

## COUNCIL I – LAWS AND REGULATIONS

### Issues and Actions

In this section are the Issues deliberated by Council I. In addition to those Issues originally assigned to Council I, Issues 02-03-04, 02-03-05 and 02-03-24 (Council III Issues) were also deliberated by this Council. Issue 02-03-24 was then sent back to Council III and was reported out as part of that Council's deliberation.

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<b>Issue Number:</b>	<b>02-01-01</b>
<b>Issue Title:</b>	<b>Special Requirements for Highly Susceptible Populations</b>
Recommended Solution:	The Conference recommends the removal of this language. The specific verbiage would be: 3-801.11 (C) Food in an unopened original package may not be re-served; and <u>(C)</u> <del>(D)</del> The following FOODS may not be served or offered for sale in a READY-TO-EAT form:
<b>Council Recommendation:</b>	<b>Accept as submitted</b>
<b>Assembly Action:</b>	<b>Affirm</b>

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<b>Issue Number:</b>	<b>02-01-02</b>
<b>Issue Title:</b>	<b>Re-serving Food in Unopened, Hermetically-Sealed Containers</b>
Recommended Solution:	The Conference recommends no action as this Issue is resolved by acceptance of Issue 02-01-01.
<b>Council Recommendation:</b>	<b>No action</b>
<b>Assembly Action:</b>	<b>Affirm</b>

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<b>Issue Number:</b>	<b>02-01-03</b>
<b>Issue Title:</b>	<b>Appropriate Re-service of Bread</b>
Recommended Solution:	The Conference recommends no action because of food security, chemical and other contaminant issues.
<b>Council Recommendation:</b>	<b>No action</b>
<b>Assembly Action:</b>	<b>Affirm</b>

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**Issue Number:** 02-01-04

**Issue Title:** Clarification of Consumer Self-Service Operations  
3-306.13

**Recommended Solution:** The Conference recommends that Section 3-306.13 be changed from:

(A) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This paragraph does not apply to consumer service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish; ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or raw, frozen, shell-on shrimp or lobster.

To:

(A) Raw, unpackaged animal food, such as beef lamb, pork, poultry, and fish may not be offered for consumer self-service. This paragraph does not apply to:

- (1) consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish;
- (2) ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or
- (3) raw, frozen, shell-on shrimp or lobster.

**Council Recommendation:** Accept as submitted

**Assembly Action:** Affirm

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**Issue Number:** 02-01-05

**Issue Title:** Maintenance of Tags or Labels from Raw, Shucked Shellfish

**Recommended Solution:** The Conference recommends the Conference Chair write a letter to the Chairman of ISSC for deliberation and resolution for traceability and maintenance of shucked shellfish labeling records for public health reasons.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

**Issue Number:** 02-01-06

**Issue Title:** Definition of Term “Food Preparation”

**Recommended Solution:** The Conference recommends that the Conference Chair send a letter to the FDA to consider adding a definition of “food preparation” to the Food Code.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-07

**Issue Title:** Ready-to-eat Food Definition

**Recommended Solution:** The Conference recommends no action because 02-III-24 covers this issue.

**Council Recommendation:** No action

**Assembly Action:** Affirm

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**Issue Number:** 02-01-08

**Issue Title:** Modification of 2-201.13 Removal or Exclusions & Restrictions

**Recommended Solution:** The Conference recommends that the Conference Chair send a letter to FDA to request a review of the section 2-201.13 in the Food Code in conjunction with other federal agencies including EEOC and examine the submitted alternative for simplification.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-09

**Issue Title:** Hand Hygiene, the Universal Precaution for Ill Workers

**Recommended Solution:** The Conference recommends no action because the subject is adequately covered in the Food Code.

**Council Recommendation:** No action

**Assembly Action:** Affirm

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**Issue Number:** 02-01-10

**Issue Title:** Replacing the Word Lavatory with Handsink

**Recommended Solution:** The Conference recommends that the Conference Chair write a letter to the FDA encouraging them to replace the references to lavatory/lavatories with handsink/handsinks or if necessary for compatibility with other codes insert the word handsink/handsinks immediately following all references to lavatory/lavatories. This includes section 2 301.15, 5-202-12, 5-203.11, 6-301.13, 6-301.14, 6-301.20 and 6 501.15.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-11

**Issue Title:** Wash Hands in Kitchen After Restroom Use

**Recommended Solution:** The Conference recommends that the Conference Chair send a letter to the FDA to look at current section 2-301.14, 2-301.15, 2-103.11(d) and pertinent annexes of the Food Code for improvements.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-12

**Issue Title:** Clarification of Requirement of a Hands-Free Handwashing Facility

**Recommended Solution:** The Conference recommends no action because the FDA is not in favor of changing current temperature from current ASTM standard and no epidemiological data to support the hands-free requirement.

**Council Recommendation:** No action

**Assembly Action:** Affirm

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**Issue Number:** 02-01-13  
**Issue Title:** Handwashing Facilities/Sink Clarification  
**Recommended Solution:** The Conference recommends that the Conference Chair send a letter to the FDA asking for examination (in consultation with the Plan Review Committee) and clarification of “to allow convenient use” and “food dispensing” for changes in the Food Code, section 5-204.11 and Annexes.

**Council Recommendation:** No action

**Assembly Action:** Affirm

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**Issue Number:** 02-01-14  
**Issue Title:** Allowing the Use of Tempered Water for Employee Handwashing  
**Recommended Solution:** The Conference recommends this issue and supporting studies be forwarded to FDA for further consideration in revising temperature specified in sections 5-202-12(a) of the Food Code.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-15  
**Issue Title:** Variances for Meat and Poultry Processing at Retail Committee Report  
**Recommended Solution:** The Conference recommends that the Committee continue and finish its charge to review AFDO’s Guideline document “Retail Meat and Poultry Processing Guidelines.” This review is to be done in concert with AFDO. Upon completion of the review and agreement by both AFDO and the Committee, the finished report should be sent to the CFP Executive Board for its acceptance and to AFDO. If the CFP Board accepts the report, the Board should forward the report to AFDO and to FDA recommending that the report be referenced in, or placed in its entirety, into Annex 6 of the Food Code.

**Council Recommendation:** Accept as submitted

**Assembly Action:** Affirm

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**Issue Number:** 02-01-16

**Issue Title:** Continuation of Variance Committee

**Recommended Solution:** The Conference recommends the Variance Committee be continued through the next Conference for Food Protection. The Variance Committee be charged with: (1) defining and recommending written administrative processes referenced in the Food Code 2001 Annex 3, Section 3-502.11, paragraph 5, consistent with the states' administrative procedures; (2) recommending a listing of scientific resources for regulatory authorities.

**Council Recommendation:** Accept as submitted

**Assembly Action:** Affirm

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**Issue Number:** 02-01-17

**Issue Title:** Removing Food Code Variances to Promote Uniformity and Food Safety

**Recommended Solution:** The Conference recommends no action because variances are included in the FDA Food Code and the Conference Committee is working on variance procedures.

**Council Recommendation:** No action

**Assembly Action:** Affirm

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**Issue Number:** 02-01-18

**Issue Title:** Critical Item Update Committee Report

**Recommended Solution:** That the Report of the Critical Item Update Committee be accepted, and direct that Chair to send a letter to the FDA requesting that the proposed modifications to the Food Code Definitions, 1-201.10(B)(17) (a and b), be included in the next revision of the FDA Food Code.

**Council Recommendation:** Refer to Council II

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**Issue Number:** 02-01-19  
**Issue Title:** FDA Adoption of Pre-Operation Guide for Temporary Food Establishments

**Recommended Solution:** The Conference recommends that FDA adopt the “Pre-Operational Guide For Temporary Food Establishments” with the following revisions and clarifications as a stand-alone guidance document or added as an Annex to the Food Code.

- 1) Change item #5 on the Application for Temporary Food Establishment Permit to read: “The owner/operator must agree to use Attachment C during the TFE to record the names, phone numbers, shifts worked during the event and the assigned duties of all Temporary Food Event workers (paid and volunteer). This information must be retained for at least 30 days after the close of the event.”
- 2) Delete “WET STORAGE” from the checklist for plan review
- 3) Revise the last sentence in “COLD STORAGE” to read: “~~Unpackaged~~ Food may not be stored in direct contact with undrained ice.”
- 4) Accept the proper **Attachment B** for inclusion. The wrong table for **Attachment B**, “Food Preparation at the Licensed Permanent Food Establishment” was submitted with the original CFP submission.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-20  
**Issue Title:** Report of the Food Recovery Committee

**Recommended Solution:** The Conference recommends that the report of the Food Recovery Committee contained in this issue be accepted by the Conference.

**Council Recommendation:** Accept as submitted

**Assembly Action:** Affirm

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**Issue Number:** 02-01-21

**Issue Title:** Report of the Food Recovery Committee

**Recommended Solution:** The Conference recommends that the Chair of the Conference send a letter to the FDA with continuing recommendation that an executive summary of the “Food Recovery Guidelines” be included in the next edition of the Model Food Code.

**Council Recommendation:** Accept as submitted

**Assembly Action:** Affirm

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**Issue Number:** 02-01-22

**Issue Title:** Report of the Food Recovery Committee

**Recommended Solution:** The Conference recommends that the Food Recovery Committee be continued to review comments received via the FDA’s “Food Guidance Practices” notice and comment process for the CFP “Food Recovery Guidelines.” On the basis of the comments received, the Committee is authorized to revise the “guidelines” as posted on the CFP website. The Committee must report all such revisions to the CFP Executive Board via the Chair of Council I and must report such revisions back to the full Council via issue submission to the 2004 Conference. The Food Recovery Committee may be reestablished in the future to consider proposed revisions to the “Guidelines” that may be submitted by issue to the Conference.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-23

**Issue Title:** Recommended Guidance for Food Establishments with Permanent Outdoor Cooking Operations

**Recommended Solution:** The Conference recommends that the “Recommended Guidance for Food Establishments with Permanent Outdoor Cooking Operations” be forwarded to the Facility Plan Review Committee for content review and formatting into a joint CFP-FDA guidance document. The current co-chairs of the Outdoor Cooking Committee will work with Facility Plan Review Committee through the 2004 Conference for the purpose of



participating in and facilitating the completion of the development of the guidance document.

**Council Recommendation:** **Accept as amended**

**Assembly Action:** **Affirm**

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**Issue Number:** **02-01-24**

**Issue Title:** **Continuation of the Plan Review Committee**

**Recommended Solution:** The Conference recommends that the Plan Review Committee be continued as a sub-committee of the CFP, reporting to Council I on its activities, to now develop guidelines for mobile food units and pushcarts and to report back at the 2004 Conference meeting.

**Council Recommendation:** **Accept as submitted**

**Assembly Action:** **Affirm**

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**Issue Number:** **02-01-25**

**Issue Title:** **Food Storage Practices for Irradiated Foods (An Approved Post-Harvest Technology) in a Foodservice Walk-in Cooler on Reach-in Work Box**

**Recommended Solution:** The Conference recommends no action because the Council was not convinced that it is a best practice and other Food Code provisions apply.

**Council Recommendation:** **No action**

**Assembly Action:** **Affirm**

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**Issue Number:** **02-01-26**

**Issue Title:** **Backflow Prevention Devices on Carbonator – Section 5-203.15**

**Recommended Solution:** Withdrawn by submitter

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**Issue Number:** **02-01-27**

**Issue Title:** **Product Traceability in the Supply Chain**

**Recommended Solution:** The Conference recommends that due to the importance of traceability in the food supply chain and the current lack of uniform methods to identify components of traceability, the

Council form a “Traceability in the Food Supply Chain” Committee.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-28

**Issue Title:** Define “Compliance with the Code” Section 2-102.11(A)

**Recommended Solution:** The Conference recommends the Conference Chair send a letter to the FDA requesting a clear and logical, written definition for “compliance with the code for purposes of demonstration of knowledge” be included in Part 1-2 of the FDA Food Code.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-29

**Issue Title:** Wording Change 6-501.111 (c) Controlling Pests

**Recommended Solution:** The Conference recommends no action because this issue is adequately covered by the Food Code

**Council Recommendation:** No action

**Assembly Action:** Affirm

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**Issue Number:** 02-01-30

**Issue Title:** Add New Section to Food Code Addressing Size and Design of Facility, 6-202-20

**Recommended Solution:** The Conference recommends this issue be referred to the Plan Review Committee.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-31

**Issue Title:** Wiping Cloth Container Storage and Use

**Recommended Solution:** The Conference recommends amending section 3-304.14 by renaming it as “Wiping Cloths and Working Containers, Use

Limitation” and adding new paragraph (E) as follows: “Working containers of sanitizing solutions for storage of in-use wiping cloths may be stored above the floor and used in a manner to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles”

**Council Recommendation:**    **Accept as amended**

**Assembly Action:**            **Affirm**

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**Issue Number:**                **02-01-32**

**Issue Title:**                    **Sanitizing Solution Testing Device Standards**

**Recommended Solution:**        The Conference recommends no action because the issue should be submitted to the EPA, AOAC or other third party testing entity.

**Council Recommendation:**    **No action**

**Assembly Action:**            **Extract and reject**

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**Issue Number:**                **02-01-33**

**Issue Title:**                    **Add Two Additional Cooking Charts to the Food Code Providing Acceptable Temperatures @ Instantaneous Times**

**Recommended Solution:**        The Conference recommends that the Conference Chair send a letter to FDA asking FDA, in consultation with USDA, develop two charts for inclusion in the next edition of the Food Code. One chart should provide a satisfactory instantaneous cooking temperature for those potentially hazardous food identified as needing a 63 degrees C. (145 degrees F.) cook for 15 seconds; and a similar chart to provide a satisfactory instantaneous cooking temperature for those potentially hazardous food identified as needing a 74 degrees C. (165 degrees F.) cook for 15 seconds.

**Council Recommendation:**    **Accept as amended**

**Assembly Action:**            **Affirm**

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**Issue Number:**                **02-01-34**

**Issue Title:**                    **Food Safety Statement of Primary Accountability**

**Recommended Solution:**        The Conference recommends no action because the Food Code adequately addresses this issue.

**Council Recommendation:** No action

**Assembly Action:** Affirm

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**Issue Number:** 02-01-35

**Issue Title:** Sanitization Temperatures in Mechanical Warewashing

**Recommended Solution:** The Conference recommends the Conference Chair send a letter to FDA to review possible duplication and conflict in section 4-501.112 (a) and section 4-703.11 (B) with the intent of reinforcing the critical element.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-36

**Issue Title:** Dish Machine – Detergent/Sanitizer Dispensers, Alarms

**Recommended Solution:** The Conference recommends that the Conference Chair write a letter to FDA recommending section 4-204.117 be amended by removing the words “designed and”, and provide further public health justification in the annex.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-37

**Issue Title:** Warewashing Machines, Automatic Dispensing Equipment and Sanitizer Alarms – Section 4-204-117

**Recommended Solution:** The Conference recommends the Conference Chair send a letter to the FDA and NSF recommending the expeditious development of a standard in compliance with section 4-204.117 for alarm and automatic dispensing requirements. The FDA

should also address the issue of enforcement of this section until the time the standard is developed.

**Council Recommendation:** Accept as amended

**Assembly Action:** Affirm

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**Issue Number:** 02-01-38  
**Issue Title:** Warewashing Machines, Alarms  
**Recommended Solution:** The Conference recommends no action and to combine this issue with issue 02-01-37  
**Council Recommendation:** No action  
**Assembly Action:** Affirm

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**Issue Number:** 02-01-39  
**Issue Title:** Revise Annexes of Food Code  
**Recommended Solution:** The Conference recommends that the Conference Chair submit a letter to the FDA requesting that peer reviewed published research be referenced in the annexes along with the public health rationale for why the threshold limit values expressed in the Food Code differ from those in the research.  
**Council Recommendation:** Accept as amended  
**Assembly Action:** Affirm

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**Issue Number:** 02-01-40  
**Issue Title:** Ten-Year Exemption from 41 Degree Standard for Existing Refrigerators, Section 3-501.16  
**Recommended Solution:** The Conference recommends that due to the lack of a public health risk associated with storing potentially hazardous foods for four days or less at 45 degrees F, that a letter be sent to the FDA to urge the following changes to Section 3-501.16  

- (1) An exemption for the life of the refrigeration equipment (grandfathering) be given for all small open top, grill line and prep reach-in units intended for short-term storage of four days or less.

**Council Recommendation:** Accept as amended

**Assembly Action:** Extract and Reject

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**Issue Number:** 02-03-04  
**Issue Title:** PHF Date Coding Systems Allowed  
**Recommended Solution:** The Conference recommends no action because the issue is

covered by March 4, 2002 Errata sheet to the 2001 FDA Food Code and the annex.

**Council Recommendation:** No action

**Assembly Action:** Affirm

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**Issue Number:** 02-03-05

**Issue Title:** Add Flexibility to Current Date Marking Requirements in the Food Code

**Recommended Solution:** The Conference recommends no action because the issue is covered by March 4, 2002 Errata sheet to section 3-501.16 and the annex.

**Council Recommendation:** No action

**Assembly Action:** Affirm

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**Issue Number:** 02-03-24

**Issue Title:** When Gloves are Required to be Worn by Food Handlers

**Recommended Solution:** The Conference recommends that the Code be changed to read as follows:

3-301.11 Preventing Contamination from Hands.

(A) Food employees shall wash their hands as specified under section 2-301.12

(B) Food employees that are ill or shedding pathogens as they recover from an illness with symptoms characteristic of a food borne pathogen; or, food employees that have wounds, lesions or other skin anomalies between the forearm and fingertips; or food employees that prepare or serve RTE Food to highly susceptible populations; are prohibited from bare hand contact of RTE food.

(C) Except when washing fruits and vegetables as specified under section 3-302.15, or when otherwise approved, or as described in a Permit Holders written HACCP plan with active managerial controls (AMC) for hand hygiene, food employees may not contact exposed, RTE food with their bare hands.

(D) Food employees shall minimize bare hands and arm contact with exposed food that is not in a ready-to-eat form

**Council Recommendation:** Refer back to Council III

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**ATTACHMENTS TO COUNCIL I REPORT**

## **Variances for Meat and Poultry Processing at Retail Committee**

To: Fred Reimers, Chair, Council I, CFP  
From: Michael Hillyer, Chair  
Date: January 14, 2002  
Subject: Final Report - Variances for Meat and Poultry Processing at Retail Committee

### **BACKGROUND**

During the 2000 CFP, issue 2000-I-58 was submitted by AFDO and adopted as amended. This issue asked the conference to include in the Food Code, in its entirety or through reference, the AFDO Guideline document entitled, 'Retail Meat and Poultry Processing Guidelines' (herein after referred to as the 'Guideline document'). During Council discussions there were concerns raised that the Guideline document was in conflict with certain Food Code and USDA provisions currently existing. Consequently, a new committee, Variances for Meat and Poultry Processing at Retail (herein after referred to as the Committee) was created and given the charge to review and bring the document in harmonization with the FDA Model Food Code and USDA Meat Inspection regulations. The Committee is to report back to Council I at the 2002 CFP.

### **SUMMARY**

The Committee has been working with AFDO, FDA, USDA and Industry for the past two years and has made significant progress in resolving concerns about the parts of the AFDO document that have conflicted with federal regulations and the Food Code. During this time period, the Committee has formally met on five different occasions via conference calls and exchanged numerous email messages and telephone conversations throughout the process. The Committee has worked and exchanged information with the AFDO Retail Food Committee, specifically Alfred Bugenhagen, Chair and Mike Govro, Chair of Subcommittee responsible for revision to the Guideline document. The latest version of the AFDO Guideline document 'Retail Meat and Poultry Processing Guidelines' is attached to this Committee report.

### **ACTION – RECOMMENDATION**

- The Committee would like to see the Guideline document either referenced in or incorporated into Annex 6 of the FDA Model Food Code.
- The Committee would like to continue and finish its charge to review AFDO's 'Retail Meat and Poultry Processing Guidelines' in concert with AFDO. Upon completion of the review and agreement by both AFDO and the Committee, the finished report should be sent to the CFP Executive Board for its acceptance and to AFDO. If the CFP Board accepts the report, the Board should forward the report to AFDO and to FDA recommending that the report be referenced in, or placed in its entirety, into Annex 6 of the Food Code.



- The Committee would like to see the Guideline document be incorporated in its entirety into AFDO's Pilot Draft 'Meat and Poultry Processing at Retail' Training Manual.
- The Committee would like to see AFDO's Pilot Draft 'Meat and Poultry Processing at Retail' Training Manual harmonized with the Guideline document.

### **COMMITTEE MEETINGS AND ACTIVITIES**

September 2000: Committee started.

November 2000: Committee members contacted and confirmed.

April 2001: Email and telephone conversations on charge of committee.

April 23, 2001: Committee meeting via conference call.

May 2001: Information and comments exchanged via email and telephone.

June 2001: Information and comments exchanged via email and telephone.

June 26, 2001: Committee meeting with AFDO via conference call.

August 2001: Information and comments exchanged via email and telephone with Committee and AFDO.

November 2001: Information and comments exchanged via email and telephone with Committee and AFDO.

November 20, 2001: Committee meeting via conference call. Separate conversation with AFDO representative.

November 27, 2001: Committee meeting with AFDO, FMI representative, and Council I Chair via conference call.

January, 2002: Information and comments exchanged via email and telephone.

January 14, 2002: Committee meeting with AFDO via conference call.

### **COMMITTEE MEMBERS**

Michael Hillyer - Wal-Mart Stores Inc. (Committee Chair)

Jeanette Lyon - FDA/CFSAN

Ray Beaulieu - FDA Consultant

Carl Custer - USDA-FSIS

Gary Coleman - Underwriters Laboratories

Darlene McDonnell - Ohio Department of Agriculture

Dale Yamnik – Albertsons

### **OFFICIAL COMMITTEE CHARGE**

The Conference recommends that this issue be sent to a Committee made up of members of the Conference for Food Protection, with equal representation of stakeholders, and in conjunction with the AFDO Retail Food Committee, FDA and USDA for study to bring it into harmonization with the FDA Model Food Code and USDA Meat Inspection regulations. The report of this Committee is to be brought back to Council I in 2002.

### **ATTACHMENTS**

1. AFDO's Retail Meat and Poultry Processing Guidelines Document – Last Revised on January 14, 2002
2. CFP Issue Submission Form – Committee Report

**Association of Food and Drug Officials  
Retail Meat and Poultry Processing Guidelines**

**I. GROUND MEATS**

A. Definitions

1. "Beef Pattie Mix" or "Beef Patties": Beef Pattie Mix or Beef Patties shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasonings. Binders or extenders, Mechanically Separated (Species) used in accordance with 9 CFR §319.6, and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product characteristics are essentially that of a meat pattie. REFERENCE: 9 CFR § 319.15

2. "Comminuted": Comminuted means reduced in size by methods including chopping, flaking, grinding, or mincing. "Comminuted" 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 2 or more types of meat that have been reduced in size and combined, such as sausages made from 2 or more meats. REFERENCE: FDA 2001 Food Code 1-201.10(B)(14)

3. "Grinder": Grinder means a piece of equipment used to cut meat into small pieces. The meat is fed from a hopper, passed along a cylinder with an auger or worm to a perforated plate where it is sliced away by revolving blades.

4. "Ground Beef": Ground Beef or Chopped Beef shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30 percent fat, and shall not contain added water, phosphates, binders, or extenders. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent; and if in excess of natural proportions, its presence shall be declared on the label, in the ingredient statement required by 9 CFR § 317.2, if any, and otherwise contiguous to the name of the product. REFERENCE: 9 CFR § 319.15

5. "Ground Poultry Meat": Ground Poultry Meet shall consist of 100 percent chopped or ground poultry of the kind indicated, with skin and fat not in excess of natural proportions such product consists, without the addition of water, cereal, soy derivatives or other extenders. Boneless poultry products shall be labeled in a manner that accurately describes their actual form and composition. The product name shall specify the form of the product (e.g., emulsified, finely chopped, etc.), and the kind name of the poultry, and if the product does not consist of natural proportions of skin and fat, as they occur in the whole carcass, shall also include terminology that describes the actual

composition. If the product is cooked, it shall be so labeled. For the purpose of this paragraph, natural proportions of skin, as found on a whole chicken or turkey carcass, will be considered to be as follows:

	Percent	
	Raw	Cooked
Chicken.....	20	25
Turkey.....	15	20

REFERENCE: 9 CFR § 381.160; 9 CFR § 381.117; 9 CFR § 381.168

6. "Hamburger": Hamburger means chopped fresh or frozen beef with or without the addition of beef fat, as such, and/or seasoning, shall not contain more than 30% fat, and shall not contain added water, phosphates, binders or extenders. "Hamburger": "Hamburger" shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning, shall not contain more than 30 percent fat, and shall not contain added water, phosphates, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in paragraph (a) of this section. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent; and if in excess of natural proportions, its presence shall be declared on the label, in the ingredient statement required by §317.2 of this subchapter, if any, and otherwise contiguous to the name of the product. REFERENCE: 9 CFR § 319.15

**B. Grinding**

1. The entire grinding assembly, equipment food-contact surfaces and utensils shall be cleaned:
  - (a) Except as specified in ¶ (2) of this section, before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;
  - (b) Each time there is a change from working with raw foods to working with ready-to-eat foods;
  - (c) Between uses with raw fruits and vegetables and with potentially hazardous food;
  - (d) Before using or storing a food temperature measuring device; and
  - (e) At any time during the operation when contamination may have occurred.
  
2. Subparagraph (1)(a) of this section does not apply if the grinder, food-contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature as specified under FDA 2001 Food Code 3-401.11 than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board.

3. Except as specified in ¶ (4) of this section, if used with potentially hazardous food, grinder, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every 4 hours.

4. The grinder, grinder assembly, surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every 4 hours if:

- (a) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified under FDA 2001 Food Code Chapter 3 and the containers are cleaned when they are empty;
- (b) Grinder, utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the following chart and:

- (i) The grinder, utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

<u>Temperature</u>	<u>Cleaning Frequency</u>
5.0° C (41° F) or less	24 hours
>5.0° C - 7.2° C (>41° F – 45° F)	20 hours
>7.2° C - 10.0° C (>45° F – 50° F)	16 hours
>10.0° C - 12.8° C (>50° F – 55° F)	10 hours

; and

- (ii) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food establishment.
- (d) Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under FDA 2001 Food Code Chapter 3;
- (e) Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues;
- (f) The cleaning schedule is approved based on consideration of:
  - (i) The type of food involved,
  - (ii) The amount of food residue accumulation, and
  - (iii) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or
- (g) In-use utensils are intermittently stored in a container of water in which the water is maintained at 60° C (140° F) or more and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude

accumulation of soil residues. REFERENCE: FDA 2001 Food Code ¶ 4-602.11

5. The grinder that is completely disassembled, equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices. The washing procedures selected shall be based on the type and purpose of the grinder, equipment or utensil, and on the type of soil to be removed. REFERENCE: FDA 2001 Food Code ¶ 4-603.14

6. If washing in sink compartments or a warewashing machine is impractical such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative manual warewashing equipment as specified in FDA 2001 Food Code ¶ 4-301.12(C) in accordance with the following procedures:

- (a) Grinder or equipment shall be disassembled as necessary to allow access of the detergent solution to all parts;
- (b) Grinder or equipment components and utensils shall be scrapped or rough cleaned to remove food particle accumulation; and
- (c) Grinder, equipment and utensils shall be washed as specified under FDA 2001 Food Code ¶ 4-603.14(A).

REFERENCE: FDA 2001 Food Code ¶ 4-603.15

8. The washed grinder, grinder assembly, utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution. REFERENCE: FDA 2001 Food Code ¶ 4-603.16

9. The washed, rinsed grinder, grinder assembly, utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning. After being cleaned, the grinder, grinder assembly, equipment food-contact surfaces and utensils shall be sanitized by either hot water manual operations by immersion for at least 30 seconds, hot water mechanical operations achieving a utensil surface temperature of 71° C (160° F), or chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under FDA 2001 Food Code ¶ 4-501.114. REFERENCE: FDA 2001 Food Code ¶ 4-703.11

### C. Time-Temperature Control During Grinding and Trimming

Trimming to be used for ground meat and poultry shall be held at an ambient temperature between 41°F and 55°F or less, for up to 2 hours during the trimming process provided the meat temperature does not exceed 50°F. Ground meat and poultry shall be held at 41°F or less immediately after grinding and at all times during storage or display.

#### D. Labeling Ground Beef

1. The common or usual name of any added ingredient shall be listed, in compliance with 9 CFR § 317.2 or 9 CFR § 381.118, on the package label in decreasing order of predominance or on a placard when displayed in bulk.

2. An added descriptive name may be used where the ground meat is derived from all or part of the primal part of the beef carcass such as chuck, round or sirloin (example: ground beef sirloin). REFERENCE: DIR 7220.1R3A4 Policy Memo 091

3. "Chopped Beef" or "Ground Beef" shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30 percent fat, and shall not contain added water, phosphates, binders, or extenders. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent; and if in excess of natural proportions, its presence shall be declared on the label, in the ingredient statement required by 9 CFR § 317.2, if any, and otherwise contiguous to the name of the product. REFERENCE: 9 CFR § 319.15

4. "Hamburger" shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning, shall not contain more than 30 percent fat, and shall not contain added water, phosphates, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in paragraph 9 CFR § 319.15(a). REFERENCE: 9 CFR § 319.15

5. The fat content or lean content should be clearly indicated on the label. The fat content shall not exceed 30%.

6. Packaged meat/meat food products or poultry/poultry food products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label, package, container or wrapping the statement: "Keep Refrigerated," "Keep Frozen," "Perishable Keep Under Refrigeration," or such similar statement as the Administrator may approve in specific cases. Products that are distributed frozen during distribution and thawed prior to or during display for sale at retail shall bear the statement on the shipping container: "Keep Frozen." The consumer-size containers for such products shall bear the statement "Previously Handled Frozen for Your Protection, Refreeze or Keep Refrigerated." REFERENCE: 9 CFR § 317.2(k); 9 CFR § 381.125(a)

7. The label should contain a product date code to identify the batch or lot.

8. A "Safe Handling Statement," as defined by USDA Meat and Poultry Regulations 9 CFR § 317.2(l) and 9 CFR § 381.125, shall be fixed to the package where it is easily visible to the consumer.

9. Food packaged in a food establishment, shall be labeled as specified in LAW, including 21 CFR 101 - Food Labeling, and 9 CFR 317 Labeling, Marking Devices, and Containers. REFERENCE: FDA 2001 Food Code 3-602.11

## **II. Curing and Smoking**

### **A. Definitions**

1. "Acceptable Product List" means a list of meat or poultry products approved by the regulatory authority, or by an approved knowledgeable authority on curing and/or smoking acceptable to the regulatory authority, posted in the processing area of the establishment. REFERENCE: FDA 2001 Food Code Annex 6

2. "Casings" mean natural animal stomachs, intestines, esophagi or urinary bladders from cattle, sheep, swine or goats or manufactured casings of cellulose or collagen, that are used to encase processed meats or poultry product mixtures for food products such as sausages. REFERENCE: 9 CFR § 96.1

3. "Cold Smoking" means a smoking process used to apply smoke or a smoke flavor at or near ambient temperature to food products not sufficiently darkened or flavored in the original cooking process.

4. "Curing" is a process of preserving meat by the addition of salt alone or in combination with one or more ingredients such as sodium nitrite, sugar, curing accelerators and seasonings and is characterized by the interaction of nitrite and meat pigments resulting in the development of a "cured" pink color. Specific requirements for added nitrite may be found in USDA regulations, 9 CFR 318, 9 CFR 381 and 9 CFR 424.21.

5. "Cure Accelerator" means compounds such as ascorbic acid or erythorbic acid or their derivatives, sodium ascorbate and sodium erythorbate as defined for use in 9 CFR 424.21, which shorten the time required for the distinctive pink color to develop in cured meat and poultry products.

6. "Injection" means the process of transferring a curing solution into a whole muscle meat using a needle or group of needles connected to a brine source.

7. "Massaging" means subjecting meat chunks to a mechanical treatment to facilitate protein extraction from muscle fibers. This process accelerates the even dispersal of cure solution and increases yield.

8. "Approved Knowledgeable Authority" is a person or organization with expert knowledge in meat or poultry production, process control and relevant regulations.

9. "Showering" means a potable water spray with or without liquid smoke in the smoke house which, depending on when the water spray is applied, maintains humidity, flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

10. "Smokehouse" means a piece of equipment or room sized enclosure used to conduct the smoking and cooking process which has a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

#### B. Trained Employees

All employees engaged in the curing and smoking process shall receive training and demonstrate familiarity with the curing and smoking processes as well as the associated hazards. All employees engaged in the curing and smoking process of meat or poultry must receive training developed by the retail service establishment and demonstrate familiarity with the curing and smoking processes and the potential hazards associated with the curing or smoking of foods. A description of the training and course content provided to the employees must be available for review by the regulatory authority. REFERENCE: FDA 2001 Food Code Annex 6.

#### C. HACCP Plan

Each retail food establishment that engages in the curing and smoking process shall submit a HACCP plan to the regulatory authority for approval. This HACCP plan must be made available to the regulatory authority for review and audit. The HACCP Plan must contain process flow charts for each category of product, recipe formulations for each product that is cured and/or smoked, identified hazards, critical control points, critical limits, monitoring procedures, corrective action and verification steps. It must include a list of acceptable products, which have received approval under the HACCP Plan. It shall also contain a description of the training course content for employees engaged in the curing and smoking operation. REFERENCE: FDA 2001 Food Code 3- 502.11; 8-201.13; 8-201.14



#### D. Equipment and Materials

1. A calibrated automatic recording thermometer with internal product temperature probes or calibrated metal-stemmed thermometer must be available and used when product is smoked.
2. Calibrated scales must be used to weigh any curing compound, cure accelerator or other additive, provided it has not already been premeasured and weighed.
3. Tumble massagers facilitate the extraction of salt soluble proteins and accelerate the distribution of cure solution in chunks of meat. Massaging must be done under refrigeration at 41° F or less, recommended at 33° to 36° F. Binding strength is impacted by the meat temperature during tumbling or massaging. Salt soluble proteins are extracted over a wide range of temperatures, but are most readily extracted from lean meat at 36 to 38°F (2.2- 3.3°C).
4. All equipment coming in contact with meat products must be fully cleaned by washing, rinsing and use of an approved sanitizer.
5. A smoke generator attached to a smokehouse may only use materials approved by USDA, FDA or other regulatory agencies. These include non-resinous hardwoods, hardwood sawdust, redwood, mesquite wood, corncobs and natural liquid smoke.
6. Natural or artificial casings for sausage, loaf or chub forming must be clean, sound, healthful, wholesome, sanitary and otherwise such as will not result in the product being adulterated and may not be stripped for reuse with another batch or lot. The casings may be salted or unsalted, colored or shirred, that is, pleated or compressed for easy application to the stuffing horn. REFERENCE: 9 CFR § 318.6
7. Meat must be fresh. Curing or smoking may not be used to salvage meat or poultry that has excessive bacterial growth or spoilage. REFERENCE: FDA 2001 Food Code Annex 6

#### E. Time-Temperature Control During Curing

1. The curing process using immersion and injection shall be done so that product temperature remains at 41° F or less.
2. Meat and poultry products, as well as natural and artificial casings during soaking shall be stored at 41° F or less.

3. The internal temperature of any smoked meat or poultry or smoked meat or poultry product shall comply with cooking requirements for that product in conformance with the Food Code (Also see 9 CFR 318.17 and 318.23 for USDA requirements for meat products.), with the exception that:

- a. cold smoking is a smoking process used only to apply smoke color or flavor at ambient temperature to food products, and
- b. when a cold smoking process is used for cosmetic purposes, that is, to add smoke color or flavor to pre-cooked product, it must be of such duration that the internal product temperature remains at or below 41° F.

#### F. Curing Process

1. Use of curing agents, curing accelerators, and other additives shall be according to 9 CFR 424.21
2. The formulation and preparation procedure must be documented by lot.

#### G. Curing Methods

1. Dry curing means all surfaces of the meat are rubbed and covered with a dry cure mixture at intervals of sufficient frequency to ensure cure penetration.

2. Dry salt curing is a modification of the dry curing method where the product may be injected with cure solution directly into the muscle in addition to dry curing.

3. Immersion curing means the product is immersed in a strong pickle or brine solution. Immersion curing solutions must be discarded daily unless they remain with the same batch of product during its entire curing process. REFERENCE: FDA 2001 Food Code Annex 6

4. Injection curing introduces the curing solution into the muscle meat through hollow needles.

- a. Stitch pumping injects the curing solution deep into the muscle with a single orifice needle.
- b. Spray pumping injects the curing solution using a needle with many orifices to allow more uniform distribution of the solution.
- c. Artery pumping injects the curing solution into the natural circulatory system of the meat.
- d. Machine pumping, similar to stitch pumping, injects the curing solution many needles. Sometimes spring-loaded needles are

used for bone-in products to prevent breaking the needles  
products to prevent breaking the needles.

#### H. Time-Temperature Control During the Smoking Process

1. The hot smoking process shall be considered equivalent to a cooking process and be required to meet all internal time-temperature cooking requirements and be in conformance with the Food Code (Also see 9 CFR 318.17 and 318.23 for USDA requirements for meat products). This information shall be documented for each lot.

2. Cold smoked meat and poultry products shall be processed at or near ambient temperature so that the internal product temperature does not rise above 41° F. The product and air temperature shall be monitored at all times.

3. Hot smoked meat and poultry products must be cooled in accordance with recommendations in the Food Code or under a variance. USDA Cooling Guideline, FSIS Directive 7110.3 for special procedures for cured products, provides specific guidance. REFERENCE: FDA 2001 Food Code Annex 6

- a. If cold water showering is used to rapidly drop product temperature after smoking, it must be potable water, should contain a chlorine residual, may not be recirculated unless it has been properly chlorinated and if reclaimed, must be discarded daily. Written cooling procedures must be established.
- b. Cooling times and temperatures must be documented for each lot by using calibrated temperature measuring devices.
- c. Chill water temperature must be monitored and controlled. Adequate cooling medium circulation must be maintained and monitored.
- d. Product must be placed in a manner that allows chilled water or air to uniformly contact the product for assurance of uniform cooling.

#### I. Storage of Smoked Product

Ready-to-eat smoked product must be stored in a manner and location to prevent cross-contamination or adulteration.

### III. **Dry and Semi-Dry Fermented Sausage**

#### A. Definitions

1. "Dry Fermented Sausage" is made of chopped or ground meat products that, as a result of bacterial action, reaches a pH of 5.3 or less and is dried

to remove 25-50% of the moisture to produce a final product with approximately 30 – 40% moisture and to have a moisture/protein ratio of 1.9 to 1 or less in compliance with USDA requirements. Dry fermented sausages include hard salami, Genoa salami, and pepperoni.

2. "Fermentation Culture" means an active and pure culture of one or more bacteria, which effects the rapid pH drop in dry and semi-dry fermented sausages.

3. "Semi-Dry Fermented Sausage" means a product made of chopped or ground meat products that, as a result of bacterial action, reaches a pH of 5.0 or less and undergoes up to 15% removal of moisture during the fermentation/heating process to produce a final product with a moisture level of about 50%. Semi-dry fermented sausages include summer sausage, thuringer, cervelat and Lebanon bologna.

#### B. Validation of Processing Procedure for Dry and Semi-Dry Fermented Sausages

In light of foodborne outbreaks of *E.coli 0157:H7* linked to dry fermented ready-to-eat sausage products, all procedures for dry and semi-dry fermented sausages must be validated to show products achieve a 5-log reduction of *E.coli 0157:H7*. Full documentation is required. This can be accomplished by using one or more of the following options:

1. Submit the processing procedure to a recognized and approved knowledgeable authority for validation.

2. Design and conduct validation studies utilizing a laboratory that is certified for testing pathogenic bacteria in meat and poultry products including any non-food manufacturing biosafety level II facility.

3. Modify processing procedures to include a moist heating step after fermentation but prior to drying. The moist heating can be accomplished by using a sealed oven or steam injection to raise the relative humidity above 90% throughout the cooking process and meet one of the following time-temperature requirements:

<b>Minimum ° F Internal Temperature</b>	<b>Minimum Holding Time at that Temperature</b>
130	121 min.
131	97 min.
132	77 min.
133	62 min.
134	47 min.
135	37 min.
136	32 min.
137	24 min.
138	19 min.
139	15 min.
140	12 min.
141	10 min.
142	8 min.
143	6 min.
144	5 min.
145	4 min.
146	182 sec.
147	144 sec.
148	115 sec.
149	91 sec.
150	72 sec.
151	58 sec.
152	46 sec.
153	37 sec.
154	29 sec.
155	23 sec.
156	19 sec.
157	15 sec.
158	0 sec.
159	0 sec.
160	0 sec.

CHART REFERENCE: USDA-FSIS Publication; June, 1999; Compliance Guidelines For Meeting Lethality Performance Standards For Certain Meat And Poultry Products (Appendix A to Final Rule: Performance Standards for the Production of Certain Meat and Poultry Products)

4. Examples of processes that yield a 5 D or more reduction of *E.coli* 0157:H7: (from “Dry Fermented Sausages and *E. coli* 0157:H7” 1997 by the Blue Ribbon Task Force of National Cattlemen’s Beef Association.)

- a. Ferment at 90° F to pH 5.3 and apply cook, then dry for ≥7 days (large casing).
- b. Ferment at 90° F to pH 4.6 and hold at 90° F for ≥6 days (small casings).
- c. Ferment at 90° F pH 4.6 and apply cook (small and large casings).
- d. Ferment at 110° F to pH 4.6 and hold at 110° F for ≥4 days (small and large casings).

REFERENCE: 9 CFR 318.10 (c) (3) (i)

5. Initiate a test program unless the source of the ingredients has been certified pathogen free. This involves the testing of all batches of dry and semi-dry sausages. Samples must be submitted to a laboratory that is certified for testing pathogenic bacteria in meat and poultry products.

6. Implement a HACCP plan combined with Good Manufacturing Practices (GMPs) for fermented sausage, including raw batter testing and documentation of at least a 2 D lethality of *E.coli* 0157:H7 between stuffing and shipping.

- a. An acknowledged analytical method equivalent to that used by USDA/FSIS must be implemented in the raw batter testing.
- b. The sample size and composting procedure must ensure a detection level of 1 E. coli/gm. (It is recommended that 15-25gm. samples be taken from across the lot. These could then be composited into 5-75gm analytical samples.)
- c. The definition of a "lot" for the purposes of sampling must be statistically sound.
- d. GMPs must be applied.
- e. The process must also address other hazards, e.g., Salmonella, Trichinella and Staphylococcal.
- f. A procedure for dealing with lots from positive batter samples must be defined in the HACCP plan. At a minimum, all positive lots must be subjected to conditions that will provide a total 5 D process.

### C. Fermentation Cultures

An active fermentation culture is necessary to produce lactic acid which lowers the meat pH and

- aids in inhibiting staphylococcal growth during the warm-temperature processing (fermentation) phase,
- contributes to the process' lethality toward bacterial hazards,

- contributes to the stability of the finished product, and
- aids in releasing moisture from the protein (meat) during the drying phase for dry sausages.

#### 1. Starter Culture

If a commercially prepared fermentation culture is used, any special handling instructions specified by the manufacturer regarding frozen or refrigerated storage and other factors must be observed.

#### 2. Back Inoculation

If a back inoculum from a previously fermented and controlled mother batch is used, the mother batch shall have attained a pH of 5.3 and shall be monitored on a regular basis for lactic producing bacteria, coagulase positive *Staphylococci* and other potential hazards.

#### 3. Enrichment

Reliable enrichment requires both time and control. USDA ARS scientists established that aging salted meat for at least 10 days at 40° F was required. The added salt could be no more than 3.5% salt and no less than 2% salt. Since that research, many packers have implemented bactericidal treatments for carcasses. These treatments may affect the reliability of traditional enrichment procedures.

### D. Fermentation Time-Temperature Control

Once the sausage pH reaches 5.3, during lactic acid bacterial fermentation, the potential for staphylococcal toxin formation is effectively controlled. Because staphylococcal growth is directly proportional to temperature, the time to reach pH 5.3 at higher temperatures must be shorter. In 1982, the AMI developed the following degree-hour guidelines for controlling staphylococcal toxin formation, which has proven to be effective.

#### 1. Degrees/Hours Defined\*

- a. Fewer than 1200 degree/hours when the highest fermentation temperature is less than 90° F.
- b. Fewer than 1000 degree/hours when the highest fermentation temperature is between 90° F and 100° F.
- c. Fewer than 900 degree/hours when the highest fermentation temperature is greater than 100° F.

**Note:**

Degrees are measured as the excess over 60° F (the temperature at which staphylococcal growth effectively begins). Degree/hours are the product of time in hours at a particular temperature and the "degrees." Degree/hours are calculated for each temperature used in the process. The limitation of the number of degree/hours indicated in points a, b, and c above, depend upon the highest temperature in the fermentation process prior to the time that a pH of 5.3 or less is attained. Processes exceeding 89° F prior to reaching a pH of 5.3 are limited to 1000 degree/hours; processes exceeding 100°F prior to reaching pH 5.3 are limited to 900 degree/hours.

$$(\text{Temperature} - 60^{\circ}) \times \text{Hours} = \text{Degrees/hours}$$

2. Temperature measurements should be taken at the surface of the product. Where this is not possible, fermentation room temperatures should be utilized. Temperature and humidity should be balanced throughout the fermentation room.

3. Constant Temperature Processes. Guidelines for maximum degree/hours at specified time and temperatures (fermentation room temperatures) is provided in this chart:

Degree/Hours	Temperature (° F)	Allowed Hours
1200	75	80
1200	80	60
1200	85	48
1000	90	33
1000	95	28
1000	100	25
900	105	20
900	110	18



**Examples of Constant Temperature Processes**

**Process A**            Constant 80° F temperature for 55 hrs. with pH decline to 5.3

Degrees:            80 - 60 = 20  
 Hours:                55  
 Degree/Hours:    (20) x (55) = 1100 degree/hours

Process A Meets the guideline since degree/hours of 1100 are < 1200 limit.

**Process B**            Constant 90° F temperature for 40 hours with a pH decline to 5.3

Degrees:            90 - 60 = 30  
 Hours:                40  
 Degree/Hours:    (30) x (40) = 1200 degree/hours

Process B Fails the guideline of a maximum of 1000 degree/hour.    (The 1200 degree/hour is greater than the maximum 1000 degrees/hours)

4.    Variable Temperature Processes. In testing each process, each step-up in the progression is analyzed for the number of degree/hours it contributes, with the highest temperature used in the fermentation process determining the degree/hour limitation from the constant temperature-processing chart as follows:

<b>Process C: Ten hours at 75°F; 10 hours at 85°F and 16 hours at 95°F. From the chart 1000 Degree/Hours.</b>				
<b>Hours</b>	<b>Temperature</b>	<b>Critical Temp. Adjustment</b>	<b>Degrees</b>	<b>Degree/Hours</b>
10	75	75-60	15	150
10	85	85-60	25	250
16	95	95-60	35	560
<b>pH = 5.3            Total Degree/Hours = 960</b>				
<b><u>Process C Meets</u> the guideline, since a pH of 5.3 is achieved in less than the 1000 degree/hours from the chart for the highest temperature of 95°F.</b>				

<b>Process D: Ten hours at 75°F, 10 hours at 85°F and 18 hours at 98°F</b>				
<b>Hours</b>	<b>Temperature (° F)</b>	<b>Critical Temp Adjustment</b>	<b>Degrees</b>	<b>Degree/Hours</b>
10	75	75-60	15	150
10	85	85-60	25	250
18	98	98-60	38	684
<b>pH = 5.3            Total Degree/Hour = 1084</b>				
<b><u>Process D Fails</u> the guideline because the limit is set at 1000 degrees/hours for times and temperatures and it has taken 1084 degrees/hours to attain pH 5.3.</b>				

## 5. Lots Falling Outside Limitations

Once a processing schedule has been developed which meets these criteria, pH readings from each lot produced must be taken to assure that the product pH continues to develop normally. It is important that all pH readings are recorded before the product surface temperature reaches 110 degrees and/or before the degree/hour limitations have been reached. If the pH has not reached 5.3 by the time the limitations are met, samples should be taken from the fermentation room before the temperature is advanced. It is recommended that one sample be obtained from each mixer/batch of product for evaluation of the presence of *Staphylococcus aureus*.

## IV. Jerky

### A. Definitions

1. "Jerky" means a product made from animal flesh that has been cut into long slices or strips and dried.

2. "Formed Jerky" means a product made from animal flesh that has been shredded or ground and molded into its final shape before drying, and may or may not contain extenders.

3. "Extenders" mean any materials such as textured soy protein or cereals that are added to the ground or shredded animal flesh and must be properly declared in the labeling of the product.

4. "Marinate" means to soak meat in a sauce to enrich its flavor, to tenderize or enhance its shelf life

5. "Species name jerky" means the common name of the sole animal species from whose flesh the jerky is manufactured.

6. "Species name flavored jerky" means the common name of the animal species that gives the predominant flavor to jerky made from the flesh of a composite of animal species.

### B. Processing Methods

Note: The variance provisions of the Food Code, sections 3-502.11 and 8-103.10 – 8-103.12 apply to the manufacture of jerky, including an approved HACCP plan.

1. If the same rooms and equipment are used for the preparation of raw products and the packaging of finished products, all process equipment, utensils and

food contact surfaces used for slicing of meat and poultry and placing in drying room or dehydrators shall be cleaned and sanitized before any finished product is packaged. REFERENCE: FDA 2001 Food Code 3-302.11

2. Appropriate time and temperature recording equipment must be provided to verify the product received an adequate heat treatment.

3. The time, temperature and other critical limits identified in a HACCP plan must be recorded for each batch or lot of product.

4. The establishment must have on file on site, a description of the current processing method for each product produced. The processing method description must include a description of:

- a. Handling procedures for meat ingredients including maximum time and temperature exposures during thawing, trimming, curing, slicing, grinding, shredding, marinating, curing, and any other preparation steps or other applicable product factors;
- b. Procedures for identifying a product lot during processing, its lot identification codes, and how the finished product package codes can be identified with a specific production lot. Production lots should be divided into one day or less time increments;
- c. Procedures used to comply with the treatment process;
- d. Drying procedures and methods used to prevent recontamination of the treated product; Procedures and equipment used for measuring and recording time and temperature required by the treatment used by the establishment. Temperature measuring devices that are scaled only in Fahrenheit should be accurate to  $\pm 2^{\circ}\text{F}$  in the intended range of use; and
- f. For shelf stable products, the procedures and control program to ensure the product meets the requirements for shelf stability.

5. All products must be heated so that all parts reach the temperatures specified below:

- a. Beef must be preheated to 160° F before drying at 140° F for 6-10 hours.
- b. Poultry, pork products, and all other meats shall be heated to at least 165° F for 15 seconds.

C. USDA – FSIS Food Standards and Labeling Policy Book 02/01/98

All Jerky products must have a MPR of 0.75:1 or less; "species" or "kind" must be in the name. Products may be cured or uncured, dried, and may be smoked or unsmoked, air or oven dried. A reference to the particular type of drying method is not a labeling requirement.

1. "Beef Jerky" \_ Produced from a single piece of beef. May also be classified as "Natural Style Beef Jerky" provided this product name is accompanied by the explanatory statement "made from solid pieces of beef" or comparable terminology. When a "Natural" claim (not natural style) is made, the policies as outlined in Policy Memo 055 are to be applied.
2. "Beef Jerky Chunked and Formed" \_Produced from chunks which are molded and formed and cut into strips.
3. "Beef Jerky Ground and Formed or Chopped and Formed" \_ Produced as described, molded and formed and cut into strips.
4. Jerky products that contain over 3½% binders (2% ISP) must reflect the binder in the product name, i.e., "Beef Soy Protein Concentrate jerky, ground and formed. Jerky products that contain binders at levels below 3½% should express the binder in a qualifying statement, e.g., beef jerky soy protein added.
5. "Species (or Kind) Jerky Sausage." The word "Jerky" can appear on labels for product in which the "species" or "kind" has been processed by chopping or grinding and stuffed into casings under the following conditions only:
  - a. The word "Sausage" must appear immediately contiguous to "Jerky" whenever it is shown. "Sausage" must be in type at least one-third as high as "Jerky" in the same color ink and on the same background. The words "stick," "piece" etc. cannot be used as substitutes for "sausage" in the product name. "Sausage" means that the product has been chopped.
  - b. The product may be dried at any stage of the process.
6. KIPPERED BEEF: A cured dry product similar to beef jerky but not as dry. MPR of 2.03:1 is applied to product.

#### REFERENCES

1. USDA-FSIS 02/01/98 FOOD STANDARDS AND LABELING POLICY BOOK:  
<http://www.fsis.usda.gov/OPPDE/larc/Policy%20Book.pdf>
2. FDA 2001 Food Code
3. Lethality and Stabilization Performance Standards for Certain Meat and Poultry Products Technical Paper:  
<http://www.fsis.usda.gov/oa/haccp/lethality.pdf>
4. Final Rule: Performance Standards for the Production of Certain Meat and Poultry Products:  
<http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/95-033F.htm>

5. Appendix A: Compliance Guidelines For Meeting Lethality Performance Standards For Certain Meat And Poultry Products: <http://www.fsis.usda.gov/oa/fr/95033F-a.htm>
6. Appendix B: Compliance Guidelines for Cooling Heat-Treated Meat and Poultry Products (Stabilization):  
<http://www.fsis.usda.gov/oa/fr/95033F-b.htm>
7. USDA-FSIS Distance Learning Course Manual: Safe Practices for Sausage Production:  
<http://www.fsis.usda.gov/fo/hrds/STATE/RETAIL/PDF/SAFE3.pdf>
8. USDA-FSIS Distance Learning Training Course: Cooking and Cooling of Meat and Poultry Products:  
<http://www.fsis.usda.gov/fo/hrds/STATE/RETAIL/ccmpp.pdf>
9. Developing Validation Models for E. Coli 0157 Inactivation in Dry Fermented Sausages; S. Barbut and M.W. Griffiths; Department of Food Science, University of Guelph, Guelph, Ontario, Canada, N1G 2W1:  
<http://www.fass.org/fass01/pdfs/Barbut.pdf>
10. Control of Escherichia coli O157:H7 in Large (115 mm) and Intermediate (90 mm) Diameter Lebanon-style Bologna; K.J.K. Getty, R.K. Phebus, J.L. Marsden, J.R. Schwenke, and C.L. Kastner; J. Food Sci., Vol. 64, No. 6, 1999, p. 1100-1107:  
<http://www.fq.oc.uh.cu/biblioteca/jfs/jfsv64n6p1100-1107ms0909.pdf>
11. USDA-FSIS and AFDO Retail Meat and Poultry Processing Training Material, Satellite Conference Series: Curing:  
<http://www.fsis.usda.gov/OFO/hrds/STATE/RETAIL/curing.htm>
12. USDA-ERRC, Pathogen Modeling Program Version 6:  
[http://www.arserrc.gov/mfs/PMP6\\_Start.htm](http://www.arserrc.gov/mfs/PMP6_Start.htm)
13. USDA-FSIS, Pathogen Reduction & HACCP Guidance Documents: <http://www.fsis.usda.gov/oa/haccp/haccp-guide.htm>

**Variance Committee Report - Amended January 23, 2002**  
**Respectfully Submitted by: Lee Budd**

Variance Committee members had several discussions via email and telephone. By October 2002 it had drafted language for consideration as an issue in Section 8. There was general agreement regarding the language. After the Committee was able to review the material currently within Food Code 2001, it decided Food Code 2001 material is sufficient and a code change is not needed.

The reasons for this recommendation are: (1) various issues surrounding legal jurisdiction require specific state legislation or regulation; (2) state food code mandated FDA or USDA assistance in variance requests is not legally binding on these Federal agencies; (3) and emerging issues regarding the impact of food safety regulations on commerce make it prudent to delay codification until these matters can be further resolved.

Because of the lack of applicants for variances in the Southwest Region the Committee sees no need to reinstitute the pilot test.

When variances were included in Specialized Processing Methods, Section 3-502.11, Food Code 2001, it appears the standardization charge was met. However the Committee does see a need to develop unified guidance for regulatory authorities outlining "How To" consider variance requests that are consistent with the states' administrative procedures.

There already exists several state and local procedures to request a variance. These procedures are based on an open public forum and tend to reflect the openness contained in jurisdictional approaches to public meetings. Variance proceedings should reflect open and fair processes that afford due process within the prescribed methods for the states, including public notification of hearings and findings. When possible trade associations should also be notified of the public proceedings.

Both FDA and USDA are not bound by state legislation or administrative procedures to formally evaluate variance requests. However, both FDA and USDA expressed willingness to be an informal resource to state or local officials in the review and decision making process by supplying science-based analysis. Regulatory Authorities need additional resources to independently validate variance requests beyond an informal science-based analysis from FDA or USDA. Developing a listing of additional scientific resources available to states is a proper charge for the Committee for the next Conference for Food Protection.

The Variance Committee did not develop administrative language showing how a variance request should be processed. It believes this is an appropriate charge for the next Conference for Food Protection.

The Variance Committee notes that all levels of regulatory authorities are ambivalent regarding variance requests. The ambivalence appears to come from:

- Environmental staff feel there may be personal liability if a Variance is granted without clear authorization and due process. A petitioner cannot merely obtain a letter from a regulatory official that modifies the rule.
- Regulatory authorities believe most circumstances fall within an existing section of the Code and can be dealt with as an interpretation.
- Petitioners tend to submit data with questionable scientific objectivity. Regulatory authorities may not have the scientific background or available resources to independently verify the data's objectivity and validity.
- Formal Federal involvement cannot be prescribed by states rules or legislation, nor can FDA or USDA grant a "national variance" that supercedes state laws.

Attachment A to Issue 01-18

Conference for Food Protection  
Council I – Critical Item Update Committee  
April 2002

**Report of the Critical Item Update Committee**

In April of 2000, The Conference for Food Protection formed the Critical Item Update Committee, also known as the Criticality Committee, under Council I. The Committee was given the following charge: "...to look at critical and non-critical item designation and terminology."

The Committee was established shortly thereafter at the request of Council I Chair Fred Reimers, with Dennis Thayer of Industry as Initial Chair, and Chirag Bhatt of Regulatory as Co-Chair. The makeup of committee membership is closely balanced between industry and regulatory, with additional presence of academia and consumer groups.

The Committee met primarily through a listserv, and so there is a continuing record of committee inputs. The following is a summary of conclusions reached by the Committee.

**I. Interpretation of Charge**

After much discussion among committee members, we arrived at the following consensus interpretation of the Committee charge:

1. We are to consider the term "critical", "swing" and "non-critical" as they apply to violations of the FDA Food Code, and consider whether to advise Council I to retain any or all of these terms, or recommend a replacement term or terms.
2. We are to consider the definition of "critical item" in the FDA Food Code, and advise Council I as to changes we may feel are appropriate to this definition. We may also consider including "swing" and non-critical items in this area.
3. We are to consider existing "critical items" in the FDA Food Code (1999), and advise Council I as to recommended changes to the classification of these items, or alternatively, establish a recommended template for Council I to follow in changing the classification of these items.

**II. Deliberations and Discussion**

Deliberations that followed, concentrated on resolving each of these issues.



### **Charge 1 to the Committee:**

Arguments were advanced that the current terminology of “critical” and “non-critical” as used as a part of the FDA Food Code and during the course of inspectional activities based on that Food Code, were confusing and misleading. Confusing in that the term “critical” is also used in the HACCP (Hazard Analysis, Critical Control Points) system of food safety assurance; and misleading in that not all items designated as “critical” can be said to be related to actual or potential injury.

These arguments were generally accepted by all members. However, the difficulty lay in suggesting alternative terms. Numerous suggestions were made using terms that, in some manner suggest relative importance/non-importance, but invariably every term was found to be unacceptable by committee members, mainly due to the “loaded” nature of using terms that have prior significance. For example, the term “critical” itself, while indicating an item that may indeed lead to injury, also carries the listener’s prior experiences with the term, leading to possible misunderstandings. The listener may have spent time in a “Critical Care Unit”, for example, leading them to assume that a “Critical item” would always be life-threatening.

Finally, it was suggested that a terminology should be used that removed prior experiences of the listener, and was neutral in nature, but keyed to a proper definition, so that regulatory agencies and regulated establishments could view the importance of a cited item, without the prior associations that a non-neutral term would bring. Therefore, it was suggested that the following terms be used:

- a. In place of the term “Critical” or “Critical item”, the terms “Level 1” or “Level 1 item” be used, and that this term be keyed to the definition appropriate to that formerly known as “Critical item”.
- b. In place of the term “Non-critical” or “Non-critical item”, the terms “Level 2” or “Level 2 item” be used. Since the term “Non-critical” is not defined in the Food Code, we would suggest either that the term “Level 2” be defined, or that the word “Non-critical” be replaced wherever used in the Code, by the “Level 2” designation.
- c. The term “Swing” is an appropriate term to indicate items that may be placed in either category, depending upon circumstances, and should be retained.

These conclusions for Part 1 of the Committee charge, were accepted by consensus of committee members, with members reserving the right to advance further arguments if they deemed it necessary.

## Charge 2 to the Committee:

A great deal of dissatisfaction was expressed by industry members regarding the current definition of “Critical item”. It has been the experience of many industry members that the definition is unnecessarily vague, and does not clearly identify conditions under which a regulatory agency should consider a condition to be relatively more hazardous.

In addition, many regulatory agencies include administrative violations, such as failure to post current permit, or failure to post ‘Heimlich maneuver’ posters in an appropriate area, as “Critical items”. While these may be important, it is difficult to show that they have any bearing on food safety, and current terminology is misleading.

The existing definition of “Critical item” follows:

“‘Critical item’ means a provision of this Code, that, if in non-compliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.” (FDA Food Code, 1999)

The wording of this definition was criticized, in that:

1. It compares violations in order to establish one as ‘more serious’, rather than establishing the ‘seriousness’ of the violation on its own merits. In other words, if an existing condition is a true threat to health or safety, it shouldn’t matter whether there are conditions to compare it with. Health and safety are absolutes, not relative. Either a condition is serious or it is not.
2. The term ‘environmental health hazard’ is not defined anywhere in the Food Code, and thus has no meaning in this definition. While Committee members generally agreed that an ‘environmental health hazard’ as we perceive it may indeed be ‘serious’, it should be further and clearly defined so that all can agree on its meaning.
3. Finally, the existing definition has no linkage to the known risk factors that have been shown empirically to cause food borne illness. It was felt by many that the definition should primarily have a qualifier related to past instances of food borne illness or injury, as established by the Centers for Disease Control and Prevention.

Therefore, the Committee established a ‘straw man’ definition, which incorporated many of the above listed concerns. It must be stressed, however, that, while there were numerous discussions of this or similar definitions, the Committee did NOT reach any type of formal consensus on the merits of the following definition. Rather, it was generally acceptable in many of its parts to Committee members, and may serve as a starting point for FDA to consider changes to the existing definition of “Critical item”.

The “straw man” definition developed by committee:

“‘Critical item’ means a provision of this Code, that, if in noncompliance, has been shown to be more likely than other violations to significantly contribute to, or result in, food contamination, foodborne illness or environmental health hazard.” *(when the term environmental health hazard is properly defined)*

We then decided that any violation that is not “Critical” or “Level 1”, is by default, “Non-critical” or “Level 2”. We did not consider creating definitions for “Non-critical item” or “Level 2”.

The term “swing” is not defined in the Code, but is understood to designate items that may sometimes constitute “Critical items” or “Level 1 items”, and at other times “Non-critical items” or “Level 2 items”. Therefore, there were no recommendations regarding the term “swing”.

### **Charge 3 to the Committee:**

Finally, the third part of the Committee’s charge, was to “to consider existing ‘critical items’” in the FDA Food Code (1999), and advise Council I as to recommended changes to the classification of these items, or alternatively, establish a recommended template for Council I to follow in changing the classification of these items.

The Committee did not formally address this issue. We did apply the “straw man” definition to existing “Critical items”, to see if there would be any significant change in the conditions that FDA identifies as “Critical items” throughout the Code, and there was not a significant change. These are a part of the committee’s listserve communications, and can be found on the committee’s website, <http://groups.yahoo.com/group/CFPCritcom/>

It appears that, in order to properly fulfill the requirements of the third part of the charge, that the Committee would first have to be in possession of any changes that FDA will be making to the definition in question. Since FDA has not yet, and may not ever, formally receive this Committee’s recommendations, as Chair, I felt it was premature to recommend any changes to the items marked as “critical” in the Food Code.

In addition, I also felt it to be presumptuous for this Committee to believe that we could best recommend changes to any or all “critical items”, when that is one of the reasons for the existence of the Conference for Food Protection as a whole. Therefore, this Committee makes no recommendation for changes to marking of existing “Critical items”, but urges the CFP members to consider proposing changes, if alterations are made to the existing definition of “Critical item”.

### **III. Critical Item Update Committee Recommendations**

#### **Charge 1:**

That in place of the terms “Critical” or “Critical item”, the terms “Level 1” or “Level 1 item” be used, and that these terms be keyed to the definition appropriate to that formerly known as “Critical item”.

That in place of the terms “Non-critical” or “Non-critical item”, the terms “Level 2” or “Level 2 item” be used. Since the term “Non-critical” is not defined in the Food Code, we would suggest either that it be defined, or that it be replaced wherever used in the Code by the “Level 2” designation.

That the term “Swing” is an appropriate term to indicate items that may be placed in either category, depending upon circumstances.

#### **Charge 2:**

That the definition <‘Critical item’ means a provision of this Code, that, if in noncompliance, has been shown to be more likely than other violations to significantly contribute to, or result in, food contamination, foodborne illness or environmental health hazard. *(when the term environmental health hazard is properly defined)*> be considered by FDA as a starting point for redefining the current definition referring to ‘Critical item’.

#### **Charge 3:**

That this Committee makes no recommendation for changes to marking of existing “Critical items”, but urges the CFP members to consider proposing appropriate changes, if alterations are made to the existing definition of “Critical item”.

Respectfully submitted by the Critical Item Update Committee.

Co-Chairs: Dennis Thayer and Chirag Bhatt

# **Pre-Operational Guide**

# **For Temporary Food**

# **Establishments**

# **2000**

Prepared By the Plan Review Development Committee  
Of The Conference for Food Protection

## INTRODUCTION

A *temporary food establishment* (TFE) is defined by the 1999 FDA Food Code as a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. TFEs may operate either indoors or outdoors and often have limited physical and sanitary facilities available. As such, TFEs present special challenges to regulatory authorities that have the responsibility to license and inspect them. These limitations, however, do not justify a leniency in health code enforcement. An event that is advertised with fliers, banners, newspaper articles, radio or TV announcements, or by other means, regardless of whether or not a fee is charged, is considered a public event and is subject to the health code requirements of the regulatory authority. Church dinners or private events that are for members only and are not advertised might not be considered public events by jurisdictions.

Temporary food events, such as traveling fairs and carnivals, circuses, multicultural celebrations, special interest fundraisers, restaurant food shows, and other transitory gatherings, have become extremely popular and are held at an increasing frequency. Many of these TFEs are high risk food operations engaging in extensive preparation of raw ingredients; processes that include the cooking, cooling, and reheating of potentially hazardous foods; and advanced preparation of food several days prior to service.

Due to a number of factors, including limited physical facilities and equipment, food preparation in TFE operations can be potentially hazardous. According to 5 year summary data published by the Centers for Disease Control for the years 1988 through 1992, the most commonly reported food preparation practices that contributed to foodborne disease were: improper holding temperatures; poor personal hygiene; inadequate cooking; contaminated equipment; and food from unsafe source. Historically, improper temperature control, poor hygienic practices, and inadequate facilities have been responsible for causing major foodborne disease outbreaks at TFEs.

No person, firm, or corporation should be allowed to operate or maintain an establishment (permanent or temporary) where food or beverages are served to the public without permits, licenses, or permission from the regulatory authority. Prior to issuing a permit or license to an establishment, either permanent or temporary, the Regulatory Authority is responsible for performing a pre-operational plan review. To allow for a proper review, the operator of a temporary establishment must submit a completed application to the regulatory authority at least 14 days prior to an event involving 5 or fewer food booths, and a minimum of 30 days prior to an event involving more than 5 food booths. The plans and specifications for a TFE should include all the information necessary to demonstrate conformance with and an understanding of food safety code provisions. A pre-event meeting should be held between the regulatory authority and the applicant(s) and/or the primary food vendor(s) for the event to discuss the food items to be prepared and served, food sources, food preparation procedures, physical facilities, and equipment design.

The pre-operational review provides the opportunity to discuss areas of concern and should be conducted prior to the issuance of a permit. The Regulatory Authority may impose restrictions on the types of food to be prepared and served based upon the preparation and/or sanitary facilities available.

### **MONITORING TEMPORARY FOOD EVENTS**

- Many events are scheduled on an annual basis and can be monitored by keeping a calendar of these events.
- Information on temporary events can be obtained from fliers, banners, newspaper and radio announcements, and local TV ads.
- A working relationship should be established with local visitor's associations or Chambers of Commerce as these organizations often maintain schedules of events.
- A working relationship should be established with managers/owners of fairgrounds, parks and other locations where temporary events are often held.

### **TEMPORARY FOOD EVENT COORDINATION**

Food preparation practices at temporary food events should comply with all of the requirements of the regulatory authority. Because temporary events present particular concerns that are unique to nonpermanent establishments, the following information should be provided along with information about the food items to be prepared and served:

- The number of expected patrons/day;
- Information on the number and type of toilet and handwashing facilities to be provided;
- The exact location of the event identifying the availability of potable water, wastewater/solid waste facilities and services, and methods of dust control;
- Description of the water supply and wastewater and solid waste storage and removal provisions to assess if adequate facilities are provided on site or if additional supplies/services are needed;
- The parcel size for the expected number of patrons;
- A list of names, telephone numbers, and addresses of the TFE operators, including the name of the designated staff person who will be on site during all hours of the operation of the event and who is responsible for compliance with food safety code requirements;
- The location and source of electricity to be provided.

\_\_\_\_\_ Regulatory Authority  
\_\_\_\_\_ [Address]  
\_\_\_\_\_  
\_\_\_\_\_ [Phone #]

**TEMPORARY FOOD EVENT COORDINATOR'S APPLICATION**

(To be completed for events with several temporary food vendors)

APPLICATION SUBMISSION DATE: \_\_\_\_\_

1. NAME OF EVENT: \_\_\_\_\_  
2. LOCATION OF EVENT: \_\_\_\_\_

DESCRIBE SITE OF EVENT:

\_\_\_\_\_  
\_\_\_\_\_

3. DATES & TIMES OF EVENT: \_\_\_\_\_  
\_\_\_\_\_

4. NAME(S) OF EVENT COORDINATOR(S)/RESPONSIBLE INDIVIDUAL(S):

	NAME	ADDRESS	PHONE NUMBER
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

5. NAME OF THE ON-SITE COORDINATOR & HOW THIS INDIVIDUAL CAN BE CONTACTED DURING ENTIRE EVENT:

	NAME	ADDRESS	PHONE NUMBER
_____	_____	_____	_____
_____	_____	_____	_____

6. EXPECTED NUMBER OF PATRONS: \_\_\_\_\_  
EXPECTED PEAK DAYS \_\_\_\_\_  
ANTICIPATED NUMBERS OF PATRONS PER DAY: \_\_\_\_\_

*\*\*Attach additional sheets as necessary\*\**

7. NUMBER OF TFE SITES/OPERATIONS: \_\_\_\_\_



8. NAME OF INDIVIDUAL RESPONSIBLE FOR EACH TFE SITE:

NAME	ADDRESS	PHONE NUMBER
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____
e.	_____	_____

9. DATE & TIME THAT FOOD SERVICE OPERATIONS WILL BE SETUP:

\_\_\_\_\_

10. DESCRIBE TOILET & HANDWASHING FACILITIES (TYPE, NUMBER, AND LOCATION):

\_\_\_\_\_

a. INDICATE WHO WILL BE RESPONSIBLE FOR THEIR MAINTENANCE DURING THE EVENT:

\_\_\_\_\_

b. IF PORTABLE TOILETS ARE TO BE USED, HOW OFTEN WILL THEY BE SERVICED (EMPTIED) DURING THE EVENT?

\_\_\_\_\_

11. WILL ELECTRICITY BE PROVIDED TO THE TFE SITES? \_\_\_\_ YES \_\_\_\_ NO  
IF YES, PLEASE DESCRIBE HOW?

\_\_\_\_\_  
\_\_\_\_\_

12. DESCRIBE POTABLE WATER SUPPLY:

\_\_\_\_\_

(NOTE: IF A NON-PUBLIC WATER SUPPLY IS TO BE USED, THE RESULTS OF THE MOST RECENT WATER TEST MUST BE SUBMITTED)

13. DESCRIBE WASTEWATER DISPOSAL SYSTEM:

\_\_\_\_\_  
\_\_\_\_\_

14. DESCRIBE GARBAGE DISPOSAL:

\_\_\_\_\_

*\*\*Attach additional sheets if necessary\*\**

Statement: I hereby certify that the above information is correct, and I fully understand that any deviation from the above without prior permission from the Regulatory Office may nullify final approval.

Signature(s) \_\_\_\_\_

Date: \_\_\_\_\_

Approval of these plans and specifications by this Regulatory Authority does **not** indicate compliance with any other code, law or regulation that may be required (i.e., federal, state, or local). Furthermore, it does not constitute endorsement or acceptance of the completed establishment (structure or equipment). A preopening inspection of the establishment with equipment in place and operational will be necessary to determine if it complies with the local and state laws governing food service establishments.

Regulatory Authority: APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

Permit Restrictions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permit Effective Dates: \_\_\_\_\_

DISAPPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

Reason(s) for Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Reviewer Signature & Title

\_\_\_\_\_  
Date

\_\_\_\_\_Regulatory Authority  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ [Address]  
\_\_\_\_\_ [Phone #]

### APPLICATION FOR TEMPORARY FOOD ESTABLISHMENT PERMIT

**Directions:**

The operator of each TFE Site must complete this application. The application must be completed and submitted to the regulatory authority at least 14 days before an event involving 5 or fewer booths, and 30 days prior to an event involving more than 5 food booths.

In addition, using the attached Sketch Sheets, each operator must provide:

- a drawing of their temporary food establishment; (**Sketch Sheet 1**)
- a drawing of the **entire event area** depicting their TFE site in relation to the potable water supply, electrical sources, the waste water disposal area, lavatories, etc., as well as all food preparation and service areas at the Event. (**Sketch Sheet 2**)

Date of Submission \_\_\_\_\_

Name of Temporary Food Establishment: \_\_\_\_\_  
\_\_\_\_\_

Name of Operator/Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name of Event: \_\_\_\_\_

Date(s) and Time(s) of Event: \_\_\_\_\_

Date and Time TFE will be set up and ready for inspection: \_\_\_\_\_

1. List **all** food and beverage items to be prepared and served. Attach a separate sheet if necessary. (NOTE: Any changes to the menu must be submitted to and approved by the Regulatory Authority at least **10 days** prior to the event.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Will All Foods Be Prepared At The TFE Site?

       **Yes**>>Complete **Attachment A**

       **No** >>Complete **Attachments A & B**

If No, the operator **Must** provide a copy of the current license for the permanent food establishment where the food will be prepared.

3. Describe (be specific) how frozen, cold, and hot foods will be transported to the Temporary Food Establishment: \_\_\_\_\_

\_\_\_\_\_

3a. How will food temperatures be monitored during the event?

\_\_\_\_\_

4. Identify the sources for each meat, poultry, seafood, and shellfish item. Include the source of the ice:

\_\_\_\_\_

\_\_\_\_\_

5. Using **Attachment C**, record the names, phone numbers, shifts to be worked during the event and the assigned duties of all Temporary Food Establishment workers (paid and volunteer).

6. Describe the number, location and set up of handwashing facilities to be used by the Temporary Food Establishment workers:

\_\_\_\_\_

\_\_\_\_\_

7. Identify the source of the potable water supply and describe how water will be stored and distributed at the Temporary Food Event. If a non-public water supply is to be used, provide the results of the most recent water tests.

\_\_\_\_\_

\_\_\_\_\_

8. Describe where utensil washing will take place. If no facilities are available on site, describe the location of back-up utensil storage.

\_\_\_\_\_

\_\_\_\_\_



Statement: I hereby certify that the above information is correct, and I fully understand that any deviation from the above without prior permission from the Regulatory Office may nullify final approval.

Signature(s) \_\_\_\_\_

Date: \_\_\_\_\_

Approval of these plans and specifications by this Regulatory Authority does **not** indicate compliance with any other code, law or regulation that may be required (i.e., federal, state, or local). Furthermore, it does not constitute endorsement or acceptance of the completed establishment (structure or equipment). A preopening inspection of the establishment with equipment in place and operational will be necessary to determine if it complies with the local and state laws governing food service establishments.

Regulatory Authority: APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

Permit Restrictions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permit Effective Dates: \_\_\_\_\_

DISAPPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

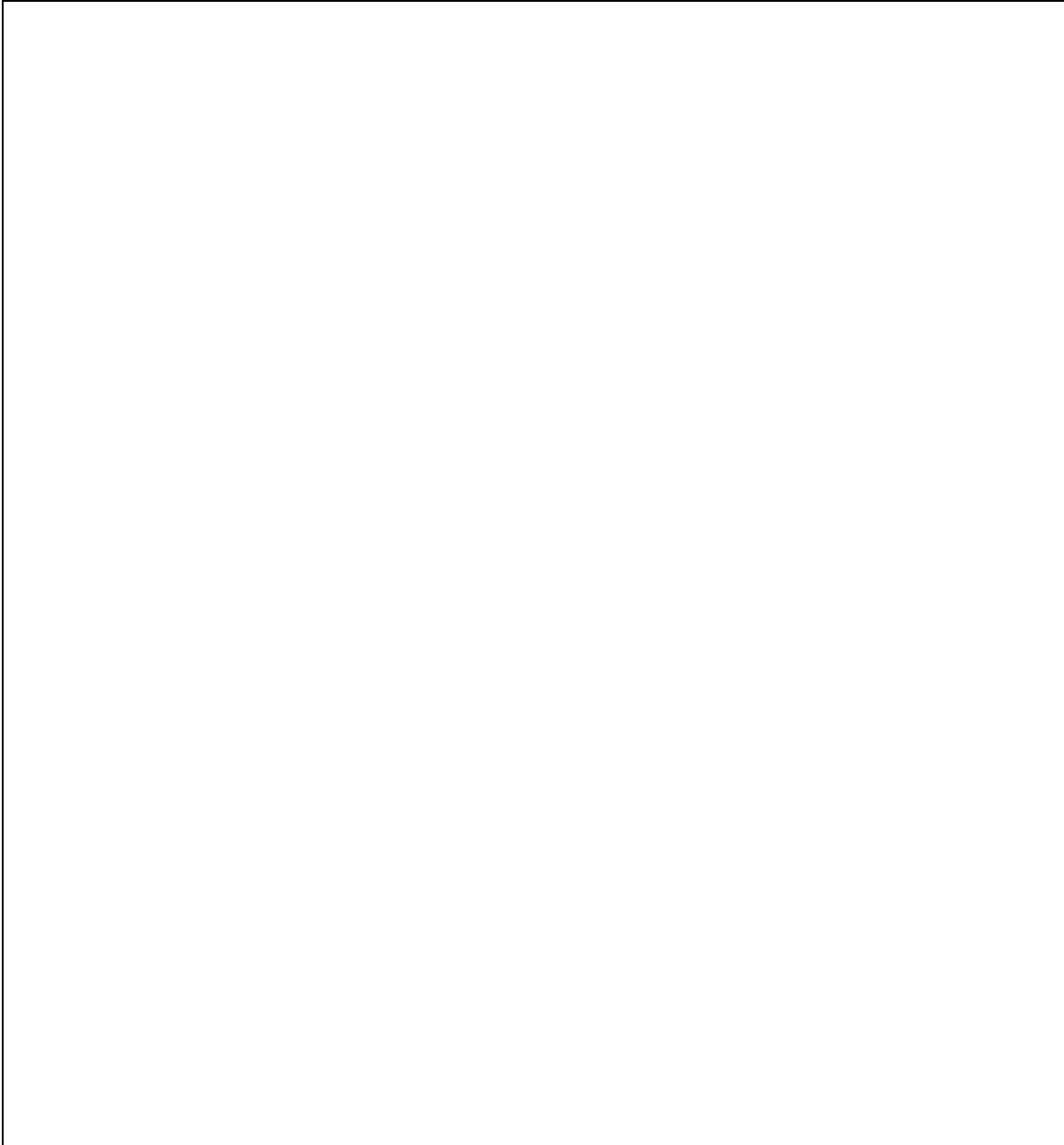
Reason(s) for Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Reviewer Signature & Title

\_\_\_\_\_  
Date

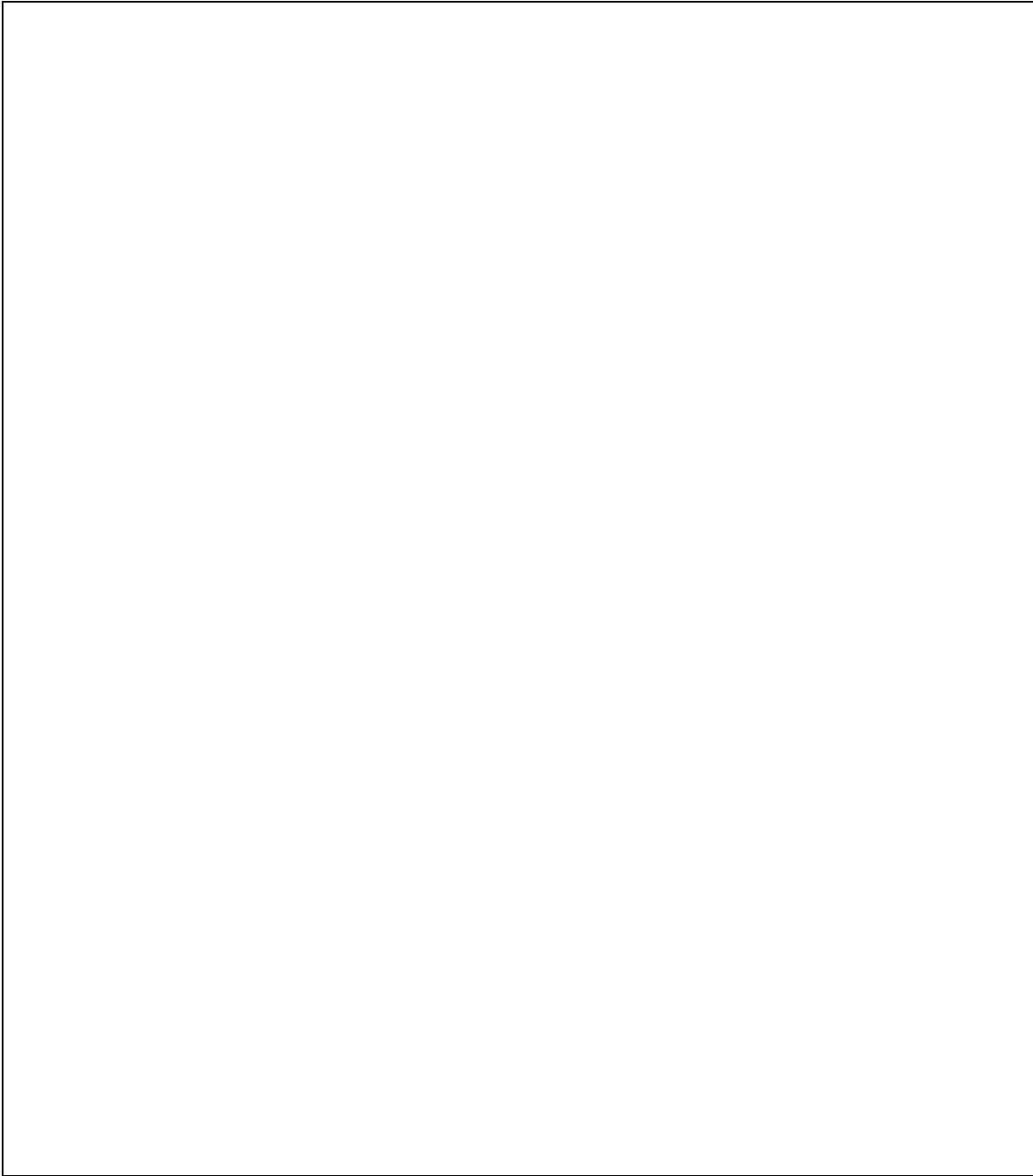
**Sketch Sheet 1**

In the following space, provide a drawing of the Temporary Food Establishment. Identify and describe all equipment including cooking and cold holding equipment, handwashing facilities, work tables, dishwashing facilities, food and single service storage, garbage containers, and customer service areas.

A large, empty rectangular box with a thin black border, intended for a hand-drawn sketch of a Temporary Food Establishment. The box is currently blank.

**Sketch Sheet 2**

In the following space, provide a drawing of the entire Temporary Event Area including locations of the toilet facilities, garbage facilities, common use dishwashing facilities, the potable water supply, electrical sources, the waste water disposal area, and all food preparation and service areas on the grounds/site of the Temporary Food Event.

A large, empty rectangular box with a thin black border, intended for a hand-drawn sketch of the Temporary Event Area. The box is currently blank.



**Food Preparation at the Temporary Food Establishment**

<b>Food</b>	<b>Thaw How? Where?</b>	<b>Cut/Wash Assemble Where?</b>	<b>Cold Holding How? Where?</b>	<b>Cook How? Where?</b>	<b>Hot Holding How? Where?</b>	<b>Reheating How?</b>	<b>Commercial Pre-Portioned Package</b>

**Food Preparation at the Licensed Permanent Food Establishment**

<b>Food</b>	<b>Thaw How? Where?</b>	<b>Cut/Wash Assemble Where?</b>	<b>Cold Holding How? Where?</b>	<b>Cook How? Where?</b>	<b>Hot Holding How? Where?</b>	<b>Reheating How?</b>	<b>Commercial Pre-Portioned Package</b>

**Employee Log**

<b>Name</b>	<b>Date</b>	<b>Assignment</b>	<b>Time In</b>	<b>Time Out</b>

## TEMPORARY FOOD ESTABLISHMENT OPERATIONS

*Use this guide as a checklist for plan review and for preopening inspections.*

### FOOD SOURCE AND TEMPERATURE

- ❑ **SOURCE:** All food should be obtained from sources that comply with law. All meat and poultry should come from USDA or other acceptable government regulated approved sources. Home canned foods are not allowed nor shall there be any home cooked or prepared foods offered at temporary food service events. Ice for use as a food or a cooling medium shall be made from potable water.
- ❑ **PREPARATION:** All potentially hazardous food which is pre-cooked and pre-cooled off site for service at the temporary food service event must be prepared **at an approved, permanently established, food service facility.**
- ❑ **TEMPERATURES:** Potentially hazardous food must be maintained at 140°F or higher or 41°F or below. Food must be cooked to the minimum temperatures and times specified below:
  - 165°F for 15 seconds--poultry; stuffing containing fish, meat, or poultry; stuffed fish, meat, pasta, or poultry;
  - 155°F for 15 seconds--comminuted fish; comminuted meat (hamburgers); pooled raw eggs;
  - 145°F for 15 seconds--raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service; fish; meat and pork.

\*\*TFE operators should consult with the local health authority if considering cooking roasts (whole beef, pork, cured pork (ham) and corned beef) to ensure compliance with the provisions of the food code.

- ❑ **THAWING:** Potentially hazardous food shall be thawed either under refrigeration that maintains the food temperature at 41°F or less; completely submerged under running water at a temperature of 70°F or below; or as part of a cooking process.
- ❑ **COOLING:** Cooked potentially hazardous food shall be cooled from 140°F to 70°F within 2 hours or less; and from 70°F to 41°F within 4 hours or less at a permanently established approved food service facility.
- ❑ **REHEATING FOR HOT HOLDING:** Potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least **165°F for 15 seconds.** Reheating shall be done rapidly so that the food is between 41°F and 165°F for less than 2 hours.

## **PERSONNEL**

- ❑ **HANDWASHING:** Handwash facilities must be located in all TFEs where there is direct handling and/or preparation of food. Potable hot and cold running water under pressure with suitable hand cleaner, dispensed paper towels, and waste receptacle should be provided. Minimum requirements should include: a 5 gallon insulated container with a spigot which can be turned on to allow potable, clean, warm water to flow over one's hands into a waste receiving bucket of equal or larger volume; suitable hand cleaner; dispensed towels; and a waste receptacle. Hand wash stations are not required if the **only** food items offered are commercially pre-packaged foods that are dispensed in their original containers.
- ❑ **HEALTH:** Employees with communicable diseases which can be transmitted through food or who are experiencing vomiting and/or diarrhea must be excluded from food activities. Foodworkers shall not have any open cuts or sores.
- ❑ **HYGIENE:** Food service workers shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods. Foodworkers shall have clean outer garments, aprons, and effective hair restraints. Smoking, eating, and drinking are not allowed by foodworkers in the food preparation and service areas. All non-working, unauthorized persons should be restricted from food preparation and service areas. Food service workers shall wash their hands prior to entering the TFE or food preparation and service areas, immediately before engaging in food preparation, after using the toilet room, and as often as necessary to remove soil and contamination and to prevent cross contamination.
- ❑ **FOOD PREPARATION:** Employees preparing food may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli paper, spatulas, tongs, single-use gloves or dispensing equipment.
- ❑ **SITE COORDINATOR:** A designated staff person responsible for compliance with health code requirements must be on site and accessible during all hours of operation of the temporary event, and shall be responsible for maintaining an accurate record of each worker's assignments at the TFE.

## **FOOD AND UTENSIL STORAGE & HANDLING**

- ❑ **DRY STORAGE:** All food, equipment, utensils, and single service items shall be stored at least 6" off the ground or floor on pallets, tables, or shelving protected from contamination and shall have effective overhead protection.
- ❑ **COLD STORAGE:** Commercial refrigeration units should be provided to keep potentially hazardous foods at 41°F or below. An effectively insulated, hard sided, cleanable container with sufficient ice or other means to maintain potentially hazardous foods at 41°F or below may be approved for the storage of small quantities

of potentially hazardous foods. Unpackaged food may not be stored in direct contact with undrained ice.

- ❑ **HOT STORAGE:** Hot food storage units shall be used to keep potentially hazardous foods at 140°F or above. Electrical equipment, propane stoves, grills, etc. must be capable of holding foods at 140°F or above.
- ❑ **THERMOMETERS:** A thermocouple or metal stem thermometer shall be provided to check the internal temperatures of potentially hazardous hot and cold food items. Food temperature measuring devices shall be accurate to  $\pm 2^\circ\text{F}$ , and should have a range of 0°F to 220°F. Each refrigeration unit should have a numerically scaled thermometer accurate to  $\pm 3^\circ\text{F}$  to measure the air temperature of the unit.
- ❑ **WET STORAGE:** Wet storage of all canned or bottles beverages is acceptable when the water contains at least 10 ppm of available chlorine and the water is changed frequently to keep it clean. Liquid waste water must be disposed of properly into a sanitary sewer or approved holding tank and cannot be dumped into streets, storm drains, waterways or onto the ground surface.
- ❑ **FOOD DISPLAY:** All food shall be protected from customer handling, coughing, sneezing or other contamination by wrapping, the use of sneeze guards or other effective barriers. Open or uncovered containers of food shall not be allowed at a temporary food service event, except working containers. Condiments must be dispensed in single service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food workers, patrons, insects, or other sources.
- ❑ **FOOD PREPARATION:** All cooking and serving areas shall be protected from contamination. Cooking equipment, such as BBQs, propane stoves, and grills, should be roped off or otherwise segregated from the public. Patrons must be prevented from accessing areas of the TFE where food, food-contact surfaces, and equipment are located.
- ❑ **COOKING DEVICES:** Charcoal and wood cooking devices are not recommended. Propane stoves or grills are approved as cooking devices. The local fire safety authority must approve these devices. All cooking of foods should be done towards the rear of the food booth. When barbecuing or using a grill, the cooking equipment should be separated from the public for a distance of at least 4 feet by roping off or by other means to protect patrons from burns or splashes of hot grease.
- ❑ **UTENSIL STORAGE:** Food dispensing utensils must be stored in the food with their handles above the top of the food and container; in running water of sufficient velocity to flush particulates to the drain; on a clean portion of the food preparation table or cooking equipment; or in a container of water if the water is maintained at a temperature of at least 140°F and the water is changed at least every 4 hours.

- ❑ **CROSS CONTAMINATION:** Food shall be protected from cross contamination by separating raw animal foods from ready-to-eat foods during storage, preparation, holding, and display. Equipment and utensils (including knives, cutting boards, and food storage containers) must be thoroughly cleaned and sanitized after being used for raw animal foods and before being used for ready-to-eat food.

## **CLEANING**

- ❑ **WAREWASHING:** A commercial dishwasher or 3-compartment sink set-up should be utilized to wash, rinse, and sanitize equipment and utensils coming into contact with food. The minimum requirements for a utensil washing set-up to wash/rinse/sanitize should consist of 3 basins, large enough for complete immersion of utensils, a potable hot water supply, and an adequate disposal system for the wastewater. A centralized utensil washing area for use by multiple food vendors may be permitted by the regulatory authority. *Equipment and utensils must be cleaned and sanitized at least every 4 hours.*
- ❑ **SANITIZING:** Chlorine bleach or other approved sanitizers should be provided for sanitizing food contact surfaces, equipment, and wiping cloths. Sanitizers must be used at appropriate strengths. An approved test kit must be available to accurately measure the concentration of sanitizing solutions.
- ❑ **WIPING CLOTHS:** Wiping cloths that are in use for wiping food spills shall be used for no other purpose and shall be stored clean and dry or in a clean chlorine sanitizing solution at a concentration of 100 ppm.

## **WATER SUPPLY AND WASTEWATER DISPOSAL**

- ❑ **WATER:** An adequate supply of potable water shall be available on site for cooking and drinking purposes; for cleaning and sanitizing equipment, utensils, and food contact surfaces; and for handwashing. Water must come from an approved public water supply or an approved well water supply. The water supply system and hoses carrying water must be constructed with approved food contact materials. The water supply must be installed to preclude the backflow of contaminants into the potable water supply. All hose and other connections to the potable water supply shall be maintained a minimum of 6” above the ground or top plane surface. A supply of commercially bottled drinking water or sanitary potable water storage tanks may be allowed if approved by the regulatory authority.
- ❑ **WASTEWATER DISPOSAL:** Wastewater shall be disposed in an approved wastewater disposal system. Wastewater may not be dumped onto the ground surface; into waterways; or into storm drains, but shall be collected and dumped into a receptacle or sink drain designated for the collection of wastewater or into a toilet directed to a sanitary sewer.

## **PREMISES**

- ❑ **COUNTERS/SHELVES:** All food contact surfaces shall be smooth, easily cleanable, durable and free of seams and difficult to clean areas. All other surfaces shall be finished so that they are easily cleanable.
- ❑ **FLOORS:** Unless otherwise approved, floors of outdoor TFEs should be constructed of concrete; asphalt; non-absorbent matting; tight wood; or removable platforms or duckboards which minimize dust and mud. The floor area should be graded to drain away from the TFE.
- ❑ **WALLS AND CEILINGS:** The TFE must be covered with a canopy or other type of overhead protection, unless the food items offered are commercially pre-packaged food items dispensed in their original containers. Walls and ceilings, if required, are to be of tight and sound construction to protect against the elements, windblown dust and debris, insects, or other sources that may contaminate food, food contact surfaces, equipment, utensils, or employees.
- ❑ **LIGHTING:** Adequate lighting by natural or artificial means must be provided. Light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food; clean equipment and utensils; or unwrapped single-service and single-use articles.
- ❑ **GARBAGE:** An adequate number of non-absorbent, easily cleanable garbage containers should be provided both inside and outside of each TFE site. Dumpsters must be covered, rodent-proof, and non-absorbent. Grease must be disposed of properly and shall not be dumped onto the ground surface.
- ❑ **TOILET FACILITIES:** An adequate number of approved toilet and handwashing facilities shall be provided for food service workers at each event. The toilet facilities, preferably permanently established, should be conveniently located to the food preparation areas (within 500 feet of the food preparation areas). An adequate number of toilet and handwashing facilities shall be provided for patrons at gatherings lasting longer than 2-3 hours. Toilets may consist of properly designed, operated, and maintained portable toilets.
- ❑ **CLOTHING STORAGE:** Personal clothing and belongings should be stored at a designated place in the TFE away from food preparation, food service and warewashing areas.
- ❑ **TOXIC MATERIALS:** Poisonous or toxic materials shall be properly labeled and stored so they cannot contaminate food, equipment, utensils, and single-service and single-use articles. Only those chemicals necessary for the food service operation shall be provided.



**Conference for Food Protection – Council 1  
Permanent Outdoor Cooking Committee Report**

The 2002 Conference for Food Protection (CFP) adopted Issue No. 00-01-32 relative to a guidance document for permanent outdoor cooking at retail food establishments. The Conference charge for this issue is as follows:

“The Conference recommends that Council I and the Conference accept the *Recommended Guidelines for Permanent Outdoor Cooking Establishments* and direct the Chair to send a letter to the FDA requesting that the agency work with the CFP Outdoor Cooking Committee to enhance the document to be included as a guidance document in the 2001 Food Code. It can serve as the basis on which regulatory authorities can permit permanent outdoor cooking establishments.”

After initial review of the proposed guidelines, FDA responded in a letter (August 2000) to Conference Chair, Lydia Strayer:

“Since the CFP Committee might not finalize the Recommended Guidelines before the issuance of the next Food Code, we may issue interim guidance as opposed to including this document as a Annex to the 2001 Food Code. We will continue to work with the CFP Committee to ensure that, to the extent possible, the Outdoor Cooking Guidelines are consistent with the food protection standards of the Food Code.”

A full committee meeting was held in January 2001 with Glenda Lewis (FDA CFSAN) participating. The purpose of this meeting was to identify those areas of the guidelines where FDA was seeking clarification or modification. In subsequent meetings, committee members revised the guidelines to reflect the primary concerns as indicated by FDA. Additionally, a separate section titled, Frequently Asked Questions (FAQs), was developed to provide further clarification on issues relative to the guidelines.

The revised guidelines (August 2001) with the FAQs were submitted with cover letter to the Council 1 Chair and the Conference Chair for the 2001 Fall Executive Board Meeting of the CFP. The August 2001 revision of the guidelines was adopted by the Executive Board and forwarded to FDA for further review. After a “preliminary review” of the guidelines, FDA offered three recommendations in a letter response (December 2001) to the Conference Chair.

The three recommendations are:

- Alter the title to “*Recommended Guidance for Food Establishments with Permanent Outdoor Cooking Operations*” in accordance with Good Guidance Practices for the development, issuance, and use of guidance documents.
- Include a section of defined terms.
- Make available as part of the document the frequently asked questions developed by the Committee.

The revision of the document title and the inclusion of the FAQs with the guidance document have been completed. Food Code citations in the document have also been updated to reflect the new 2001 FDA Food Code. A copy of the January 2002 revised version of the *guidance* document is attached for review. Committee Co-Chairs have contacted the current FDA CFSAN representative and the FDA Consultant to the Committee to initiate discussions on the issue of developing a section of defined terms for the guidance document.

On January 25, 2002, a conference call was facilitated by FDA with the Chair and FDA Consultant for the CFP Plan Review Committee and the Co-Chairs of the Permanent Outdoor Cooking Committee participating. It was agreed upon during this meeting that the outdoor cooking guidance document would be forwarded to the Plan Review Committee for a full review and recommendations for modification. The Permanent Outdoor Cooking Committee will continue to work with FDA and the CFP to finalize this document.

Until such time as FDA approves the document for inclusion in the Food Code, the committee recommends placing the guidance document on the Conference for Food Protection website, [www.foodprotect.org](http://www.foodprotect.org), as a Conference reference document. The Permanent Outdoor Cooking Committee will submit this recommendation to the Conference in the form of an issue.

Respectfully submitted by:  
Lee M. Cornman, Co-Chair  
Frank Yiannas, Co-Chair

## **Recommended Guidance for Food Establishments with Permanent Outdoor Cooking Operations**

The cooking of foods outdoors and the enjoyment of outdoor food events is part of a long-standing tradition in this country and worldwide. Today, across the United States, many food operators and consumers wish to continue providing and enjoying outdoor cooking and dining experiences. Geographically and environmentally, there are many areas of the country where a year-round permanent outdoor cooking operation is feasible.

According to the most recent round of published data by the Centers for Disease Control and Prevention (CDC), between 1988 and 1992 the most commonly reported contributing factors related to foodborne diseases were improper holding temperatures, poor personal hygiene, inadequate cooking, contaminated equipment, and food from unsafe sources. Regardless of whether food is prepared outdoors or indoors, these factors must be controlled in order to ensure the safety of the foods being prepared and served.

Permanent outdoor cooking operations present unique challenges associated with the type of cooking equipment and infrastructure proposed to be utilized outdoors, including adequate access to utilities at the outdoor site. Nevertheless, outdoor cooking operations can, and are, being done safely when performed in accordance with well-defined regulatory standards that are established to control and minimize the contributing factors of foodborne disease identified above. For the purpose of this document, the term “permanent” used in conjunction with outdoor cooking operation refers to a repeated, routine frequency of occurrence. The minimum guidelines set forth in this document, for cooking foods outdoors on a permanent basis, are extracted from the requirements of the U.S. Public Health Service 2001 Food Code (hereafter referred to as 2001 Food Code) and provide the basis on which regulatory authorities can permit outdoor cooking operations.

Establishments seeking approval for a permanent outdoor cooking operation must submit a set of plans for plan review consistent with the criteria provided in sections 8-201.11 and 8-201.12, 2001 Food Code. Outdoor cooking operations that are fully compliant with the Food Code do not require a variance from code. However, upon completion of plan review a regulatory jurisdiction may determine a variance request is necessary based on the type of proposed operation, proposed menu items or proposed equipment – the same as any other food establishment.

### **Food Establishment Support Services**

Each outdoor cooking location must be operated in conjunction with a permitted food establishment that will provide “support services” for the outdoor cooking location.

The permitted food establishment shall be a fixed permanent facility only – not a temporary or mobile type establishment. Support services may include, but are not limited to, a variety of services such as the supply of potable water; adequate plumbing and waste disposal; food products, utensils, equipment, or other supplies; and personnel. The permitted food establishment must be of such size and scope as to accommodate its own operation, as well as support the needs of the outdoor cooking operation. The plan review approval process should include the following criteria:

- **Location of Permanent Outdoor Cooking Operation**

The outdoor cooking site shall be located on the physical premises of the fixed permitted support food establishment as defined in the 2001 Food Code. "Premises" is defined in paragraph 1-201.10(67), 2001 Food Code as follows:

(67) "Premises" means:

- (a) The physical facility, its contents, and the contiguous land or property under the control of the permit holder; or
- (b) The physical facility, its contents, and the land or property not described under Subparagraph (a) of this definition if its facilities and contents are under the control of the permit holder and may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

Public parks, playgrounds, parking lots, or other similar locations not under the control of the permit holder will not qualify for approval as a permanent outdoor cooking facility.

- **Servicing By Support Base Food Establishment**

The scope and frequency of support services should be determined at the time of plan review and based on the type of menu, the number of anticipated customers, and the frequency of the outdoor cooking operation.

## **Structural Components for Outdoor Cooking**

All usual and customary public health risks must be evaluated when assessing an outdoor cooking operation with the additional consideration of exterior environmental factors. The structural requirements for the outdoor site are dependent on whether there will be cooking only **or** food preparation, cooking, storage, and/or service at the outdoor site. If food is being prepared, held, and/or served at the outdoor site, there should be a greater level of structural protection. Ultimately, the local authority will have to assess the environmental factors to determine the extent of protection necessary. The following are minimum standards:

- **Floors**

Floor surfaces in a permanent outdoor cooking operation will be in accordance with the requirements for temporary food establishments. The 2001 Food Code language in subparagraph 6-101.11(B)(1), is as follows:

(B) In a temporary establishment:

- (1) If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud.

- **Walls**

If there is cooking only at the outdoor site, walls are not required in most circumstances. If there is any food preparation, service, storage and/or hot or cold holding performed at the outdoor site consideration must be made to environmental conditions to provide adequate food protection. This may be accomplished through use of tents with sides, screening, air curtains, vermin resistant containers, or other methods in accordance with the 2001 Food Code.

- **Overhead Protection**

Each individual piece of cooking equipment must be separately covered (cooker top, chafing dish lid, etc.) or all uncovered pieces must have overhead protection. Examples of acceptable overhead protection are tent, canopy, awning, table-type umbrella, or a permanent structure. The presence of overhead protection such as a tent or canopy, does not preclude circumstances in which protection of individual food containers is also required, such as placement of food near a warewashing operation (potential splash contamination.)

- **Ventilation and Fire Protection**

Local regulations shall govern ventilation and fire protection requirements at outdoor cooking sites. (Subpart 6-304, 2001 Food Code)

- **Lighting**

Adequate lighting by artificial or natural means is to be provided. The lighting intensity shall be in accordance with the standards of section 6-303.11, 2001 Food Code.

## **Equipment / Utilities for Outdoor Cooking**

Construction, maintenance, and cleaning of all equipment pieces shall be in accordance with Chapter 4, 2001 Food Code. Equipment pieces do not have to be permanent or fixed but may be moveable.

- **Food Contact Surfaces**

All food contact surfaces used in an outdoor cooking operation shall be designed, constructed, and maintained in accordance with 2001 Food Code requirements. Surfaces

shall be smooth, easily cleaned, free of rust, dents or pitting, and durable under normal outdoor use conditions.

- **Cooking / Hot Holding Equipment**

A continuous heat source such as electric or gas is preferred in a permanent operation. Use of sterno, wood, or charcoal is acceptable if consistent temperatures are achieved and/or maintained in accordance with the 2001 Food Code. (Chapter 3, 2001 Food Code)

- **Cold Holding Equipment**

The use of cold holding equipment is performance driven and dependant on the physical operation. Ice or electrical/gas powered equipment may be used provided the use and temperatures are in accordance with the 2001 Food Code. (Chapter 3, 2001 Food Code)

- **Plumbing / Water / Sewer (Wastewater) Facilities**

Water and sewer may be permanently plumbed or supplied via portable tanks. If not plumbed, the sizes of the tanks shall be in accordance with section 5-401.11, 2001 Food Code requirements for mobile food units. The quantity of tanks provided shall be sufficient to fully accommodate the needs of the operation. Potable water components: tanks, hoses, connections, etc. shall also be in accordance with the 2001 Food Code or meet requirements adopted by the local authority. (Part 5-3, 2001 Food Code)

If potable water and wastewater disposal is permanently plumbed, warewashing may be conducted on site. Hot water must be provided if warewashing is conducted on-site. Warewashing procedures must be conducted in accordance with the 2001 Food Code. (Part 4-6, 2001 Food Code)

- **Garbage / Refuse Disposal**

An adequate number of non-absorbent, easily cleaned, lidded waste receptacles shall be provided at each outdoor cooking site. (Part 5-5, 2001 Food Code)

## **Food**

All foods must be obtained from an approved source in accordance with the 2001 Food Code. There shall be no home canned, cooked, or prepared foods offered at an outdoor cooking site. Ice must be potable and obtained from an approved source and used in accordance with the 2001 Food Code. (Part 3-2, 2001 Food Code)

- **Food Storage**

Food items shall not be stored at an outdoor cooking site when the site is not in operation. All foods stored outside during preparation, cooking, or service must be maintained in vermin resistant containers and stored at appropriate temperatures in accordance with the 2001 Food Code. (Part 3-3, 2001 Food Code)

- **Food Transport**

Foods shall be kept covered and protected during transport between preparation site, cooking site, and service site. Refrigerated potentially hazardous food shall be received at 41° F in accordance with section 3-202.11, 2001 Food Code.

- **Food Preparation and Display**

All cooking and preparation areas shall be protected from contamination and shall be segregated from the public. Patrons must be prevented from accessing areas of the outdoor site where food, food contact surfaces, or equipment are located. All food shall be protected from customer handling, coughing, sneezing, or other contamination by wrapping, the use food shields, or other effective barriers. (Part 3-3, 2001 Food Code)

Open or uncovered containers of food are not allowed -- except working containers. Condiments must be dispensed in single-service type packaging, in pump style containers, or in protected squeeze bottles, shakers, or similar dispensers which minimize contamination of food items by food workers, patrons, vermin, environmental conditions, or other sources. Self service containers of non-potentially hazardous condiments such as minced onions, relish and the like shall be acceptable so long as the foods are adequately protected from contamination. (Part 3-3, 2001 Food Code)

## **Personal Hygiene Requirements**

If any direct hand contact with foods, cooking or preparation is done on site; there must be handwash facilities easily accessible in accordance with the 2001 Food Code. If single-use disposable gloves are used, a handwash station must be accessible and used between removing soiled single-use gloves and putting on clean single-use gloves. (Parts 2-3, 3-3, 5-2, 2001 Food Code)

Sufficient quantities of potable water for handwashing must be provided at a temperature that is readily tolerated by employees and will allow the cleaning agent to function properly, aiding in the effective removal of dirt, debris, or other physical contaminants. Toilet and handwash facilities for employees must be easily accessible. (Part 5-2, 2001 Food Code)

## **FREQUENTLY ASKED QUESTIONS**

### **On Food Establishments with Outdoor Cooking Operations**

1. **Question:** Does the operation of a permanent outdoor cooking site undermine existing permanent fixed establishments and create an atmosphere of unfair competition?

**Response:** No. An existing permitted food establishment is a basic requirement for approval of an outdoor cooking operation. The initiation of an outdoor operation is an extension of the fixed food establishment.

2. **Question:** Is a permanent outdoor cooking establishment a unique operation that is not covered by the current Food Code requirements?

**Response:** No. These type operations are allowable under current code requirements as evidenced by the facilities operated by the National Park Service and in several state and local jurisdictions. However, the Food Code does not clearly delineate the application of its standards to an establishment that is not a fixed permanent operation, a mobile food unit, or a temporary event. The intent of the Permanent Outdoor Cooking Guidelines is to highlight and/or cross reference the existing code sections which are relevant to this type of operation.

3. **Question:** What are some examples of permanent outdoor cooking operations?

**Response:** Locations for permanent outdoor cooking operations include, but is not limited to, various theme park food services; outdoor food operations at hotels and other lodging facilities; resort or other entertainment type facilities; and, various other fixed permanent food service locations. Specific examples may include daily cookouts at a dude ranch; seafood cookouts or luaus on the beach at seaside restaurant locations; daily meal preparation on eco-tourism type expeditions; concessions at state or national parks; and, food service operations at theme or entertainment parks.

4. **Question:** Are the time and temperature controls adequately addressed in accordance with the current Food Code?

**Response:** Yes. The guidelines refer directly to the current Food Code for all time and temperature requirements.



5. **Question:** Is a variance required for approval of a permanent outdoor cooking operation?

**Response:** The operation of a permanent outdoor cooking site that is fully compliant with the FDA Food Code does not require a variance from Code. The document specifies that a plan review is required for this type of operation in accordance with the FDA Food Code (Chapter 8). Upon completion of a plan review a regulatory jurisdiction may determine a variance request is necessary based on the type of proposed operation – the same as any other fixed establishment.

6. **Question:** What is the purpose of the permitted food establishment providing support services?

**Response:** The fixed permanent establishment serves as the primary source of support services to the outdoor cooking operation. The support function may include such services as food supplies, single service supplies, potable water, solid and liquid waste disposal, and other necessary services or supplies. The outdoor cooking operation is located on the premises of the support food establishment. (See page two of the document.)

## FACTORS CONTRIBUTING TO OUTBREAKS

CDC Report

