Service permit from the local health authority must be secured before this establishment can operate as a food service establishment.

Signature(s) _____ Owner or responsible representative

Date: _____



Georgia Department of Public Health Application for Mobile Food Service Unit and Extended Food Service Unit Permit

Name of Mobile/Extended Food Service Operation _____

Base of Operation Address: _____ GEORGIA
 (STREET, HIGHWAY, OR RFD) (CITY OR TOWN) (COUNTY) (ZIP CODE)

Mailing Address: _____ GEORGIA
 (STREET, HIGHWAY, OR RFD) (CITY OR TOWN) (COUNTY) (ZIP CODE)

Unit Manager: _____
 (NAME [TYPE OR PRINT]) (ADDRESS) (CITY) (ZIP CODE) (STATE)

Manager's Supervisor: _____
 (NAME [TYPE OR PRINT]) (ADDRESS) (CITY) (ZIP CODE) (STATE)

Billing Address: _____
 (STREET, HIGHWAY, OR RFD) (CITY OR TOWN) (ZIP CODE) (STATE)

Business Ownership: _____ Phone (____) _____
 (Individual, Association, Partnership, Corporation or legal Entity)

If Association, Partnership, Corporation or Legal Entity, give names, title, address and phone number of persons involved, including owners and officers. Otherwise indicate N/A

Name _____	Title _____	Address _____	Phone _____
Name _____	Title _____	Address _____	Phone _____
Name _____	Title _____	Address _____	Phone _____
Name _____	Title _____	Address _____	Phone _____

(USE ADDITIONAL PAPER IF NEEDED)

This food service Unit will operate as part of:

[Check Applicable Blocks]

Extended Food Service Operation

Mobile Food Service Operation

Type: Please check the appropriate unit location/route and complete the information

Unit Locations

1 _____

2 _____

Unit Routes

1 _____ / _____

#2 _____ / _____

Attach to the permit application the following paper work from your Base of Operation's county of origin:

- 1) Copy of Food Service Permit for the Restaurant of the Base of Operations
- 2) Copy of the most recent Food Service Inspection Report
- 3) Copy of the current county of origin approved menu

I attest that the information provided above is true and accurate. I agree to comply with the State of Georgia Rules and Regulations for Food Service Chapter 290-5-14 and I further understand that as specified under Rule .10 subsection (2)(d)1 of this rule that the Health Authority is to be allowed access the establishment and to the records specified under Rule .04 subsection (3)(1) and Rule .06 subsection (2)(q) and subsection (5)(d)7 of this Rule. I understand that only the foods listed on the menu submitted with the establishment plans may be prepared and served in this facility.

Note: It will be the responsibly of the permit holder to notify the Health Authority when ever there is a change in schedule or locations.

Name of Applicant: _____ Phone _____

Signature of applicant: _____ Date _____

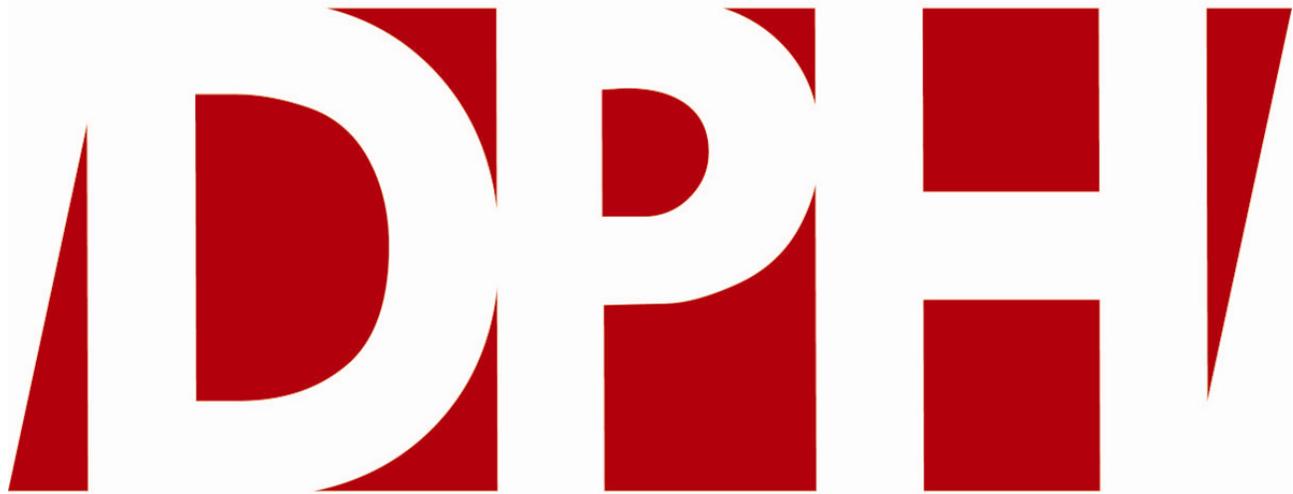
DO NOT WRITE BELOW THIS LINE – HEALTH DEPARTMENT USE ONLY

DISPOSTION –

Unit Permit Issued YES _____ NO _____ Date _____

If Yes, then permit # _____

Applicant Referred Back to County of Origin _____ Date _____



Georgia Department of Public Health

**TEMPORARY FOOD SERVICE
ESTABLISHMENT PERMIT
APPLICATION PACKET**



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

VENDOR APPLICATION MUST BE RECEIVED 30 WORKING DAYS BEFORE THE EVENT.

A TEMPORARY FOOD SERVICE OPERATION MAY NOT OPERATE FOR MORE THAN FOURTEEN (14) CONSECUTIVE DAYS.

The Food Service Rules and Regulation, Chapter 290-5-14.-08 (2) outlining the requirements for temporary food service establishment is enclosed. It should be read in the early stages of planning.

Event Name: _____ Booth Name: _____

Event Location: _____ Person in Charge of Booth: _____

Dates of Operations _____ Phone Number: _____

Daily Operation Hours: _____ Name of Organization: _____

Event Coordinator: _____ Mailing Address: _____
(Street)

_____ *(City)* *(State)* *(Zip)*

.....

Name of Applicant _____ Phone Number _____
(PLEASE PRINT)

Address _____

City _____ State _____ Zip Code _____

Applicants Signature: _____

***PLEASE SUBMIT A COPY OF MENU WITH THIS APPLICATION
ALONG WITH ALL APPLICABLE FEES***



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

ORGANIZER'S APPLICATION FOR SPECIAL EVENT

ORGANIZER'S APPLICATION MUST BE RECEIVED 30 DAYS BEFORE THE EVENT ALONG WITH A LIST OF ALL FOOD VENDORS WHO WILL BE ALLOWED BY THE ORGANIZER TO PARTICIPATE IN THE EVENT.

Organizer's Name: _____

Organizer's Address: _____
(City) (State) (Zip) (Phone #)

Name of Event: _____
(Address of Event)

Setup Day and Time: _____

.....
Date Event to Begin _____ Date Event to End _____

If Event is longer that one day, please provide your operating schedule

.....
IT WILL BE THE ORGANIZER'S AND/OR PROPERTY OWNER'S RESPONSIBILITY TO ENSURE THAT ONLY VENDORS PERMITTED BY THE LOCAL HEALTH AUTHORITY SHALL PARTICIPATE IN THE EVENT.

ANY UNAUTHORIZED OR UN-PERMITTED VENDOR FOUND PARTICIPATING IN AN EVENT SHALL BE CHARGED WITH A VIOLATION OF THIS RULE AND ORDERD BY THE ORGANIZER OR PROPERTY OWNER TO LEAVE THE EVENT PREMISES.

Signed

Date

Onsite Coordinator's Name

Phone #

Cell Phone #

TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

BOOTH SKETCH / FLOOR PLAN:

- A. Sketch in the top view (overhead) and identify all equipment including hand wash facilities, cooking equipment, refrigerators (ice chest), worktables, storage areas, sanitizing bucket and sneeze guards.
- B. Type of floor, wall and overhead covering

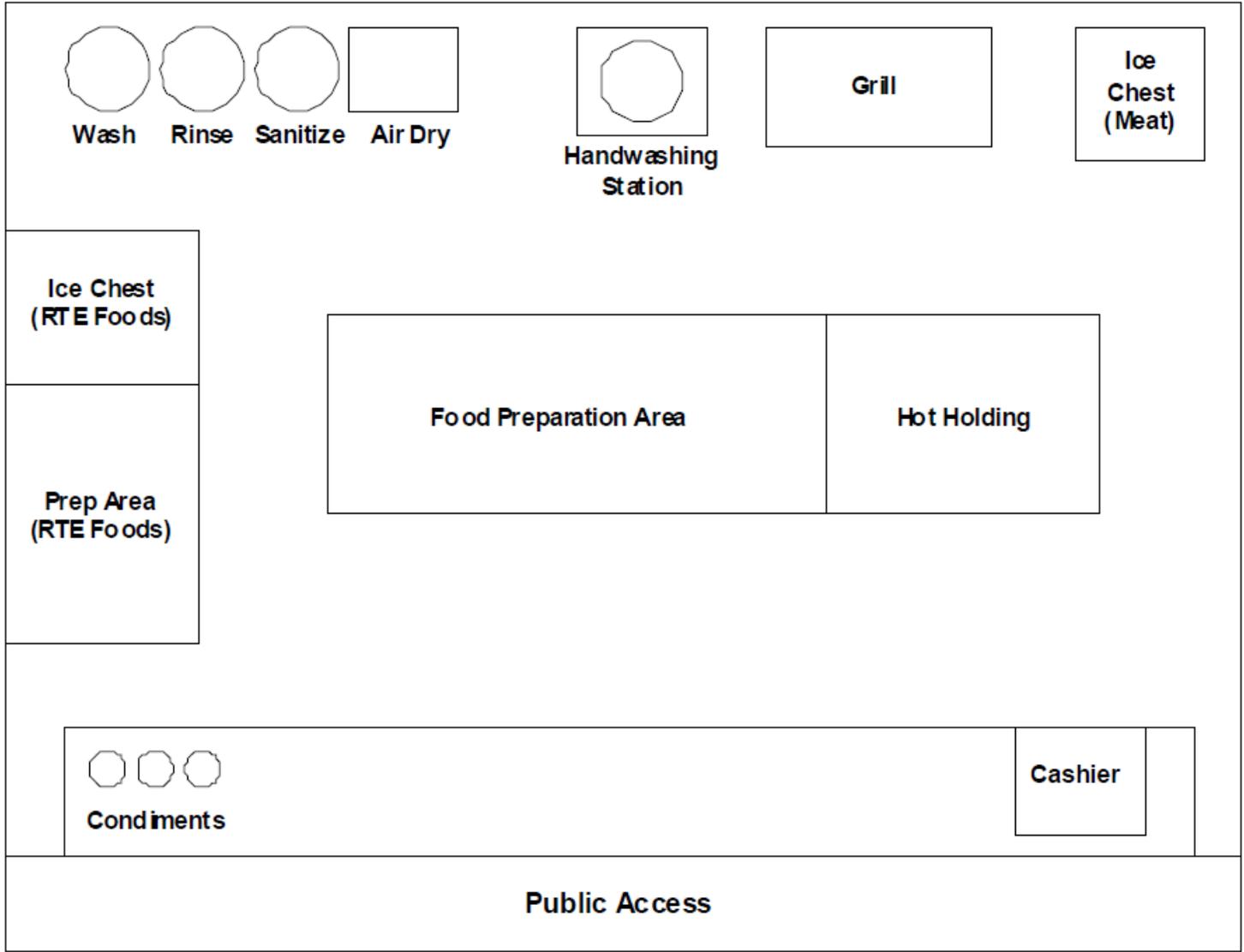
DO NOT WRITE BELOW THIS LINE
[DEPARTMENTAL USE ONLY]

PERMIT # _____

DATE _____

APPROVED BY: _____

SAMPLE SPECIAL EVENT FOOD FACILITY DIAGRAM



**PLEASE NOTE THAT ORGANIZER APPLICATION MUST BE RECEIVED
THIRTY (30) DAYS BEFORE THE EVENT!**



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

TEMPORARY FOOD SERVICE PLAN REVIEW DOCUMENTS

EQUIPMENT AND SUPPLIES:

- 1) How will the potable water be heated? _____

- 2) What types of wrapped single service and single use supplies will be used? _____

- 3) What type of equipment will be used to maintain food at 135 ° F. (57 ° C.) and higher? _____

- 4) What type of equipment will be used to maintain food at 41° F. (5° C.) or below? _____

- 5) What type of equipment will be used to reheat refrigerated foods for hot holding? _____

- 6) What type of equipment will be used to cook potentially hazardous food? _____

- 7) Potentially hazardous food is to be transported to the event in a hot [135 ° F. (57 ° C.)] or refrigerated [41° F. (5° C.)] condition from an approved supplier or source. How will you transport these products?



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

8) How will equipment be placed to prevent food contamination? Show on *BOOTH SKETCH / FLOOR PLAN* (page 4) the following:

- a) Method of storage off floor/ground that will achieve at least six (6) inches off floor/ground.
- b) Eight (8) feet separation of cooking and preparation services from patrons or vertical barriers installed where the required eight (8) feet can not be achieved.
- c) Food preparation and service tables.

9) How will equipment and utensils be washed and sanitized? What sanitizer and concentration level will be used?

- a) Describe the On site washing and sanitizing set up to be used and show placement on *BOOTH SKETCH / FLOOR PLAN Diagram* found on page 4. _____

- b) Permanent base-of-operation or food service establishment used for washing and sanitizing? Give address and restaurant permit number (must have prior health authority approval)

10) How will the required hand washing facility be set up? Show on *BOOTH SKETCH / FLOOR PLAN* (page 4) the location.

CONSTRUCTION:

- 1) Booths must have overhead protection over all food preparation, food cooking, food storage and dish washing areas. What type of material is to be used (tarp, wood, metal, etc.):



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

2) What are the floors to be constructed of (concrete, asphalt, tight wood or other material)?

3) How will the walls, ceilings and entrances of the food preparation area are constructed to prevent the entrance of insects?

4) What method is to be used as a barrier to flying insects at the service window areas?

Screening (16 mesh) _____

Air Curtain _____

5) Describe construction methods and materials that will be use for excluding insects and vermin from the food preparation areas, food service areas and from the waste storage areas?

FOOD STORAGE:

1) What type of working containers will be used for food storage in the food preparation area?

2) How will bulk food storage containers be stored in the booth? _____

3) How will working containers of food supplies be protected from contamination during the event?



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

PERSONEL AND HYGIENE:

- 1) All food workers are required to hair restrain hair that is longer than ½ inch. Beard restraints will be required for beards and mustaches that exceed ½ inch in length. Hair and beard restraints will not apply to workers that serve only *wrapped or packaged* foods. Check below all that will apply.
 - Hair nets
 - Beard/mustache nets
 - Cap
 - Scarf
 - Other (Describe restraint)

- 2) How will you control the “No Jewelry” prohibition with your food workers? See Personnel and Hygiene paragraph “D” on page 20 _____

WATER SUPPLY:

1. What will be the source of approved potable water?
 - Onsite direct water connection (trailer inlet)
 - Onsite water faucet
 - Bulk commercial supply (bottled)
 - Well
 - Public water system

2. Source of Bottled water (both individual bottle and bulk supply: _____

TOILET FACILITIES:

- 1) What will be used for toilet facilities for the food booth?
 - Central supplied facilities
 - Portable toilets

WASTE DISPOSAL (Solid and Liquid):

- 1) What type container will be used for solid waste deposal in the food facility? _____

- 2) How will liquid waste be disposed of? _____



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

Food Processes Form

OPERATOR: _____ Event _____ Event Date _____

INSTRUCTIONS:

- ENCLUDE BEVERAGES, ICE , ALL INGREDIAIENTS AND CONDIMENTS
- LIST APPLICABLE FOOD TEMPERATURES IN PROCESSING STEPS (SUCH AS COOK AND HOLDING)
- USE ADDITONAL PAPER FOR ANY ADDITIONAL EXPLAINATION NEEDED FOR AN ITEM

Item #	List All Foods/Beverages and Ingredients	Where Purchased	Onsite Prep. Yes/No	Thawing		Cold Holding Temps.	Cooking Food Thickness		Hot Holding Temps.	Comments on Food Handling
				Raw Food	Cooked Food		< 1 Inch	> 1 Inch		

Page _____ of _____

TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

TEMPORARY FOOD SERVICE OPERATION PERMIT CHECK LIST

Any group, organization or individual who is planning to operate a food booth during a special event, fair or festival must follow the following procedures:

APPLICATION FOR PERMIT:

- A. All applications for temporary food service permits along with the organizer's application must be received a minimum of 30 days prior to the start date of the event. Pay all fees at time of submittal of the permit application, plan review and menu.
- B. A copy of the menu must be submitted with the permit application
- C. All applications for temporary food service permits must include a diagram of the booth as well as a list of all equipment to be used in or out of the booth. (Use accompanying Booth Sketch/Floor plan sketch area found on page 4)
- D. The permit, once issued, must be displayed in a conspicuous place where the public can readily see it.
- E. Each group, organization, or individual who is planning to have more than one booth must complete an application for each booth. Vendors must list all food and beverage items, including prepackaged items, as well as those offered to the public as samples. Whether the food or beverage is being sold to the public or is given free to the public, it must be regulated as per Chapter 290-5-14.
- F. A temporary food service permit will be issued after an inspection of the operation has been conducted on opening day showing that all requirements have been met for the issuance of a permit. Operations will be inspected a frequently as necessary to insure code compliance.
- G. Give the name of the restaurant, its permit number, address and phone number for all food originating from a permitted food service establishment.
- H. The Health Authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment.

UTENSILS AND SUPPLIES:

- A. Only single service and single use articles will be allowed. Single service articles such as straws, plastic forks, spoons and knives must be individually pre-wrapped from a commercially supplied source. Plates, cups, lids and bowls must be dispensed from their original packaging, taking care that they are completely covered by the original packaging at all times. Single use articles such as bulk food containers (ketchup, mustard and mayonnaise) wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tub or buckets, bread wrappers, pickle barrels, ketchup bottles and number ten (10) cans are to be used once and then discarded.

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- C. Hot holding equipment: If crock pots, steam tables, or other hot holding devices are used, they are to be used for the purpose of holding the internal temperature of foods at 135 ° F. (57 ° C.), and by no means are they to be used to heat foods from a cold state. The Health Department requires that potentially Hazardous food that is cooked, cooled and then reheated for hot holding be reheated to 165 ° F. (74 ° C.) within two (2) hours by using a grill or propane stove and then placing the food into a holding unit so it will maintain an internal temperature of 135 ° F. (57 ° C.), or above. Raw fruits and vegetables that are cooked for hot holding and ready-to-eat foods that are taken from commercially processed, hermetically sealed containers or from intact packages from a commercial food processing plant (ex. Frankfurters) may be heated to a minimum temperature of 135 ° F. (57 ° C.).
- C. Thermometers are to be in all coolers and freezers. Make sure that all thermometers have been calibrated for correct readings. You are also required to use a thermometer to monitor food safety temperatures during cooking, cooling, reheating, cold holding, and hot holding. Thermometers must be checked daily and after they have been dropped. If the thermometer is not accurate, you must calibrate (adjust) it. Properly calibrating a thermometer adjusts the thermometer to display the correct temperature.

TO CALIBRATE THERMOMETER (Bi-Metal): Check the thermometer readings in ice water. Ice water should be 32°F. If the thermometer displays the correct values, you do not need to calibrate it. If the thermometer is “off” by several degrees, you can calibrate the thermometer with the following Steps.

- 1- Pack a large cup full of ice (preferably crushed) and add cold water stirring the mixture. The ice should not float in the water.
- 2- Put the thermometer into the ice water --- make sure the sensing dimple is surrounded by ice. After about thirty (30) seconds to sixty (60) seconds read the dial.
- 3- Adjust the thermometer dial reading to 32°F by holding the hex or square nut located at the base of the thermometer dial with a wrench or pliers. Keep the thermometer stem fully immersed in the ice water above the dimple on the shaft while you move the thermometer needle. With the wrench or pliers, turn the silver ring (around the crystal) on top of the thermometer until the needle points to 32°F. Your thermometer is now calibrated.

FOOD TEMPERATURE CONTROL:

- A. All potentially hazardous foods must be maintained at a temperature of 41° F. (5° C.) or below for cold foods or 135 ° F. (57 ° C.), or above for hot foods. Keep such foods out of the danger zone of -- 41° F. (5° C.) through 135 ° F. (57 ° C.).
- B. “Reheating of leftover food is not allowed”. Foods that have been heated through the danger zone of 41° F. (5° C.) to 135 ° F. (57 ° C.) and then hot held must be discarded at the end of each day.
- C. Each booth shall provide at least one probe thermometer to check the temperature of the foods throughout the event. Alcohol swabs shall be provided to sanitize the thermometer’s probe prior to inserting in to foods.

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- D Any potentially hazardous food in transit to the temporary food facility must be transported in containers that can maintained the food at the proper internal temperature, if hot at 135 ° (57 ° C.) or higher, and if cold at 41° F. (5° C.) or lower, and protected from contamination.
- E Potentially hazardous food shall be cooked to the proper internal temperature for the food product being cooked. [135 ° F. (57 ° C.) to 165 ° F. (74 ° C.).

(See accompanying General Food Safety Information chart on page 13 for cooking temperatures)

- F. Event On-Premise Preparation and Cooking: All potentially hazardous foods that require cooking must be cooked with no interruption and is restricted to those requiring limited preparation such as seasoning and cooking. Do not partially cook, parboil, or otherwise blanch products.

TOILET FACILITES :

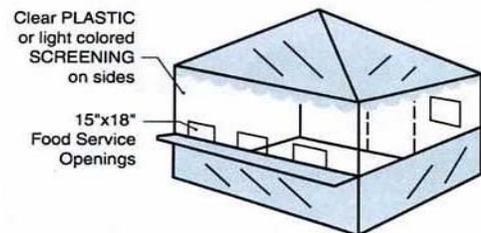
- A. Approved toilet facilities must be provided for employees and patrons. At a minimum, non-sewered toilet systems (portable toilets) must be provided as per Section “O” entitled, “Special On-Site Sewage Management Systems” in Chapter 290-5-59.
- B. Must be within 200 feet of the temporary food facility.

WASTE:

- A. All temporary food facilities must have adequate trash receptacles with tight fitting lids located in the food facility.
- B. All trash and garbage receptacles must be made of leak-proof materials (no cardboard boxes or paper bags) and must be adequately protected from flies and other vermin. Containers must be lined with plastic garbage bags.
- C. Liquid waste must be properly disposed of in an approved manner. The dumping of waste water onto the ground, street or storm drain is prohibited.

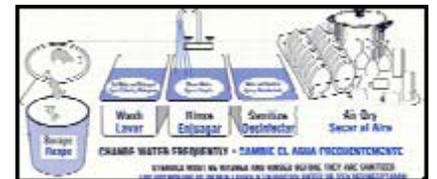
CONSTRUCTION REQUIREMENTS:

- A. Floors shall be smooth, cleanable and durable.
- B. Surfaces may be plywood, vinyl or plastic tarp, concrete or asphalt.
- C. Ceilings shall be made of wood or other material to protect the interior of the food facility from the weather.
- D. Walls and ceilings shall be constructed in a way that prevents the entrance of insects.



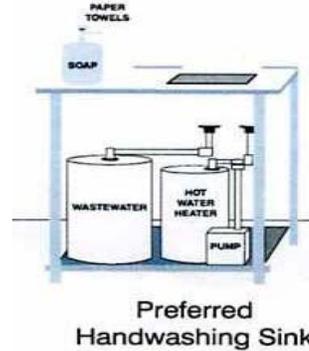
TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

- E. Doors to food preparation areas shall be solid or screened and shall be self-closing. They may be flaps made of same materials (ex. Screening, tarpaulin, etc.) as walls as long as they are capable of being completely closed after entry into the facility.
- F. Approved means of excluding insects and vermin from food preparation, service areas and from waste storage areas must be provided based on the type and scope of the food service permitted.
- G. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.
- H. Counter service openings shall be no larger than necessary for the operation and shall be provided with an effective means to restrict the entrance of flying insects.
- I. Counter service openings shall be kept closed when not in actual use, except that these may remain open if they are provided with approved air curtains (ex. Electric Fans).
- J. All food booth operations must have overhead protection over all food preparation, food cooking, food storage, and dishwashing areas. If tarps are used for overhead protection, or fire extinguishers are supplied in the booths, they must meet local fire codes.
- K. Barbecues grills/pits may be located outside of the enclosed booth area as long as it has proper overhead protection and use is limited to cooking only.
- L. Each booth must have a 3-compartment sink properly set up for the purpose of washing, rinsing and sanitizing utensils. If the booth or trailer does not have a built-in three compartment sink, the Health Department will allow a system of three containers, such as plastic tubs, to be used in lieu of a three-compartment sink. The containers must be large enough to completely submerge the largest utensil used in the preparation of food and beverages. When chlorine bleach is used as a sanitizer for utensils, a 50 PPM concentration measured at a water temperature of 75° F. (24° C.) must be used. For the purpose of washing down table tops, counter tops and all in place equipment, a 100 PPM concentration of bleach is required at the same water temperature. In order to assure the correct amount of bleach being used, a chlorine test kit is to be used (found at most restaurant supply outlets).
- M. Each booth must have a hand-washing sink with tempered water, liquid pumped soap and individual use paper-towels available for employee hand washing. A catch basin must be available to catch the wastewater. If the booth or trailer does not have a built-in hand sink, the Health Department will allow for a water container, such as a large insulated water cooler that has a valve or spigot that will remain open to allow for adequate hand washing (no push-button type coolers).



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Minimum Handwashing Sink



WATER:

- A. Access to an adequate supply of approvable potable hot and cold water protected from backflow or back siphonage, shall be provided for utensil washing, hand-washing, food handling activities and janitorial purposes. A way of heating water must be available in the facility (large cup type coffee maker with spigot, nearby pressurized hot water connected with approved type hose).
- B. In addition to the water needed for food preparation and dispensing, at least minimum of 40 gallons of potable water shall be provided each day for each temporary facility, unless there is a near by water spigot that is supplied from an approved water source. The hose that is to be connected to the spigot or used to fill potable water tanks shall be made of food grade materials and handled in a sanitary manner. Food grade hoses are typically white and labeled “food grade.”

(Garden type hoses are not acceptable)

HOURLY HOT WATER DEMAND TABLE

Custom sink sizes can be calculated using the following formula:

GPH = Sink size in cu. in. X # compartments x .003255/cu. in.
 Example 24"x 24"x 14" x 3 compartments x .003255 = 79 GPH; or

GPH = $\frac{(\text{Sink size in cu.in.} \times 7.5 \text{ gal./cu.ft.} \times \# \text{ compartments} \times .75 \text{ capacity})}{(1,728 \text{ cu.in./cu.ft.)}$

- C. Water that is sold to the public or given away must be prepackaged (bottled) from an approved commercial source.



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

FOOD STORAGE:

- A. All food must be stored in an approved container so as to prevent any type of contamination, exposure to the elements or the ingress of rodents or other vermin.
- B. All food must be stored at least 6 inches off the ground at all times.
- C. During periods of conducting operations, all food must be stored in closable food storage containers that will protect the food from contamination, exposure to the elements, and temperature abuse.

FOOD PREPARATION:

- A. **Off-Site Preparation:** Any potentially hazardous food that has been prepared, stored and transported under conditions meeting the requirements of this Chapter from a permitted, fixed food service establishment, is stored at a temperature of 41°F (5°C.) or below or at a temperature of 135 ° F. (57 ° C.) or above in facilities meeting the requirements of this Chapter may be served. Raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form only if the steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef" and is kept in its original packaging. "Whole-muscle, intact beef" means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut. The steak must be cooked on both the top and bottom to a surface temperature of 145°F or above and cooked so that a color change is achieved on all external surfaces.
- B. All food handling and preparation must take place within the approved temporary food facility. Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurter that only require seasoning and cooking, may be prepared or served.
- C. Preparation processes for other potentially hazardous foods will be approved by the Health Authority based on a plan review that shows adequate holding, preparation and service facilities. A permitted, fully enclosed mobile food unit can be used as a mobile restaurant for preparing potentially hazardous foods if it is properly equipped to do onsite food preparation as per a menu and plan review. The mobile food unit must return to its base of operation daily in order to meet the requirements for mobile food service operations.
- D. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited. These foods (ex. ham salad, chicken salad, tuna salad, cream pastries, custards, etc.) are sensitive to risk-factors causing foodborne illness that may be found in steps in their preparation such as mixing, grinding, or chopping. The typical limited protective environment and equipment of temporary facilities would be conducive to such risk-factors leading to foodborne illness. Also, these foods are usually served cold of which there is no kill effect for foodborne pathogens that may be in the ready-to-eat form of the food. Foods that have been prepared and packaged within the protective environment of a fully-enclosed, permitted, fixed food



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service establishment may be served to the customer, if the food is obtained in individual servings at 135°F (57°C) or above in its unopened container in which it was packaged.

- E. Ice must be obtained from an approved commercial source only in chipped, crushed or cubed form and in single-use safe plastic or wet strength paper bags filled and sealed at the point of manufacture. Ice from self-bagging operations is not allowed. Dispensing of ice will only be allowed from the original bag.
- F. No food offered for sale, or given away to the public may be stored or prepared at a private residence. All food shall be obtained from an approved source.
- G. All food contact surfaces shall be smooth, easily cleanable and non-absorbent.
- H. Tobacco use is not allowed in or around the temporary food facility by food workers.
- I. Ice used for cooling or refrigeration of product must not be served or used in the preparation of food or beverages. Ice intended for use in food or beverages must be dispensed from the original bag and stored separate from ice used for refrigeration purposes. Proper ice scoops must be used for dispensing ice and must be stored so they are not only are protected from contamination, but also do not contaminate the ice with their handles.
- J. Food condiments (mustard, ketchup, mayonnaise) must be protected from contamination and, where available for customer self service, be commercially packaged for single service use. Mustard, ketchup, and mayonnaise in the original single-use containers may be used and the container thrown away when empty.

FOOD HANDLING:

- A. All food handlers shall wash their hands with soap and water prior to the start of food preparation or serving activities. This should be done at regular intervals and especially after smoking, eating, drinking, or using the restroom, handling raw animal products or any activity that may contaminate the hands.
- B. To minimize bare hand contact with ready-to-eat foods, disposable, single-use gloves, tongs, scoops or deli paper must be utilized. When gloves are used, they must be changed at regular intervals and if removed for any reason, they must be replaced with new ones. Hands must be washed prior to putting gloves on and every time gloves are changed.
- C. Keep food preparation areas at least eight (8) feet away from public access.

PERSONNEL AND HYGIENE:

- A. Person sick with symptoms such as vomiting, diarrhea, jaundice, sore throat with fever, or a lesion containing pus such as a boil or infected wound that is open or draining shall be excluded or restricted from working with food. For more information see Rule 290-5-14-.03 (4). As a



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simplified guide to Rule 290-5-14-.03 (4), see Employee Health Decision Flow Chart beginning on page 19.

- B. If there is any doubt about a food worker's health (not feeling well, achy, runny nose, etc.) the person or persons in question must be immediately removed from the food operation.
- C. Hair must be properly restrained with a hair net, cap (no visors allowed) or scarf. Braided hair or hair in a ponytail form is not acceptable. Beards and mustaches that exceed ½ inch in length must be restrained with an approved physical restraint such as a beard/mustache or hair net.
- D. No jewelry shall be worn (rings, -- 'except for wedding ring', bracelets – 'including medical bracelets', and watches)
- E. No wearing of nail polish, or false fingernails. Disposable single use gloves may be worn if this condition cannot be met.
- F. Fingernails must not extend past the fingertips and must be kept clean. Disposable single use gloves may be worn if this condition cannot be met. If fingernails are of such length that a danger of puncturing gloves, they must be trimmed so as not to protrude past the fingertips.
- G. Clean outer garments or aprons should be worn at all times.
- H. Hands and forearms shall be kept clean at all times by scrubbing them with liquid soap and warm water for 20 second followed by drying with a clean and sanitary paper towel.
- I. Disposable gloves must be removed when leaving the food booth operation for any reason and disposed of into a trash container.
- J. Disposable gloves must be changed each time when changing from raw meats to ready to eat food products and also to other jobs such as using wiping cloths or cleaning equipment, etc.



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GENERAL FOOD SAFETY INFORMATION CHART WASH HANDS OFTEN

IMPORTANT HOLDING TEMPERATURES

HOT FOODS135 ° F. (57 ° C.) or above
COLD FOODS.....41° F. (5° C.) or below

Keep Potentially Hazardous Food Out of Danger Zone That Is Between 41° F. (5° C.) and 135 ° F. (57 ° C.)

IMPORTANT COOKING TEMPERATURES

(INTERNAL COOKING TEMPERATURES THAT MUST BE REACHED BEFORE PUTTING INTO HOT HOLDING OR SERVED TO THE CONSUMER)

Note: Based upon menu and plan review, some items listed will not be allowed for on-site preparation or service at temporary facilities. Individual food items are approved only if plan review process shows that the food item can be prepared and served on-site in a safe manner, otherwise food service will be limited to only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking prior to being served.

Commercially pre-cooked hamburgers, frankfurters, precooked sausage,
pre-cooked chili, soup, raw fruits and vegetables or other such products ----- 135 ° F. (57 ° C.)

Shell eggs for immediate service (individual customer order), *fish, and meats* ----- 145 ° F. (63 ° C.)

Game animals raised commercially for food,
ground meats, injected meats and eggs not
for immediate service ----- 155 ° F. (68 ° C.)

Poultry, stuffed fish, stuffed meats, stuffed pasta, stuffed poultry
and stuffing's containing these products ----- 165 ° F. (74 ° C.)

Food received at 41° F. (5° C.) for hot holding must be **REHEATED** TO 165 ° F. (74 ° C.).
Commercially process food may be reheated to any temperature for immediate service.

A RAW OR UNDERCOOKED WHOLE-MUSCLE, INTACT BEEF STEAK MAY BE SERVED OR OFFERED FOR SALE IN A READY-TO-EAT FORM IF THE STEAK IS LABELED TO INDICATE THAT IT MEETS THE DEFINITION OF "WHOLE-MUSCLE, INTACT BEEF" AND THE STEAK IS COOKED ON BOTH THE TOP AND BOTTOM TO A SURFACE TEMPERATURE OF 145 ° F. (63 ° C.) OR ABOVE AND A COOKED COLOR CHANGE IS ACHIEVED ON ALL EXTERNAL SURFACES.

CORRECT CLEANING PROCEDURE FOR FOOD CONTACT EQUIPMENT IS **WASH** ---- **RINSE**---- **SANITIZE**

"THE ABOVE REQUIREMENTS WILL HELP PREVENT FOODBORNE PATHOGEN GROWTH AND FOODBORNE ILLNESS."



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11/14/2007

Employee Health Information

This is only guidance to assist in developing an Employee Health Policy. (See the 2005 Food Code Chapter 1, Chapter 2, Annex 7, and the 2005 Food Code Supplement for information you must know and be able to share with the Regulatory Authority)

2007 Georgia Food Code 290-5-14-.03

Person In Charge; Responsibility of Permit Holder, Person in Charge, Food Employees and Conditional Employees

Health Status of Food Employee or Conditional Employee ¹ Relating to Diseases Transmittable Through Food	Reporting Required by Person in Charge to Regulatory Authority? YES/NO	Reporting by Employee or Food Employee or Conditional Employee ¹ to the Person In Charge Required? YES/NO	
Reportable Symptoms:		YES	
• Vomiting	NO		
• Diarrhea	NO		
• Jaundice	YES		
• Sore throat with fever	NO		
• <u>Suffers</u> open or draining lesion or wound that cannot be protected by an impermeable cover.	NO		
Diagnosed with Illness due to:		Presently Diagnosed with Symptoms	Diagnosed in Past History
• Salmonella Typhi (Typhoid Fever)	YES	YES	YES If within Past 3 Months without having Antibiotic Therapy
• Shigella spp. Or • Enterohemorrhagic (EHEC) or Shiga toxin-producing E coli (STEC) • Hepatitis A virus			NO
Reportable Exposure² to illness:		Time period within last exposure:	
• Norovirus	NO	YES if within 48 Hours	
• Shigella spp, or • Enterohemorrhagic (EHEC) or Shiga toxin-producing E coli (STEC), or • Salmonella Typhi (Typhoid Fever)	NO	YES if within 3 Days	
• Hepatitis A virus	NO	YES if within 30 Days	

Notes: View the entire Food Code by visiting www.fda.gov or purchase the entire Food Code by calling (1-800-553-6847) or view the Georgia Food code www.georgiaehp.us or call your local County Environmental Health office.

¹The person in charge shall prohibit a conditional employee (person that has been offered a job) that reports a listed diagnosis from becoming a food employee (from being allowed to work) until meeting the criteria listed in section 2-201.13 of the 2005 FDA Food Code or .03(4) (h) of the Georgia Food Code on page 35, for reinstatement of a diagnosed food employee.

² Reportable exposure to the listed illnesses includes:

- (1) Suspected of causing or was exposed to a confirmed outbreak, because the individual prepared or consumed the implicated food, or consumed food prepared by an infected person, or
- (2) Lives with someone known to be diagnosed, or
- (3) Lives with someone known to have attended or worked at a confirmed outbreak.



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Employee Health Information

This is only guidance to assist in developing an Employee Health Policy. (See the 2005 Food Code Chapter 1, Chapter 2, Annex 7, and the 2005 Food Code Supplement for information you must know and be able to share with the Regulatory Authority)

2007 Georgia Food Code 290-5-14-.03 Exclusions and Restrictions .03(4)(g) & Removal of Exclusions and Restrictions .03(4)(h)			
NOTE: "Exclude" means to prevent a person from working as an employee in a food establishment or entering a food establishment as an employee. "Restrict" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.(2005 FDA Food Code/2007 Georgia Food Code)			
Health Status at Facilities <u>Not</u> Serving Highly Susceptible Population	Action by Person In Charge	Conditions of Exclusions or Restrictions for Diagnoses	
<u>Diagnosed</u> with illness due to Present Condition:	Restrict or Exclude Status	When to Reinstate Diagnosed Exclusions Restrictions or Conditions of Restrictions	RA ³ Approval Required?
• Salmonella Typhi (Typhoid Fever)	Exclude	With written medical documentation (i.e. medical clearance).	YES
• Shigella spp. ⁴	Exclude ⁴	Until 24 hours after symptoms resolve.	NO
	Restrict	(1) 24 hours after symptoms resolve, and remains restricted until medically cleared ⁵ , or (2) More than 7 calendar days have passed after symptoms resolve.	YES
• Norovirus ⁴	Exclude ⁴	Until 24 hours after symptoms resolve.	NO
	Restrict	24 hours after symptoms resolve and remains restricted until medically cleared, or more than 48 hours have passed after symptoms resolve.	YES
• Enterohemorrhagic (EHEC) or Shiga toxin-producing E coli (STEC) ³	Exclude ⁵	Until 24 hours after symptoms resolve.	NO
	Restrict	(1) 24 hours after symptoms resolve, and remains restricted until medically cleared ⁶ , or (2) More than 7 calendar days have passed after symptoms resolve.	YES
• Hepatitis A virus	Exclude If within 14 days of any symptom, or within 7 days of jaundice	The food employee has been jaundiced for more than 7 calendar days, or The infected food employee not jaundiced has had other symptoms of hepatitis A virus for more than 14 day, or The food employee provides medical documentation from a health practitioner stating that the food employee is free of a hepatitis A virus infection.	YES

Notes: ³RA means Regulatory Authority which is the Georgia Department of Public Health and the Local County Health Department for reporting and reinstating an employee involving the five organisms listed.

⁴Regulatory Authority approval is not necessary for changing an employee status from Exclusion to Restriction for these illnesses but approval must be given by Regulatory Authority for lifting remaining restrictions involving illnesses due to these organisms.

⁵Exclusions for Shigella spp.; Norovirus; and Enterohemorrhagic (EHEC) or Shiga toxin-producing E coli are based on vomiting or diarrhea symptoms.

⁶Medical clearance for Shigella spp.; Enterohemorrhagic (EHEC) or Shiga toxin-producing E coli, is based on test results from a health practitioner showing 2 consecutive negative stool specimen cultures that are taken:

(a) Not earlier than 48 hours after discontinuance of antibiotics, and

(b) At least 24 hours apart.



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

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Employee Health Information

This is only guidance to assist in developing an Employee Health Policy. (See the 2005 Food Code Chapter 1, Chapter 2, Annex 7, and the 2005 Food Code Note: 7This list is not all-inclusive. This is only partial list of the most common symptoms, in simplified terms that would reasonably likely be found in the workforce to assist non-medically trained persons. Only a medical practitioner can make a diagnosis.

Supplement for information you must know and be able to share with the Regulatory Authority)

2007 Georgia Food Code 290-5-14-.03 Exclusions and Restrictions .03(4)(g) & Removal of Exclusions and Restrictions .03(4)(h) (continued)			
Suffers symptoms of illness due to:	Action by Person In Charge	Conditions of Exclusions or Restrictions for Symptoms	Regulatory Approval ² Required?
<ul style="list-style-type: none"> • Vomiting, or • Diarrhea 	Exclude	If symptom is from infectious condition	See Infectious Diagnoses
		Until there are no symptoms after 24hours, or medical documentation is provided that states employee is not infectious.	NO
	No Action	If symptom is from noninfectious condition	N/A
<ul style="list-style-type: none"> • Acute Onset of Sore Throat with Fever 	Restrict	Remove restriction if written medical documentation from a health practitioner states that the food employee meets one of the following conditions: (1) Has received antibiotic therapy for <i>Streptococcus Pyogenes</i> infection for more than 24 hours; (2) Has at least one negative throat specimen culture for <i>Streptococcus pyogenes</i> infection; or (3) Is otherwise determined by a health practitioner to be free of a <i>Streptococcus pyogenes</i> infection.	NO
Suffers open or draining lesion or wound and not protected as specified in 2-201.12(H) of the 2005 FDA Food Code/ .03(4)(h)8. page 38	Restrict	Remove restriction if the skin, infected wound, cut, or pustular boil is properly covered with one of the following: (1) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist; or (2) An impermeable cover on the arm if the infected wound or pustular boil is on the arm; or (3) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.	NO
Suffers symptom of Jaundice: <ul style="list-style-type: none"> • Onset <u>within</u> last 7 days 	Exclude	Unless the food employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection.	See Approval Requirement for Hepatitis A



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

Common Symptoms⁷ of Illnesses that are Transmittable through Food	
Salmonella Typhi (Typhoid Fever)	Dramatic onset of sustained fever, marked headache, lack of energy and appetite, slow heart rate, enlarged spleen and nonproductive cough. Enlarged spleen symptoms include feeling full prematurely when eating, hiccups, and upper left side abdominal pain. Some persons develop rose spots on skin on body trunk and suffer constipation.
Shigella spp.	Abdominal pain, diarrhea, fever, nausea, cramps, sometimes vomiting, pale skin color due to low red cell blood count, often feeling the need to have bowel movements that are painful and often nonproductive. Stools typically contain blood or mucus.
Norovirus	Acute onset explosive (projectile) vomiting, watery diarrhea, abdominal cramps and occasionally low grade fever.
Enterohemorrhagic (EHEC) or Shiga toxin-producing E coli (STEC)	Severe abdominal pain and diarrhea. Diarrhea may be mild and nonbloody or virtually all blood. Sometimes vomiting occurs.
Hepatitis A virus	Nausea, vomiting, diarrhea, abdominal pain, fever, fatigue, jaundice, dark urine, or light colored stools. Jaundice usually occurs 5-7 days after other symptoms.
Hepatitis A virus	Nausea, vomiting, diarrhea, abdominal pain, fever, fatigue, jaundice, dark urine, or light colored stools. Jaundice usually occurs 5-7 days after other symptoms.

RULES AND REGULATIONS FOOD SERVICE CHAPTER 290-5-14-.08 (2) SPECIAL FOOD SERVICE OPERATIONS

(2) Temporary Food Service Establishments.

(a) Operation, Permit Application, Responsibilities.

1. A temporary food service establishment means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.
2. The application for a special food service permit shall indicate the inclusive dates of the proposed operation and must be submitted at least 30 days prior to the event.
3. The following applies to a vendor application:
 - (i) Any person desiring to operate a temporary food service establishment shall make written application for a permit on forms provided by the Health Authority at least 30 days prior to the event and pay applicable fees at the time of application.
 - (ii) The application shall include the name and address of each applicant, the location and type of the proposed temporary food service establishment, (to include the menu items) and the signature of the applicant.
4. The organizer's responsibility is the following:
 - (i) It will be the organizer's and/or property owner's responsibility to ensure that only vendors permitted by the Health Authority are allowed to participate in the event;



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

(ii) The organizer / property owner must also notify the Health Authority 30 days prior to the event taking place by providing a list of food vendors who will be allowed by that organizer to participate in the event; and

(iii) Any unauthorized or un-permitted vendor found participating in an event shall be charged with a violation of this Rule and ordered by the organizer or property owner to leave the event premises.

(b) Inspections.

1. Prior to issuance of a permit, the Health Authority shall inspect the proposed temporary food service establishment. The Health Authority shall only issue a permit to the applicant if the inspection reveals that the proposed temporary food service establishment complies with this Rule.

2. Temporary food service inspections will be conducted as often as necessary to ensure compliance with this Rule.

3. The current temporary food service inspection report shall be displayed in a conspicuous place wherein it is easily readable by the public.

(c) Operations.

1. A temporary food service establishment which does not comply fully with Rules .03 through .07 of this Chapter may be permitted to operate when food preparation, service and the operation meet fully the requirements set forth in Rule .08 subsections (2)(a) through (h).

2. The Health Authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment.

3. Preparation processes for potentially hazardous foods will be approved by the Health Authority based on a plan review that shows adequate holding, preparation and service facilities.

4. For special events, foods requiring only cooking may be prepared, if served immediately, in an outside area on the premises of a permitted food service establishment. Prior approval must be obtained from the Health Authority.

(d) Preparation and Service - Potentially Hazardous Foods.

1. Any potentially hazardous food that has been prepared, stored and transported under conditions meeting the requirements of this Chapter, is stored at a temperature of 41°F (5°C) or below or at a temperature of 135°F (57°C) or above in facilities meeting the requirements of this Chapter may be served.

2. Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, may be prepared or served.

3. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited.

4. *This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this Chapter, is obtained in individual servings, at 135°F (57°C) or above in facilities meeting the requirements of this article, and is served directly in the unopened container in which it was packaged.*



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

5. Home prepared foods or condiments are prohibited from service, use and/or sales in temporary food service units.

(e) Equipment and Supplies Required.

1. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ± 2 degrees Fahrenheit.

2. Enough potable water shall be available at the event for consumption and in the establishment for food preparation, cleaning, and sanitizing utensils and equipment, and for handwashing.

3. Ice shall be handled as follows:

(i) Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Chapter,

(ii) The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet strength paper bags filled and sealed at the point of manufacture,

(iii) The ice shall be held in these bags until it is dispensed in a way that protects it from contamination, and

(iv) Storage of packaged or wrapped food in contact with water or undrained ice is prohibited.

4. Temporary food service operations shall provide only individually wrapped single-service articles for use by the consumer.

5. A heating facility capable of producing enough hot water shall be provided on the premises.

6. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

7. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.

8. Facilities for cleaning and sanitizing utensils and equipment shall be provided at the temporary site or permitted base of operation. Such items shall be cleaned and sanitized at least daily or more often if prescribed by the Health Authority.

9. When food is prepared on the site, a system capable of producing enough hot water for cleaning and sanitizing utensils and equipment shall be provided on the premises.

10. A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, warm running water, soap, and individual paper towels.

(f) Liquid Waste. All sewage including liquid waste shall be disposed of as specified under Rule .06 subsections (4)(h) and (i).



TEMPORARY FOOD SERVICE ESTABLISHMENT PERMIT APPLICATION

(g) Construction.

1. Floors within food preparation and display areas shall be constructed of concrete, asphalt, tight wood, or other similar material kept in good repair and clean.
2. Doors to food preparation areas shall be solid or screened and shall be self-closing or as otherwise approved by the Health Authority.
3. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.
4. Air curtains shall be properly designed and installed, and approved by the Health Authority.
5. Ceilings shall be made of wood or other material that protects the interior of the establishment from the weather.
6. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects.

(h) Protection from Contamination.

1. Approved means of excluding insect and vermin from food preparation, service areas and from waste storage areas must be provided commensurate with the type and scope of food service permitted.
2. Counter-service openings shall not be larger than necessary for the particular operation conducted.
3. These openings shall be provided with effective means to restrict the entrance of flying insects.
4. Counter-service openings shall be kept closed when not in actual use, except that these openings may remain open if air curtains are provided as deemed adequate by the Health Authority.
5. All food preparation and food display areas shall be adequately protected from dust, contamination by patrons, and from insects by provision of walls, ceilings, shields, screens or other approved barriers or devices.
6. Open, unprotected display or service of food is prohibited.

(i) Exceptions to Compliance. Temporary food services which:

1. Are sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection of (a) of Code Section 48-7-25 or under Internal Revenue Code Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501 (c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;
2. Last 120 hours or less; and
3. When sponsored by such an organization, is authorized to be conducted pursuant of a permit issued by the municipality or county in which it is conducted.

Authority O.C.G.A. 26-2-373, 31-2-4. Administrative History. Original Rule entitled "Inspection of Premises" was filed and effective on July 19, 1965 as 270-5-6-.06. Amended: Rule repealed and a new Rule entitled "Transportation" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.08. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Construction and Maintenance of Physical Facilities" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule entitled "Special Food Service Operations" adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new Rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007.



GEORGIA DEPARTMENT OF PUBLIC HEALTH
BRENDA FITZGERALD, M.D., COMMISSIONER

FOOD SERVICE PERMIT

(ISSUE DATE)

(PERMIT NUMBER)

A PERMIT IS HEREBY GRANTED TO

to maintain and operate a _____ food service establishment named _____

located at _____ GEORGIA
(STREET, HIGHWAY, OR ROAD) (CITY OR TOWN) (COUNTY) (ZIP CODE)

This permit signifies compliance for the date of issue with the Rules of the Georgia Department of Public Health pursuant to the Code of Georgia Annotated, §§ 31-13-3 et seq. and is valid until the permit is suspended, revoked, or expires.

Issuing Official for County Board of Health

DISPLAY FOR PUBLIC VIEW – NOT TRANSFERABLE – PROPERTY OF THE HEALTH AUTHORITY

FORM K-8
SAMPLE - NOT VALID



GEORGIA DEPARTMENT OF PUBLIC HEALTH
BRENDA FITZGERALD, M.D., COMMISSIONER

FOOD SERVICE TEMPORARY PERMIT

FROM: _____ TO: _____
(DATES OF OPERATION, 14 DAYS MAXIMUM) (PERMIT NUMBER)

A TEMPORARY PERMIT IS HEREBY GRANTED TO

_____ to maintain and operate a temporary food service operation under the name of _____

located at _____ GEORGIA
(STREET, HIGHWAY OR R.F.D.) (CITY OR TOWN) (COUNTY) (ZIP CODE)

This permit signature shall be on the date of issue with the Rules of the Georgia Department of Public Health pursuant to the O.C.G.A. 26-2-373 et seq. and is valid until the permit is suspended, revoked, or expires.

Issuing Official for County Board of Health

DISPLAY FOR PUBLIC VIEW – NOT TRANSFERABLE – PROPERTY OF THE HEALTH AUTHORITY

FORM K9
SAMPLE - NOT VALID



GEORGIA DEPARTMENT OF PUBLIC HEALTH
BRENDA FITZGERALD, M.D., COMMISSIONER

MOBILE FOOD SERVICE UNIT PERMIT

(DATE ISSUED)

(PERMIT NUMBER)

AN OPERATION PERMIT IS HEREBY GRANTED TO

_____ to maintain and operate
(PERMIT HOLDER)

Under the business
name _____

Located or Route #1:

(STREET, HIGHWAY, OR RFD) (CITY OR TOWN) (STREET, HIGHWAY, OR RFD) (CITY OR TOWN)

Located or Route #2:

(STREET, HIGHWAY, OR RFD) (CITY OR TOWN) (STREET, HIGHWAY, OR RFD) (CITY OR TOWN)

This permit signifies compliance on the date of issue with the Rules of the Georgia Department of Public Health pursuant to the Code of Georgia Annotated, O.C.G.A. 26-2-373 et seq. and is valid until the permit is suspended, revoked, or expires.

Issuing Official for County Board of Health

DISPLAY FOR PUBLIC VIEW – NOT TRANSFERABLE – PROPERTY OF THE HEALTH AUTHORITY

FORM K-10A
SAMPLE - NOT VALID



GEORGIA DEPARTMENT OF PUBLIC HEALTH
BRENDA FITZGERALD, M.D., COMMISSIONER

EXTENDED FOOD SERVICE UNIT PERMIT

(DATE ISSUED)

(PERMIT NUMBER)

AN OPERATION PERMIT IS HEREBY GRANTED TO

_____ to maintain and operate

(PERMIT HOLDER)

Under the business name _____

Location #1: _____

(STREET, HIGHWAY, OR
RFD)

(CITY OR TOWN)

(STREET, HIGHWAY, OR
RFD)

(CITY OR TOWN)

Location #2: _____

(STREET, HIGHWAY, OR
RFD)

(CITY OR TOWN)

(STREET, HIGHWAY, OR
RFD)

(CITY OR TOWN)

K-10B
SAMPLE - NOT VALID

This permit signifies compliance on the date of issue with the Rules of the Georgia Department of Public Health pursuant to the O.C.G.A. 26-2-373 et seq. and is valid until the permit is suspended, revoked, or expires.

Issuing Official for County Board of Health

DISPLAY FOR PUBLIC VIEW – NOT TRANSFERABLE – PROPERTY OF THE HEALTH AUTHORITY



Instructions for Marking the Georgia Food Establishment Inspection Report Form: Rules and Regulations for Food Service Chapter 290-5-14

All references and code sections in these marking instructions are based on the 2007 Georgia Food Code.

Marking instructions and code references together in the order of the inspection form provide a user friendly tool for field inspection staff during the inspection and standardization process.

The marking instructions and code provisions for each of the categories are used as references for determining when and where to mark items on the inspection report form (items 1-18). Field inspection staff who are not standardized or familiar with the new inspection form rely heavily on these two reference guides. The intent of these guidelines is not to take the place of training on the use of the inspection form; however, it does provide staff additional information for marking, which should enhance uniformity and consistency in inspections of retail food establishments.

A. GENERAL MARKING INSTRUCTIONS

HEADER Information

Establishment Name	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
City/zipcode	City of actual business location with zip code
Time In	The actual time the inspection begins
Time Out	The actual time the inspection ends
Inspection Date	The date of the inspection including month, day, and year
CFSM	List Certified Food Safety Manager for facility
Purpose	The reason for the inspection – routine, reinspection, complaint, or follow-up, etc.
Risk Type	Designation of risk/priority level for determining frequency of inspection
Permit #	Permit number
Score	The numerical score and letter grade score for the present inspection should be placed in the most prominent boxes on the top right. The two previous scores shall be placed in the boxes to the left of the present score.

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.

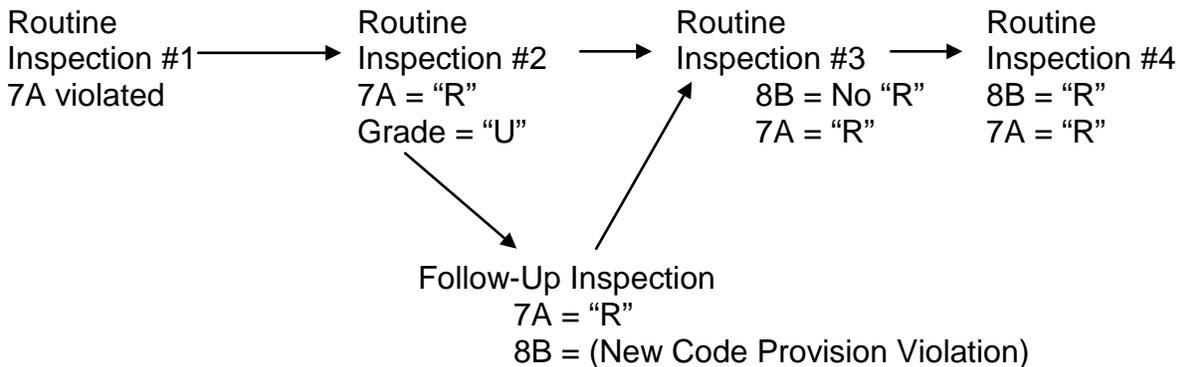
For each item on the inspection report form in the Foodborne Illness Risk Factors and Public Health Interventions section, the inspector should indicate one of the following for **COMPLIANCE STATUS**: “**IN**” which means that the item is in compliance; “**OUT**” which means that the item is not in compliance; “**N.O.**” which means that the item was not observed during the inspection; or “**N.A.**”



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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”, details of each violation for the item number in the “Observations and Corrective Actions” section on the second page of the inspection report must be documented.** 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,” the inspector should further indicate the status of the violation by filling in the bubble 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 2-2D *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 2-2D because all violations under that item were not corrected. Marking **R** indicates that the same violation of a code provision under a particular item number was cited on the previous routine 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 2-2D *Handwashing sink*), **R** would not be marked because this is a new violation which was not cited on the previous inspection report. **New violations, which are those that were not noted during the previous “Routine Inspection”, but are found during a “Follow-up Inspection”, cannot be marked as “R” until it is first noted during the next “Routine Inspection”.** See following illustration:



“R” = Repeat Violation



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

Supervision

1-2. PIC present, demonstrates knowledge, and performs duties; CFSM on staff

IN/OUT This item must be marked IN or OUT of compliance based on an interaction with the Person in Charge (PIC). Compliance status will also be determined by evaluating if the establishment has a CFSM employed.

A. The PIC has three assigned responsibilities – Presence; Demonstration of Knowledge; and Duties. This item is marked OUT of compliance if any **one** of the following responsibilities is not met:

1. Person in charge is present. This item should be marked OUT of compliance when there is no designated PIC. Do not assume that a food employee possessing food management certification is the PIC.
2. 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 these options:
 - a. Certification by an professionally validated CFSM exam that has been accredited by the Conference of Food Protection as specified in .03(3)(b)&(c)3;
 - b. Complying with this Code by having no violations of risk factors/public health interventions during the current inspection; or
 - c. 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 .03(1)(c) as it relates to the establishment. The PIC is not responsible for demonstrating knowledge regarding processes or operational steps that are not performed in the facility. 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.
3. Duties of the PIC. This item should be marked IN compliance when there is evidence of active managerial control of food processes, including training for food employees on their duties. 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 .03(2). 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 .03(2).

B. CFSM on staff. This item should be marked IN compliance when there is evidence by way of a CFSM certificate posted and a copy on file at the food establishment that a



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CFSM is employed, and the CFSM is carrying out the responsibilities as specified in .03(3)(d). This item should be marked OUT of compliance if there is not evidence of the certification or evidence that the certified person listed on the certificate is employed at the establishment. This item should also be marked OUT of compliance if the CFSM responsibilities are not being met.

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

Inspection Report Category	GA Food Code Reference	Code Section Reference	Page Numbers
1-2	Demonstration of knowledge	.03(1)(a)-(c)	26-28
1-2	Responsibility of PIC	.03(2)(a)-(n)	28-29
1-2	PIC present	.03(2)	28
1-2	Certified Food Safety Manager	.03(3)(a)-(d)	29-31

Employee Health, Good Hygienic Practices, Preventing Contamination by Hands

2-1A. Proper use of restriction and exclusion

IN/OUT This item should be marked IN or OUT of compliance based on direct observations. 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. This item should be marked OUT of compliance if there is an employee observed experiencing illness requiring reporting of symptoms to the PIC justifying the exclusion or restriction of the employee. For example, if item 2-2C has been marked OUT of compliance when a food employee has persistent coughing, sneezing, runny nose, or watery eyes subjecting food and food-contact surfaces to potential contamination, the PIC should immediately restrict the affected employee in their duties. This item should be marked OUT of compliance if there if there is an employee with an uncovered lesion containing pus on their hands, wrists, or exposed portions of their arms.

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

2-1A	Exclusions & Restrictions	.03(4)(g)	33-35
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2-1B. Hands clean and properly washed

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

2-1B	Clean Condition of hands & exposed portion of arms	.03(5)(a)	40
2-1B	Cleaning Procedure	.03(5)(b)	40
2-1B	When to Wash	.03(5)(c)	41



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2-1C. No bare hand contact with ready-to-eat foods

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 an alternative procedure to no bare hand contact per an approved variance.

N.A. This item may be marked N.A. for facilities that do not prepare ready-to-eat foods or sell only prepackaged foods.

N.O. This item may be marked N.O. for retail food service operations that prepare ready-to-eat foods only when no food handling is performed at the time of inspection.

2-1C	Preventing Contamination from Hands	.04(4)(a)1&2	51
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2-2A. Management awareness, policy present, reporting

IN/OUT This item must 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 Code provisions that conditional or food employees are required to report certain symptoms or diagnosed illnesses to the person in charge and that the PIC is required to report certain symptoms or diagnosed illnesses to the regulatory authority.
2. The PIC can convey knowledge of an employee health policy or have access to an employee health policy.

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.

2-2A	Employee Health, reporting & responsibilities	.03(4)(a)-(f)	31-33
2-2A	Removal, Adjustment or Retention of Exclusion & Restriction	.03(4)(h)	35-39

2-2B. Proper eating, tasting, drinking, or tobacco use

IN/OUT This item should be marked IN or OUT of compliance based on direct observations or discussions of the appropriate hygienic practices of food employees. This item should be marked OUT of compliance when food employees are observed improperly tasting food or eating, drinking, or smoking or there is supporting evidence of these activities taking place in non-designated areas of the establishment.

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.

2-2B	Hygienic Practices-Proper Eating, Drinking, Tasting, or Tobacco Use	.03(5)(j)1&2	43
2-2B	Preventing Contamination when Tasting	.04(4)(b)	51



Instructions for Marking the Georgia Food Establishment Inspection Report Form: Rules and Regulations for Food Service Chapter 290-5-14

2-2C. No discharge from eyes, nose, and mouth

IN/OUT This item should be marked IN or OUT of compliance based on direct observations of food employees. This item should be marked IN compliance when no food employees are observed having persistent coughing, sneezing, runny nose, or watery eyes. This item should be marked OUT of compliance when a food employee has persistent coughing, sneezing, runny nose, or watery eyes subjecting food and food-contact surfaces to potential contamination. A food employee with these types of symptoms should be immediately restricted from handling exposed food, equipment, utensils, linens or unwrapped single service or single use articles.

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.

2-2C	Hygienic Practices-Discharge from Eyes, Nose, or Mouth	.03(5)(j)5	43
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2-2D. Adequate handwashing facilities, supplied and accessible

IN/OUT This item must be marked IN or OUT of compliance based on observations in determining that handwashing sinks are properly equipped and conveniently located for food employee use. This item should be marked OUT of compliance when the facility is not stocked with soap or hand drying provisions. In addition, if the handwashing sink is used for purposes other than handwashing or if the handwashing sink is not located to be available to food employees who are working in food preparation, food dispensing and warewashing areas or is blocked by portable equipment or filled with utensils or other items making the sink inaccessible for regular employee use, then this item would be marked as OUT of compliance.

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

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

2-2D	Where to Wash	.03(5)(d)	41
2-2D	Hand Antiseptics	.03(5)(e)	41-42
2-2D	Handwashing Sinks, Nos/Capacities	.06(2)(g)	108
2-2D	Handwashing Sinks Location/Placement	.06(2)(l)	109
2-2D	Using a Handwashing Sink	.06(2)(o)	110
2-2D	Handwashing Cleanser, Availability	.07(3)(a)	122
2-2D	Hand Drying Provision	.07(3)(b)	122
2-2D	Handwashing Aids & Devices, Use Restrictions	.07(3)(c)	122
2-2D	Cleaning of Plumbing Fixtures (Hand sink)	.07(5)(h)	124

Approved Source

3-1A. Food obtained from approved source; parasite destruction

NOTE: *Fish that is sold with the intent that the consumer will cook it are not required to be frozen for parasite destruction. Molluscan shellfish, aquacultured fish, and tuna species as specified under section 290-5-14-.04(5)(d)2 of the code do not require freezing for parasitic destruction.*

IN/OUT This item should be marked IN or OUT of compliance based on direct observations of food products, food labels and packaging, and discussion with the PIC or other food employees. This item should be marked OUT of compliance when the regulatory authority is unable to determine approved food sources. A review of supplier names, shipment invoices, buyer specification plans, a statement from supplier(s) identifying that fish sold as raw, raw-



Instructions for Marking the Georgia Food Establishment Inspection Report Form: Rules and Regulations for Food Service Chapter 290-5-14

marinated or undercooked is frozen by supplier for parasite destruction, freeze records maintained by the permit holder when fish are frozen for parasite destruction on the premises, molluscan shellfish tags, proof of regulatory permit/licensure of a food source, etc. can be used to determine compliance. For shellstock, this item should be marked OUT of compliance if there are no shellstock tags available, shellstock tags do not contain all the required information, and there is evidence of commingling of shellstock.

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

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

3-1A	Compliance w/ Food Law	.04(2)(a)	44-45
3-1A	Food in Hermetically Sealed Container	.04(2)(b)	45
3-1A	Fluid Milk & Milk Product	.04(2)(c)	45
3-1A	Fish	.04(2)(d)	45
3-1A	Molluscan Shellfish	.04(2)(e)	45
3-1A	Wild Mushrooms	.04(2)(f)	45
3-1A	Game Animals	.04(2)(g)	46-47
3-1A	Eggs	.04(3)(c)	48
3-1A	Eggs & Milk Products, Pasteurized	.04(3)(d)	48
3-1A	Juice Treated	.04(3)(j)	50
3-1A	Shellstock tags, Maintaining Identification	.04(3)(l)1	51
3-1A	Shellstock Identification	.04(3)(h)	48-50
3-1A	Parasite Destruction	.04(5)(d)	62-63
3-1A	Records, Creation, & Retention	.04(5)(e)	63
3-1A	Bottled Drinking Water	.06(1)(c)	106

3-1B. Food received at proper temperature

IN/OUT This item should be marked IN or OUT of compliance based on actual food temperature measurements of PHF(TCS) foods being received. This item should be marked IN compliance when food is received and found at proper temperatures during the inspection. This item should be marked OUT of compliance if food is received and accepted, but an actual food temperature measurement of a PHF(TCS) food by the regulatory authority or food service employee at the time of delivery exceeds the temperature specifications for receiving as prescribed by the Code.

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.

3-1B	Temperature	.04(3)(a)	47
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3-1C. Food in good condition, safe and unadulterated

IN/OUT This item must be marked IN or OUT of compliance based on direct observations of the integrity of product packaging, wholesomeness, and signs of adulteration. This item should be marked IN compliance when a dent in a canned food has not compromised the hermetic seal; or cuts made in outer cardboard packaging during opening of the case do not enter the inner product packaging. This item should be marked OUT of compliance when the integrity of food packaging has been compromised or if a food has been contaminated.

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

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

3-1C	Condition	.04(1)	44
3-1C	Package Integrity	.04(3)(e)	48



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Protection from Contamination

4-1A. Food separated and protected

IN/OUT This item should be marked IN or OUT of compliance based on direct observations of the food storage and food handling practices. This item should be marked OUT of compliance when ready-to-eat foods are subject to potential contamination by raw animal foods; raw animal foods are not stored or separated by type based on minimum cook temperatures and bacterial load; food is in contact with soiled equipment and utensils or unwashed vegetables are stored with ready to eat foods.

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.

4-1A	Packaged & Unpackaged Food, protection from contamination	.04(4)(c)1(i),(ii),(iii),(v),(viii)	52
4-1A	Food Contact with Equipment & Utensils	.04(4)(j)	54
4-1A	Consumer Self-Service Operations	.04(4)(w)(1)	58

4-1B. Proper disposition of contaminated food; returned food or unused food not re-served

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

4-1B	Returned Food & Reservice of Food	.04(4)(x)	59
4-1B	Discarding or Reconditioning Unsafe, Adulterated Food, or Contaminated Food	.04(8)(a)	76-77

4-2A. Food stored covered

IN/OUT This item should be marked IN or OUT of compliance based on direct observations of the food storage and food handling practices. This item should be marked OUT of compliance when food is not stored covered to protect from cross contamination, *except that foods should be stored loosely covered or uncovered during cooling, but they should be protected from overhead contamination. Outdoor food orders can be presented and limited tableside finishing, but outdoor salad bars or open dessert carts are prohibited. For special events, food can be cooked, if served immediately, in an outside area on the premises of a permitted food service establishment with prior approval.*

N.A. This item may be marked N.A. when only prepackaged foods are sold.

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

4-2A	Packaged & Unpackaged Food, food stored covered	.04(4)(c)1(iv)	52
4-2A	Outdoor Cooking	.04(4)(y)	59

4-2B. Food-contact surfaces: cleaned and sanitized

IN/OUT This item should be marked IN or OUT of compliance based on direct observations of food-contact surfaces of equipment and utensils; actual measurements/readings of chemical sanitizer concentration, hot water sanitizing temperature, pH, hardness, water pressure, etc. using test strips, heat-sensitive tapes, and equipment gauges; observations of cleaning and sanitizing procedures; and discussion of cleaning and sanitizing procedures and



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frequency with the PIC or other food employees. This item should be marked IN compliance when manual and/or mechanical methods of cleaning and sanitizing are effective. There should be an overall assessment of the food-contact surfaces of equipment and utensils in clean storage and in use to determine compliance. For example, this item should not be marked OUT of compliance based on one visibly soiled utensil. This item should be marked OUT of compliance when manual and/or mechanical methods of cleaning and sanitizing food-contact surfaces of equipment and utensils are ineffective, as evidenced by soiled equipment or utensils observed in the facility.

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.

4-2B	Manual Warewashing, Hot Water Sanitization	.05(6)(k)	94
4-2B	Mechanical Warewashing, Hot Water Sanitization	.05(6)(l)	94
4-2B	Mechanical Warewashing, Sanitization Pressure	.05(6)(m)	94
4-2B	Chemical Sanitization-Temperature, pH, Concentration, Hardness	.05(6)(n)	94-95
4-2B	Manual Warewashing Equipment, Detergent Sanitizers	.05(6)(o)	95
4-2B	Cleaning of Equip & Utensils, Food-Contact Surface Clean to Sight & Touch	.05(7)(a)1	96
4-2B	Food Contact Surfaces, Cleaning Frequency	.05(7)(b)	96-99
4-2B	Cooking & Baking Equipment	.05(7)(c)	99
4-2B	Before use after Cleaning	.05(8)(a)	101
4-2B	Hot Water and Chemical	.05(8)(b)	101-102

Cooking and Reheating of Potentially Hazardous Foods, Consumer Advisory

5-1A. Proper cooking time and temperatures

NOTE: *The cooking temperatures of foods must be measured to determine compliance or noncompliance. Do not rely upon discussions of proper raw animal food cook temperatures with managers or cooks to make a determination of compliance or noncompliance. It should be verified with the cook that the product has finished cooking and is ready to be served prior to taking the cook temperature. The temperature of raw animal foods of different types 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. 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 based on actual cooking temperature measurements using a calibrated food temperature measuring device. This item should be marked OUT of compliance if a food item that the cook indicates is ready to be served is checked and does not meet the temperature requirements. 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.

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.



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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

5-1A	Raw Animal Foods	.04(5)(a)	60-62
5-1A	Microwave Cooking	.04(5)(b)	62

5-1B. 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.

IN/OUT This item should be marked IN or OUT of compliance based on actual temperature measurements of foods upon completion of the reheating process and prior to being placed in hot holding using a calibrated food temperature measuring device. This item should be marked OUT of compliance if the items checked are not reheated to the required temperatures within 2 hours, prior to hot holding.

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

5-1B	Reheating for Hot holding	.04(5)(f)	64
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5-2. Consumer advisory provided for raw or undercooked food

IN/OUT This item should be marked IN or OUT of compliance based on a thorough review of the posted, written and special/daily menus with the PIC to determine if untreated shell eggs, meats, fish, or poultry may be used as an ingredient in or ordered as a raw, raw-marinated, partially cooked, or undercooked food. This item should be



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marked IN compliance if the establishment provides an advisory that meets the intent of the Code for both the disclosure and reminder components. This item should be marked OUT of compliance when there is no consumer advisory, the food item is not disclosed, or there is no reminder statement. The consumer advisory does not eliminate the requirement for freezing for parasite control.

- 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.

5-2	Consumption of Animal Foods that are Raw/Undercooked	.04(7)(e)	76
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Holding of Potentially Hazardous Foods, Date Marking Potentially Hazardous Food

6-1A. Proper cold holding temperatures

NOTE: *Multiple temperatures of PHF(TCS) must be taken at each cold holding unit to assess compliance. When a unit does not contain PHF(TCS) at the time of the inspection, an indicator temperature may be taken of a nonPHF(TCS) to determine whether the unit is capable of maintaining PHF(TCS) at proper temperatures. 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. Discussions should be made with the PIC to determine whether the food is being cold held, prepped, in the cooling process, or TPHC is used.*

IN/OUT This item should be marked IN or OUT of compliance based on actual food temperature measurements using a calibrated food temperature measuring device. This item should be marked IN compliance when the regulatory authority determines that, of the PHF(TCS) temperature measurements taken during the inspection, no cold holding temperatures are greater than prescribed by the Code. This item should be marked OUT of compliance if one PHF(TCS) is found out of temperature, with supportive evidence, unless TPHC is used for that PHF(TCS).

- 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.

6-1A	PHF Cold Holding	.04(6)(f)	67
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6-1B. Proper hot holding temperatures

NOTE: *Multiple temperatures of PHF(TCS) must be taken at each hot holding unit to assess compliance. When a unit does not contain PHF(TCS) at the time of the inspection, an indicator temperature may be taken of a nonPHF(TCS) to determine whether the unit is capable of maintaining PHF(TCS) at proper temperatures. 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. Discussions should be made with the PIC to determine whether the food is being hot held, reheated, in the cooking process or TPHC is used.*

IN/OUT This item should be marked IN or OUT of compliance based on actual food temperature measurements using a calibrated food temperature measuring device. This item should be marked IN compliance when the regulatory authority determines that, of the PHF(TCS) temperature measurements taken during the inspection, no hot holding temperatures are less than prescribed by the Code. This item should be marked OUT of compliance if PHF(TCS)'s is found out of temperature without supportive evidence, unless TPHC is used



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for that PHF(TCS).

- 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.

6-1B	PHF Hot Holding	.04(6)(f)	67
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6-1C. 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, 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. There are two critical limits that must be met with cooling. Discussions with the person in charge along with observations should be used to determine compliance. Because the entire cooling process is difficult to observe, at the onset of the inspection a determination of whether foods are currently being cooled should be made. If cooling is taking place temperatures should be taken to make a determination of whether proper cooling is possible with procedures being used. 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 of compliance because the product did not cool from 135°F to 70°F within 2 hours and from 135°F to 41°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 with an emphasis on direct observations of PHF (TCS) foods in the cooling process, record review, the review of any standard operating procedures or HACCP plans to determine if the two critical limits for cooling are met, and a discussion with the PIC. If the food is not cooled from 135°F to 70°F within 2 hours, this item is marked OUT of compliance. If the food is not cooled from 70°F to 41°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 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 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 5°C(41°F) or below within 4 hours*
- *Foods (shellstock, milk) received at a temperature according to law cooled to 5°C (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 5°C (41°F)*

6-1C	Cooling	.04(6)(d)	66
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6-1D. Time as a Public Health Control: procedures and records

IN/OUT This item should be marked IN or OUT of compliance based on direct observations, record review, a discussion with the PIC, and the review of any standard operating procedures to determine if the intent of the Code for use of TPHC is met. This provision only applies if it is the actual intention by the PIC to store PHF (TCS) out of temperature control using TPHC; otherwise, it may be a cold or hot holding issue. This item should be marked IN compliance if the types of food products, written procedures, and time (marked or identified) do not exceed the 4-hour limit at any temperature or 6-hour limit at 70°F or less. This item should be marked OUT of compliance when the PIC implies use of TPHC but does not have a written procedure for implementing TPHC or a food product being held using time is unmarked or marked to exceed a 4 hour limit or 6 hour limit if room temperature or product is held at 70 degrees.

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.

6-1D	Time as a Public Health Control	.04(6)(i)	69-70
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6-2. Proper date marking and disposition

IN/OUT This item should be marked IN or OUT of compliance based on a preliminary discussion with the PIC to determine if ready-to-eat, PHF(TCS) food is prepared and held, or commercial containers of ready-to-eat, PHF (TCS) food opened and held, over 24 hours in the establishment. If date marking applies to the establishment, the PIC should be asked to describe the methods used to identify product shelf-life or “consume-by” dating. The regulatory authority must be aware of food products that are listed as exempt from date marking. This item should be marked IN compliance if the methods described by the PIC are properly used by food employees; “consume-by” dates can be identified on the individual food items or grouping of like food items (i.e. deli meats sliced on the same date); or a storage/retention procedure is used and meets or is more restrictive than the Food Code for the storage time at 41°F or less to control the growth of *Listeria monocytogenes*. This item should be marked IN compliance for disposition when foods are all within date marked time limits or food is observed being discarded within date marked time limits. This item should be marked OUT of compliance for date marking when there is no effective date marking procedure in place. This item should be marked OUT of compliance when a date marked food exceeds the 7 day time limit for storage at 41°F or less, or marked with a date that exceeds 7 days.

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.

6-2	RTE PHF Date Marking	.04(6)(g)	67-68
6-2	RTE PHF Disposition	.04(6)(h)	68-69

Highly Susceptible Populations

7-1. Pasteurized foods used; prohibited foods not offered

IN/OUT This item should be marked IN or OUT of compliance based on direct observations and



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discussions with the PIC and food employees regarding whether or not certain foods are served or certain practices occur in an establishment serving a highly susceptible population. This item should be marked IN compliance if only treated/pasteurized juices/juice beverages are served; only pasteurized eggs are used in recipes if eggs are undercooked and combined, unless raw eggs are combined immediately before cooking for one consumer serving, or using a HACCP plan to control *Salmonella* Enteritidis; no raw or partially cooked animal foods or raw seed sprouts are served; and no food is re-served following service to patients in medical isolation or quarantine.

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.

7-1	Pasteurized Foods, Prohibited Re-Service and Food	.04(9)	77-79
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Chemicals

8-2A. Food additives: approved and properly used

IN/OUT This item should be marked IN or OUT of compliance based on direct observations of food ingredients in storage and listed as product ingredients supplemented by discussion with the PIC. 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 should be 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 food or color additives on the premises.

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

8-2A	Additives	.04(3)(b)	47
8-2A	Protection from Unapproved Additives	.04(4)(f)	53

8-2B. Toxic substances properly identified, stored, and used

IN/OUT This item must be marked IN or OUT of compliance based on direct observations of food labeling, storage, reconstitution, and application of bulk and working containers of cleaning agents and sanitizers, personal care items, first aid supplies, medicines, pesticides, and potential toxic and poisonous substances. This item should be marked IN compliance when bulk and working containers of cleaning agents and sanitizers are labeled; sanitizing solutions do not exceed maximum concentrations; personal care items, first aid supplies, medicines, and chemicals are stored separate from and not above food, equipment, utensils, linens, and single-service and single-use articles; and restricted use pesticides are applied only by or under the supervision of a certified applicator. This item should be marked OUT of compliance if poisonous or toxic materials (including medicines) are not properly identified or stored to prevent contamination of food, equipment, utensils, linens, or single service and single use articles; if a sanitizing solution has a higher concentration than prescribed for food-contact surface sanitization; or a substance is not labeled for use on food-contact surfaces or in food service establishments per manufacturer specifications.

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

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

8-2B	Original Container-ID Info	.07(6)(a)	126
8-2B	Working Containers, Common Name	.07(6)(b)	126
8-2B	Storage, Separation	.07(6)(c)	126-127
8-2B	Restriction	.07(6)(d)	127



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8-2B	Conditions of Use	.07(6)(e)	127-128
8-2B	Poisonous or Toxic Materials Containers, Prohibition	.07(6)(f)	128
8-2B	Chemical Sanitizers, Criteria	.07(6)(g)	128
8-2B	Chemicals for Washing Fruits & Vegetables	.07(6)(h)	128
8-2B	Boiler Water Additives, Criteria	.07(6)(i)	128
8-2B	Drying Agents, Criteria	.07(6)(j)	128
8-2B	Lubricants, Incidental Food Contact, Criteria	.07(6)(k)	129
8-2B	Restricted Use Pesticide	.07(6)(l)	129
8-2B	Rodent Bait Stations	.07(6)(m)	129
8-2B	Tracking Powders, Pest Control & Monitoring	.07(6)(n)	129
8-2B	Medicines, Restriction & Storage	.07(6)(o)	129
8-2B	Refrigerated Medicines, Storage	.07(6)(p)	129
8-2B	First-aid Supplies, Storage	.07(6)(q)	129
8-2B	Other Personal Care Items	.07(6)(r)	129
8-2B	Stock and Retail Sale	.07(6)(s)	129-130

Conformance with Approved Procedures

9-2. Compliance with variance, specialized process, reduced oxygen packaging criteria or HACCP plan

IN/OUT This item should be marked IN or OUT of compliance based on direct observations of food preparation and storage, a discussion with the PIC to determine if there are specialized food processes [i.e. smoking food, curing food, reduced oxygen packaging, using food additives to render a food so that it is not PHF(TCS), etc.] and the record review of standard operating procedures and HACCP documentation. This item should be marked IN compliance when observations of food operations and review of available records indicate compliance is being met with regards to specialized food processes, when ROP technology is used in conjunction with a secondary barrier, when hard or semi-soft cheese is manufactured using standards of identity, or fish and seafood are frozen before, during and after ROP. This item should be marked OUT of compliance if the inspection reveals specialized food processes that are not approved by the regulatory authority or not conducted in accordance with the approved variance and/or HACCP plan.

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.

9-2	Conformance w/ Approved Procedures	.10(5)(c)	150
9-2	Variance Requirement	.04(6)(j)	70-71
9-2	Reduced Oxygen Pack	.04(6)(k)	71-74
9-2	Treating Juice	.04(5)(g)	64

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 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, bubble in the circle to the left of the numbered item if a code provision



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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 bubbling 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.

Inspection Report	GA Food Code Reference	Code Section Reference	Page Numbers
10	Safe Food and Water, Food Identification		
10A	Pasteurized Eggs, Substitute Raw eggs for certain recipe	.04(4)(e)	53
10B	Ice	.04(3)(f)	48
10B	Approved System	.06(1)(a)	106
10B	Standards	.06(1)(d)	106
10B	Nondrinking Water	.06(1)(e)	106
10B	Sampling	.06(1)(f)	106
10B	Sampling Report	.06(1)(g)	106
10B	Alternative Water Supply	.06(1)(k)	107
10C	Documentation of Proposed Variance and Justification	.10(5)(b)	150
10D	Shucked Shellfish, Packaging & Identification	.04(3)(g)	48
10D	Shellstock, Condition	.04(3)(i)	50
10D	Molluscan Shellfish, Original Container	.04(3)(k)	50-51
10D	Shellstock, Tags Maintained for 90 Days	.04(3)(l)2	51
10D	Food Storage Containers Identified with Common Name of Food	.04(4)(d)	53
10D	Vended PHF Original Container	.04(4)(s)	57
10D	Standards of Identity	.04(7)(a)	74
10D	Honestly Presented	.04(7)(b)	74
10D	Food Labels	.04(7)(c)	74-75
10D	Other Forms of Information	.04(7)(d)	75
10D	Expired Foods	.04(8)(b)	77
10D	Segregation, distressed food segregated and properly located	.07(4)(c)	123
11	Food Temperature Control		
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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.



Instructions for Marking the Georgia Food Establishment Inspection Report Form: Rules and Regulations for Food Service Chapter 290-5-14

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. Bubble in the yes or no.

Follow-up Date: Fill in date that follow-up inspection is required by if establishment earns a **“C” or “U”**. Follow-up inspection may be conducted anytime as long as it is completed by the required date as stated within the rules **(10 Health Authority Business days of the establishment earning a “U”)**. Fill in the date that is agreed upon with PIC or determined by the inspector that violations will be addressed if establishment earns a “C” (not required to be completed within 10 days according to the Code). Additional follow-up inspection are not required should the establishment earn a grade “C” and there are no Risk-Factors/PHI violations or Risk-Factors/PHI have been Corrected during the follow-up inspection.

COUNTY HEALTH DEPARTMENT

Address

Contact Information: Phone, Fax, Email

NOTICE OF FOOD SERVICE PERMIT SUSPENSION

The permit holder/person in charge (pic) of _____ is hereby notified that due to violations of the "Rules and Regulations Food Service Chapter 290-5-14" and as noted within Rule 290-5-14-.10 (1) (b) of same, the permit to operate this food service establishment has been suspended. This establishment is to be closed immediately. The Health Authority will remove the food service permit from the establishment and this notice shall be publicly posted at the establishment's entrance where it shall remain until such time as the permit is reinstated.

The permit holder/pic may request a preliminary hearing to be scheduled within seventy-two (72) of the Health Authority's working hours from the issue date of this notice to appeal the suspension. In lue of a permit suspension and preliminary hearing and when violations have been corrected, the permit holder/pic may call the Health Authority (maximum of one call per day) to request that the Health Authority make an inspection for reinstatement of the food service permit.

VIOLATIONS ARE AS FOLLOWS: (Option – If necessary, attach copy of Inspection Addendums)

This "Notice" is issued on _____ (date) at _____(time) by _____.

Does the permit holder/pic request a preliminary hearing? Yes _____, No _____.

If a preliminary hearing is requested, the hearing will be scheduled at _____ (location) on _____ (date) at _____ (time). This preliminary hearing cannot be rescheduled.

Signature- Permit Holder/PIC

Signature – Health Authority Representative

.....
All violations corrected and permit reinstated on _____ (date) at _____ (time).

Signature – Health Authority Representative





“WITHHOLD FROM SALE ORDER”

(Name of Food Service Establishment)

(Permit Holder, CFSM, or Person in Charge)

(Street and No., R.F.D. or Highway)

(City) (County) (State) (Zip Code)

In accordance with Chapter 290-5-14-.10 subsection (3) (b) of the Rules and Regulations for food service adopted pursuant to Title 26-2-373 of the Official Code of Georgia Annotated, a “Withhold From Sale Order” is hereby ordered due to the belief that the below named and described food product is unwholesome or otherwise adulterated or misbranded. The named and described food product is not to be used, served, or removed from your food service establishment, unless this order is rescinded by the Health Authority or the Health Authority removes subject food for safe keeping.

Common Name of Product: _____
Description of Product: _____

How Packaged or Stored: _____

Label Identification: _____

Where Stored: _____

Reason for Order: _____

In anticipation of your request, a hearing has been scheduled to be held on _____ (Date) at _____ (Time), which is 72 business hours from the date of this order, in the _____ County Health Department located at _____

for the purpose of giving you an opportunity to be heard as to reasons, if any, why the above described food product in question should not be condemned. Be advised that the local Health Authority may order the herein described and named food product destroyed should you not make a timely request for an administrative hearing.

If a hearing is requested, the local Health Authority will prepare, within a reasonable length of time after the hearing, a final order based upon the findings of fact and the conclusions of law and a copy of the order will be sent to you.

Until the Health Authority issues the final order, the “Withhold From Sale Order” remains in full force and effect.

Time: _____ Signed: _____
Date: _____ Title: _____



COUNTY HEALTH DEPARTMENT

Address

Contact Information: Phone, Fax, Email

**REPORT OF THE ISSUANCE OF A
“WITHHOLD FROM SALE ORDER”**

Date: _____

TO: Dr. _____
District Health Director

FROM: _____

Title: _____

SUBJECT: “Withhold From Sale Order”

A “Withhold From Sale Order” has been issued as indicated by the attached copy. This matter is herewith being referred to you for appropriate action in accordance with Chapter 290-5-14-.10 subsection (3) (b) of the Rules and Regulations for food service adopted pursuant to Title 26-2-373 of the Official Code of Georgia Annotated.



FOOD PRODUCT DESTRUCTION ORDER

Dear Mr./Mrs./Ms.: _____, Title: _____;

In accordance with Rule 290-5-14-.10 subsection (3) (b) of the Rules and Regulations Food Service Chapter 290-5-14 adopted pursuant to Title 26-2-373 of the Official Code of Georgia Annotated, a "Withhold From Sale Order" was issued at _____ (Time) on _____ (Date) by _____ County Health Department on the below named and described suspected unwholesome or otherwise adulterated or misbranded food product:

Name of product: _____

Description of product: _____

How packaged or stored: _____

Label identification: _____

Where stored: _____

Reason for order: _____

Further, on _____ (Date) at _____ (Time) in the _____ County Health Department an administrative hearing was held offering you an opportunity to be heard as to reasons, if any, why the food product in question should not be condemned.

Based upon the results of the hearing, the below listed findings of fact and conclusions of law, the product named and described above is hereby ordered destroyed and/or rendered unfit for human consumption: _____

_____. (Attach additional sheets as needed)

Sincerely yours,

Medical Director
_____ Health District

RELEASE FROM WITHHOLD FROM SALE ORDER

Dear Mr./Mrs./Ms.: _____, Title: _____;

In accordance with Rule 290-5-14-.10 subsection (3) (b) of the Rules and Regulations Food Service Chapter 290-5-14 adopted pursuant to Title 26-2-373 of the Official Code of Georgia Annotated, a "Withhold From Sale Order" was issued at _____

on _____ by _____ County Health
Date Time

Department on the below named and described suspected unwholesome or otherwise adulterated or misbranded food product:

Name of product: _____

Description of product: _____

How packaged or stored: _____

Label identification: _____

Where stored: _____

Reason for order: _____

Further, on _____ at _____ in the
Date Time

_____ County Health Department an administrative hearing was held offering you an opportunity to be heard as to reasons, if any, why the food product in question should not be condemned.

Based upon findings of fact and conclusions of law during the hearing, the product named and described above is hereby released from the "Withhold From Sale Order" as issued by the _____ County Health Department on _____

Date

Sincerely yours,

Medical Director _____ Health District





Request for Variance from the Rules and Regulations Food Service Chapter 290-5-14

1. Petitioner

Name: _____

Address: _____

Phone number: _____

Contact person, if other than petitioner: _____

Attorney or other person representing petitioner: _____

2. Rule(s) from which a variance is requested (list each separately)

3. List the specific facts of substantial hardship which would justify a variance for petitioner. (Address each Rule for which a variance is being requested.)



Request for Variance from the Rules and Regulations Food Service Chapter 290-5-14

- 4. Detail the alternative standards petitioner agrees to meet for each Rule listed for variance in item #2 above.**

Note: If required by the Georgia Food Service Rules and Regulations Chapter 290-5-14, attach HACCP plan along with associated documents – See Rule 290-5-14.02 subsection (5) (a) through (e). Also, attach any challenge or inoculation studies that support submitted HACCP plan.

- 5. List the reasons that such alternative standards would afford adequate protection for the public health, safety, and welfare. Address each listed Rule in item #2 above.**



Request for Variance from the Rules and Regulations Food Service Chapter 290-5-14

- 6. List the reasons the variance requested would serve the purpose of the underlying statute upon which each Rule listed in item #2 above is based.**

- 7. Duration of variance requested.**

Note: If needed, attach additional sheets.



Risk Control Plan

Establishment Name:		Risk Type:	
Address:		PIC/CFSM:	
City:	State:	Zip:	County:
Candidate's Name:	Date:	Standard-Trainer's Name & Title:	

BASED ON THIS DAY'S INSPECTION THE FOLLOWING UNCONTROLLED HAZARD KNOWN TO CONTRIBUTE TO FOODBORNE ILLNESS WAS IDENTIFIED (FOR UNCONTROLLED HAZARDS INCLUDE THE OCCURRENCE OF ANY (1) RISK FACTOR OR LACK OF PUBLIC HEALTH INTERVENTIONS AS DESCRIBED IN THE MOST CURRENT VERSION OF GEORGIA FOOD SERVICE RULES AND REGULATIONS.

RISK FACTOR IDENTIFIED/ CORRECTIVE ACTION REQUIRED	
OBSERVATION (BE SPECIFIC)	
GAP (WHAT CAUSED THE OBSERVATION/ PROBLEM TO OCCUR?)	
UNCONTROLLED PROCESS STEP OR CCP	
HAZARD (most common)	
CRITICAL LIMITS (CLs)	
CORRECTIVE ACTION (when CLs are not met)	



RISK CONTROL PLAN CONTINUED

UNCONTROLLED PROCESS STEP OR CCP: _____

GAP (WHAT CAUSED THE PROBLEM TO OCCUR): _____

WRITE THE PLAN:



RISK CONTROL PLAN CONTINUED (IF NEEDED)



GEORGIA STANDARDIZATION NOMINATION FORM

APPLICANT INFORMATION			
Candidate's Name:		Candidate's Title:	
Candidate's Agency:		Candidates' Manager's Name and Email Address	
Candidate's Office Address:		City:	State: Zip:
Standard-Trainer's Name:		Standard-Trainer's Title:	
Standard-Trainer's Agency:	Standard-Trainer's Phone Number:	Standard-Trainer's Email Address	
Standard-Trainer's Office Address:		City:	State: Zip:

Candidate's background information		
Length of Service with Agency:	Hire Date:	Date Acquired Food Service Responsibilities:
Present Food Service Duties (please identify the number of inspections conducted per day, month, or year): List Details or Attach Copies		
Training – 1) 25 joint inspections and 25 independent inspections, 2) Current Food Safety Manager Certificate, 3) Dates of Pre-Standardization Training or ORAU Retail Food Level 1 Curriculum Certificates, and 4) ORAU Food Code Test): List Details or Attach Copies		

Continuing Education: (List hours of education with course titles/dates within the last 2 years)

DISTRICT ENVIRONMENTAL HEALTH DIRECTOR'S SIGNATURE CONFIRMING REQUEST FOR NOMINATION

NAME: (PRINT): _____

NAME: (SIGNATURE): _____ DATE: _____

TITLE: _____



SCORING FORM

Candidate's Name:	Title:
Standard-Trainer's Name:	Title:

Performance Criteria Tally of Disagreements in Each Establishment				
Establishment Name	Inspection*	Risk-Based Inspection Disagreements (items 1-9 on GA inspection form)	Good Retail Practices Disagreements (items 10-18 on GA Inspection form)	Name of Standardizing Officer
	PRACTICE*			
	PRACTICE*			
	1			
	2			
	3			
	4			
		Total _____ DO NOT COUNT PRACTICE	Total _____ DO NOT COUNT PRACTICE	

Please check to identify whether this is an initial Standardization or a Re-Standardization of the Candidate.

- Initial Standardization
- Re-Standardization

* Additional space is provided for practice inspections with the Candidate, if needed, in order to familiarize the Candidate with the exercise and ensure a thorough understanding of risk based inspections.

Note: Standardization inspections are not to be used for the purposes of routine inspections.



FINAL PERFORMANCE REPORT

Instructions: For the following Performance Areas, the Standard-Trainer will place a check mark in the box beside the Level of Agreement

PERFORMANCE AREA	LEVEL OF AGREEMENT	
	pass	fail
1. Risk-Based Inspections	pass	fail
2. Good retail Practices	pass	fail
3. Application of HACCP Principles	satisfactory	Unsatisfactory
a. Process Flow Charts	satisfactory	Unsatisfactory
b. Risk Control Plan	satisfactory	Unsatisfactory
c. Verification of HACCP Plans	satisfactory	Unsatisfactory
d. Statement of HACCP Principles (required for initial Standardization only)	satisfactory	Unsatisfactory
4. Inspection Equipment	satisfactory	Needs Improvement
5. Communication	satisfactory	Needs improvement

Standard-Trainer's Comments (use back, if needed to document strengths and areas for improvement for the Candidate) :

STANDARD-TRAINER'S SIGNATURE:

NAME (PRINT): _____ **DATE:** _____

NAME (SIGNATURE): _____



Risk Control Plan

Establishment Name:		Risk Type:	
Address:		PIC/CFSM:	
City:	State:	Zip:	County:
Candidate's Name:	Date:	Standard-Trainer's Name & Title:	

BASED ON THIS DAY'S INSPECTION THE FOLLOWING UNCONTROLLED HAZARD KNOWN TO CONTRIBUTE TO FOODBORNE ILLNESS WAS IDENTIFIED (FOR UNCONTROLLED HAZARDS INCLUDE THE OCCURRENCE OF ANY (1) RISK FACTOR OR LACK OF PUBLIC HEALTH INTERVENTIONS AS DESCRIBED IN THE MOST CURRENT VERSION OF GEORGIA FOOD SERVICE RULES AND REGULATIONS.

RISK FACTOR IDENTIFIED/ CORRECTIVE ACTION REQUIRED	
OBSERVATION (BE SPECIFIC)	
GAP (WHAT CAUSED THE OBSERVATION/ PROBLEM TO OCCUR?)	
UNCONTROLLED PROCESS STEP OR CCP	
HAZARD (most common)	
CRITICAL LIMITS (CLs)	
CORRECTIVE ACTION (when CLs are not met)	



RISK CONTROL PLAN CONTINUED

UNCONTROLLED PROCESS STEP OR CCP: _____

GAP (WHAT CAUSED THE PROBLEM TO OCCUR): _____

WRITE THE PLAN:



RISK CONTROL PLAN CONTINUED (IF NEEDED)



STANDARD-TRAINER'S HACCP PLAN VERIFICATION SUMMARY

Establishment Name:		Risk Type:	
Address:		PIC/CFSM:	
City:	State:	Zip:	County:
Candidate's Name:	Date:	Standard-Trainer's Name & Title:	

HACCP PLAN VERIFICATION SUMMARY CIRCLE YES or NO

	Record # 1	Record #2	Record # 3
	(Current date if Possible)	2 nd Selected Date	3 rd Selected Date
Required Monitoring Recorded ¹	YES/NO	YES/NO	YES/NO
Accurate (Believable) ²	YES/NO	YES/NO	YES/NO
Corrective Action Documented ³	YES/NO	YES/NO	YES/NO

TOTAL # OF DISAGREEMENTS BETWEEN THE STANDARD-TRAINER AND CANDIDATE'S RECORDED ANSWERS = ____

NOTES: An establishment's HACCP plan that identifies what is to be done in regards to corrective actions and has a provision on the log sheet for corrective actions to be recorded is suitable to use for this exercise. A HACCP Plan used by a food establishment can be verified through a review of records and investigating the following information:

- Does the food establishment's HACCP documentation indicate that the required monitoring procedures were followed (frequency, initialed, dated, etc.) on the form? A "Yes" answer would indicate that ALL required monitoring was documented. If ANY required monitoring was NOT documented, a "NO" answer would be circled.
- Does the food establishment's HACCP documentation for the selected dates appear accurate (NO dry labbing results, repeated temps). A "Yes" answer would indicate that he record appears accurate. A "NO" answer would indicate that there is inaccurate HACCP documentation.
- Was corrective action(s) documented in accordance to the HACCP plan when critical limits were not met on the form? A "Yes" answer would indicate that ALL corrective action(s) were documented for each critical limit for that particular date or if not within the critical limits but the appropriate corrective action was taken. A "No" answer would indicate ANY missing documentation of corrective action(s). A "No" should also be marked if the temperature logged is not within the critical limits and an appropriate critical limit was not taken.



CANDIDATE'S HACCP PLAN VERIFICATION SUMMARY

Establishment Name:		Risk Type:	
Address:		PIC/CFSM:	
City:	State:	Zip:	County:
Candidate's Name:	Date:	Standard-Trainer's Name:	

HACCP PLAN VERIFICATION SUMMARY			
CIRCLE YES or NO			
	Record # 1	Record #2	Record # 3
	(Current date if Possible)	2 nd Selected Date	3 rd Selected Date
Required Monitoring Recorded¹	YES/NO	YES/NO	YES/NO
Accurate (Believable)²	YES/NO	YES/NO	YES/NO
Corrective Action Documented³	YES/NO	YES/NO	YES/NO

NOTES: An establishment's HACCP plan that identifies what is to be done in regards to corrective actions and has a provision on the log sheet for corrective actions to be recorded is suitable to use for this exercise. A HACCP Plan used by a food establishment can be verified through a review of records and investigating the following information:

1. Does the food establishment's HACCP documentation indicate that the required monitoring procedures were followed (frequency, initialed, dated, etc.) on the form? A "Yes" answer would indicate that ALL required monitoring was documented. If ANY required monitoring was NOT documented, a "NO" answer would be circled.
2. Does the food establishment's HACCP documentation for the selected dates appear accurate (NO dry labbing results, repeated temps). A "Yes" answer would indicate that he record appears accurate. A "NO" answer would indicate that there is inaccurate HACCP documentation.
3. Was corrective action(s) documented in accordance to the HACCP plan when critical limits were not met on the form? A "Yes" answer would indicate that ALL corrective action(s) were documented for each critical limit for that particular date **or** if not within the critical limits but the appropriate corrective action was taken. A "No" answer would indicate ANY missing documentation of corrective action(s). A "No" should also be marked if the temperature logged is not within the critical limits and an appropriate critical limit was not taken.



Application for Certification of Continuing Education Units for
Environmental Health Specialist
Working in the Food Service Program

Sponsoring Organization/Company/Institution: _____

Address: _____

Location of Training: _____

Date(s): _____

Contact Person: _____

Contact Phone Number: _____

Instructions:

1. Submit completed application;
2. Provide an outline of the training subject(s) and time periods. Provide a synopsis of material covered and the presenter(s) with their credentials.
3. Email or Mail to: Food Service Program Consultant (for your respective district)
Georgia Department of Public Health
Environmental Health Branch
2 Peachtree Street, 13th Floor
Atlanta, Georgia 30303-3186

State Use Only:

Session approved by: _____

Approved for _____ hours.

Approval Date: _____



GEORGIA STANDARDIZATION NOMINATION FORM

APPLICANT INFORMATION			
Candidate's Name:		Candidate's Title:	
Candidate's Agency:		Candidates' Manager's Name and Email Address	
Candidate's Office Address:	City:	State:	Zip:
Standard-Trainer's Name:		Standard-Trainer's Title:	
Standard-Trainer's Agency:	Standard-Trainer's Phone Number:	Standard-Trainer's Email Address	
Standard-Trainer's Office Address:	City:	State:	Zip:

Candidate's background information		
Length of Service with Agency:	Hire Date:	Date Acquired Food Service Responsibilities:
Present Food Service Duties (please identify the number of inspections conducted per day, month, or year): List Details or Attach Copies		
Training – 1) 25 joint inspections and 25 independent inspections, 2) Current Food Safety Manager Certificate, 3) Dates of Pre-Standardization Training or ORAU Retail Food Level 1 Curriculum Certificates, and 4) ORAU Food Code Test): List Details or Attach Copies		

Continuing Education: (List hours of education with course titles/dates within the last 2 years)

DISTRICT ENVIRONMENTAL HEALTH DIRECTOR'S SIGNATURE CONFIRMING REQUEST FOR NOMINATION

NAME: (PRINT): _____

NAME: (SIGNATURE): _____ DATE: _____

TITLE: _____



SCORING FORM

Candidate's Name:	Title:
Standard-Trainer's Name:	Title:

Performance Criteria Tally of Disagreements in Each Establishment				
Establishment Name	Inspection*	Risk-Based Inspection Disagreements (items 1-9 on GA inspection form)	Good Retail Practices Disagreements (items 10-18 on GA Inspection form)	Name of Standardizing Officer
	PRACTICE*			
	PRACTICE*			
	1			
	2			
	3			
	4			
		Total _____ DO NOT COUNT PRACTICE	Total _____ DO NOT COUNT PRACTICE	

Please check to identify whether this is an initial Standardization or a Re-Standardization of the Candidate.

- Initial Standardization

- Re-Standardization

* Additional space is provided for practice inspections with the Candidate, if needed, in order to familiarize the Candidate with the exercise and ensure a thorough understanding of risk based inspections.

Note: Standardization inspections are not to be used for the purposes of routine inspections



FINAL PERFORMANCE REPORT

Instructions: For the following Performance Areas, the Standard-Trainer will place a check mark in the box beside the Level of Agreement

PERFORMANCE AREA	LEVEL OF AGREEMENT	
	pass	fail
1. Risk-Based Inspections	pass	fail
2. Good retail Practices	pass	fail
3. Application of HACCP Principles	satisfactory	Unsatisfactory
a. Process Flow Charts	satisfactory	Unsatisfactory
b. Risk Control Plan	satisfactory	Unsatisfactory
c. Verification of HACCP Plans	satisfactory	Unsatisfactory
d. Statement of HACCP Principles (conduct with 1 st time Standard-Trainers only)	satisfactory	Unsatisfactory
4. Inspection Equipment	satisfactory	Needs Improvement
5. Communication	satisfactory	Needs improvement

Standard-Trainer's Comments (use back, if needed):

STANDARD-TRAINER'S SIGNATURE:

NAME (PRINT): _____ DATE: _____

NAME (SIGNATURE): _____

Standard-Trainer's Additional Comments (if needed):

STANDARD-TRAINER'S SIGNATURE:

NAME (PRINT): _____ **DATE:** _____

NAME (SIGNATURE): _____



STANDARD-TRAINER'S HACCP PLAN VERIFICATION SUMMARY

Establishment Name:		Risk Type:	
Address:		PIC/CFSM:	
City:	State:	Zip:	County:
Candidate's Name:	Date:	Standard-Trainer's Name & Title:	

HACCP PLAN VERIFICATION SUMMARY			
CIRCLE YES or NO			
	Record # 1	Record #2	Record # 3
	(Current date if Possible)	2 nd Selected Date	3 rd Selected Date
Required Monitoring Recorded¹	YES/NO	YES/NO	YES/NO
Accurate (Believable)²	YES/NO	YES/NO	YES/NO
Corrective Action Documented³	YES/NO	YES/NO	YES/NO

TOTAL # OF DISAGREEMENTS BETWEEN THE STANDARD-TRAINER AND CANDIDATE'S RECORDED ANSWERS = ____

NOTES: An establishment's HACCP plan that identifies what is to be done in regards to corrective actions and has a provision on the log sheet for corrective actions to be recorded is suitable to use for this exercise. A HACCP Plan used by a food establishment can be verified through a review of records and investigating the following information:

1. Does the food establishment's HACCP documentation indicate that the required monitoring procedures were followed (frequency, initialed, dated, etc.) on the form? A "Yes" answer would indicate that ALL required monitoring was documented. If ANY required monitoring was NOT documented, a "NO" answer would be circled.

2. Does the food establishment's HACCP documentation for the selected dates appear accurate (NO dry labbing results, repeated temps). A "Yes" answer would indicate that he record appears accurate. A "NO" answer would indicate that there is inaccurate HACCP documentation.

3. Was corrective action(s) documented in accordance to the HACCP plan when critical limits were not met on the form? A "Yes" answer would indicate that ALL corrective action(s) were documented for each critical limit for that particular date **or** if not within the critical limits but the appropriate corrective action was taken. A "No" answer would indicate ANY missing documentation of corrective action(s). A "No" should also be marked if the temperature logged is not within the critical limits and an appropriate critical limit was not taken.



CANDIDATE'S HACCP PLAN VERIFICATION SUMMARY

Establishment Name:		Risk Type:	
Address:		PIC/CFSM:	
City:	State:	Zip:	County:
Candidate's Name:	Date:	Standard-Trainer's Name:	

HACCP PLAN VERIFICATION SUMMARY CIRCLE YES or NO

	Record # 1	Record #2	Record # 3
	(Current date if Possible)	2 nd Selected Date	3 rd Selected Date
Required Monitoring Recorded¹	YES/NO	YES/NO	YES/NO
Accurate (Believable)²	YES/NO	YES/NO	YES/NO
Corrective Action Documented³	YES/NO	YES/NO	YES/NO

NOTES: An establishment's HACCP plan that identifies what is to be done in regards to corrective actions and has a provision on the log sheet for corrective actions to be recorded is suitable to use for this exercise. A HACCP Plan used by a food establishment can be verified through a review of records and investigating the following information:

1. Does the food establishment's HACCP documentation indicate that the required monitoring procedures were followed (frequency, initialed, dated, etc.) on the form? A "Yes" answer would indicate that ALL required monitoring was documented. If ANY required monitoring was NOT documented, a "NO" answer would be circled.
2. Does the food establishment's HACCP documentation for the selected dates appear accurate (NO dry labbing results, repeated temps). A "Yes" answer would indicate that the record appears accurate. A "NO" answer would indicate that there is inaccurate HACCP documentation.
3. Was corrective action(s) documented in accordance to the HACCP plan when critical limits were not met on the form? A "Yes" answer would indicate that ALL corrective action(s) were documented for each critical limit for that particular date **or** if not within the critical limits but the appropriate corrective action was taken. A "No" answer would indicate ANY missing documentation of corrective action(s). A "No" should also be marked if the temperature logged is not within the critical limits and an appropriate critical limit was not taken.



STANDARD-TRAINER CHECKLIST FORM

Candidate's Name:			Title:	
Agency:			Office Telephone Number:	
Office Address:		City:	State:	Zip:
Standard's Name:		Standard's Title:		
Agency:		Standard's Telephone Number:	Location of Standardization:	
Office Address:			City:	State:
			Zip:	

Please provide a check mark in the box to acknowledge that you have completed the required documents for your records. This form will assist the Standard-Trainer in ensuring complete Standardization document files to maintain the integrity and uniformity of the Standardization process.

* STANDARD-TRAINERS MUST ENSURE PRE-STANDARDIZATION REQUIREMENTS ARE MET BY ALL CANDIDATES PRIOR TO CONDUCTING FIELD STANDARDIZATIONS.

DOCUMENTS CHECKLIST

PRE-STANDARDIZATION REQUIREMENTS*

Standardization Nomination Form

	Candidate's Background information completed (length of service, hire date, and date acquired food service responsibilities)
	Details food services duties (# of inspections conducted per day/month/wk/yr)
	Completed and signed by Supervisor
	Signed affidavit of training (minimum of 25 joint and 25 independent inspections) if < 5 years food service experience
	Georgia Food Code Test > 70 passing score
	Dates of pre-standardization training on nomination form or ORAU certificates
	Copy of current CFMS certificate issued from program accredited by the Conference for Food Protection (CFP)



DOCUMENTS CHECKLIST

FIELD STANDARDIZATION REQUIREMENTS

HACCP Verification Summary

Submit Candidate and the Standard forms (≤ 2 disagreements)

Scoring Form

≤ 5 RF/PHI disagreements per inspection

≤ 16 RF/PHI disagreements in 4 inspections

≤ 22 GRP disagreements in 4 inspections

Inspection reports and addendums conducted by Candidate and Standard (if for an Initial Standardization)

At least 1 out of the 4 inspections is written out to the provision and scored according to the point value for each item

Identify whether an Initial Standardization or a Re-standardization

Final Performance Report

Complete and Sign

Process Flow Charts (see Examples 1 and 1A for reference in this packet)

Process 1 (no cook)

Process 2 (same day service)

Process 3 (complex food prep)

Risk Control Plan

Risk Control Plan Chart

Handwritten Risk Control Plan (written in food service establishment at the time of inspection)

Management monitoring/ maintenance of records

Length of time Risk Control Plan (RCP) will continue (case specific but generally 4-6 weeks)

Frequency and format in which the results will be communicated back to the inspector

Proper training of food workers

Resource Guides

1. Georgia Rules and Regulations Chapter 290-5-14
2. Interpretation Manual for the Rules and Regulations Food Service Chapter 290-5-14
<http://health.state.ga.us/pdfs/environmental/Food/Rules/FinalFSInterpretationManual.pdf>
3. Example 1 Process Flow Chart - This particular layout is for a Process III and should be adapted for as needed for Process 1 and 2 layouts. Process 1, 2, and 3 layouts should use these common operational terms and acronyms to describe the steps, control points, and critical limits.
4. Example 1A Process Flow Chart- This particular layout is the same as the Example 1 Process Flow Chart; however it shows a different way of displaying the Cooling and Holding Steps by combining them as one step. The Critical Control Points and Critical Limits must still be identified.
5. Examples 2, 3, 4, and 4A – These are examples of completed flow charts based on hazard analysis/categorization of foods of recipes obtained by questioning a food service establishment operator during a potential routine food service assessment.
6. Table 1. Selected Biological Hazards Found at Retail, Associated Foods, and Control Measures
7. Table 2. Common Chemical Hazards at Retail, Along with Their Associated Foods and Control Measures
8. Table 3. Common Chemical Hazards at Retail, Along with Their Associated Foods and Control Measures
9. Table 4. Common Chemical Hazards at Retail, Along with Their Associated Foods and Control Measures
10. Table 5. Main Materials of Concern as Physical Hazards and Common Sources
11. Table 6: Examples of Hazards and Control Measures for Same Day Service Items

Example 1 - Process Flow Chart

Hazards

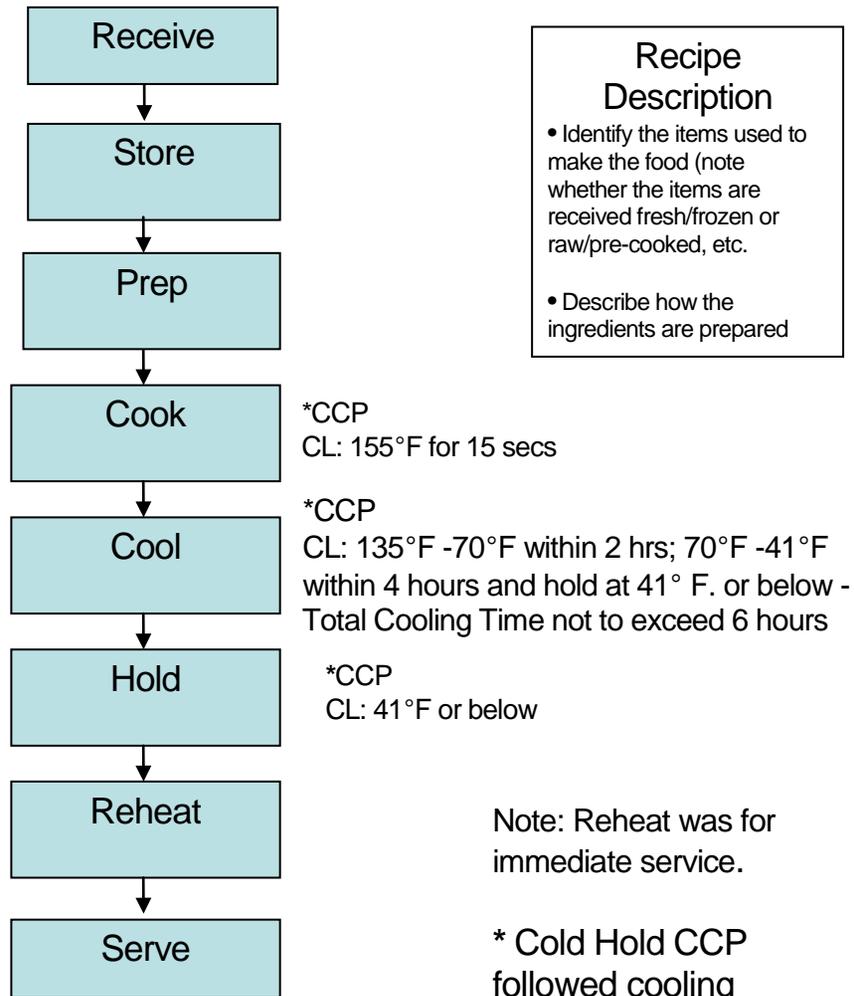
- List **only** the most common biological hazards associated with the product
- List the Genus + Species name for biological hazards **or** the Disease caused from the hazard (for example Salmonella Enteritidis **or** salmonellosis)
- List additional hazards other than biological hazards

Prerequisite Programs

- List procedures that address the basic operational and sanitation conditions within the operation that are associated with the product based on the process type

Recipe Description

- Identify the items used to make the food (note whether the items are received fresh/frozen or raw/pre-cooked, etc.)
- Describe how the ingredients are prepared



Example 1A - Process Flow Chart

Hazards

- List only the most common biological hazards associated with the product
- List the Genus + Species name for biological hazards or the Disease caused from the hazard (for example Salmonella Enteritidis or salmonellosis)
- List additional hazards other than biological hazards

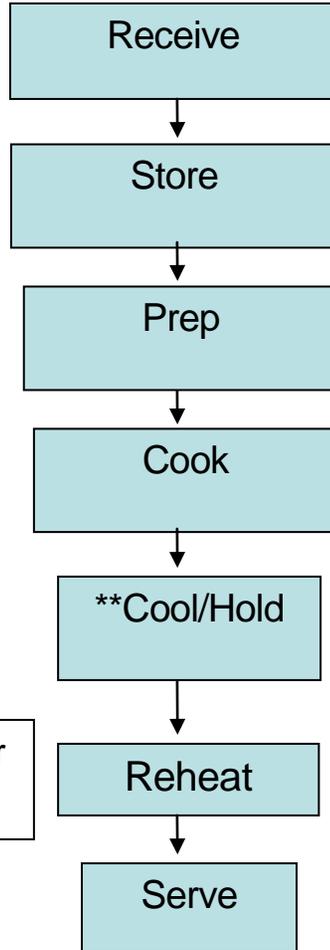
Recipe Description

- Identify the items used to make the food (note whether the items are received fresh/frozen or raw/pre-cooked, etc.)
- Describe how the ingredients are prepared

Prerequisite Programs

- List procedures that address the basic operational and sanitation conditions within the operation that are associated with the product based on the process type

Note: Reheat was for immediate service.



*CCP
CL: 155°F for 15 secs

*CCP
CL: 135°F -70°F within 2 hrs; 70°F -41°F within 4 hours and hold at 41° F. or below -Total Cooling Time not to exceed 6 hours and hold at ≤ 41° F

****Note:** You can do separate boxes for Cool and Hold (as in Example 1) or a combination Cool/Hold box (as seen here in Example 1A). Regardless of whether Example 1 or Example 1A is used; the hazards and CCPs must still be addressed.

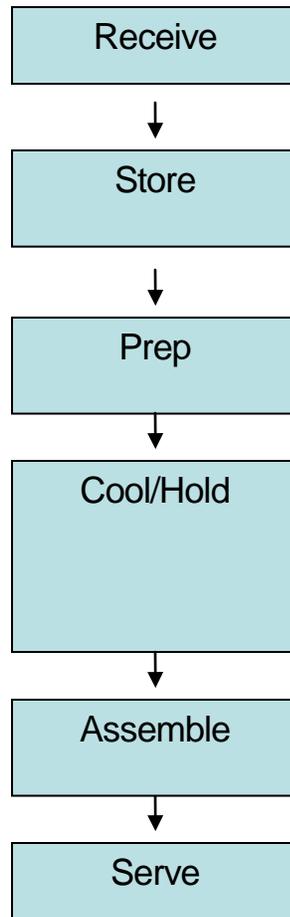
Example 2 - Process #1 (No Cook Step) Easy Greek Salad

Hazards:

- Clostridium botulinum
- FOR (Fecal Oral Route)
- Listeria monocytogenes
- Salmonellosis
- Shigellosis
- Staphylococcus aureus
- Chemical Hazards

Prerequisite Programs:

- No bare hand contact with ready-to-eat food
- Wash, Rinse, and Sanitize equipment and utensils
- Wash fruits and vegetables
- Cold holding for storage @ 41°F or lower
- Food Safety Training
- Wash hands properly
- Employee Health Policy
- Proper use and storage of chemicals



*CCP
CL: Cool to 41°F or below within 4hrs. and hold at 41°F

Immediate Service

Recipe Description

- 3 bags pre-washed Classic Romaine lettuce mix
- ½ purple onion, sliced
- 3 vine-ripened tomatoes, cut and quartered
- 1 jar Kalamata olives, pitted and drained
- 1-8 oz. package Feta cheese, crumbled
- 2 large cucumbers, sliced
- Crushed Nuts (optional)

Note: All ingredients are received fresh weekly and stored in walk-in cooler.

Cut the tomatoes in quarters, slice onions, and cucumbers and drain olives ahead of time and cool/hold in cooler. When order is received, toss the lettuce mix in bowl, cover with sliced onion, quartered tomatoes, and drained olives. Layer sliced cucumbers over the lettuce, tomatoes and olive mix. Sprinkle with salt and pepper and Feta cheese. Crushed nuts on top are optional. Serve immediately.

Note: Most will have a Cooling Step; however, some will not have a Cooling Step.

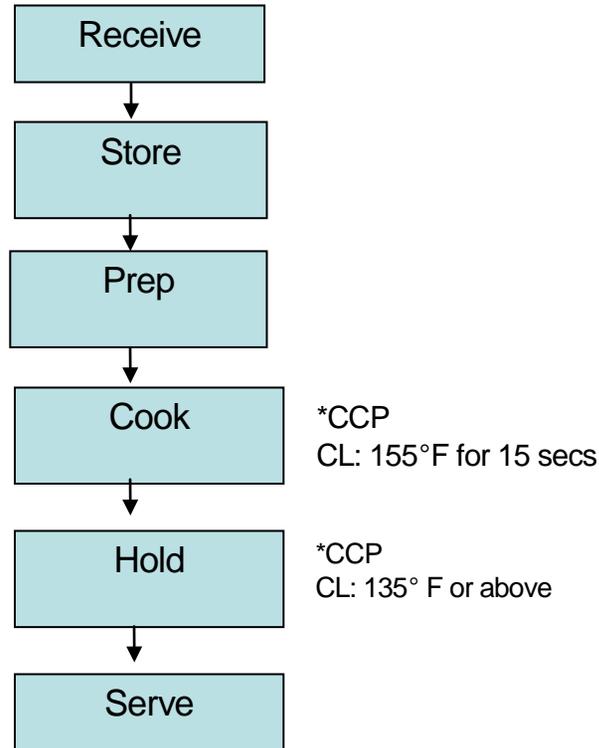
Example 3 - Process #2 (Same Day Service) Szechwan Garlic Eggplant

Hazards:

- Clostridium botulinum
- Clostridium perfringens
- Bacillus cereus
- Taeniasis
- Trichinella spiralis
- FOR (Fecal Oral Route)
- Listeria monocytogenes
- Salmonellosis
- Shigellosis
- Chemical Hazards

Prerequisite Programs:

- No bare hand contact with ready-to-eat food
- Wash, Rinse, and Sanitize equipment and utensils
- Wash fruits and vegetables
- Cold holding for storage @ 41°F or lower
- Food Safety Training
- Wash hands properly
- Employee Health Policy
- Food from approved sources
- Proper Receiving Procedures
- Proper use and storage of chemicals



Recipe Description

- 1 cup finely diced garlic
- ½ white onion, chopped
- ½ pound ground pork
- 1 can chicken broth
- 2 tablespoons Hoisin sauce
- 2 tablespoons black bean sauce
- 1 tablespoon Lan Chi chili paste
- ½ cup red wine
- ¼ cup soy sauce
- ¼ cup Tiparos fish sauce
- 6-8 Asian eggplants, cubed

Note: All ingredients are received fresh weekly and stored in walk-in cooler or in dry storage as appropriate.

Brown the ground pork in a large stock pot. Stir in the onion, garlic, Hoisin sauce, black bean paste, chili paste, fish sauce and red wine. Throw in the eggplant and the can of chicken broth. Shake soy sauce around the pot to season, sprinkle sugar throughout, ad then stir it all up vigorously. Cover the pot and let simmer for several minutes, stirring occasionally. Once the eggplant has softened, turn down to low heat and simmer for several hours. Hold eggplant hot in the soup well and serve as ordered. Discard leftovers.

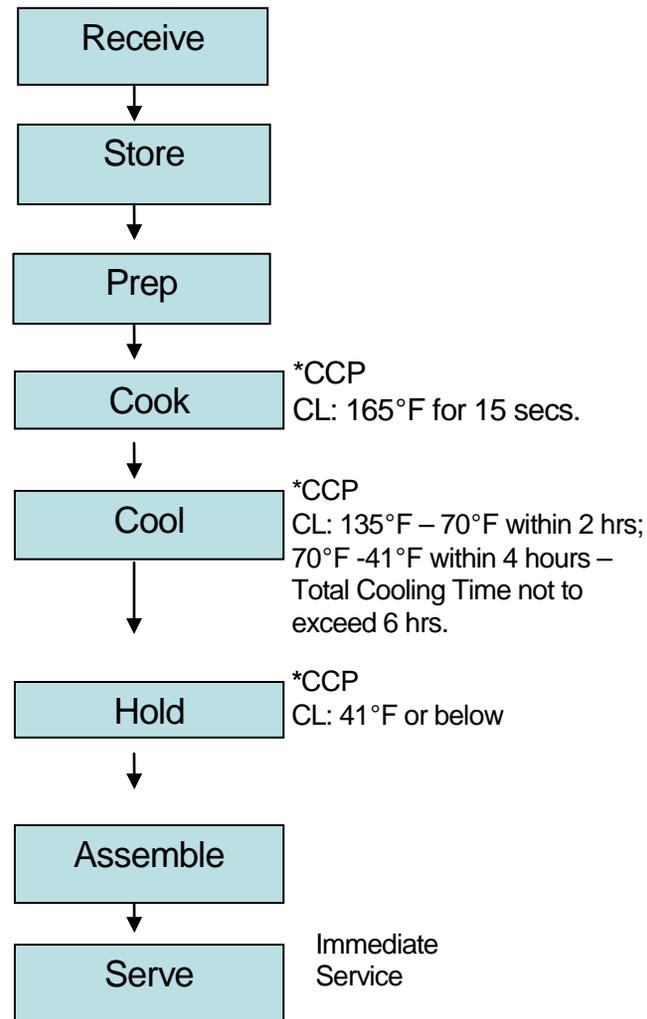
Example 4 - Process #3 (Complex) Curried Chicken Salad

Hazards:

Clostridium botulinum
 Clostridium perfringens
 Bacillus cereus
 Campylobacter jejuni
 FOR (Fecal Oral Route)
 Listeria monocytogenes
 Salmonellosis
 Shigellosis
 Staphylococcus aureus

Prerequisite Programs:

- No bare hand contact with ready-to-eat food
- Wash, Rinse, and Sanitize equipment and utensils
- Wash fruits and vegetables
- Cold holding for storage @ 41°F or lower
- Food Safety Training
- Wash hands properly
- Employee Health Policy
- Food from approved sources
- Proper storage practices to prevent cross-contamination
- Proper Receiving Procedures
- Proper use and storage of chemicals



Recipe Description

- 2 pounds boneless chicken breasts
- ¼ cup diced garlic
- ¼ cup diced onion
- ½ cup diced green pepper
- ½ cup curry paste or ½ bar curry “brick”
- 1 can coconut milk
- 2 teaspoons Lan Chi chili paste
- vegetable oil
- 1-8 oz. pkg raisins or cranberry raisins
- 1-8 oz. can salted cashew nuts
- ¼ cup shredded cilantro

Note: All ingredients are received fresh weekly and stored in walk-in cooler or in dry storage as appropriate.

Cut the chicken breasts into small bite-sized pieces and fry them in oil in a large wok or frying pan. Strain the meat to remove the excess fat. In the wok or pan, sauté the garlic, onion, and pepper, then add back the chicken. Stir in the curry paste or melted curry “brick” and mix thoroughly. Pour in the coconut milk and stir. Add the chili paste and stir throughout. Stir fry until the liquid begins to boil – usually about 10-12 minutes on high heat. Turn off the heat and allow the curry to marinate for several minutes to an hour. Drain away all the liquid, cool the curried chicken, and store. When ready to serve, mix the nuts, Craisins, and cashews through the chicken and serve in lettuce wraps.

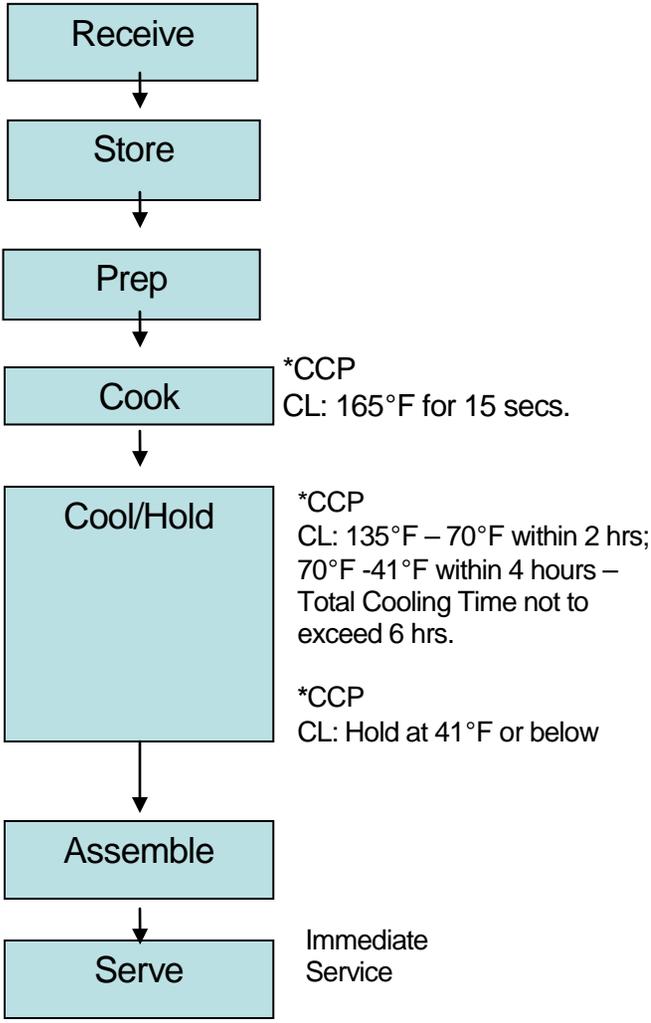
Example 4A - Process #3 (Complex) Curried Chicken Salad

Hazards:

- Clostridium botulinum
- Clostridium perfringens
- Bacillus cereus
- Campylobacter jejuni
- FOR (Fecal Oral Route)
- Listeria monocytogenes
- Salmonella spp.
- Shigella spp.
- Staphylococcus aureus

Prerequisite Programs:

- No bare hand contact with ready-to-eat food
- Wash, Rinse, and Sanitize equipment and utensils
- Wash fruits and vegetables
- Cold holding for storage @ 41°F or lower
- Food Safety Training
- Vegetables from reputable source
- wash hands properly
- Employee Health Policy
- All foods from sources that meet law.
- Proper storage practices to prevent cross-contamination



Recipe Description

- 2 pounds boneless chicken breasts
- ¼ cup diced garlic
- ¼ cup diced onion
- ½ cup diced green pepper
- ½ curry paste or ½ bar curry “brick”
- 1 can coconut milk
- 2 teaspoons Lan Chi chili paste
- vegetable oil
- 1-8 oz. pks raisins or cranberry raisins
- 1-8 oz. can salted cashew nuts
- ¼ cup shredded cilantro

Note: All ingredients are received fresh weekly and stored in walk-in cooler or in dry storage as appropriate.

Cut the chicken breasts into small bite-sized pieces and fry them in oil in a large wok or frying pan. Strain the meat to remove the excess fat. In the wok or pan, sauté’ the garlic, onion, and pepper, then add back the chicken. Stir in the curry paste or melted curry “brick” and mix thoroughly. Pour in the coconut milk and stir. Add the chili paste and stir throughout. Stir fry until the liquid begins to boil – usually about 10-12 minutes on high heat. Turn off the heat and allow the curry to marinate for several minutes to an hour. Drain away all the liquid, cool the curried chicken, and store. When ready to serve, mix the nuts, Craisins, and cashews through the chicken and serve in lettuce wraps.



Example 5 – RISK CONTROL PLAN

Establishment Name: ABC Establishment		Risk Type: Risk Type II		
Address: 123 Any Street		PIC/CFSM: John Doe		
City: Any City	State: GA	Zip: 00000	County: Any County	
Candidate's Name: Jane Doe	Date: 00/00/0000	Standard's Name & Title: Judy Doe, EHSIII		

BASED ON THIS DAY'S INSPECTION THE FOLLOWING UNCONTROLLED HAZARD KNOWN TO CONTRIBUTE TO FOODBORNE ILLNESS WAS IDENTIFIED (FOR UNCONTROLLED HAZARDS INCLUDE THE OCCURRENCE OF ANY (1) RISK FACTOR OR LACK OF PUBLIC HEALTH INTERVENTIONS AS DESCRIBED IN THE CHAPTER 290-5-14).

RISK FACTOR IDENTIFIED/ CORRECTIVE ACTION REQUIRED				
OBSERVATION	UNCONTROLLED PROCESS STEP OR CCP	HAZARD (most common)	CRITICAL LIMITS (CLs)	CORRECTIVE ACTION (when CLs are not met)
Temperature of turkey vegetable soup in walk-in cooler was 65 °F after cooling in the walk-in all night (12 hours).	Cooling	Outgrowth of spore formers: <ul style="list-style-type: none"> • Clostridium botulinum • Clostridium perfringens • Bacillus cereus 	Cool from 135°F to 41 °F within 6 hours provided that food is first cooled from 135°F to 70 °F in within 2 hours.	If the temperature of the soup is not 70 °F or less in 2 hours, the soup will be reheated to 165°F and cooling process started again. Discard soup, if cooling time exceeds 2 hours to cool from 135°F to 70 °F. Discard soup, if not cooled to 41°F within a total of 6 hours.

RISK CONTROL PLAN (CONTINUED)

UNCONTROLLED PROCESS STEP OR CCP: COOLING

WRITE THE PLAN:

How will active managerial control be achieved:

(Who is responsible for the control, what monitoring and record keeping is required, who is responsible for monitoring and completing records, what corrective actions should be taken when deviations are noted, how long is the plan to continue)

Conduct a Trial Run to Determine if Cooling Procedure Works:

The line cook, John Cook, will portion soup at a temperature of 135 °F in cleaned and sanitized 3-inch metal pans, and place them uncovered in the coolest, protected area of the walk-in cooler. He will record the time on the "Time-Temperature Log." Two hours later, the temperature of the soup will be checked and recorded. If the temperature of the soup is not 70 °F or less, the soup will be reheated to 165°F, and the trial run will be restarted in an ice bath. When the temperature is 70°F or less within 2 hours, the time and temperature will be recorded, and cooling will continue. Four hours later, the temperature of the soup will again be checked and recorded. If the soup is 41 °F or less, the cooling procedure will be established and followed. If the soup is not 41 °F or less, it will be discarded and other cooling options such as ice baths, stirring with chill sticks, etc. employed in addition to cooling in cooler.

Procedure:

When there is less than one gallon of soup left over at the end of the day, John Cook will log the volume and disposition of the soup. When the volume is greater than one gallon, the established procedure will be followed. John Cook will complete the Temperature Log daily for 30 days. The John Doe will review the log weekly for completeness and adherence to the procedure.

Training:

John Doe will train line cook, John Cook, in the proper procedures for cooling hot potentially hazardous foods from 135°F to 41°F within 6 hours total time.

How will the results of implementing the RCP be communicated back to the inspector:

A copy of the temperature log will be faxed to EHS Jane Doe of the Any County Health Department each Friday over the next 30 days.

Table 1. Selected Biological Hazards Found at Retail, Associated Foods, and Control Measures		
HAZARD	ASSOCIATED FOODS	CONTROL MEASURES
<i>Bacteria</i>		
<i>Bacillus cereus</i> (intoxication caused by heat stable, preformed emetic toxin and infection by heat labile, diarrheal toxin)	Meat, poultry, starchy foods (rice, potatoes), puddings, soups, cooked vegetables	Cooking, cooling, cold holding, hot holding
<i>Campylobacter jejuni</i>	Poultry, raw milk	Cooking, hand washing, prevention of cross-contamination
<i>Clostridium botulinum</i>	Vacuum-packed foods, reduced oxygen packaged foods, under-processed canned foods, garlic-in-oil mixtures, time/temperature abused baked potatoes/sautéed onions	Thermal processing (time + pressure), cooling, cold holding, hot holding, acidification and drying, etc.
<i>Clostridium Perfringens</i>	Cooked meat and poultry, Cooked meat and poultry products including casseroles, gravies	Cooling, cold holding, reheating, hot holding
<i>E. coli</i> O157:H7 (other shiga toxin-producing <i>E. coli</i>)	Raw ground beef, raw seed sprouts, raw milk, unpasteurized juice, foods contaminated by infected food workers via fecal-oral route	Cooking, no bare hand contact with RTE foods, employee health policy, hand washing, prevention of cross-contamination, pasteurization or treatment of juice
<i>Listeria monocytogenes</i>	Raw meat and poultry, fresh soft cheese, paté, smoked seafood, deli meats, deli salads	Cooking, date marking, cold holding, hand washing, prevention of cross-contamination
<i>Salmonella spp.</i>	Meat and poultry, seafood, eggs, raw seed sprouts, raw vegetables, raw milk, unpasteurized juice	Cooking, use of pasteurized eggs, employee health policy, no bare hand contact with RTE foods, hand washing, pasteurization or treatment of juice
<i>Shigella spp.</i>	Raw vegetables and herbs, other foods contaminated by infected workers via fecal-oral route	Cooking, no bare hand contact with RTE foods, employee health policy, hand washing
<i>Staphylococcus aureus</i> (preformed heat stable toxin)	RTE PHF foods touched by bare hands after cooking and further time/temperature abused	Cooling, cold holding, hot holding, no bare hand contact with RTE food, hand washing
<i>Vibrio spp.</i>	Seafood, shellfish	Cooking, approved source, prevention of cross-contamination, cold holding
<i>Parasites</i>		
<i>Anisakis simplex</i>	Various fish (cod, haddock, fluke, pacific salmon, herring, flounder, monkfish)	Cooking, freezing
<i>Taenia spp.</i>	Beef and pork	Cooking
<i>Trichinella spiralis</i>	Pork, bear, and seal meat	Cooking
<i>Viruses</i>		
Hepatitis A and E	Shellfish, any food contaminated by infected worker via fecal-oral route	Approved source, no bare hand contact with RTE food, minimizing bare hand contact with foods not RTE, employee health policy, hand washing
Other Viruses (Rotavirus, Norovirus, Reovirus)	Any food contaminated by infected worker via fecal-oral route	No bare hand contact with RTE food, minimizing bare hand contact with foods not RTE, employee health policy, hand washing
RTE = ready-to-eat PHF = potentially hazardous food (time/temperature control for safety food)		

Table 2. Common Chemical Hazards at Retail, Along with Their Associated Foods and Control Measures		
Chemical Hazards	Associated Foods	Control measures
Naturally Occurring:		
Scombrototoxin	Primarily associated with tuna fish, mahi-mahi, blue fish, anchovies bonito, mackerel; Also found in cheese	Check temperatures at receiving; store at proper cold holding temperatures; buyer specifications: obtain verification from supplier that product has not been temperature abused prior to arrival in facility.
Ciguatoxin	Reef fin fish from extreme SE US, Hawaii, and tropical areas; barracuda, jacks, king mackerel, large groupers, and snappers	Ensure fin fish have not been caught: •Purchase fish from approved sources. •Fish should not be harvested from an area that is subject to an adverse advisory.
Tetrodotoxin	Puffer fish (Fugu; Blowfish)	Do not consume these fish.
Mycotoxins Aflatoxin Patulin	Corn and corn products, peanuts and peanut products, cottonseed, milk, and tree nuts such as Brazil nuts, pecans, pistachio nuts, and walnuts. Other grains and nuts are susceptible but less prone to contamination. Apple juice products	Check condition at receiving; do not use moldy or decomposed food. Buyer Specification: obtain verification from supplier or avoid the use of rotten apples in juice manufacturing.
Toxic mushroom species	Numerous varieties of wild mushrooms	Do not eat unknown varieties or mushrooms from unapproved source.
Shellfish toxins Paralytic shellfish poisoning (PSP) Diarrhetic shellfish poisoning (DSP) Neurotoxin shellfish poisoning (NSP) Amnesic shellfish poisoning (ASP)	Molluscan shellfish from NE and NW coastal regions; mackerel, viscera of lobsters and Dungeness, tanner, and red rock crabs Molluscan shellfish in Japan, western Europe, Chile, NZ, eastern Canada Molluscan shellfish from Gulf of Mexico Molluscan shellfish from NE and NW coasts of NA; viscera of Dungeness, tanner, red rock crabs and anchovies.	Ensure molluscan shellfish are: • from an approved source; and • properly tagged and labeled.

Table 3. Common Chemical Hazards at Retail, Along with Their Associated Foods and Control Measures

Chemical Hazards	Associated Foods	Control measures
Naturally Occurring:		
Pyrrolizidine alkaloids	Plants food containing these alkaloids. Most commonly found in members of the Boraginaceae, Compositae, and Leguminosae families.	Do not consume of food or medicinals contaminated with these alkaloids.
Phytohemmagglutinin	Raw red kidney beans (Undercooked beans may be more toxic than raw beans)	Soak in water for at least 5 hours. Pour away the water. Boil briskly in fresh water, with occasional stirring, for at least 10 minutes.
Added Chemicals:		
Environmental contaminants: Pesticides, fungicides, fertilizers, insecticides, antibiotics, growth hormones	Any food may become contaminated.	Follow label instructions for use of environmental chemicals. Soil or water analysis may be used to verify safety.
PCBs	Fish	Comply with fish advisories.
Prohibited substances (21 CFR 189)	Numerous substances are prohibited from use in human food; no substance may be used in human food unless it meets all applicable requirements of the FD&C Act.	Do not use chemical substances that are not approved for use in human food.
Toxic elements/compounds Mercury	Fish exposed to organic mercury: shark, tilefish, king mackerel and swordfish. Grains treated with mercury based fungicides	Pregnant women/women of childbearing age/nursing mothers, and young children should not eat shark, swordfish, king mackerel or tilefish because they contain high levels of mercury. Do not use mercury containing fungicides on grains or animals.
Copper	High acid foods and beverages	Do not store high acid foods in copper utensils; use backflow prevention device on beverage vending machines.
Lead	High acid food and beverages	Do not use vessels containing lead.
Preservatives and Food Additives: Sulfiting agents (sulfur dioxide, sodium and potassium bisulfite, sodium and potassium metabisulfite)	Fresh fruits and Vegetables Shrimp Lobster Wine	Sulfiting agents added to a product in a processing plant must be declared on labeling. Do not use on raw produce in food establishments.

Table 4. Common Chemical Hazards at Retail, Along with Their Associated Foods and Control Measures		
Chemical Hazards	Associated Foods	Control measures
Naturally Occurring:		
Nitrites/nitrates Niacin	Cured meats, fish, any food exposed to accidental contamination, spinach Meat and other foods to which sodium nicotinate is added	Do not use more than the prescribed amount of curing compound according to labeling instructions. Sodium nicotinate (niacin) is not currently approved for use in meat or poultry with or without nitrates or nitrites.
Flavor enhancers Monosodium glutamate (MSG)	Asian or Latin American food	Avoid using excessive amounts
Chemicals used in retail establishments (e.g., lubricants, cleaners, sanitizers, cleaning compounds, and paints)	Any food could become contaminated	Address through SOPs for proper labeling, storage, handling, and use of chemicals; retain Material Safety Data Sheets for all chemicals.
Allergens	Foods containing or contacted by: Milk Egg Fish Crustacean shellfish Tree nuts Wheat Peanuts Soybeans	Use a rigorous sanitation regime to prevent cross contact between allergenic and non-allergenic ingredients.

Table 5. Main Materials of Concern as Physical Hazards and Common Sources^{a, b}		
Material	Injury Potential	Sources
Glass fixtures	Cuts, bleeding; may require surgery to find or remove	Bottles, jars, lights, utensils, gauge covers
Wood	Cuts, infection, choking; may require surgery to remove	Fields, pallets, boxes, buildings
Stones, metal fragments	Choking, broken teeth Cuts, infection; may require surgery to remove	Fields, buildings, machinery, wire, employees
Insulation	Choking; long-term if asbestos	Building materials
Bone	Choking, trauma	Fields, improper plant processing
Plastic	Choking, cuts, infection; may require surgery to remove	Fields, plant packaging materials, pallets, employees
Personal effects	Choking, cuts, broken teeth; may require surgery to remove	Employees

^a Adapted from Corlett (1991). ^b Used with permission, "HACCP Principles and Applications", Pierson and Corlett, Eds. 1992. Chapman & Hall, New York, NY.

Table 6: Examples of Hazards and Control Measures for Same Day Service Items

Process 2: Preparation for Same Day Service

Example Products	Baked Meatloaf	Baked Chicken
Example Biological Hazards	<i>Salmonella</i> spp.	<i>Salmonella</i> spp.
	<i>E. coli</i> O157:H7	<i>Campylobacter</i>
	<i>Clostridium Perfringens</i>	<i>Clostridium Perfringens</i>
	<i>Bacillus cereus</i>	<i>Bacillus cereus</i>
	Various fecal-oral route pathogens	Various fecal-oral route pathogens
Example Control Measures	Refrigeration at 41°F or below	Refrigeration at 41°F or below
	Cooking at 155°F for 15 seconds	Cooking at 165°F for 15 seconds
	Hot Holding at 135°F or above OR Time Control	Hot Holding at 135°F or above OR Time Control
	Good personal hygiene (No bare hand contact with RTE food, proper hand washing, exclusion/restriction of ill employees)	Good personal hygiene (No bare hand contact with RTE food, proper hand washing, exclusion/restriction of ill employees)

RTE = ready-to-eat food



COMMENTS FOR STANDARDIZATION DOCUMENTS COVER SHEET

Candidate's Name:		Title:	
Agency:		Office Telephone Number:	
Office Address:	City:	State:	Zip:
Standard's Name:		Standard's Title:	
Agency:	Standard's Telephone Number:	Location of Standardization:	
Office Address:	City:	State:	Zip:

The comments enclosed are based on the Standardization documents that were provided by the Standard for the Candidate (both referenced above). All documents must be completed and submitted together as a complete packet. Incomplete documents submitted to the State office will be returned to the Standard and the review will be delayed until all completed documents are submitted together.

PRE-STANDARDIZATION REQUIREMENTS	
Standardization Nomination Form	
Item Submitted	Comments
Candidate's Background Information	
Details food service duties	
Completed and signed by Supervisor	
Signed affidavit of training (25 joint and 25 independent inspections) if < 5 years food service experience	
Ga. Food Code Test > 70 passing score	
Pre-standardization Training/ORAU certificates	
Copy of current CFMS certificate issued from program accredited by the Conference for Food Protection (CFP)	



FIELD STANDARDIZATION REQUIREMENTS	
Item Submitted	Comments
HACCP Verification Summary	
Submit Candidate and the Standard forms (≤ 2 disagreements)	
Scoring Form	
≤ 5 RF/PHI disagreements per inspection	
≤ 16 RF/PHI disagreements in 4 inspections	
≤ 22 GRP disagreements in 4 inspections	
Inspection reports and addendums conducted by Candidate and Standard (completed by all but submitted by first time standards)	
At least 1 out of the 4 inspections is written out to the provision and scored according to the point value for each item (completed by all but submitted by first time standards)	
Identified whether documents are for an Initial Standardization or Re-Standardization	
Final Performance Report	
Completed and signed	



FIELD STANDARDIZATION REQUIREMENTS	
Item Submitted	Comments
Process Flow Charts	
Process 1 (no cook)	
Process 2 (same day service)	
Process 3 (complex food prep)	



Risk Control Plan	
Risk Control Plan Chart 1	
Handwritten Risk Control Plan	
Management monitoring/ maintenance of records	
Length of time Risk Control Plan (RCP) will continue (generally 4-6 week limit)	
Frequency and format in which the results will be communicated back to the inspector	
Proper training of food workers	



Georgia 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

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?
(Examples: *boils and infected wounds, however small*)

YES / NO

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 _____



Georgia Conditional Employee and Food Employee Interview

- 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 _____



Georgia 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

Chapter 290-5-14 specifies, under **Rule 290-5-14-.03 subsection (4)**, 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 Chapter 290-5-14's 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 the following page)

- 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.



**Paraphrased from the Georgia Food Service Rules and Regulations Chapter 290-5-14
Rule .03 Management and Personnel for Health Practitioner's Reference**

From Subsection (4)(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 Subsection (4)(a) 1

Symptom:

Have any of the following symptoms:

- Diarrhea Vomiting Jaundice Sore throat with fever**
A Lesion containing pus such as a boil or infected wound that is open or draining

**From Subsection (4)(a)(4)-(5)
Concern:**

Conditions of Exposure of

- (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 Subsection (4)(g)

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.

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** _____



Georgia 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., Enterohemorrhagic (EHEC) or Shiga toxin-producing **Escherichia coli** (STEC), 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:

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 **Georgia Food Service Rules and Regulations Chapter 290-5-14** 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 Health 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** _____

Employee Health Information

2007 Georgia Food Code 290-5-14			
Exclusions and Restrictions Rule .03(4)(g) & Removal of Exclusions and Restrictions Rule .03(4)(h)			
NOTE: "Exclude" means to prevent a person from working as an employee in a food establishment or entering a food establishment as an employee. "Restrict" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles. (2007 Georgia Food Code Chapter 290-5-14)			
Health Status at Facilities <u>Not</u> Serving Highly Susceptible Population	Action by Person In Charge	Conditions of Exclusions or Restrictions for Diagnoses	
Diagnosed with illness due to Present Condition:	Restrict or Exclude Status	When to Reinstate Diagnosed Exclusions Restrictions or Conditions of Restrictions	RA ³ Approval Required?
• Salmonella Typhi (Typhoid Fever)	Exclude	With written medical documentation (i.e. medical clearance ⁵).	YES
• Shigella spp. ⁴	Exclude ⁴	Until 24 hours after symptoms resolve.	NO
	Restrict	Until 24 hours after symptoms resolve, and remains restricted until medically cleared ⁶ .	YES
• Norovirus ⁴	Exclude ⁴	Until 24 hours after symptoms resolve.	NO
	Restrict	24 hours after symptoms resolve and remains restricted until medically cleared, or more than 48 hours have passed after symptoms resolve.	YES
• Enterohemorrhagic (EHEC) or Shiga toxin-producing E coli (STEC) ³	Exclude ⁵	Until 24 hours after symptoms resolve.	NO
	Restrict	Until 24 hours after symptoms resolve, and remains restricted until medically cleared ⁷ .	YES
• Hepatitis A virus	Exclude If within 14 days of any symptom, or within 7 days of jaundice	The food employee has been jaundiced for more than 7 calendar days, or The infected food employee not jaundiced has had other symptoms of hepatitis A virus for more than 14 days, or The food employee provides medical documentation from a health practitioner stating that the food employee is free of a hepatitis A virus infection.	YES

Notes: ³RA means Regulatory Authority which is the Georgia Department of Community Health and the Local County Health Department for reporting and reinstating an employee involving the five organisms listed.

⁴Regulatory Authority approval is not necessary for changing an employee status from Exclusion to Restriction for these illnesses but approval must be given by Regulatory Authority for lifting remaining restrictions involving illnesses due to these organisms.

⁵Please contact Epidemiology for guidance on medical clearance specific for S. Typhi.

⁶Exclusions for Shigella spp.; Norovirus; and Enterohemorrhagic (EHEC) or Shiga toxin-producing E coli are based on vomiting or diarrhea symptoms.

⁷Medical clearance for Shigella spp.; Enterohemorrhagic (EHEC) or Shiga toxin-producing E coli, is based on test results from a health practitioner showing 2 consecutive negative stool specimen cultures that are taken:

- (a) Not earlier than 48 hours after discontinuance of antibiotics, and
- (b) At least 24 hours apart.

Employee Health Information

2007 Georgia Food Code 290-5-14(continued)			
Exclusions and Restrictions Rule .03(4)(g) & Removal of Exclusions and Restrictions Rule .03(4)(h)			
<u>Suffers symptoms</u> of Illness due to:	Action by Person In Charge	Conditions of Exclusions or Restrictions for Symptoms	Regulatory Approval ² Required?
<ul style="list-style-type: none"> • Vomiting, or • Diarrhea 	Exclude	If symptom is from infectious condition	See Infectious Diagnoses
		Until there are no symptoms after 24 hours or medical documentation is provided that states employee is not infectious.	NO
	No Action	If symptom is from noninfectious condition	N/A
<ul style="list-style-type: none"> • Acute Onset of Sore Throat with Fever 	Restrict	Remove restriction if written medical documentation from a health practitioner states that the food employee meets one of the following conditions: (1) Has received antibiotic therapy for <i>Streptococcus Pyogenes</i> infection for more than 24 hours; (2) Has at least one negative throat specimen culture for <i>Streptococcus pyogenes</i> infection; or (3) Is otherwise determined by a health practitioner to be free of a <i>Streptococcus pyogenes</i> infection.	NO
<p><u>Suffers</u> open or draining lesion or wound and not protected as specified in Rule .03 Subsection (4) (h) 8 on page 38 of the 2007 Georgia Food Code Chapter 290-5-14.</p> <p>Further reference: 2-201.12(H) of the 2005 FDA Food Code.</p>	Restrict	Remove restriction if the skin, infected wound, cut, or pustular boil is properly covered with one of the following: (1) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist; or (2) An impermeable cover on the arm if the infected wound or pustular boil is on the arm; or (3) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.	NO
<p><u>Suffers symptom</u> of Jaundice:</p> <ul style="list-style-type: none"> • Onset <u>within</u> last 7 days 	Exclude	Unless the food employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection.	See Approval Requirement for Hepatitis A

Employee Health Information

Common Symptoms ⁸ of Illnesses that are Transmittable through Food	
Salmonella Typhi (Typhoid Fever)	<ul style="list-style-type: none"> • Dramatic onset of sustained fever • Marked headache • Lack of energy and appetite • Slow heart rate • Enlarged spleen and nonproductive cough. Enlarged spleen symptoms include: feeling full prematurely when eating, hiccups, and upper left side abdominal pain. • Some persons develop rose spots on skin on body trunk and suffer constipation.
Shigella spp.	<ul style="list-style-type: none"> • Abdominal pain • Diarrhea • Fever • Nausea • Cramps • Occasional vomiting • Pale skin color due to low red cell blood count • Often feeling the need to have bowel movements that are painful and often nonproductive. Stools typically contain blood or mucus.
Norovirus	<ul style="list-style-type: none"> • Acute onset explosive (projectile) vomiting • Watery diarrhea • Abdominal cramps • Occasionally low grade fever
Enterohemorrhagic (EHEC) or Shiga toxin-producing E coli (STEC)	<ul style="list-style-type: none"> • Severe abdominal pain • Diarrhea. Diarrhea may be mild and nonbloody or virtually all blood. • Occasional vomiting
Hepatitis A virus	<ul style="list-style-type: none"> • Nausea • Vomiting • Diarrhea • Abdominal pain • Fever • Fatigue • Jaundice (usually occurs 5-7 days after other symptoms) • Dark urine or light colored stools.

Note: ⁸This list is not all-inclusive. This is only a partial list of the most common symptoms, in simplified terms that would reasonably and likely be found in the workforce to assist non-medically trained persons. Only a medical practitioner can make a diagnosis.



Food and Water Related Illness Complaint Form

Fax Completed form to the Georgia DPH Environmental Health Branch (404) 657-6516

Interviewer: _____
Date of Interview: _____

Name: _____
Street _____ County _____ Health District _____
City/State/Zip _____ Occupation/Grade _____
Phone # _____ Work/Childcare/School _____

Date of Illness Onset: ___ / ___ / ___ Mo Day Year	Numbers of:	0-10 yrs	11-18yrs	19-65yrs	>65yrs
	Persons ill:				
	Visits to Doctor:				
	Hospitalizations:				

Illness History (Check symptoms that apply):

Diarrhea (≥3 stools/day): ___ Nausea: ___ Fever: ___ Vomiting: ___
 Visible blood in stools: ___ Cramps: ___ Rash: ___ Eye Infections: ___
 Ear Infections: ___ Respiratory Symptoms: ___
 Other, specify: _____
 Was a stool/blood sample taken by a doctor at the time of the illness? Y N
If yes, was a specific illness/pathogen identified? _____
 Physician Contact Name: _____ Physician Phone #: _____

Background Information (Circle Yes or No)

Contact with someone with a similar illness? Y N DK
 Names & Details: _____
 Attended Large Gatherings or group meals? Y N DK
 Location & Details: _____
 Travel outside community? Location _____ Y N DK
 Date Departed Home ___/___/___ Date Returned home ___/___/___
 Drinking Water Source: Public Water ___ Well Water ___ Bottled Water ___
 Eat out/ take out at restaurant in last 72 hours? Y N DK
 Location & Details: _____
 Recreational swimming in last 72 hours? Y N DK
 Location & Details: _____

STATE USE ONLY: Complaint # _____ Date received first report: ___/___/___ Date Sent to State ___/___/___
 Associated with Outbreak? Y N DK Outbreak # _____ Completed by _____ Tel# _____

(name of county health dept.)

**TEMPORARY NONPROFIT FOOD SERVICE
INSPECTION REPORT**

Name of Food Service _____

Location of Food Service _____

Name of Fair, Festival or Event _____

Operator _____ Date _____

Product Temperature:

_____ °F _____ °F

_____ °F _____ °F

_____ °F _____ °F

_____ °F _____ °F

SATISFACTORY General Conditions: _____

UNSATISFACTORY _____

Corrective Action: _____

(Signature of Operator/Date)

(Signature of Inspection/Title)

(name of county health dept.)

**APPLICATION FOR TEMPORARY NONPROFIT
FOOD SERVICE PERMIT**

Complete in duplicate and forward the original along with a copy of I.R.S. Form 501C or a letter determining tax-exempt status form the Georgia Commissioner of Revenue to the County Health Department in which the Temporary Nonprofit Food Service will be located.

Name of Temporary Nonprofit Food Service _____

Location of this Food Service _____

Name of Fair, Festival or Event if different than above _____

Owner _____

Operator _____

Address of Owner _____
(Street or RFD) (City) (State) (Zip Code)

Telephone Number of Owner _____

(Date Operation To Begin)

(Date Operation To End)

The undersigned hereby applies for a permit to operate a Temporary Nonprofit Food Service Establishment pursuant to the O.C.G.A. 26-2-390 thru 26-2-393. A copy of I.R.S. Form 501C or a letter determining tax-exempt status from the Georgia Commissioner of Revenue must be provided to the County Health Authority as proof of nonprofit status.

Signature of Owner/Operator _____ Date _____

State whether Owner or Operator _____

(county logo)

(name of county health dept.)

**TEMPORARY
NONPROFIT FOOD SERVICE PERMIT**

(DATES OF OPERATION)

(PERMIT NUMBER)

A PERMIT IS HEREBY GRANTED TO

OWNER _____

NAME OF ESTABLISHMENT _____

LOCATED AT _____

This permit is issued pursuant to the O.C.G.A. 26-2-391, and is valid until the permit is revoked or expired. This permit will expire at midnight on the last day of operation as noted on this permit.

(Issuing Official)

(District Health Director)

DISPLAY FOR PUBLIC VIEW – NOT TRANSFERABLE

TEMPORARY NONPROFIT FOOD SERVICE
O.C.G.A. 26-2-390 – 393, Article 14

GUIDELINES FOR APPROVING A HAZARD CONTROL PROGRAM
FOR THE PREPARATION OF CERTAIN POTENTIALLY HAZARDOUS FOODS

In the event that the county health department's staff are the county agents inspecting temporary nonprofit food service operations, these guidelines may be used in determining whether a hazard control program is acceptable.

O.C.G.A. 26-2-392, Article 14

“(b) The preparation of the following potentially hazardous foods is prohibited unless the organization has an established hazard control program:

- (1) Pastries filled with cream or synthetic cream;
- (2) Custards;
- (3) Products similar to the products listed in paragraph (1) and (2) of this subsection; or
- (4) Salads containing meat, poultry, eggs, or fish.”

In temporary food service, defined within the definition of “food service establishment,” O.C.G.A. 26-2-370 and enforceable under the Rules and Regulations for Food Service, Chapter 290-5-14, it is not allowable for the potentially hazardous foods stated above to be prepared on-site. The reason for this has always been due to limited preparation space, cooling facilities and general sanitation. The current law which changes the definition of “food service establishment” and both defines and gives rules for the operation of temporary nonprofit food service, allows the preparation of these potentially hazardous foods if a hazard control program has been established.

The following sanitation precautions should be in place in an established hazard control program.

- (1) All menu items should be submitted to the health authority along with the application for “Temporary Nonprofit Food Service Permit”. Any potentially hazardous foods to be prepared on-site and included within Article 14 as needing an established hazard control program, should be highlighted. Details should be included describing where individual ingredients are bought or prepared, i.e. a HACCP plan. (see attached example of HACCP plan)
- (2) Basic equipment and construction needs may include the following:
 - ⇒ Adequate preparation space. (Evaluate size of pots/pans/utensils to be used, number of staff needed for preparation process and general flow of work.)

- ⇒ Are three compartment sink or basins going to be on-site for proper washing and sanitizing of all utensils? Will there be some way to heat water for washing utensils? What sanitizing chemical will be used?
- ⇒ Are test strips or other testing devices available for testing sanitizer strength? Will there be thermometers in cooling facilities to monitor temperatures at less than 45°F? Will there be adequate thermometers for testing internal temperatures of cooked foods? (note: A bimetallic coil thermometer is not adequate for measuring the internal temperature of meats. A thermistor or thermocouple is needed for accuracy.)
- ⇒ Adequate handwashing facilities. (An insulated \geq three gallon size cooler with self-draining spout will keep water warm for a long period of time. A bucket for waste water can be set on the ground directly underneath the spout. Soap and paper towels should be kept close to the handwashing station.)
- ⇒ Adequate cooling and/or heating facilities. (Are facilities sufficiently large enough for holding the number and size of container used? Are facilities adequate for maintaining foods $\leq 45^\circ\text{F}$ or $\geq 140^\circ\text{F}$? How does the operation plan to rapidly cool hot foods to 45°F? How does the operation plan to rapidly reheat foods to 140°F?)
- ⇒ Will foods be adequately protected during preparation? (Adequate protection may need to include an enclosed area for food preparation; i.e. in a beach area, you may have a constant breeze where blowing sand is a problem, hence screening would not be sufficient to keep sand out. In other areas, you may have an insect problem. The health authority needs to use their professional judgment as to the protection needed.)
- ⇒ After potentially hazardous foods are prepared, how will they be served; i.e., by pre-filling single service containers or upon customer order? If pre-filling in advance, are there enough cooling facilities to store quantity desired?

Informing staff of the proper use of all of the above is imperative to preparing safe food. The operator should be willing to sign his written hazard control program and agree that his staff will be informed of the proper use of all of the above sanitation measures in order to ensure the production of a safe product. Article 14 allows the county board of health to provide food safety instruction.

These guidelines are in no way inclusive of all requirements that may become necessary based on individual situations. The health authority must use professional judgment based on scientific facts and the given situation when determining the acceptability of a hazard control program.

HAZARD CONTROL PLAN

Name of Food Service Operation _____

Dates of Operation _____

Menu Item _____

All equipment, food contact surfaces, and general sanitation conditions of the food preparation area will be approved by the health authority prior to using this hazard control plan.

Good sanitation practices will be adhered to at all times by all staff to ensure the service of safe food. These practices will include good personal hygiene. All staff will wash their hands prior to working in the food service operation, upon returning to the workstation, after each visit to the restroom and at any time that hands are contaminated. Proper hair restraints will be worn at all times while in the food service operation. Fingernails will be clean and neatly trimmed. False or acrylic nails will not be allowed on anyone within food service operation.

The following safe food practices will be adhered to in the preparation of the menu item stated above.

Process Step

Procedure

HAZARD CONTROL PLAN

Name of Food Service Operation Tony's Deli

Dates of Operation August 22 – 24, 2009

Menu Item Chicken Salad

All equipment, food contact surfaces, and general sanitation conditions of the food preparation area will be approved by the health authority prior to using this hazard control plan.

Good sanitation practices will be adhered to at all times by all staff to ensure the service of safe food. These practices will include good personal hygiene. All staff will wash their hands prior to working in the food service operation, upon returning to the workstation, after each visit to the restroom and at any time that hands or contaminated. Proper hair restraints will be worn at all times while in the food service operation. Fingernails will be clean and neatly trimmed. False or acrylic nails will not be allowed on anyone within food service operation.

The following safe food practices will be adhered to in the preparation of the menu item stated above.

<u>Process Step</u>	<u>Procedure</u>
<u>RECEIVING – STORAGE</u>	
<ul style="list-style-type: none"> - Will receive all ingredients from R&S Food Distributors. - Chicken Breasts are received boned and skinless. - Will inspect food products when received. - Store celery, mayonnaise and relish in refrigerator to Pre-chill. 	<ul style="list-style-type: none"> - Will use thermometer upon delivery to make sure Temperature of chicken is <45°F and will not accept if above this temperature. - Will not accept any damaged food products. - Thermometer will be kept in refrigerator and Monitored to make sure ambient temperatures ≤40°F.
<u>PRE-PREPARATION</u>	
<ul style="list-style-type: none"> - <24 hours before preparation 	<ul style="list-style-type: none"> - Wash celery and chop. - Place 15 lbs. chicken breasts into large stainless steel pot. Cover with water. Bring to a boil and simmer approximately 40 minutes. Remove two chicken breasts and check internal temperatures, making sure that temperature ≥ 165°F. Return to boiling water if necessary, and check again 10 minutes later. When temperature is reached, remove all chicken from pot and discard water. Place chicken in a single layer in shallow pans. Cool for 30 minutes at room temperature lightly covered with plastic wrap. Place 1” layer of ice over chicken to cool for 30 minutes. Pour off melted and remaining ice. Place chicken breast in zip-lock bags and place in refrigerator.

PREPARATION

- Make sure that all utensils have been Cleaned and sanitized.
- Preparation time will be a maximum of 30 minutes.

- Place no more than 4 chicken breasts in food processor and chop. Pour directly into large Stainless steel bowl. Process until 15 lbs. chicken breasts have been chopped and placed in bowl. Add chopped celery, mayonnaise, pickled relish, salt and pepper. Mix with long handle utensils.

STORAGE BEFORE SERVICE

- Maintain refrigeration ambient temperature <40°F.

- Place chicken salad in shallow pans no more than 2" deep. Store in refrigerator. Maintain air circulation Around each pan.

SERVICE

- Maintain temperature of salad at $\leq 45^{\circ}\text{F}$.

- Maintain temperature of chicken salad by removing Only one pan at the time from refrigerator and placing Within larger pan filled with ice. Label pan as to time removed from refrigerator. Throw away any leftover salad after 2 hours.



SECTION L

Georgia Standardization Procedure

A. Background:

1. A state audit of the Georgia food service program in 2001 observed inconsistencies among counties in the violations recorded, scoring, routine and follow-up inspections and frequency of inspections. Even though there was one state code, there were many differences in how it was being enforced.
2. Even as the audit was being conducted, the General Sanitation Committee had already begun work on revising Georgia's food service rules. This committee developed Georgia's rules with the primary objectives of providing scientifically sound requirements for food service establishments, standardization among counties and better enforcement tools. After the rules were formulated, adopted and rescinded, the Georgia Food Code Committee made two more revisions before the final document was adopted.
3. The state audit reinforced the need for standardization among Environmental Health Specialists who inspect food service establishments. Chapter 290-5-14-.09 requires that all Environmental Health Specialist successfully complete an exam accredited by the Conference for Food Protection (CFP) and be standardized in food safety inspection techniques.

B. Introduction:

1. The main goal of Georgia's food safety program is the reduction and prevention of foodborne illness. Standardization procedures are modeled after the "FDA Procedures for Standardization and Certification of Retail Inspection/Training Officers." Standardization procedures are based on provisions in the Georgia "Rules and Regulations for Food Service, Chapter 290-5-14 which is based on the 2005 FDA Model Food Code. The procedures are focused on foodborne illness risk factors, public health interventions, and application of the principles of Hazard Analysis Critical Control Point (HACCP).

C. Purpose:

1. Through the application of the procedure, the candidate will demonstrate knowledge and expertise in the understanding, application, and interpretation of Chapter 290-5-14, foodborne illness risk factors, public health interventions, and HACCP principles; and in the use of essential inspection equipment; and will exhibit necessary communication skills in conducting a food service



establishment inspection. This procedure is not intended to provide basic training to individual candidates. The candidate shall meet all the requirements of the procedure in order to be standardized. This document describes the qualifications required of the candidate, the field requirements, and the communication requirements necessary to convey the purpose and the findings of the inspection.

D. Scope:

1. The procedures describe the process used by the standard in standardizing qualified Environmental Health Specialists in food service establishment inspection techniques.

E. Definitions:

1. “**Candidate**” means an applicant who successfully completes the eligibility requirements for standardization.
2. “**Certificate**” means the official document issued by the State Environmental Health Office that is the official recognition that a candidate has successfully completed all standardization requirements
3. “**Complex food preparation**” means a process wherein multiple food processes are involved in the preparation of a retail food item, i.e., food is stored, prepared, cooked, cooled, reheated, hot held, and served.
4. “**CCP**” means “Critical Control Point,” a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.
5. “**CL**” means “Critical Limit,” the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.
6. “**GRP**” means “Good Retail Practices,” which are preventive measures that include practices and procedures that effectively control the introduction of pathogens, chemicals, and physical objects into food. Good Retail Practices are prerequisites to instituting a HACCP Plan or Risk Control Plan.
7. “**HACCP**” means “Hazard Analysis Critical Control Point.”
8. “**HACCP Principles**” means the 7 principles of the Hazard Analysis and Critical Control Point System as follows:
 - (a) Conduct a Hazard analysis;
 - (b) Identify the CCPs in the process;



- (c) Establish Critical Limits for preventive measures associated with each identified CCP;
 - (d) Establish CCP monitoring requirements;
 - (e) Establish corrective action to be taken when monitoring indicates that there is a deviation from the established critical limit;
 - (f) Establish procedures for verification that the HACCP system is working correctly; and
 - (g) Establish effective recordkeeping procedures that document the HACCP system.
9. “**Public Health Interventions**” means preventive measures given in the Georgia Rules and Regulations for Food Service, effective February 15, 2007. The interventions are:
- (a) Demonstration of Knowledge;
 - (b) Employee Health;
 - (c) Hands as a vehicle of contamination;
 - (d) Time-Temperature Relationships; and
 - (e) Consumer Advisory.
10. “**Risk-based inspection**” means a food service establishment inspection approach focused on identifying significant behaviors and practices inherent to the food service establishment operations with particular emphasis on the risk factors and public health interventions.
11. “**RCP**” means Risk Control Plan which is a mutually agreed upon written plan between the candidate and the management of the food establishment that describes a management system for control of foodborne disease Risk Factors. The plan delineates necessary records, responsible personnel, what needs to be controlled, and how it will be controlled.
12. “**Risk Factors**” means improper practices or procedures, which have been identified by the Centers for Disease Control and Prevention (CDC), through epidemiological data as the most prevalent contributing factors of foodborne illness or injury. Risk Factors include:
- (a) Poor personal hygiene;
 - (b) Food from unsafe sources;
 - (c) Inadequate cooking;
 - (d) Improper holding temperatures; and
 - (e) Contaminated equipment.



13. “**RTE**” means Ready-to-Eat Food which is food that is in a form that is edible without additional preparation to achieve food safety (or is raw or partially cooked animal food with a consumer advisory), and that is reasonable expected to be consumed in that form. Ready-to-Eat food includes:
 - (a) Potentially Hazardous Food that is unpackaged and cooked to the temperature and time required for the specific food.
 - (b) Raw, washed, cut fruits and vegetables;
 - (c) Whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and
 - (d) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

14. “**Standard**” means a person who has been standardized by someone employed by the FDA or by the State Environmental Health Office or a previously standardized EHS.

15. “**Standardization**” means the process whereby a candidate demonstrates the knowledge and skills to satisfy the requirements for standardization stated in this document.

F. Prerequisite Training and Experience:

1. To be a candidate for standardization, an Environmental Health Specialist must:
 - (a) Be routinely engaged in the food service program;
 - (b) Have successfully completed the interactive training CD, “2001 FDA Food Code with Supplemental Material Inserted & the Georgia Rules and Regulations for Food Service”. Successful completion is achieved by the applicant signing that he has reviewed all chapters and sections of the CD and showing his certificate indicating that he successfully passed the final exam.
 - (c) Have completed basic pre-standardization training provided by the FDA and/or the State Environmental Health Office.
 - (d) Have completed at least 25 food service establishment inspections accompanied by another Environmental Health Specialist and 25 food service establishment inspections on his/her own or 5 years of regulatory inspection in retail food.

G. Standardization Requirements:

1. The following areas of performance shall be addressed by the candidate during the retail food establishment inspections and evaluated by the standard:



2. **Good Retail Practices:** The candidate shall demonstrate knowledge of current Georgia Rules and Regulations for Food Service related to good retail practices and the ability to interpret and apply them.
3. **Risk-Based Inspection:** The candidate shall demonstrate knowledge of current Chapter 290-5-14, Georgia Rules and Regulations for Food Service, related to public health interventions and risk factors which are most frequently associated with foodborne illness or injury.
4. **Application of HACCP:** The candidate shall demonstrate the ability to verify compliance with an existing HACCP Plan. In the absence of a HACCP Plan, the candidate shall demonstrate the ability to apply all 7 HACCP Principles to the inspection process.
5. **Inspection Equipment:** The candidate shall be equipped and familiar with inspection equipment essential to each food establishment inspection. During the inspection, the candidate shall demonstrate knowledge of proper use of essential inspection equipment.
6. **Communication:** The candidate shall demonstrate the ability to effectively communicate with the person in charge and explain significant inspection findings to the person in charge at the conclusion of the inspection.

H. Methodology:

1. **Standardization:** The standard and the candidate shall conduct 4 joint field inspections of retail food service establishments (including at least 1 with a HACCP Plan) selected by the standard. The food service establishments selected for inspection during standardization should be in Risk Category Type II or Type III as described in the Rules and Regulations for Food Service. All 4 inspections for standardization should be completed within a reasonable period of time, not to exceed 12 months.
2. **Re-standardization:** The standard and the candidate shall complete 4 joint field inspections of food service establishments including 1 establishment with a HACCP plan, selected by the standard. Each establishment should be in Risk Category Type II or Type III. Re-standardization shall be completed every 5 years after initial standardization is completed. A nomination form will need to be submitted to be restandardized. **See Form K-24 in Section K of this Manual.**
3. **Options of the standard:** The standard has the option of adjusting the time period, type of facility selected, and methodology for inspection during the restandardization process to enhance the effectiveness of the procedure.



4. **Performance Evaluation Methods:** The performance of the candidate shall be evaluated by the standard using the methods outlined in the following table:

Summary of Evaluation Methods for Each Performance Area:

PERFORMANCE AREA	INITIAL STANDARDIZATION	RE-STANDARDIZATION
GOOD RETAIL PRACTICES	Joint Inspections	Joint Inspections
RISK-BASED INSPECTION	Joint Inspections	Joint Inspections
Application of HACCP PRINCIPLES	<ul style="list-style-type: none"> • Risk control plan • Process Flow Charts • Verification of existing HACCP Plan; and • Orally communicates 7 Principles of HACCP 	<ul style="list-style-type: none"> • Risk control plan • Process Flow Charts • Verification of existing HACCP Plan
Inspection Equipment	Field Observations	Field Observations
Communications	Field Observations	Field Observations

I. Equipment Use:

1. General: Specific inspection equipment is required to effectively and accurately conduct an inspection and evaluate risk factors that contribute to foodborne illness in retail food service operations. The candidate shall be evaluated on the proper use of the inspection equipment during all inspections. **See Subsection C (2) of Section D – Part – II and Section H Part – II in this Manual for additional information.**
2. Equipment List:
 - A. The following is a list of the *essential* equipment recommended to evaluate a retail food operation:
 - (a) Necessary inspection forms and administrative materials;
 - (b) Head cover: baseball cap, hair net, or equivalent;
 - (c) Thermocouple temperature measuring device;



- (d) Maximum registering thermometer or temperature-sensitive tapes for verifying hot water warewasher final rinse temperature;
- (e) Chemical test kit for different chemical sanitizer types;
- (f) Flashlight; and
- (g) Alcohol swabs.

B. The following is a list of optional equipment recommended to evaluate a retail operation:

- (a) Lab coat or uniform to cover street clothes;
- (b) Light meter;
- (c) Pressure gauge;
- (d) Measuring tape;
- (e) Time-temperature data logger;
- (f) pH meter
- (g) Water activity meter; and
- (h) Camera.

J. Field Exercise:

1. Candidate Inspection Duties:

- A. During all joint food service establishment inspections, the candidate shall take the lead. The candidate shall make introductions and determine who the person in charge is at the beginning of each inspection.
- B. The candidate shall record all observations and inspection data collected during the inspection. For the purpose of tracking temperature patterns, it is recommended that the candidate perform a preliminary survey of food temperatures early in each inspection.
- C. At various times during the field exercise the candidate shall be directed to perform specific tasks, such as explaining code requirements, citing code provisions, calibrating inspection equipment, and preparing flow charts or reviewing HACCP records to demonstrate proficiency in each area.

2. Performance Areas:

A. During the inspection, the standard shall observe and evaluate the candidate, based on the candidate's interpretation and application of the Rules and Regulations for Food Service. Five performance areas are included in the evaluation:

- (a) Good retail practices;
- (b) Risk-based inspection;



- (c) Application of HACCP Principles;
- (d) Inspection equipment; and
- (e) Communications.

3. Comparison of Findings:

- A. Following each joint food service establishment inspection, the candidate shall compare his findings with the standard, and the differences shall be thoroughly discussed before proceeding to the next inspection. The standard shall retain the candidate's inspection reports, flow charts, and risk control plan to document satisfactory completion of standardization requirements.
- B. At the conclusion of the field exercise, the standard shall tabulate and review the candidate's inspection results and other observations to determine if the candidate has successfully completed the requirements for certification.

C. Determining Code Citations:

It is recommended that when the standard and the candidate are employed by the same agency each cite the appropriate code provision corresponding to each violation observed. For this section only, scoring is not used and does not impact the outcome of the candidate's performance.

K. Performance Criteria:

- 1. To be standardized, a candidate shall meet the following criteria for each performance area:

A. Risk-Based Inspection and Good Retail Practices:

- (a) **Inspection Report:** During each inspection the candidate shall complete the *Georgia Food Service Inspection Report* (**See Forms K-1, K-2a and K-2b in Section K in this Manual**), based on observations and data collected during the inspection. The candidate shall determine which items on the inspection report form were in or out of compliance, not observed, and/or not applicable based on the observations.
- (b) **Recorded Observations and Data:** During each inspection the candidate shall record all observations and inspection data and submit to standard.

(c) **Candidate Scoring:**

- i The standard shall grade each Inspection Report and the listing of observations and data by circling each incorrectly marked item and discussing these items with the candidate after each inspection.



- ii The standard may mark an item "S" on the Inspection Report to reflect a disagreement in a case where the candidate has the opportunity to make an observation or take a measurement and fails to do so, and intervention by the standard would alert the candidate to the missed opportunity. A scoring of "S" should be used in instances such as when an opportunity to take a cooked hamburger temperature is available, but the candidate does not take the temperature and subsequently marks #5-1A as NO. The standard's scoring of an item as "S" represents a disagreement between the candidate and the standard.
- iii At the conclusion of each inspection, the number of disagreements on marked violation categories shall be recorded at the top of the *Inspection Report*. At the completion of the final inspection, the standard shall total the number of disagreements for all food service establishments inspected.
 - I To satisfy the "Risk-Based inspection" performance area, the candidate shall not disagree with the standard on more than 5 items in any one establishment in this section of the Inspection Report, and shall not have more than 16 total disagreements in 4 inspections.
 - II To satisfy the "Good Retail Practices" performance area, the candidate shall not disagree with the standard on more than 22 total items in 4 inspections in this section of the Inspection Report (no maximum on individual inspections).
 - III See Form K-22 in Section K in this Manual.

B. Application of HACCP Principles:

- (a) During the food service establishment inspections, the candidate shall demonstrate the proper inspection approach for food service establishments with pre-existing HACCP Plans and those without HACCP Plans. Each candidate shall demonstrate an understanding of HACCP by:
 - i. **Flow Charts: (Required for both initial standardizations and re-standardizations)**
 - I. **Preparing Process Flow Charts:**
 - a. During the joint inspections, the standard shall select a total of 3 food preparation processes for the candidate to describe on a flow chart to include:



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1. Process 1 – “No Cook Step”
 2. Process 2 - “Same Day Service”
 3. Process 3 – “Complex Food Preparation”
- b. The candidate shall develop each flow chart using information gained through actual observations or operational steps during an inspection. Information gained through discussions with the person in charge and/or food workers should be used to substitute for a lack of observations of operational steps not occurring during the inspection. On each flow chart, the candidate shall indicate the CLs as stated by the Rules and Regulations for Food Service and by the establishment, if differing from those of the Rules. In addition, the candidate shall also indicate to the standard any CCP’s which the establishment did not control.
- c. **Requirements:** The standard shall grade the 3 flow charts based on the correct identification of Hazards, CCPs, and CLs. To satisfy this requirement, the 3 flow charts may contain no more than 2 errors or omissions that are not related to CCPs or CLs. If there are any CCP or CL errors or more than 2 errors or omissions that are not CCPs or CLs, the candidate must revise the flow chart independently until it is accurate and reflects that HACCP principles are understood. The state standard will review the charts for accuracy to ensure these are correct before issuing the standardization certificate. The FDA Retail HACCP Guide: “Managing Food Safety, A HACCP Principles Guide for Operators of Food Service, Retail Food Stores, and Other Food Establishments at the Retail Level,” and the Rules and Regulations for Food Service will be the reference documents for this exercise.
- d. See Attachment L-1 at the end of this Section for an example flow chart and its expected content.
- ii. **Risk Control Plans:** (Required for both initial standardization and re-standardization)
- a. **Developing a Risk Control Plan:** During at least 1 of the joint inspections, the standard will select a CCP that the candidate has determined is not in compliance with CLs set by the Rules. The candidate shall complete a “Risk Control Plan” worksheet (See Form K-18 in Section K in this Manual), in



order to demonstrate a clear understanding of the observation, process, hazard, critical limits, and corrective actions that are being targeted for a risk control plan. The candidate shall develop a mock Risk Control Plan with the person in charge. The Risk Control Plan should stress simple control measures that can be integrated into the daily routine of the food service establishment. The plan should be brief and address the following points:

1. What Hazard needs to be controlled;
2. How the Hazard will be controlled;
3. Who is responsible for control; and
4. What monitoring, record keeping and corrective actions are required (*i.e., EHS verification of corrective action(s)*).

b. **Requirements:** To satisfy the requirements, all 4 points shall be addresses in the Risk Control Plan, the candidate is not required to ask the person in charge to commit to implementation of the Risk Control Plan.

iii. **HACCP Plans:** (Required for both initial standardization and re-standardization)

a. Verification of HACCP Plans: During the joint inspections, the candidate shall select at least 1 food service establishment to inspect that has implemented a HACCP Plan. The candidate shall demonstrate the ability to verify that the HACCP Plan is implemented by reviewing the food service establishment’s monitoring procedures and record keeping; verifying that CLs are met, and be substantiating that corrective actions are taken when the CLs are not met. The standard shall select at least 1 CCP for the candidate to verify.

1. The candidate shall review the records for the selected CCPs for 3 specific twenty-four hour periods, which shall include records for the current day, if possible, and 2 additional days selected at random. Based on this review, the candidate shall make the following determinations regarding monitoring, record keeping, and the performance of corrective action for a total of 9 HACCP Plan record answers using the “HACCP Verification Summery” (**See Form K-25 in Section K of this Manual**);



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2. Required monitoring was performed on the 3 selected dates;
 3. Accurate and consistent records appear for the selected dates; and
 4. Corrective action was documented in accordance with the plan when CLs were not met on each of the 3 selected dates.
- b. **HACCP Principles** (For initial standardization only): The candidate shall orally communicate to the standard the HACCP Principles and how they would apply to the food service establishment's operation.
- c. **Requirement:** The candidate shall document findings on the "HACCP Plan Verification Summary Chart". The candidate and the standard shall be in agreement in at least 7 out of the 9 HACCP Plan record answers on the "HACCP Plan Verification Summary Chart" (see Form K-25 in Section K in this Manual).
- C. **Inspection Equipment:** The candidate shall have essential equipment available for use during each inspection and shall demonstrate knowledge of necessary equipment to conduct a food establishment inspection. The candidate shall know how to properly use and maintain the equipment. Specifically, the candidate shall demonstrate that the temperature-measuring device is accurate at 32°F.
- D. **Communication:**
- (a) Skillful communication is essential to the inspection process in order to effectuate needed changes by the person in charge. Activities and responsibilities involved in a food inspection program require a person to speak and to listen effectively.
 - (b) Many different types of communication skills and approaches are necessary and valuable during the inspection process. The candidate shall be required to take the lead in communicating with industry personnel during all inspections and the standard shall evaluate the candidate's communication skills.
 - (c) The candidate shall take the lead in communicating with industry personnel during each of the inspections in 3 areas.



- i. Introduction;
- ii. Person in Charge interview; and
- ii. Exit Conference.

I. Introduction:

- a. The candidate shall be required to make all introductions. A complete introduction consists of:
 1. Introducing all persons participating in the inspection;
 2. Presenting credentials or identification;
 3. Describing the purpose and flow of the inspection;
 4. Identifying and explaining to the person in charge that it will be necessary to ask questions about the operation during the inspection; and
 5. Explaining that this is not intended as a regulatory inspection and that there will be no written report left at the end of the inspection; however, significant findings will be brought to the attention of the person in charge.
- b. During the inspections, the candidate shall demonstrate by example the concepts of food safety such as washing hands at the appropriate place and time, wearing the proper inspection apparel, and sanitizing thermometers before probing food.
- c. The standard shall observe and evaluate the candidate by focusing attention on communication skills that relay to the person in charge, the compliance status and any observations, concerns, and alternatives for compliance. Satisfactory performance is achieved if this information is conveyed in a way that is understood, accepted, and acted upon.

II. Interview with the person in charge:

- a. The candidate shall conduct a discussion with the person in charge to determine:
 1. If a HACCP plan exists, and if so, whether the person in charge understands the principles of the HACCP plan and is ensuring that the employees are effectively using the plan;
 2. What training is provided for employees and managers that is relevant to applying the food code interventions and controlling foodborne illness risk factors;



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3. What employee health policies are in effect; and
4. What potentially hazardous foods are on the menu and what production activities are ongoing at the time of inspection.

III. Exit Conference:

- a. At the exit conference, the candidate shall clearly:
 1. Convey and discuss in detail with the person in charge the inspection findings including:
 - (i) The compliance status of the food establishment describing each significant violative condition and, where appropriate, acceptable compliance alternatives,
 - (ii) The response and plans of the person in charge for correcting violations, including a risk control plan, and
 - (iii) Corrective actions observed during the inspection. Such proactive food safety measures should be commended.
 2. Explain the public health significance of the risk factors and food code interventions, GRPs, and the CCPs which do not meet the CLs as established in the Food Code; and
 3. Demonstrate the ability to discuss and resolve in a courteous and professional manner, issues that the person in charge might not agree with or clearly understand.

IV. Termination of Field Exercise:

- a. The standard has the option to terminate the field exercise, at any time during the standardization procedure if the candidate is not properly prepared to achieve the required level of agreement.
- b. The standard shall notify the candidate and the candidate's supervisor in writing of the reasons for failure.
- c. The standard shall document the results of the field exercise, with the reasons for termination of the field exercise, following termination of the standardization procedure. This information shall be forwarded to the candidate's supervisor and a copy shall be placed in the state office's file. All evidence and conclusions reached by the Agency shall be documented in writing by the standard and shall be kept for 3 years in accordance with the Freedom of Information Act.



L. Standardization Suspension or Revocation:

1. When a standardized person fails to fulfill the required maintenance activities, the standard shall consult with the standardized person to fully examine the reasons for the failure.
2. Before suspension or revocation, the standard shall consult with other appropriate personnel in the standardized person's agency and with the state office.
3. The Standardization Committee shall reach a decision as to whether:
 - A. No action should be taken;
 - B. A warning letter should be sent to the certified person and the person's supervisor or agency;
 - C. The standardization should be suspended temporarily, with notice regarding conditions required for reinstatement; or
 - D. The standardization should be revoked.
4. The standard shall notify the standardized person and the supervisor of the standardized person, in writing, of the Standardization Committee's decision.
5. All evidence and conclusions reached by the Standardization Committee shall be documented in writing by the standard and shall be kept for 3 years in accordance with the Freedom of Information Act.

M. Request for Restandardization after Termination, Suspension, or Revocation:

1. Candidates may apply for another opportunity to become standardized when an unsuccessful field exercise is terminated by the standard or a standardization suspension or revocation occurs. Before reapplying, candidate should improve their skills and areas of weakness.

N. Appeals Board Members:

1. Representatives from the following organizations will comprise the Standardization Committee Appeals Board (Appeals Board):
 - A. An FDA Regional Food Specialist (other than the involved standard);
 - B. A standardized EHS from another district; and
 - C. A State level standardized representative.



O. Filing an Appeal:

1. The candidate, after being notified of the candidate's failure to successfully achieve standardization or restandardization, may appeal the decision. Should the candidate elect to submit an appeal, this action must be initiated within thirty days of the date of the written notification of the termination, suspension, or revocation.

P. Appeals Board Meeting:

1. Within 15 days upon receipt of a candidate's appeal by the state office, a meeting of the Appeals Board will be held to determine if the argument regarding the failed standardization process is worthy of being heard.

Q. Hearings:

1. Preliminary Hearing:

- A. If the appeal is not convincing, the decision of the standard to terminate the field exercise will stand. Should the Appeals Board determine that the candidate's argument holds merit, the candidate and the standard shall be notified in writing that a hearing will be held, including a date and time for the hearing.

2. Hearing Procedure:

- A. At the hearing, the following procedure will be followed:

- (a) The candidate will present his argument for reversing the standard's decision;
- (b) The Appeals Board will have the opportunity to question the action or conduct of the candidate and the standard; and
- (c) The Appeals Board will make a decision within 15 days upon concluding the hearing regarding the standard's decision; the Appeals Board decision will be either to let the decision stand or to consider conducting an additional standardization exercise.

R. Standardization Maintenance:

1. To maintain standardization, CFSM certification must be maintained current and eight (8) hours of food safety related CEU credit every two years is required.

ATTACHMENT L-1

**Example
 of
 Flow
 Chart
 Layout**

Hazards

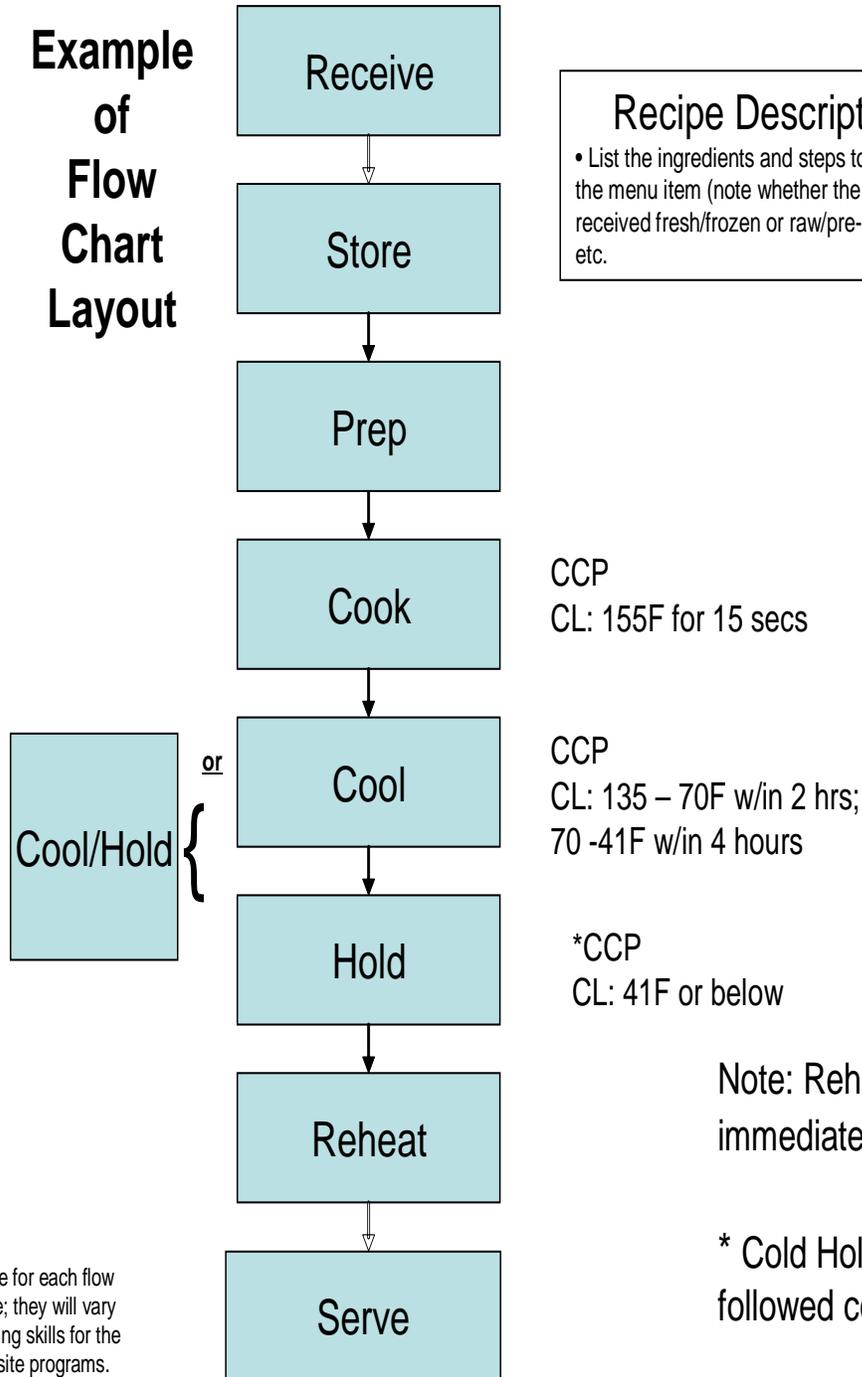
- List only the most common biological, viral, chemical, and physical hazards associated with each ingredient and operational steps
- List the Genus + Species name for biological hazards or the Disease caused from the hazard (for example Salmonella Enteritidis or salmonellosis)

Prerequisite Programs

- List controls (public health interventions) to cover all hazards listed above for each ingredient and operational step that are not covered by a CCP

Recipe Description

- List the ingredients and steps to prepare the menu item (note whether the items are received fresh/frozen or raw/pre-cooked, etc.



Note: Reheat was for immediate service.

* Cold Hold CCP followed cooling

Note: Operational steps are not the same for each flow chart, even within the same process type; they will vary with each recipe and require critical thinking skills for the candidate to assign CCPs and prerequisite programs.



Section M Additional Information Sources

American Food Safety Institute: www.americanfoodsafety.com (*food safety training*)

Centers for Disease Control and Prevention: www.cdc.gov/foodsafety

Center for Food Safety: www.centerforfoodsafety.org

Consumer Product Safety Commission: <http://www.cpsc.gov/>

FoodHACCP.com: www.foodhaccp.com (*food safety information*)

Food and Drug Administration: www.fda.gov

[Food Code](#)

[Office of Regulatory Affairs \(Education opportunities\)](#)

[Center for Food Safety and Applied Nutrition](#)

Food Safety and Inspection Service: www.fsis.usda.gov

Fightbac: www.fightbac.org (*Safe food handling information*)

Foodsafe: www.nal.usda.gov/foodborne (*E-discussion group for food safety professionals.*)

Food Safety Today: www.foodsafetytoday.com (*Current food safety topics*)

Georgia Division of Public Health: www.health.state.ga.us

Georgia Restaurant Association: <http://www.garestaurants.org/>

Georgia Environmental Health Association: www.geha-online.org/

Government Food Safety Information: www.foodsafety.gov

HACCP Training Programs and Resources Database: www.nal.usda.gov/

Integrated Food Safety Information Delivery System: <http://www.profoodsafety.org/> *This website contains food safety fact sheets and signs in English and 13 foreign languages covering common topics dealing with the day-to-day operation of a food establishment.*

International Food Safety Council: www.ific.org

National Food Processors Association: <http://www.gmaonline.org/>



National Environmental Health Association: www.neha.org ph. (303)756-9090

ServeSafe Training and Education: www.servsafe.com/foodsafety/

USDA/FDA Foodborne Illness Education Information Center: www.nal.usda.gov/foodborne

USDA Meat and Poultry Hotline:

http://www.fsis.usda.gov/Food_Safety_Education/USDA_Meat_&_Poultry_Hotline/index.asp

World Health Organization/food safety: www.who.int/fsf/

Publications:

- FDA Consumer Magazine- 202-512-1800
- Food Safety Illustrated – 312-715-1010, ext. 394
- Food Safety Magazine – 818-842-4777
- Food Service Equipment and Supplies Magazine- 646-746-7120

Phone numbers:

- Consumer Product Safety Commission – 1-800-638-2772
- Food and Drug Administration – 1-888-463-6332
- Food Safety (CDC) – 404-639-3311
- Georgia Environmental Health – 404-657-6534
- Meat and Poultry Hotline – 1-888-674-6854
- National Health Information Clearinghouse – 1-800-336-4797

Note: Web addresses and phone numbers are subject to change without notice.



Section M

Important Contacts, Internet Websites and Sources for Information

Websites:

- Food and Drug Administration: www.fda.gov
 - FDA Food Code: vm.cfsan.fda.gov/~dms/foodcode.html
 - FDA Office of Regulatory Affairs: www.fda.gov/ora/training/ (Education opportunities)
- Food Safety and Inspection Service: www.fsis.usda.gov
- Fightbac: www.fightbac.org (Safe food handling information)
- Centers for Disease Control and Prevention: www.cdc.gov/foodsafety
ph. (404) 639-3311
- Center for Food Safety and Applied Nutrition: www.cfsan.fda.gov
ph. 1-888-SAFEFOOD
- Center for Food Safety: www.centerforfoodsafety.org
- Government Food Safety Information: www.foodsafety.gov
- USDA/FDA Foodborne Illness Education Information Center: (Educational Materials) www.nal.usda.gov/foodborne
- Foodsafe: www.nal.usda.gov/foodborne Foodsafe is an e-discussion group that links professionals interested in food safety issues.
- Food Safety Today: www.foodsafetytoday.com (Current food safety topics)
- Integrated Food Safety Information Delivery System:
<http://www.profoodsafety.org/> This website contains food safety fact sheets and signs in English and 13 foreign languages covering the more common topics dealing with the day-to-day operation of a food establishment.
- American Food Safety Institute: www.americanfoodsafety.com (food safety training)



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- Distance learning, on-line courses and curricula:
www.nal.usda.gov/foodborne/fbindex/032.htm
- International Food Safety Council: www.ific.org
- HACCP Training Programs and Resources Database: www.nal.usda.gov/
- National Food Processors Association: <http://www.gmaonline.org/>
- National Restaurant Association Educational Foundation:
www.servsafe.com/foodsafety/
ph. 1 (800) 765-2122
- National Environmental Health Association: www.neha.org ph. (303)756-9090
- FoodHACCP.com: www.foodhaccp.com (food safety information)
- National Health Information Clearinghouse:
ph. (800) 336-4797
- World Health Organization/food safety: www.who.int/fsf/
- USDA Meat and Poultry Hotline:
[http://www.fsis.usda.gov/Food_Safety_Education/USDA Meat & Poultry Hotline/index.asp](http://www.fsis.usda.gov/Food_Safety_Education/USDA_Meat_&_Poultry_Hotline/index.asp)
ph. 1-888-674-6854
- Consumer Product Safety Commission: <http://www.cpsc.gov/>
ph. (800) 638-2772
- Georgia Division of Public Health: www.health.state.ga.us
- Georgia Restaurant Association: <http://www.garestaurants.org/>
ph. (404) 467-9000
- Georgia Environmental Health Association: www.geha-online.org/
ph. (912) 892-8343



Publications:

- FDA Consumer Magazine- 202-512-1800
- Food Safety Illustrated – 312-715-1010, ext. 394
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- Meat and Poultry Hotline – 1-888-674-6854
- National Health Information Clearinghouse – 1-800-336-4797

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SECTION N

Referenced Applicable Federal Codes of Registry

<u>Page</u>	<u>Rule</u>	<u>Subject</u>	<u>Federal Code of Registry</u>
Page 3	Rule .01(b)	“Adulterated”	[FFDCA 402] http://www.fda.gov/opacom/laws/fdact/fdact4.htm#sec402
Page 4	Rule .01(p)	“Color Additive” “Food Additive”	[21CFR70] http://www.access.gpo.gov/nara/cfr/waisidx_07/21cfr70_07.html [FFDCA 201(t)] http://www.fda.gov/opacom/laws/fdact/fdact1.htm
Page 4 Page 5	Rule .01(s) Rule .01(dd)	“Conditional Employee” “Drinking Water”	[Title 1 ADA] http://www.eeoc.gov/policy/ada.html [40CFR141] http://www.access.gpo.gov/nara/cfr/waisidx_08/40cfr141_08.html
Page 7	Rule .01(tt)	“Food Additive”	[21CFR170.3(e)(1)] http://edocket.access.gpo.gov/cfr_2007/aprqr/pdf/21cfr170.3.pdf [FFDCA 201(S)] http://www.fda.gov/opacom/laws/fdact/fdact1.htm
Page 8	Rule .01(aaa)	“Game animal”	[9CFR303.2] http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00000501----000-.html
Page 8	Rule .01(yy)1	“Food Service Est.”	internal revenue site not functional --
Page 8 Page 8	Rule .01(bbb) Rule .01(ccc)	“General use pesticide” “Grade A Standards”	[40CFR152.175]OK http://edocket.access.gpo.gov/cfr_2008/julqtr/pdf/40cfr152.175.pdf http://www.mass.gov/Eeohhs2/docs/dph/environmental/foodsafety/grade_a_milk_ordinance.doc
Page 10 Page 14	Rule .01(rrr) Rule .01(hhhh)	“major food allergen” “Poultry” “Voluntary	http://www.cfsan.fda.gov/~dms/algact.html [9 CRF 381.1] http://www.access.gpo.gov/nara/cfr/waisidx_08/9cfr381_08.html [9 CFR 362.1] http://www.access.gpo.gov/nara/cfr/waisidx_08/9cfr362_08.html
Page 14 Page 15	Rule .01(III) Rule .01(mnnn)2(ix)	“Public water system” “Ready-to-eat food”	[40 CFR 141] http://www.access.gpo.gov/nara/cfr/waisidx_08/40cfr141_08.html [21CFR Part 113] http://www.access.gpo.gov/nara/cfr/waisidx_07/21cfr113_07.html
Page 16	Rule .01(tttt)	“Restricted egg”	[9 CFR 590] http://edocket.access.gpo.gov/cfr_2008/janqtr/pdf/9cfr590.800.pdf
Page 16	Rule .01(uuuu)	“Restricted use pesticide”	[40CFR152.175] OK http://www.access.gpo.gov/nara/cfr/waisidx_07/40cfr152_07.html
Page 17	Rule .01(www)2	“Safe material”	[FFDCA 409 or 706]
Page 41	Rule .03(e)1(i)(I)	“Hand Antiseptics”	http://www.accessdata.fda.gov/scripts/cder/ob/default.cfm



<u>Page</u>	<u>Rule</u>	<u>Subject</u>	<u>Federal Code of Registry</u>
Page 42	Rule .03(e)1(i)(II)	“Hand Antiseptics”	FDA monograph for OTC Health – Care Antiseptic Drug products as an antiseptic hand wash
Page 42	Rule .03(e)1(ii)(I)	“Hand Antiseptics”	[21CFR 170.39] ok http://edocket.access.gpo.gov/cfr_2008/aprqrtr/pdf/21cfr170.39.pdf
Page 42	Rule .03(e)1(ii)(II)(A)	“Hand Antiseptics”	[21CFR 178] ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr178_08.html
Page 42	Rule .03(e)1(ii)(II)(B)	“Hand Antiseptics”	[21 CFR 182] Ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr182_08.html
Page 44	Rule .04(2)(a)3	“Source”	[21CFR 101] Ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr101_08.html [9CFR 317] OK http://www.access.gpo.gov/nara/cfr/waisidx_08/9cfr317_08.html [9 CFR381 subpart N] OK http://edocket.access.gpo.gov/cfr_2008/janqtr/pdf/9cfr381.115.pdf
Page 44	Rule .04(2)(a)6	“Source”	[9CFR 317.2(1)]Ok http://edocket.access.gpo.gov/cfr_2008/janqtr/pdf/9cfr317.2.pdf [9CFR 381.125(b)]Ok http://edocket.access.gpo.gov/cfr_2008/janqtr/pdf/9cfr381.125.pdf
Page 45	Rule .04(2)(a)7	“Source” ***	[21 CFR 101.17(h)] OK http://edocket.access.gpo.gov/cfr_2008/aprqrtr/pdf/21cfr101.17.pdf
Page 46	Rule .04(2)(g)1(ii)	“Game Animals”	[9 CFR 352 exotic animals] Ok http://www.access.gpo.gov/nara/cfr/waisidx_08/9cfr352_08.html [9 CFR 354 voluntary inspection] Ok http://www.access.gpo.gov/nara/cfr/waisidx_08/9cfr354_08.html
Page 47	Rule .04(2)(g)2	“Game Animals”	[50 CFR 17 Endangered Wildlife] ok http://edocket.access.gpo.gov/cfr_2008/octqtr/pdf/50cfr17.11.pdf
Page 47	Rule .04(3)(b)	“additives”	[21CFR 170-180] ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr170_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr171_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr172_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr173_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr174_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr175_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr176_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr177_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr178_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr179_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr180_08.html
			[21CFR 181-186] ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr181_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr182_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr184_08.html ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr186_08.html
			[9 CFR Subpart C Section 424(b)] ok http://www.access.gpo.gov/nara/cfr/waisidx_08/9cfr424_08.html
			[40 CFR 180] ok http://www.access.gpo.gov/nara/cfr/waisidx_08/40cfr180_08.html

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Page 48	Rule .04(3)(g)2	“Shucked Shellfish” Administrative Decisions Regarding Interstate Shipment, Section 1240.60(d)]	[21 CFR subpart D–1240.60(d)] ok http://edocket.access.gpo.gov/cfr_2008/aprqrtr/pdf/21cfr1240.60.pdf
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Page 50	Rule .04(3)(j)2	“Juice Treated”	[21CFR Part 120.24] ok http://edocket.access.gpo.gov/cfr_2008/aprqrtr/pdf/21cfr120.24.pdf
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Page 74	Rule .04(7)(c)1	“food labels”	<p>[21 CFR 101 food labeling] ok http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr101_08.html [9 CFR 317 labeling & containers] ok http://www.access.gpo.gov/nara/cfr/waisidx_08/9cfr317_08.html</p>
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Page 77	Rule .04(9)1(ii)	“highly susceptible pop.”	[21 CFR 101.17(g) warning notice] ok http://edocket.access.gpo.gov/cfr_2008/aprqrtr/pdf/21cfr101.17.pdf
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Page 128	Rule .07(6)(j)1(i)	“drying agents”	[21 CFR 182 substances generally recognized as safe] http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr182_08.html [21 CFR 184 Direct food substances affirmed as safe] http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr184_08.html
Page 128	Rule .07(6)(j)1(ii)	“drying agents”	[21 CFR 186 indirect food substance affirmed as safe] http://www.access.gpo.gov/nara/cfr/waisidx_08/21cfr186_08.html
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Page 129	Rule .07(6)(l)	“restricted use pesticides”[40 CFR 152 classification of pesticides]	ok http://www.access.gpo.gov/nara/cfr/waisidx_08/40cfr152_08.html	
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Page 151	Rule .10(7)	“penalty”	[O.C.G.A § 26-2, Article 13]	

Note: Web addresses are subject to change without notice.



SECTION O

References

The following referenced resources are a compilation of documents that were taken into consideration in developing this Manual:

- 2005 FDA Model Food Code
- FDA’s Recommended National Retail Food Regulatory Program Standards
- Voluntary National Retail Food Regulatory Program Standards
- 2005 Food Code City of Alexandria Pocket Guide for Food Operations
- 2007 – 2008 Interpretations of Chapter 290-5-14 by the Division of Public Health/Environmental Health Section
- “Recommended Guidance For Mobile Food Establishments 2006” prepared by the Plan Review Development Committee Of The Conference for Food Protection