

**Conference for Food Protection
2012 Issue Form**

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Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____
Delegate Action:	Accepted _____	Rejected _____	

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Title:

Reuse-Refill of Multi-use Tableware (To go containers)

Issue you would like the Conference to consider:

Amend 2009 FDA Food Code Sections 3-304.17 and 4-603.17 to allow for institutional type facilities (such as schools or assisted living communities) to provide reusable tableware/containers to consumers, who can then return the tableware for cleaning, sanitizing, and reuse by the food establishment. The consumer at the time of return, would receive cleaned and sanitized reusable tableware/containers that can be refilled with food.

Background:

Because of the trend toward recycling and attempting to limit the use of single service dishware in the waste stream, the PA Department of Agriculture has received several variance requests over the last few years to allow for colleges to use refillable containers that are provided to students by the food establishment. The variance requests have been reviewed and approved based on the limited scope of the consumers using the food establishment, as well as the following parameters:

- The reusable containers meet the criteria established in Chapter 4 for Equipment, Utensils and Linens, and are intended for multiple use.
- The facility establishes procedures for return of the containers that include, return area outside of any food preparation areas, inspection by a food establishment employee for general cleanliness and condition, and a direct pathway to the warewashing area which minimizes any potential cross contamination
- Food establishment accomplishes warewashing as required in the Food Code, and complies with storage and other handling requirements.
- A mechanism is in place to identify/verify the consumer population that is purchasing and returning reusable containers.

The trend toward recycling and environmental friendliness will continue - companies are manufacturing reusable containers and marketing them, especially in institutional settings, and more institutions will be looking at reducing waste and cutting costs. Since 2008, FDA has received several interpretation questions regarding re-use of to-go boxes and similar containers, and the Commonwealth of PA has received 2 requests to the Department of Agriculture, and at least one request through a County Health Department.

The 2009 Food Code prohibits a food establishment from refilling containers with PHF/TCS food in Section 3-304.17, and Section 4-603.17 prohibits cleaning and refilling containers,

other than beverages, unless by a food processing plant. Thus any jurisdiction that has facilities utilizing reusable food containers must make independent determinations through the variance process as to what is acceptable and required if approving the reuse or refilling of these multi-use food containers.

Public Health Significance:

Because of the trend toward recycling and attempting to limit the use of single service dishware in the waste stream, the Pennsylvania Department of Agriculture has received several variance requests over the last few years to allow for colleges to use refillable containers that are provided to students by the food establishment. The variance requests have been reviewed and approved based on the limited scope of the consumers using the food establishment, as well as the following parameters:

- The reusable containers meet the criteria established in FDA Food Code Chapter 4, Equipment, Utensils and Linens, and are intended for multiple use.
- The facility establishes procedures for return of the containers that include, return area outside of any food preparation areas, inspection by a food establishment employee for general cleanliness and condition, and a direct pathway to the warewashing area which minimizes any potential cross contamination
- Food establishment accomplishes warewashing as required in the Food Code, and complies with storage and other handling requirements.
- A mechanism is in place to identify/verify the consumer population that is purchasing and returning reusable containers.

The trend toward recycling and environmental friendliness will continue - companies are manufacturing reusable containers and marketing them, especially in institutional settings, and more institutions will be looking at reducing waste and cutting costs. Since 2008, FDA has received several interpretation questions regarding re-use of to-go boxes and similar containers, and the Commonwealth of Pennsylvania has received 2 requests to the Department of Agriculture, and at least one request through a County Health Department. The current Food Code prohibits a food establishment from refilling containers with PHF/TCS food in Section 3-304.17, and Section 4-603.17 prohibits cleaning and refilling containers, other than beverages containers, unless performed by a food processing plant. Thus any jurisdiction that has facilities utilizing reusable food containers must make independent determinations through the variance process as to what is acceptable and required if approving the reuse or refilling of these multi-use food containers.

Non-uniformity in determining what criteria must be in place for approving variances related to reuse-refilling of these multi-use containers will result in jurisdictions establishing differing standards for the tableware/container, the types of food establishments that can use the reuseable tableware, the recordkeeping, and the food establishment handling, cleaning, and sanitizing, and storage of the reusable tableware.

Adding a standard set of provisions regarding when this practice is permitted will enhance uniformity among jurisdictions, provide a set of standards for industry to comply with, and protect the public.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting amendments to the 2009 Food Code (as modified by the Supplement issued in 2011), Sections 3-304.17 and 4-603.17 specifically,

and other affected Food Code sections FDA identifies, to allow food establishments operating in institutional type settings with known consumers to provide reusable tableware/containers which can be returned and reused/refilled by that food establishment. In amending those sections, language should:

1. identify specific criteria and procedures for food establishment approval of the process
2. verify the consumer population (eg, IDs, Swipe Cards)
3. confirm tableware/containers comply with 2009 Food Code Chapter 4 standards for Multi-use Equipment & Utensils
4. establish procedures for return/reuse of tableware/containers that include inspection by a food employee
5. establish procedures for limiting cross-contamination potential when tableware/containers are returned, inspected, cleaned and sanitized, and stored.

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