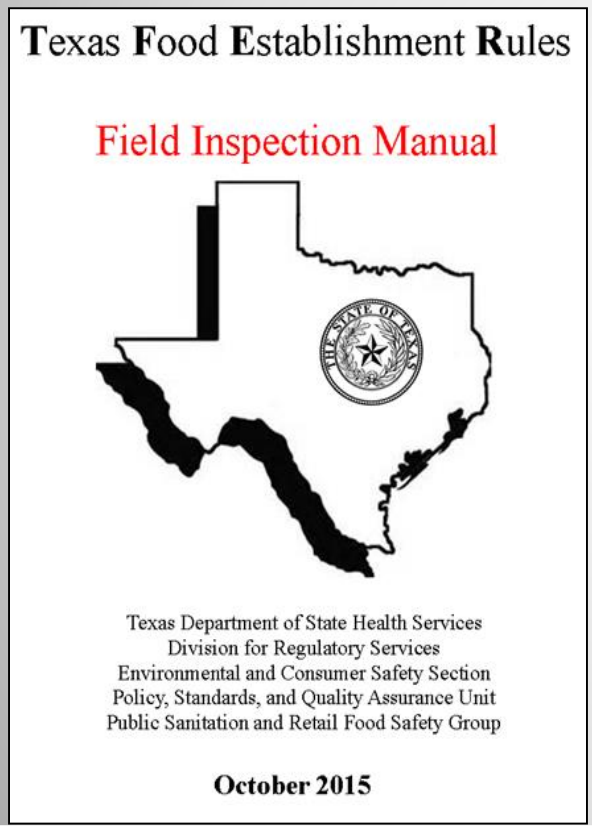
Texas Food Establishment Rules (TFER) 101 Industry By Subchapters

Public Sanitation and Retail Food Safety Group
Texas Department of State Health Services

- Health and Safety Code, Chapter 437
- Current version last updated in 2006
- Number of Changes

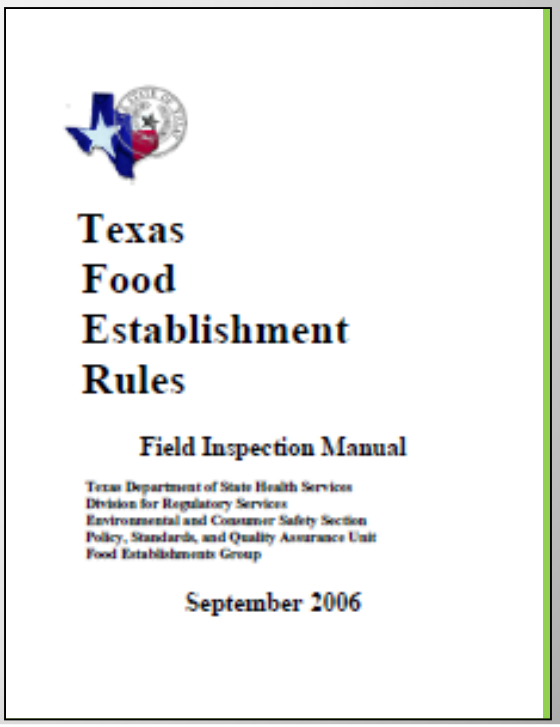

Texas Food Establishment Rules

Field Inspection Manual

Texas Department of State Health Services
Division for Regulatory Services
Environmental and Consumer Safety Section
Policy, Standards, and Quality Assurance Unit
Public Sanitation and Retail Food Safety Group

October 2015

TFER


Texas
Food
Establishment
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Environmental and Consumer Safety Section
Policy, Standards, and Quality Assurance Unit
Food Establishments Group

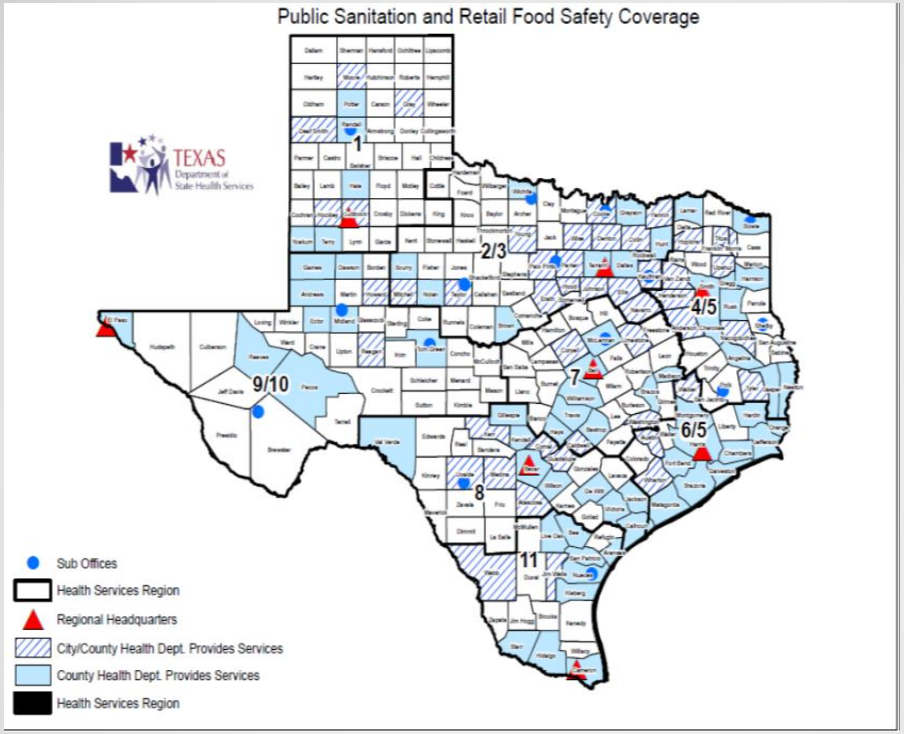
September 2006

Problems with TFER

- Regulatory
  1. Three versions behind
  2. Voluntary National Retail Foods Program Standards

- Industry
  1. Limitations in Practices
  2. Consistent Inspection and Enforcement

Texas is a Home Rule State



- An amendment to the state constitution grants cities, municipalities, and/or counties the ability to pass laws to govern themselves as they see fit (so long as they obey the state and federal constitutions)

Public Health Agencies

- Texas Department of State Health Services (DSHS)
- County Health Departments
- City Health Departments
- Health Districts

Health Department or Health District

- A Health Department can be either a City or County Health department. Difference? Municipality can create more stringent rules…Counties can not.

- A Health District is a culmination of cities and counties or county that have a governing board with representatives for each governing body on that board. The director may or may not be a physician. The physician is the Health Authority for the board of health.

- Opened TFER revision December 2013
- Work groups
- Initial work groups ended March 11, 2014
- First Draft for comment May 2014
- First stakeholder group meeting May 29, 2014
- Second stakeholder group meeting June 24, 2014
- Input from DSHS Regional Staff

The process

- Complete repeal of the current TFER and an introduction of a New Rule
- Chapter 229 becomes Chapter 228
- Sections become Subchapters
- 2013 FDA Model Food Code language will be adopted by transcription with Texas Exceptions
- Inspection form will be revised from a 27 item inspection form to a 47 item inspection form
- Non-critical violations will now be weighted and called Core items

Major Changes

- As per FDA, eliminated references to Potentially Hazardous Foods (PHF) and included Time/Temperature Control for Safety Food (TCS).
- Transition from Critical and Non-Critical Violation to Priority, Priority Foundation and Core Item Violation.
- 33 new definitions
- To fit the statute and for consistency, the term Mobile Food Unit is used throughout the rule instead of Mobile Food Establishment

Significant General Changes

Purpose and definitions

SUBCHAPTER A

§228.1. Purpose.

The purpose of this chapter is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented.

New subchapter A – Purpose and Definitions

§228.2. Definitions

- **(8)Bare hand contact**
- (15) Central Preparation Facility
- (28) Cook Chill Packaging
- **(29) Core Items**
- **(34) Cut Leafy Greens**
- **(81) Major Food Allergen**
- (85) Mobile Food Unit

New subchapter A – Purpose and Definitions

§228.2. Definitions

- (99) Plumbing Code
- **(106)"Priority item"**
- **(107)"Priority Foundation Item"**
- (108) Private Water System--
- (111) Push Cart (modified)
- (118) Re-service
- (127) Self-Service Food Market

New subchapter A – Purpose and Definitions

§228.2. Definitions

- **(128) Service Animal**
- (139) Sous vide packaging
- (140) Specialized processing method
- **(144) Time/Temperature Control for Safety food (TCS)**
- (147) Vacuum packaging

New subchapter A – Purpose and Definitions

REPORT FORMS

NEW INSPECTION

New Inspection Report

Retail Food Establishment Inspection Report

Date:	Time in:	Time out:	License/Permit #	Est. Type	Risk Category	Page __ of ___
Purpose of Inspection:	☐ 1-Compliance	☐ 2-Routine	☐ 3-Field Investigation	☐ 4-Visit	☐ 5-Other	TOTAL/SCORE
Establishment Name:		Contact/Owner Name:		✱ Number of Repeat Violations: ____ ✓ Number of Violations COS: ____		
Physical Address:	City/County:	Zip Code:	Phone:	Follow-up: Yes No (circle one)		

Compliance Status: Out = not in compliance IN = in compliance NO = not observed NA = not applicable COS = corrected on site R = repeat violation
Mark the appropriate points in the OUT box for each numbered item Mark '✓' a checkmark in appropriate box for IN, NO, NA, COS Mark an asterisk ' ✱ ' in appropriate box for R

Priority Items (3 Points) *violations Require Immediate Corrective Action not to exceed 3 days*

Compliance Status					Time and Temperature for Food Safety (F = degrees Fahrenheit)	R	Compliance Status					Employee Health	R
OUT	IN	NO	NA	COS			OUT	IN	NO	NA	COS		
					1. Proper cooling time and temperature							12. Management, food employees and conditional employees; knowledge, responsibilities, and reporting	
					2. Proper Cold Holding temperature(41°F/ 45°F)							13. Proper use of restriction and exclusion; No discharge from eyes, nose, and mouth	
					3. Proper Hot Holding temperature(135°F)							**Preventing Contamination by Hands**	
					4. Proper cooking time and temperature							14. Hands cleaned and properly washed/ Gloves used properly	
					5. Proper reheating procedure for hot holding (165°F in 2 Hours)							15. No bare hand contact with ready to eat foods or approved alternate method properly followed	
					6. Time as a Public Health Control; procedures & records							**Highly Susceptible Populations**	
					Approved Source							16. Pasteurized foods used; prohibited food not offered Pasteurized eggs used when required	
					7. Food and ice obtained from approved source; Food in good condition, safe, and unadulterated; parasite destruction							**Chemicals**	
					8. Food Received at proper temperature							17. Food additives; approved and properly stored; Washing Fruits & Vegetables	
					Protection from Contamination							18. Toxic substances properly identified, stored and used	
					9. Food Separated & protected, prevented during food preparation, storage, display, and tasting							**Water/ Plumbing**	
					10. Food contact surfaces and Returnables ; Cleaned and Sanitized at ____ ppm/temperature							19. Water from approved source; Plumbing installed; proper backflow device	
					11. Proper disposition of returned, previously served or reconditioned							20. Approved Sewage/Wastewater Disposal System, proper disposal	

Priority Foundation Items (2 Points) *violations Require Corrective Action within 10 days*

OUT	IN	NO	NA	COS	Demonstration of Knowledge/ Personnel	R	OUT	IN	NO	NA	COS	Food Temperature Control/ Identification	R
					21. Person in charge present, demonstration of knowledge, and performs duties/ Certified Food Manager (CFM)							27. Proper cooling method used; Equipment Adequate to Maintain Product Temperature	
					22. Food Handler/ no unauthorized persons/ personnel							28. Proper Date Marking and disposition	
					Safe Water, Recordkeeping and Food Package Labeling							29. Thermometers provided, accurate, and calibrated; Chemical/ Thermal test strips	
					23. Hot and Cold Water available; adequate pressure, safe							**Permit Requirement, Prerequisite for Operation**	
					24. Required records available (shellstock tags; parasite destruction); Packaged Food labeled							30. **Food Establishment Permit** (Current, Valid, & Posted)	
					Conformance with Approved Procedures							**Utensils, Equipment, and Vending**	
					25. Compliance with Variance, Specialized Process, and HACCP plan; Variance obtained for specialized processing methods; manufacturer instructions							31. Adequate handwashing facilities: Accessible and properly supplied, used	
					Consumer Advisory							32. Food and Non-food Contact surfaces cleanable, properly designed, constructed, and used	
					26. Posting of Consumer Advisories; raw or under cooked foods (Disclosure/Reminder/Buffet Plate)/ Allergen Label							33. Warewashing Facilities; installed, maintained, used	

Core Items (1 Point) *Violations Require Corrective Action Not to Exceed 90 Days or Next Inspection , Whichever Comes First*

OUT	IN	NO	NA	COS	Prevention of Food Contamination	R	OUT	IN	NA	NO	COS	Food Identification	R
					34. No Evidence of Insect contamination, rodent/other animals							41. Original container labeling (Bulk Food)	
					35. Personal Cleanliness/eating, drinking or tobacco use							**Physical Facilities**	
					36. Wiping Cloths; properly used and stored							42. Non-Food Contact surfaces clean	
					37. Environmental contamination							43. Adequate ventilation and lighting; designated areas used	
					38. Approved thawing method							44. Garbage and Refuse properly disposed; facilities maintained	
					Proper Use of Utensils							45. Physical facilities installed, maintained, and clean	
					39. Utensils, equipment, & linens; properly used, stored, dried, & handled/ In use utensils; properly used							46. Service sink or curb cleaning facility provided/ Toilet Facilities; properly constructed, supplied, and clean	
					40. Single-service & single-service articles; properly stored and used							47. Other Violations	

Received by: (signature)	Print:	Title: Person In Charge/ Owner
Inspected by: (signature)	Print:	Business Email:

47 items by combining items together from the FDA Food Code 56 item form:

This one has also be weighted to total 100 points

The form has been reorganized in a manner that groups Priority, Priority Foundation, Core items together for easier marking.

3 – priority item
2 -- priority foundation item
1 – core item

Repeat Violation Column

Inspection Sheet Heading

Compliance Status: **Out** = not in compliance **IN** = in compliance **NO** = not observed **NA** = not applicable **COS** = corrected on site **R** = repeat violation

Mark the appropriate points in the **OUT** box for each numbered item Mark '✓' a checkmark in appropriate box for **IN, NO, NA, COS** Mark an asterisk '∗' in appropriate box for **R**

- OUT- Not in Compliance- Mark the appropriate points in this box. (3, 2, 1)
- IN – In compliance
- NO – Not Observed during inspection
- NA- Not applicable to the establishment
- COS – Correction on Site --- ***must be verified***
- R – Is it a Repeat Violation? – to be marked with an ∗ (asterisk) in the box

To be marked with a Check mark (✓)

New Inspection Report

Proposed Retail Food Establishment Inspection Report

Establishment Name:	Physical Address:	City/State:	License/Permit #	Page ___ of ___

TEMPERATURE OBSERVATIONS

Item/Location	Temp	Item/Location	Temp	Item/Location	Temp

OBSERVATIONS AND CORRECTIVE ACTIONS

Item Number	AN INSPECTION OF YOUR ESTABLISHMENT HAS BEEN MADE. YOUR ATTENTION IS DIRECTED TO THE CONDITIONS OBSERVED AND NOTED BELOW:

Narrative Basic Observations

- **WHO** was observed or who made statement
- **WHAT** is the Product/Equipment/Item
- **WHERE** is it Located
- **HOW** is it observed (Condition/Temp.)
- **WHEN** did it Occur (or HOW LONG)
- **WHY** is it a Violation
- **Corrective Action Taken [COS]**

NEW INSPECTION REPORT

- **Underlying cause of the food process flow**
- Example cooling
- Time/Temperature–priority
- Cooling Method–priority foundation
- Equipment used (plastic verses metal)-Core

Management and Personnel

SUBCHAPTER B

- 228.33(c) Added requirement for each food employee in a retail food establishment to have a food handler certification from a program approved by the regulatory authority.

- 228.31(b) One CFM in a food establishment with two or more separate departments.

New subchapter B– Relating to Management and Personnel

- 228.35(a)(2) Diagnosed Big 5 goes to Big 6 (non-typhoidal Salmonella)
- 228.35 This section was significantly revised to reflect the requirements for Conditions of Exclusions and Restrictions
- 228.38(b)(4) Automatic Hand washing facilities use
- 228.38(d)(8) Hand washing between glove changes is not necessary if not changing tasks
- 228.38(b)(3) Provision added for the use of a disposable paper towel or similar clean barrier when touching surfaces such as manually operated faucets

New subchapter B– Relating to Management and Personnel

Employee Health

Employee Health	R
12. Management, food employees and conditional employees; knowledge, responsibilities, and reporting	
13. Proper use of restriction and exclusion; No discharge from eyes, nose, and mouth	

§228.31. Responsibility
§228.34. Duties
§228.35. Responsibilities/Reporting Symptoms/Diagnosis
§228.36. Conditions of Exclusions and Restrictions
§228.37. Managing Exclusions and Restrictions
§228.42. Food Contamination Prevention (b)Discharges

Item 12- Management, food employees and conditional employees; knowledge, responsibilities and reporting

EMPLOYEE HEALTH POLICY

Attention Food Employees

***Report* to your supervisor immediately**

If *you* have any of the following symptoms caused by illness or infection:

- Vomiting
- Diarrhea
- Jaundice (yellowing of eyes and skin)
- Sore throat with fever
- Infected wounds or lesions with pus (on hands, wrist, or exposed body parts)

If *you* or a household member have been diagnosed by a doctor with:

- Norovirus
- Hepatitis A
- Salmonella typhi (typhoid fever)
- Shigellosis
- E. coli O157:H7 (or other shiga toxin- producing Escherichia coli)
- Nontyphoidal Salmonella

You could make your customers sick

Reporting your illness or symptoms is mandatory under:
Texas Food Establishment Rule 228.35

Distributed by:

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www.dshs.state.tx.us/foodestablishments

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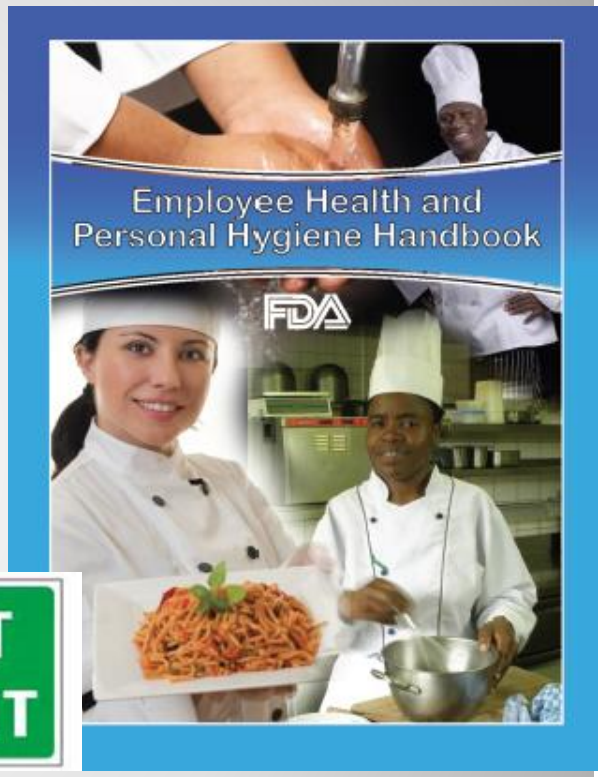


NEW

First Aid Supplies, Availability. A first aid kit shall be provided.

Item #47

Item 13 – Proper use of restriction and exclusion; No discharge from eyes, nose and mouth

Preventing Contamination by Hands

					Preventing Contamination by Hands	
					14. Hands cleaned and properly washed/ Gloves used properly	
					15. No bare hand contact with ready to eat foods or approved alternate method properly followed	

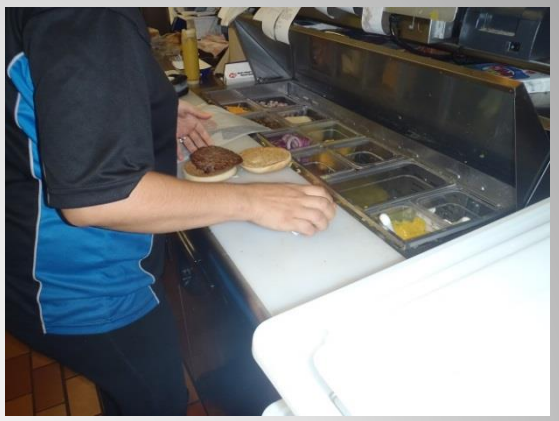
228.38(d)(8) Hand washing between glove changes is not necessary if not changing tasks

Item 14- hands cleaned and properly washed/gloves used properly

Handwashing Procedure

Problem

Food employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms as required by paragraphs (A) - (E) of this subsection



The wrong way

Item 15- No bare hand contact with ready to eat foods or approved alternate method properly followed

The right way

Item 15- No bare hand contact with ready to eat foods or approved alternate method properly followed

228.65(a)(5) Bare hand contact will require approval from the regulatory authority

228.65 Modified the requirement to provide written approval from the regulatory authority for the approval of bare hand contact. Only approval is required from regulatory authority in any form.

Requirements for Bare Hand Contact with RTE food

1. The permit holder has obtained approval from the regulatory authority and maintains proof of the approval at the facility for review during inspection

2. Written procedures are maintained in the food establishment and made available to the regulatory authority upon request that include for each bare hand contact procedure, a listing of the specific ready-to-eat foods and food additives that are touched by bare hands

3. A written employee health policy that details how the food establishment complies

   - documentation that food employees and conditional employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food

   - documentation that food employees and conditional employees acknowledge their responsibilities

   - documentation that the person in charge acknowledges the responsibilities

Cont.

Requirements for Bare Hand Contact with RTE food cont.

Documentation

4. Food employees acknowledge that they have received training in:
   - the risks of contacting the specific ready-to-eat foods with bare hands
   - proper handwashing
   - when to wash their hands
   - where to wash their hands
   - proper fingernail maintenance
   - prohibition of jewelry
   - good hygienic practices
   - employee health policies that detail how the food establishment complies with these rules

5. That hands are washed before food preparation and as necessary to prevent cross contamination by food during all hours of operation when the specific ready-to-eat foods are prepared

6. Utilize two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:
   - double handwashing;
   - nail brushes;
   - a hand sanitizer after handwashing;
   - incentive programs
   - other control measures approved by the regulatory authority; and

7. Corrective actions are taken

Item 15- No bare hand contact with ready to eat foods or approved alternate method properly followed

TEXAS Department of State Health Services

Texas Department of State Health Services
Public Sanitation and Retail Food Safety Group
www.dshs.state.tx.us/foodestablishments/

Preventing Contamination from Hands

Food establishment minimize bare hand contact with ready to eat foods by either wearing single use gloves or by following the listed procedures: APPROVAL FROM YOUR REGULATORY AUTHORITY IS REQUIRED

Documentation must be maintained at the food establishment that food employees contacting ready to eat foods with bare hands utilize TWO (2) or MORE of the following Control Measures:

- Double Hand washing
- Nail Brushes
- Use of Hand Sanitizer after hand washing
- Incentive programs that assist or encourage food employees not to work when they are sick; or
- Other control measures approved by the Regulatory Authority

Documentation must be held at the food establishment that includes training for employees and that document corrective actions taken when the policies are not followed.

In addition, all food items that will be touched by bare hands must be listed on documentation.

EX: ' Firm A workers will use the following two barrier method double hand washing and using a Nail Brush when practicing bare hand contact with the following ready to eat foods: burger buns, lettuce, tomatoes, onions, pickles, cheese, etc.

Food employees may contact exposed, ready-to-eat food with their bare hands if the establishment does not serve a highly susceptible population AND meets the above requirements and the following:

Food workers acknowledge receiving training on:

a. Proper hand washing
b. When to wash
c. Where to wash
d. Proper fingernail maintenance
e. Risks of bare hand contact
f. Good hygienic practices
g. Employee health policies (including exclusions And restrictions)
h. Jewelry prohibition

When using an alcohol-based hand sanitizer:

- Apply product to the palm of one hand, using the amount of product indicated on the label.
- Rub hands together.
- Rub the product over all surfaces of hands and fingers until hands are dry.

When should you wash your hands?

Before and after preparing food	Before and after eating food
After using the toilet	Before and after tending to someone who is sick
After handling garbage	Before and after treating a cut or wound
After handling an animal or animal waste	After blowing your nose, coughing, or sneezing

Publication # E23-12906 1

TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DIVISION FOR REGULATORY SERVICES
ENVIRONMENTAL AND CONSUMER SAFETY SECTION
POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT
PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP

PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP
REGULATORY CLARIFICATIONS

November 3, 2006 (Revised June 26, 2015)

PSRFSGRC – NO. 12

SUBJECT: Bare Hand Contact with Ready-to-Eat Foods

Applicable Texas Food Establishment Rules (TFER) Sections:
§228.65(a)(5) Preventing contamination from hands.

Question:
What must a food establishment operator do if the food establishment wants to have the food employees conduct bare hand contact with ready-to-eat foods?

Response:
§228.65(a)(5) states that food employees not serving a highly susceptible population may contact exposed, ready-to-eat foods if certain practices are followed.

Bare hand contact with ready-to-eat foods may be done only at food establishments not serving a highly susceptible population, as defined in §228.2(69) of the TFER. The procedure for practicing bare hand contact with ready-to-eat foods involves three steps.

Step No. 1: Obtain approval from the regulatory authority and maintain proof of the approval at the facility for review during inspections.

Step No. 2: Documentation is maintained at the food establishment that the food employees acknowledge they have received training in the following areas:
1) risk of contacting the specific ready-to-eat foods with their bare hands;
2) proper handwashing methods
3) when to wash their hands;
4) where to wash their hands
5) proper fingernail maintenance;
6) prohibition of jewelry;

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Pub # - 23-13198 Rev. 06/26/2015

Barrier Between Hands and Ready-to-Eat Food

Gloves

Deli tissues

Tongs

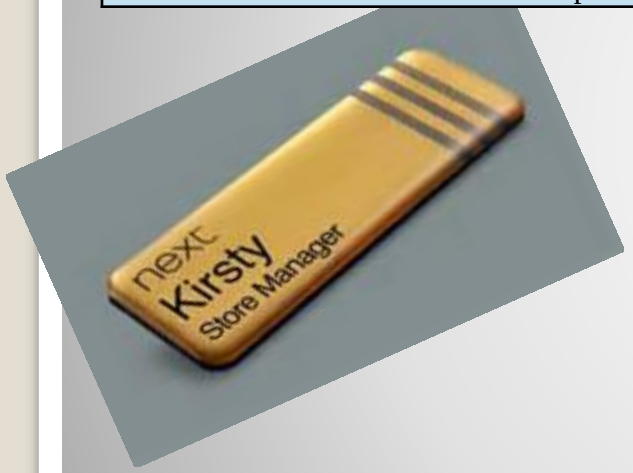
Ladles

Spatulas

Forks

Demonstration of Knowledge/ Personnel

Demonstration of Knowledge/ Personnel
21. Person in charge present, demonstration of knowledge, and perform duties/ Certified Food Manager (CFM)
22. Food Handler/ no unauthorized persons/ personnel



§228.32. Knowledge
§228.33. Certified Food Protection Manager and Food Handler Requirements
§228.39. Fingernail Maintenance
§228.40. Jewelry Prohibition
§228.41. Outer Clothing, Clean Condition
§228.42. Eating, Drinking, Using Tobacco
§228.43. Hair Restraints

Demonstration of Knowledge/ Personnel

228.33(b) We added specific language that requires that a separate CFM be employed at each permitted establishment.

228.33(c) Added requirement for each food employee to have a food handler certification from an accredited program.

228.34 Moved Food Manager Certification to definitions section.

Original CFM certificate must be posted in conspicuous location

Item 21- Person in charge present, demonstration of knowledge and perform duties/Certified Food Manager (CFM)

Person In Charge

shall demonstrate the knowledge by

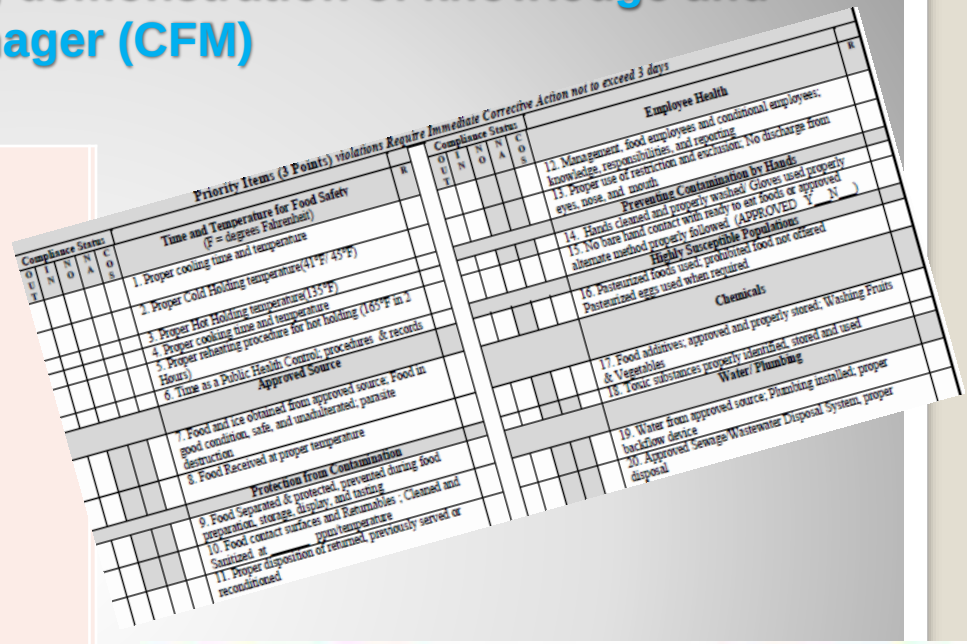
No Violations on Items 1-22

OR

Answering questions posed by regulator(s)

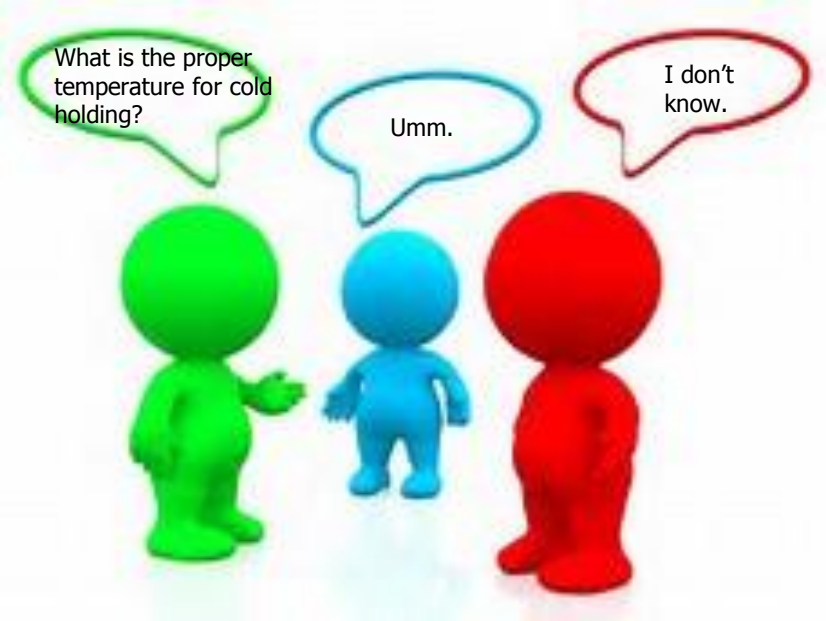
OR

*Passing an accredited Certified Food Manger Exam


Priority Items (3 Points) violations Require Immediate Corrective Action not to exceed 3 days

Compliance Status: OUT	IN	NO	NA	COS		R
					Time and Temperature for Food Safety (F = degrees Fahrenheit)	
					1. Proper cooling time and temperature	
					2. Proper Cold Holding temperature(41°F/ 45°F)	
					3. Proper Hot Holding temperature(135°F)	
					4. Proper cooking time and temperature	
					5. Proper reheating procedure for hot holding (165°F in 2 Hours)	
					6. Time is a Public Health Control: procedures & records	
					Approved Source	
					7. Food and ice obtained from approved source. Food in good condition, safe, and unadulterated; parasite destruction	
					8. Food Received at proper temperature	
					Protection from Contamination	
					9. Food Separated & protected, prevented during food preparation, storage, display, and tasting	
					10. Food contact surfaces and Returnables : Cleaned and Sanitized at _____ ppm/temperature	
					11. Proper disposition of returned, previously served or reconditioned	

Compliance Status: OUT	IN	NO	NA	COS		R
					Employee Health	
					12. Management, food employees and conditional employees; knowledge, responsibilities, and reporting	
					13. Proper use of restriction and exclusion: No discharge from eyes, nose, and mouth	
					Preventing Contamination by Hands	
					14. Hands cleaned and properly washed. Gloves used properly	
					15. No bare hand contact with ready to eat foods or approved alternate method properly followed. (APPROVED Y N)	
					Highly Susceptible Populations	
					16. Pasteurized foods used, prohibited food not offered. Pasteurized eggs used when required	
					Chemicals	
					17. Food additives: approved and properly stored. Washing Fruits & Vegetables	
					18. Toxic substances properly identified, stored and used	
					Water/ Plumbing	
					19. Water from approved source. Plumbing installed, proper backflow device	
					20. Approved Sewage/Wastewater Disposal System, proper disposal	



Item 21- Person in charge present, demonstration of knowledge and perform duties/Certified Food Manager (CFM)

In this example, we have a Carl's Jr. restaurant inside of the Love's truck stop. If during the inspection, there is not CFM or a person in charge located at either establishment (even if they have separate permits), it is a violation.

If the establishments have two separate permits, they have to have two separate CFM personnel.

If all establishments in the building are under the SAME PERMIT, then only one CFM or PIC is required.

However, stricter guidelines can be required by the regulatory authority depending on jurisdiction.

Item 21- Person in charge present, demonstration of knowledge and perform duties/Certified Food Manager (CFM)

A establishment shall have written procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the establishment the procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

Item 22 – Food Handler/no unauthorized persons/personnel

All food employees, except for certified food manager, shall successfully complete a food handler training course accredited by the department within 60 days of employment

Establishments must be in Compliance by Sept 1, 2016

Persons unnecessary to the establishment operation are not allowed in the food preparation, food storage, or ware washing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination

Food employees shall clean their hands in a hand washing sink or approved automatic hand washing facility and may not clean their hands in a sink used for food preparation or ware washing or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste

Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough

Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food

Good Example!

Item 22 – Food Handler/no unauthorized persons/personnel

Item 35-Personal Cleanliness/ eating, drinking or tobacco use

					35. Personal Cleanliness/eating, drinking or tobacco use	

FOOD

SUBCHAPTER C

- 228.68(g) New conditions under which re-use of returnable and returnable take-home containers is permitted
- 228.79 Major food allergen in labeling
- 228.77(2)(C)(iii) Reduced Oxygen Packaging (ROP) changed from 14 days to 30 days
- 228.77(2),(4),(6) ROP now has three categories including cook-chill and sous vide and no HACCP required option for ROP

New subchapter C– Relating to Food

- 228.72(b)(3) A written agreement or statement from the supplier or aquaculturist shall be provided and maintained for 90 days.

- 228.65(a)(5) Bare hand contact will require approval from the regulatory authority in any form

New subchapter C– Relating to Food

Item 1 Proper Cooling time and temperature

OUT	IN	NO	NA	COS	Time and Temperature for Food Safety (F = degrees Fahrenheit)	R
					1. Proper cooling time and temperature	
					2. Proper Cold Holding temperature(41°F/ 45°F)	
					3. Proper Hot Holding temperature(135°F)	
					4. Proper cooking time and temperature	
					5. Proper reheating procedure for hot holding (165°F in 2 Hours)	
					6. Time as a Public Health Control; procedures & records	

228.75(i)(3) Time as a Public Health Control for cold foods

228.71(d) Raw animal foods and non-continuous cooking

General Marking Instructions

Establishment Name:	Physical Address:	City/State:	License/Permit #	Page __ of __

TEMPERATURE OBSERVATIONS					
Item/Location	**Temp**	**Item/Location**	**Temp**	**Item/Location**	**Temp**

Temperatures of both "In" and "Out" of compliance foods should be recorded on the "Temperature Observations" Section of the Inspection Report located on page 3.

Item 1 Proper Cooling time and temperature

1. Proper cooling time and temperature

- Item 1 – two critical limits must be met with cooling
  - 228.75(d)(1)(A) -- Not cooled from 135°F to 70°F within 2 hours
  - 228.75(d)(1)(B) -- Not cooled from 70°F to 41°F in 4 hours for a total of 6 hours
- 228.75(d)(2) -- Items from ambient air
- 228.75(d)(2) – received product cooled
- 228.75(d)(4) -- Raw shell eggs
- 228.77(4)(B)(v) -- Cook Chill/Sous Vide
- 228.71(d)(2) -- Non Continuous Cooking

Item 1 Proper Cooling time and temperature

Problem

Cooked (TCS) food shall be cooled within two hours (2hrs), from 135°F to 70°F

Cooked (TCS) food shall be cooled within a total of six hours, from 135°F to 41°F or less

Item 1 Proper Cooling time and temperature- Ambient temperature

(TCS) Food shall be cooled within four hours to 41°F or less, if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna

Raw animal foods that are cooked using non-continuous cooking process shall be immediately after initial heating, cooled

1. Proper Cooling

The right way…..

Item 2 Proper Cold Holding Temperature (41°F/ 45°F)

					2. Proper Cold Holding temperature(41°F/ 45°F)	

228.75(f)(1)(B)	Cold Hold (41°F/45°F or below)
228.75(f)(2)	Eggs stored in ambient air (45 F) or less.
228.77(4)(B)(v)(I)	Cook-Chill or Sous Vide (30 Day)
228.77(4)(B)(v)(II)	Cook-Chill or Sous Vide (7 Day)
228.77(4)(B)(v)(III)	Cook-Chill or Sous Vide--frozen
228.71(d)(3)	Non-continuous cooking
228.106(k)(1)(A)	Machine vending–cold hold criteria
228.106(k)(2)(A)	Machine vending--automatic shut off

Except during preparation, cooking, or cooling, or when time is used as the public health control, temperature/time control for safety food shall be maintained 41°F or less

Individually portioned cooked brisket 46°F

Sliced pepper jack cheese 44°F

Chop Tomato 49°F

Egg Wash 85°F

Chopped Lettuce 84°F

Boiled Cut eggs 55°F

Item 3 Proper Hot Holding Temperature (135°F)

3. Proper Hot Holding temperature (135°F)	

- 228.75(f)(1)(A) Hot Hold (135°F or higher)
- 228.77(4)(B)(iv) COOK-CHILL/SOUS VIDE. Sealed
- 228.71(d)(5) NON-CONTINUOUS COOKING.
- 228.106(k)(2)(B) Vending Machine

Item 3 Proper Hot Holding Temperature

122°F

Except during preparation, cooking, or cooling, or when time is used as the public health control, TCS food shall be maintained at 135°F or above, except that roasts cooked to a temperature and for a time specified, may be held at a temperature of 130°F or above

133°F

in a hot holding vending machine, the ambient air temperature may not be less than 135°F for more than 120 minutes (2 hours) immediately after the machine is filled, serviced, or restocked

Item 4 Proper cooking time and temperature-Eggs

FINAL COOKING TEMPS:

- Poultry -165°F
- Ground Beef (comminuted) -155°F
- Pork, seafood, fish -145°F
- Eggs broken immediately 145/holding -155°F
- Roast parameters – tables have remained same
- Microwave cooking requirements
- Non-continuous cooking requirements

5. Proper reheating procedure for hot holding (165°F in 2 Hours)

- 228.73(a) Rapidly reheat 165°F for hot holding
- 228.73(b) Reheat to 165°F in microwave
- 228.73(c) Commercially processed ready-to-eat (RTE) food reheat 135°F or above
- 228.73(d) Reheat within 2 hours
- 228.73(e) Roasts reheat for hot holding

4-hour limit

If time without temperature control is used as the public health control up to a maximum of 4 hours the food shall have an initial temperature of 41°F or less when removed from cold holding temperature control, or 135°F or greater when removed from hot holding temperature control. The food shall be cooked and served, served at any temperature if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control and the food in unmarked containers or packages, or marked to exceed a 4-hour limit shall be discarded

6-hour limit

228.75(i)(3) Time as a Public Health Control for cold foods NEW

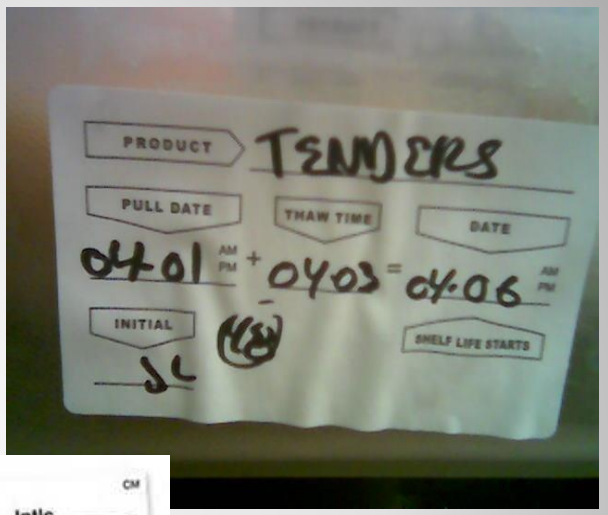
If time only is used as the public health control up to a maximum of 6 hours the food shall have an initial temperature of 41°F or less when removed from temperature control and the food temperature may not exceed 70°F within a maximum time period of 6 hours.
The food shall be discarded if the temperature of the food exceeds 70°F, or within a maximum of 6 hours

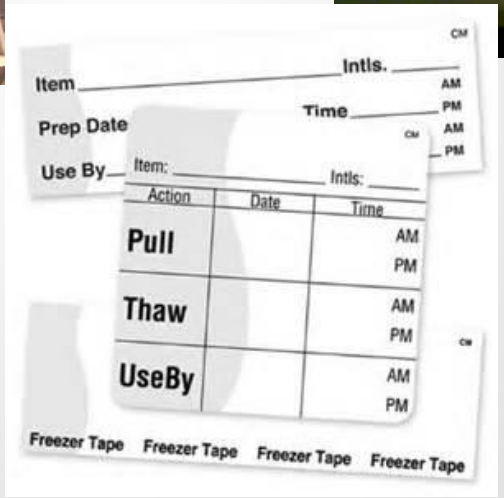
Cut Melons

6. Time as a Public Health Control; Procedures and Records

28. Proper Date Marking and Disposition

28. Proper Date Marking and disposition





Date Marking

Potato Salad with date of 5/24/15 observed in refrigeration unit on 6/1/15.

A food shall be discarded if it is appropriately marked with a date or day that exceeds a temperature and time combination as required

A food establishment that packages TCS food using a reduced oxygen packaging method shall implement a HACCP plan that Limits the refrigerated shelf life to no more than 30 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first

6. Time as a Public Health Control; Procedures and Records

Approved Source

					Approved Source	
					7. Food and ice obtained from approved source; Food in good condition, safe, and unadulterated	
					8. Food Received at proper temperature	

Item #7 is the same as approved source from previous report

228.62 Wild mushrooms approval by regulatory authority

Item #8 – adds the checking of Food temperatures at receiving

Food prepared in a private home or from an unlicensed food manufacturer or wholesaler, is considered to be from an unapproved source and may not be used or offered for human consumption in a establishment

Private Home

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting establishment operations

7. Food and ice obtained from approved source; Food in good condition, safe, and unadulterated; parasite destruction

7. Food and ice obtained from approved source; Food in good condition, safe, and unadulterated; parasite destruction

Parasite Destruction

Before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than Molluscan shellfish shall be frozen and stored at a temperature of:

-4°F or below for 168 hours (7 days) in a freezer
-31°F or below until solid and stored at -31°F for 15 hours
-31°For below until solid and stored -4°F or below for a minimum of 24 hours

Molluscan Shellfish

Molluscan shellfish that are recreationally caught may not be received for sale or service

Molluscan shellfish shall be obtained from sources according to law. Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List

7. Food and ice obtained from approved source; Food in good condition, safe, and unadulterated; parasite destruction

228.63(a)(1) Specifications for Receiving temperature at 41°F or less

228.63(a)(6) Cooked TCS foods received at 135°F or above

228.63(a)(7) A food labeled frozen and shipped frozen shall be received frozen

228.63(a)(8) Upon receipt, TCS food shall be free of evidence of previous temperature abuse, such as but not limited to odors, ice crystals, frost or discoloration.

228.106(k)(1)(B) TCS Foods for Vending Machine received at proper temperature

8. Food Received at Proper Temperature

Eggs

Raw shell eggs shall be received in refrigerated equipment that maintains an ambient air temperature of 45°F or less

Milk

Grade A Milk shall be received in refrigerated equipment that maintains an ambient air temperature of 45°F or less.

Molluscan Shellfish

Molluscan shellfish shall be received in refrigerated equipment or on ice that maintains a temperature of 45°F or less.

8. Food Received at Proper Temperature

Protection from Contamination	
9. Food Separated & protected prevented during food preparation, storage, and display	
10. Food contact surfaces; cleaned and sanitized	
11. Proper disposition of returned, previously served, reconditioned, & unsafe food	

- Item # 9 – same as previous about food protection from contamination
- Item # 10 – is what used to be item #25 and expands on the sanitizer concentration from warewashing. This does not cover good repair of food contact surfaces.
- 228.114(a)(2) Food-contact surface or utensil is in contact with a succession of different raw meat and poultry.
- Item # 11- 228.68(g) New conditions under which re-use of returnable and returnable take-home containers is permitted

Protection from Contamination

9. Food Separated & protected, prevented during food preparation, storage, display, and tasting

raw animal foods during storage, preparation, holding, and display from raw ready-to-eat

separating types of raw animal foods from each other

Cooked Shrimp

Raw Shrimp

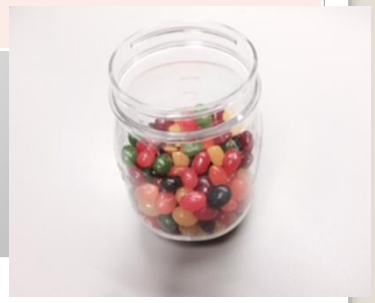
Item 9 – Food Separated and Protected, prevented during food preparation, storage, display and tasting

228.70(a)

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of packaging; counter, service line, or salad bar food guards; display cases; or other effective means

228.70(c)(2)

Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination



Except for fish that is frozen before, during, and after packaging, a establishment may not package fish using a reduced oxygen packaging method

§228.77(3)

10. Food contact surfaces and returnables; Cleaned and Sanitized at __ppm/temperature

10. Food contact surfaces and returnables; Cleaned and Sanitized at __ppm/temperature

Equipment food-contact surfaces and utensils shall be clean to sight and touch.

10. Food contact surfaces and returnables; Cleaned and Sanitized at __ppm/temperature

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows: a chlorine solution shall have a minimum temperature based on the concentration and pH of the solution

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows an iodine solution shall have a:

(A) minimum temperature of 68°F;

(B) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective; and

(C) concentration between 12.5 mg/L and 25 mg/L

10. Food contact surfaces and returnables; Cleaned and Sanitized at __ppm/temperature

Refilling returnables. Empty containers returned to a establishment for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant

A take-home food container returned to a establishment may be refilled at the establishment with food if the food container is:

(A) designed and constructed for reuse as specified in subchapter D of this chapter;

(B) one that was initially provided by the food establishment to the consumer, either empty or filled with food by the food establishment, for the purpose of being returned for reuse;

(C) returned to the food establishment by the consumer after use

11. Proper disposition of returned, previously served, reconditioned, & unsafe food

Previous service. Foods which have been previously served to a consumer may not be donated

(TCS) food may be donated if the food has been kept at or above 135°F during hot holding and service, and subsequently refrigerated to meet the time and temperature requirements

(TCS) food may be donated if the temperature of the food is at or below 41°F at the time of donation, and is protected from contamination

Labeling. Donated foods shall be labeled with the name of the food, the source of the food, and the date of preparation and used within the use by date for that product

Returned food and re-service of food. After being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption

Ready-to-eat food that may have been contaminated by an employee who has been RESTRICTED or EXCLUDED shall be discarded

Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded

Item 11 – Proper disposition of returned, previously served, reconditioned

Damaged foods. Heavily rim or seam-dented canned foods, or packaged foods without the manufacturer's complete labeling, shall not be donated

Distressed foods. Foods which are considered distressed, such as foods which have been subjected to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, or prolonged storage shall not be directly donated for consumption by the consumer. Such foods may be sold or donated to a licensed food salvage establishment if permitted

Item 11 – Proper disposition of returned, previously served, reconditioned

Highly Susceptible Populations	
16. Pasteurized foods used; prohibited food not offered Pasteurized eggs used when required	

Highly Susceptible Populations

- No Bare Hand Contact with Ready to Eat Foods.
- HSP establishment must use pasteurized eggs for undercooked food items containing egg.
- Juice has to be pasteurized.
- No Molluscan Shellfish or raw seed spouts.

Item 16- Pasteurized foods used; prohibited food not offered; pasteurized eggs used when required

24. Required records available (shellstock tags; parasite destruction); Packaged Food labeled

24. Required records available (shellstock tags; parasite destruction); Packaged Food labeled

24 Required Records Available (shellstock tags; parasite destruction); packaged Food labeled

Shellstock tags or labels

- **Bear legible source identification**
- Attached to original container
- Date of last product placed on tag/label
- **90 calendar days**
- **Chronological order**
- **Preserving source identification**
- **Not commingled**

- Common name of product
- List of ingredients
- Net weight
- Manufacturer’s name & address
- Consumer Instructions – Keep Refrigerated.
- Nutritional information if required
- Allergen Statement
- Nutrient Content Claims
- Health Claims

REQUIRED LABELING

Conformance with Approved Procedures

Conformance with Approved Procedures	
25. Compliance with Variance, Specialized Process, and HACCP plan; Variance obtained for specialized processing methods; manufacturer instructions	

HACCP PLAN

Principle 1	• Conduct a Hazard Analysis
Principle 2	• Identify the Critical Control Points
Principle 3	• Establish Critical Limits
Principle 4	• Monitor CCP
Principle 5	• Establish Corrective Action
Principle 6	• Verification
Principle 7	• Record Keeping

REDUCED OXYGEN PACKAGING

VARIANCE REQUEST

VARIANCE

A establishment shall obtain a variance from the regulatory before:

- Smoking
- Curing
- using food additives (like vinegar)
- reduced oxygen packaging
- custom processing animals
- sprouting seeds or beans
- Molluscan shellfish life-support system
- Not regulated in TFER
- Regulatory Authority deems necessary

Food preservative

The establishment must cease engaging in specialized processing methods until a variance has been approved by the Regulatory authority.

25- Compliance with Variance, Specialized process and HACCP plan; variance obtained for specialized processing methods; manufacturer instructions

228.77(2),(4),(6) ROP now has three categories including cook-chill and sous vide and no HACCP required option for ROP

228.77(2)(C)(iii) Reduced Oxygen Packaging (ROP) changed from 14 days to 30 days.

25- Compliance with Variance, Specialized process and HACCP plan; variance obtained for specialized processing methods; manufacturer instructions

25- Compliance with Variance, Specialized process and HACCP plan; variance obtained for specialized processing methods; manufacturer instructions

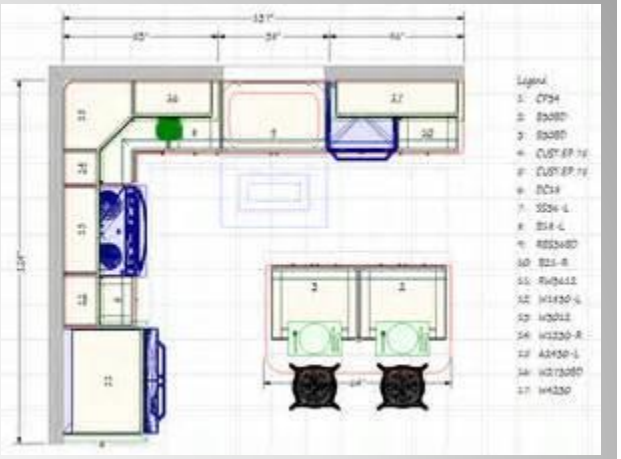
When are HACCP Plans required?

- Smoking
- Curing
- Using Food Additives
- ROP (48 hour exemption)
- Custom Processing (except Deer)
- Sprouting seeds or beans
- Operating a Molluscan shellfish life-support system tank

Food preservative

When plans are required. A permit applicant or permit holder may be required to submit to the regulatory authority properly prepared plans and specifications for review and approval before:

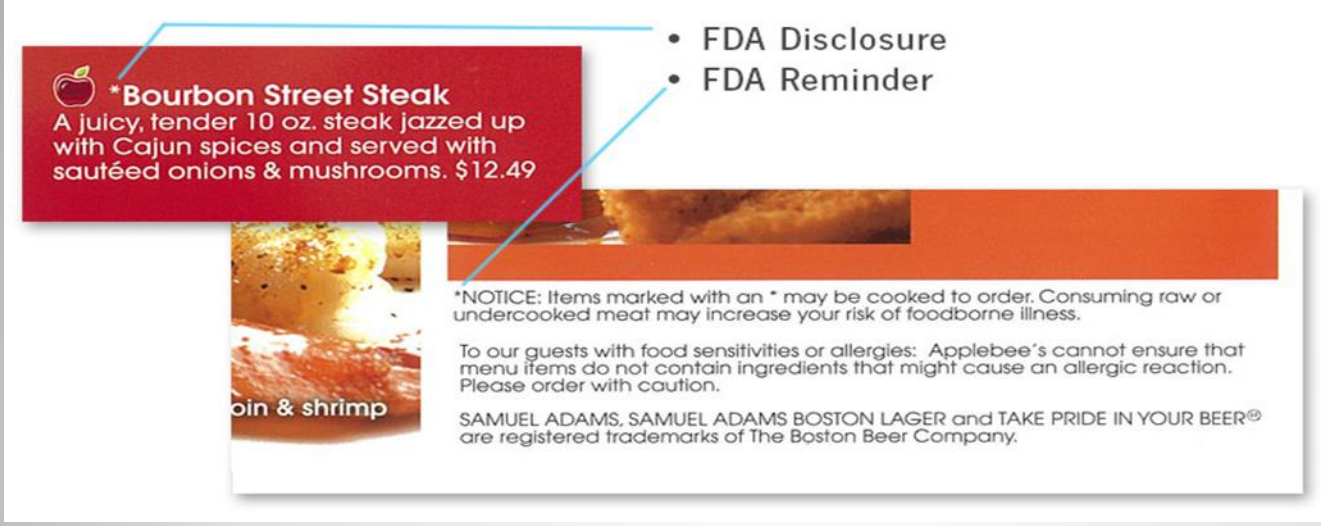
(1) the construction of a food establishment;
(2) the conversion of an existing structure for use as a food establishment; or
(3) the remodeling of a food establishment or a change of type of food establishment or food operation or under the conditions set by the regulatory authority, if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this code



25- Compliance with Variance, Specialized process and HACCP plan; variance obtained for specialized processing methods; manufacturer instructions

#26. Consumer Advisories

26. Posting of Consumer Advisory; raw or under cooked foods (disclosure/reminder/buffet plate)/Allergen Label



Disclosure shall include: a description of the animal-derived foods, such as "oysters on the half shell (raw oysters)," "raw-egg Caesar salad," and "hamburgers" (can be cooked to order);

Reminder shall include **asterisking** the animal-derived foods requiring disclosure to a footnote

Juice labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance: Juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens with the following, "WARNING: THIS PRODUCT HAS NOT BEEN PASTEURIZED AND, THEREFORE, MAY CONTAIN HARMFUL BACTERIA THAT CAN CAUSE SERIOUS ILLNESS IN CHILDREN, THE ELDERLY, AND PERSONS WITH WEAKENED IMMUNE SYSTEMS."

Not Labeled

Labeled

Major Food Allergen Labeling

Within the list of ingredients the common or usual name of a major food allergen is immediately followed parenthetically by the name of its food source ---- e.g., natural flavor (peanuts) whey (milk)

26. Posting of Consumer Advisory; raw or under cooked foods (disclosure/reminder/buffet plate)/Allergen Label

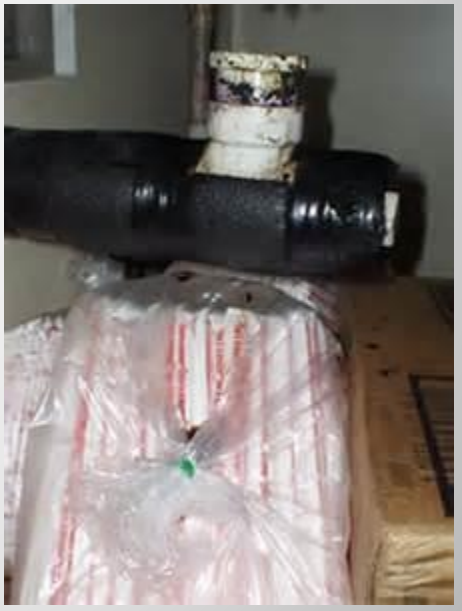
CONSUMER ADVISORY WARNING FOR RAW FOODS: In compliance with the Department of State Health Services, we advise that eating raw or undercooked meat, poultry, or seafood poses a risk to your health.

Consumer Advisories

????

27. Proper Cooling method used: Equipment adequate to Maintain Product Temperature

					37. Environmental contamination	



37. Environmental Contamination

Food preparation. During preparation, unpackaged food shall be protected from environmental sources of contamination

Outdoor food vending areas, overhead protection. Except for machines that vend canned beverages if located outside, a machine used to vend food shall be provided with overhead protection

Outdoor vending area.

Preventing contamination from other sources. Miscellaneous sources of Contamination. Food shall be protected from contamination

37. Environmental Contamination

37. Environmental contamination

Physical hazards

- Clean dry area
- 6 inches off floor
- Not exposed to dust, spills, splash, etc.
- Packages, covered containers, or wrappings
- Not in direct contact with coolant ice/water

Not allowed

Ice units, separation of drains. Liquid waste drain lines may not pass through an ice machine or ice storage bin

Beverage tubing, separation. Except for cold plates that are constructed integrally with an ice storage bin, beverage tubing and cold-plate beverage cooling devices may not be installed in contact with stored ice

Food shall be protected from cross contamination by storing the food in packages, covered containers, or wrappings

Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water

37. Environmental Contamination

Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection

- ✓ individual packages or portions
  - ✓ Can be re-used if non-TCS
- ✓ narrow-neck bottle containing catsup, steak sauce, or wine

37. Environmental Contamination

Proper Thawing methods:

- In refrigeration
- Under running draining water
- Part of the cooking process if frozen
- In a microwave as part of cooking process

Handout available on our website

TEXAS Department of State Health Services

Proper Thawing

PROPER THAWING:

- Under Running water at a water temperature of 70°F or below; with sufficient water velocity to agitate and float off loose particles in an overflow; and for a period of time that does not allow thawed portions of ready-to-eat food to rise above 41°F,
- As part of a cooking process if the food that is frozen is thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process,
- Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order,
- Food shall be thawed under refrigeration that maintains the food temperature at 41°F or less,
- Thawed as part of a cooking process if the food that is frozen is cooked.

Frozen Time/Temperature controlled for Safety Food (TCS) that is slacked to moderate the temperature shall be held under refrigeration that maintains the food temperature at 41°F or less

REMEMBER: If it states "keep frozen" then keep it frozen until you cook it!

Reduced Oxygen Packaged Fish

Has to be removed from package before thawing or immediately upon completion of thawing process.

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03-26-2013

38. Approved Thawing Method

38. Approved Thawing Method

(TCS) food shall be thawed reduced oxygen packaged fish that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment prior to, or immediately upon completion of, its thawing using procedures specified

Frozen food. Stored frozen foods shall be maintained frozen

41. Original Container Labeling (Bulk Food)

Standards of identity. Packaged food shall comply with standard of identity requirements

Label information shall include for any salmonid fish containing canthaxanthin or astaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin

Food shall be offered for human consumption in a way that does not mislead or misinform the consumer

Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food

Fish that are intended for consumption in their raw form and allowed may be offered for sale or service if they are obtained from a supplier that freezes the fish or frozen on the premises and records are retained

Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions

"Keep refrigerated". Separate raw foods from other foods, cooking, cold and hot holding requirements

Eggs that have not been specifically treated to destroy all viable Salmonellae shall be labeled to include safe handling instructions as specified in law

41. Original Container Labeling (Bulk Food)

Food storage containers, identified with common name of food. Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the food

Storage container of flour that is not readily identifiable is not labeled with the common name of the food on the container.

41. Original Container Labeling (Bulk Food)

41. Original Container Labeling (Bulk Food)

Bulk food that is available for consumer self-dispensing
prominently labeled

a. manufacturer's or processor's label that was provided with the food

a. a card, sign, or other method of notification that includes the information required

Right

Wrong

EQUIPMENT, UTENSILS, AND LINENS

SUBCHAPTER D

Proper thermometers provided and calibrated for all hot and cold holding units

Thin probe to check food temperatures capable of reading 0-220°F

29. Thermometers Provided, accurate, and calibrated; Chemical/Thermal test strips

Test strips provided for chemical sanitizer used or thermo-labels for checking heat sanitizing

Gauges to register rinse and final rinse temperatures for mechanical ware washing units

29. Thermometers Provided, accurate, and calibrated; Chemical/Thermal test strips

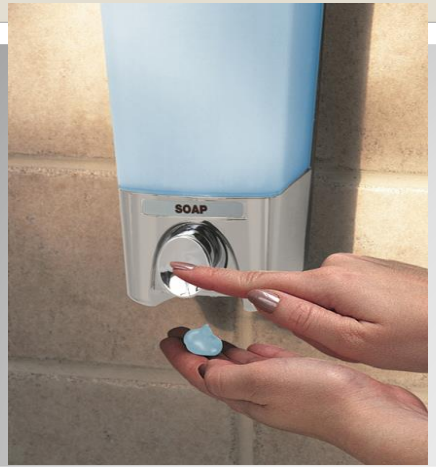
Utensils, Equipment, and Vending	
31. Adequate handwashing facilities: Accessible and properly supplied, used	
32. Food and Non-food Contact surfaces cleanable, properly designed, constructed, and used	
33. Warewashing Facilities; installed, maintained, used	

Utensils, Equipment and Vending

Hand washing facilities

- Number of sinks–at least one
- Conveniently located
- Accessible at all times
- Provide water at least 100°F through a mixing valve or combination faucet.
- Hand washing only

31. Adequate Handwashing facilities: Accessible and properly supplied, used



Hand washing cleanser, availability. Each hand washing sink or group of 2 adjacent sinks shall be provided with a supply of hand cleaning liquid, powder, or bar soap.

Hand drying provision. Each hand washing sink or group of adjacent sinks shall be provided with: individual, disposable towels; a continuous towel system that supplies the user with a clean towel; or a heated-air hand drying device. A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

31. Adequate Handwashing facilities: Accessible and properly supplied, used

228.38(b)(4)

If approved and capable of removing the types of soils encountered in the food operations involved, an automatic hand washing facility may be used by food employees to clean their hands or surrogate prosthetic devices

NEW

228.38(b)(3)

To avoid re-contaminating their hands or surrogate prosthetic devices, food employees may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a hand washing sink or the handle of a restroom door

31. Adequate Handwashing facilities: Accessible and properly supplied, used

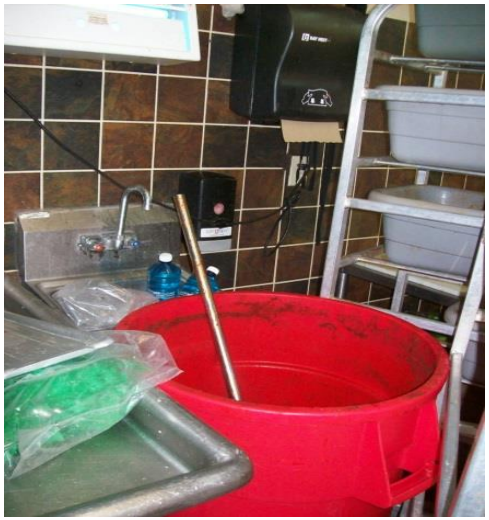
WHAT IS CONSIDERED INACCESSIBLE?

WHAT IS CONSIDERED INACCESSIBLE?

Improperly Used

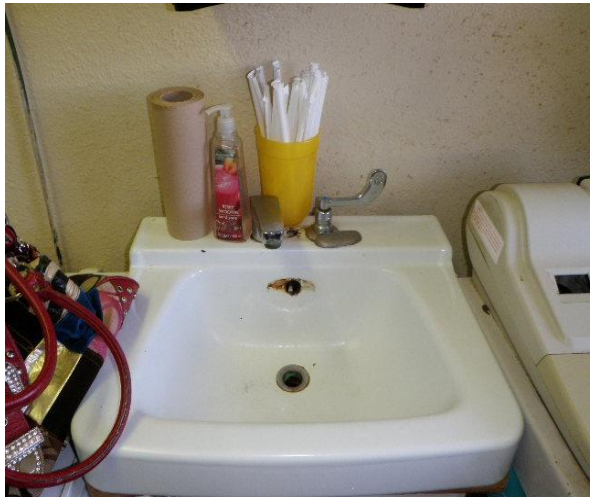
This is still accessible because they can move the items.

Improperly Used



Not Accessible

Inadequate



Improperly Used

Not Accessible

WHAT IS CONSIDERED INACCESSIBLE?

Item 32 – Food and Non-food Contact Surfaces Cleanable, Properly Designed, Constructed and used

Food contact surfaces cracked, pitted, not cleanable

Smooth, durable, nonabsorbent

Item 32 – Food and Non-food Contact Surfaces Cleanable, Properly Designed, Constructed and used

228.111(m) Pressure measuring devices for mechanical warewashing equipment are now required to register in the range indicated on the manufacturer's data plate instead of previous being required to register in a range of 15-25.

					33. Warewashing Facilities; installed, maintained, used Service sink or curb cleaning facility provided/	

Item 33 Warewashing Facilities; installed, maintained, used

Item 33 Warewashing Facilities; installed, maintained, used

If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized before and after using the sink

33. Warewashing Facilities; installed, maintained, used

Service Sink or Curb Cleaning Facility Provided

228.111(m) Pressure measuring devices for mechanical warewashing equipment are now required to register in the range indicated on the manufacturer's data plate instead of previous being required to register in a range of 15-25.

At least one service sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste

SERVICE SINK OR CURBED CLEANING FACILITY

SERVICE SINK

CURBED CLEANING FACILITY

Service Sink or Curbed Cleaning Facility

§229.166.(g)(3)...requires at least one service sink or curbed cleaning facility shall be provided with a floor drain.

§229.166(c)(1)(2)(3)...requires water to of sufficient capacity, under pressure, and hot water to be sufficient to meet the peak hot water demands throughout the food establishment.

TEXAS Department of State Health Services

Food Establishments Group
www.dshs.state.tx.us/foodestablishments

Publication # 23-13732 - 04/11

A ware washing sink may not be used for hand washing or dumping mop water

Item 33 Warewashing Facilities; installed, maintained, used
Service Sink or Curb Cleaning Facility Provided

					Proper Use of Utensils	
					39. Utensils, equipment, & linens; properly used, stored, dried, & handled/ In use utensils; properly used	
					40. Single-service & single-service articles; properly stored and used	

228.101(g) Added the different types of hard, closed-grain wood as examples

228.125(c) Exposed, unused tableware must now be changed between customers or washed, rinsed and sanitized if not used.

Proper use of Utensils

Soiled and clean tableware. Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated

Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided

39. Utensils, equipment and linens; properly used, stored, dried and handled/ In use utensils; properly used

39. Utensils, equipment and linens; properly used, stored, dried and handled/ In use utensils; properly used

Preset tableware. Tableware that is preset shall be protected from contamination by being wrapped, covered, or inverted

Preset tableware may be exposed if:

(A) unused settings are removed when a consumer is seated; or

(A) settings not removed when a consumer is seated are cleaned and sanitized before further use

In-use utensils, between-use storage. During pauses in food preparation or dispensing, food preparation and dispensing utensils…

- In food with handle up
- Clean portion of table or counter
- Running water of sufficient velocity to flush particulates
- Container of water if the water is maintained at a temperature of at least 135 ° F and the container is cleaned
- Available for each container displayed at a consumer self-service unit such as a buffet or salad bar.

39. Utensils, equipment and linens; properly used, stored, dried and handled/ In use utensils; properly used

Take home containers (non-TCS food)

Refilled by employees or the consumer if refilling is a contamination-free process

Nonfood-specific may be filled at a water vending machine or system

Non-TCS Food

- surfaces of utensils and equipment shall be cleaned at any time when contamination may have occurred
- shall be cleaned at least every 24 hours
- cleaned before restocking consumer self-service equipment

39. Utensils, equipment and linens; properly used, stored, dried and handled/ In use utensils; properly used

Linens and Napkins

- May not be used for food contact, unless its replaced each time
- Free of food residues and other soil matter
- Must be laundered between uses

- Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags

39. Utensils, equipment and linens; properly used, stored, dried and handled/ In use utensils; properly used

Items that are kept in closed packages may be stored less than 6 inches above the floor on dollies, pallets, racks, and skids that are designed to be moveable

Case lot handling equipment, movability. Equipment, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available equipment such as hand trucks and forklifts

39. Utensils, equipment and linens; properly used, stored, dried and handled/ In use utensils; properly used

39. Utensils, equipment and linens; properly used, stored, dried and handled/ In use utensils; properly used

Vending machine Construction

- Doors/access opening covers –tight fitting
- Connection openings closed by sealants, clamps, or grommets
- Self-closing door or cover if the machine is located in an outside area
- A self-closing door or cover if the machine is available for self-service during hours when it is not under the full-time supervision of a food employee

40. Single-service & single-service articles; properly stored and used

Single-service and single-use articles shall be:

- Stored and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used
- Handled, displayed, and dispensed so that contamination of food- and lip-contact surfaces is prevented
- Furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser intended for food- or lip-contact
- Not be reused

Mollusk and Crustacea shells may not be used more than once as serving containers.

36. Wiping Cloths; properly used and stored

- Dry if only used for tableware or carry-out container spills
- Used for only one purpose
- Stored in sanitizer between uses
- Wiping cloth Sanitizer containers stored off floor
- Laundered daily
- Single-use disposable sanitizer wipes*

PLUMBING, WATER, AND WASTE

SUBCHAPTER E

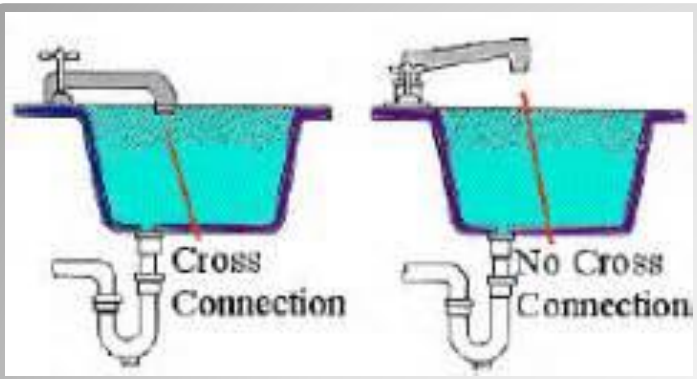
- 228.147(c)(2) Prohibitions for service sinks for the disposal of mop water and similar liquid waste.

- 228.145(a) Changed the requirement for plumbing systems from according to law to according to the plumbing code (see definitions section).

Subchapter E- relating to Water, Plumbing, and Waste.

Water/ Plumbing	
19. Water from approved source; Plumbing installed; proper backflow device	
20. Approved Sewage/Wastewater Disposal System, proper disposal	

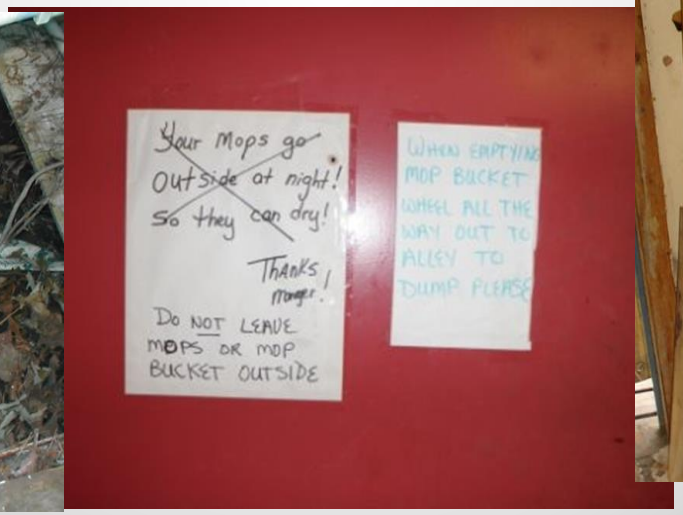
WATER/PLUMBING



Item 19-Water from an approved Source; Plumbing installed; proper backflow device

Item 20– Approved Sewage/Wastewater disposal system, proper disposal

Conveying sewage. Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to the Plumbing Code



Records of all bacteriological tests and of any boil water notification shall be kept on site.

Testing for microbial contaminants shall be performed at an accredited laboratory

A supply of sodium hypochlorite or calcium hypochlorite disinfectant shall be kept on hand for use when making repairs and repairing line breaks

Comply with the rules and regulations under this chapter

You can't buy a kit and test the water yourself.

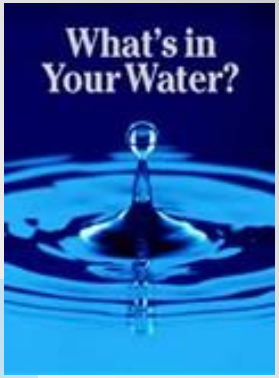
47. Other Violations

					Safe Water, Recordkeeping and Food Package Labeling	
					23. Hot and Cold Water available; adequate pressure, safe	

Safe Water, Recordkeeping and Food Package Labeling

Item 23 – Hot and Cold water available; adequate pressure, safe

The water source and system shall be of sufficient capacity to meet the peak water demands of the establishment



Water supply. An adequate supply of water shall be available at all times in each food service facility, with a minimum of 24 Gallons/Person/Day (GPD) provided

Water pressure. minimum pressure of 35 pounds per square inch (psi) and shall be designed to provide the maximum daily demand for the various types of facilities.
firefighting capability -- minimum pressure of 20 psi under combined fire and drinking water flow conditions.
Minimum distribution pressure shall not be less than 20 psi at any time

PHYSICAL FACILITIES

SUBCHAPTER F

- 228.174(h) Outdoor Servicing Areas, Overhead Protection
- 228.186(k) Controlling pests language change

Subchapter F- Relating to Physical Facilities

Physical Facilities
42. Non-Food Contact surfaces clean
43. Adequate ventilation and lighting; designated areas used
44. Garbage and Refuse properly disposed; facilities maintained
45. Physical facilities installed, maintained, and clean
46. Toilet Facilities; properly constructed, supplied, and clean
47. Other Violations

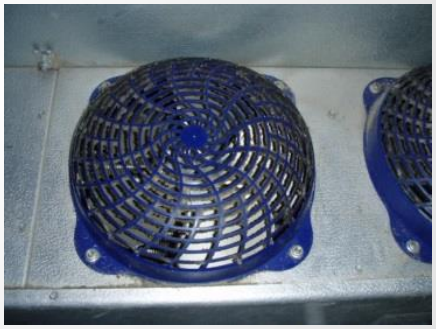
Physical Facilities

42. Non-Food Contact surfaces clean

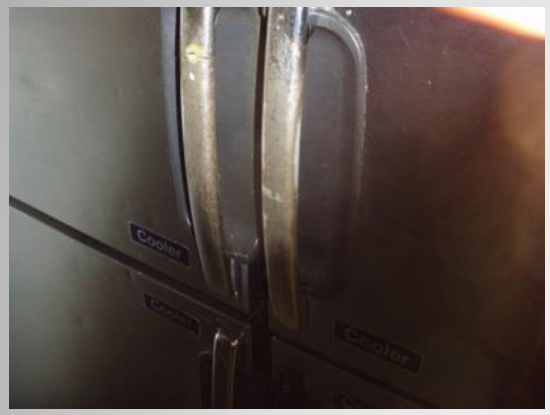
Nonfood-contact surfaces

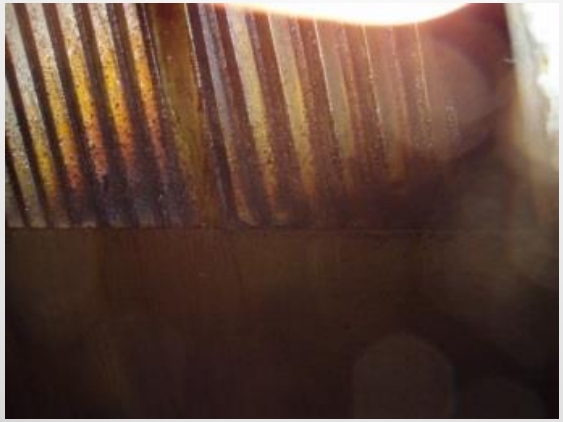
Kept free dust, dirt, food residue, and other debris

Clean frequently



42. Non-Food Contact Surfaces clean





43. Adequate ventilation and lighting; designated areas used

Light intensity

- floor, walk-in cooler units and dry food storage = least 108 lux (10 foot candles)
- consumer self-service (buffet, salad bar) = least 215 lux (20 foot candles) at a surface
- inside equipment (reach-in and under-counter refrigerators) = least 215 lux (20 foot candles)
- hand washing, Ware washing, equipment/utensil storage, and toilet rooms= least 215 lux (20 foot candles)
- where employee is working with food or utensils or equipment = least 540 lux (50 foot candles)

Light bulbs shall be shielded, coated, or otherwise shatter-resistant

43. Adequate ventilation and lighting; designed areas used

Ventilation hood systems, adequacy. Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings

Ventilation, Mechanical. If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided

Heating, ventilating, air conditioning system vents. Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment, or utensils

If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge

44.Garbage and Refuse Properly disposed; facilities maintained

Garbage receptacles inside shall be:

1. Impervious receptacles shall be provided for storage of garbage and refuse.

2. Sufficient capacity to hold refuse, recyclables, and returnables that accumulate

3. Provided in each area of the establishment or premises where refuse is generated or commonly discarded

4. A waste receptacle shall be located at each lavatory or group of adjacent lavatories for disposal towels

5. Kept covered inside the establishment if the receptacles and units contain food residue and are not in continuous use

44.Garbage and Refuse Properly disposed; facilities maintained

Receptacles outside the establishment shall:

1. be designed and constructed to have tight-fitting lids, doors, or covers that are kept closed when not in use

2. be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized

3. have drain plugs in place

4. not create a public health hazard or nuisance or interfere with the cleaning of adjacent space

44.Garbage and Refuse Properly disposed; facilities maintained

Outdoor storage surface area and enclosures shall be:

1. constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable, and sloped to drain
2. maintained free of unnecessary items and clean.
3. maintained in good repair
4. be curbed and graded to drain to collect and dispose of non-sewage liquid waste

45. Physical facilities installed, maintained, and clean

Flooring:

- Floor and wall junctures shall be coved and sealed to no larger than 1 mm (one thirty-second inch)
- Graded to drain
- Absorbent materials on floors, use limitation. Carpeting, sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors
- Especially in food preparation areas, walk-in refrigerators, ware washing areas, toilet room areas where hand washing lavatories, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods

45. Physical Facilities installed, maintained and clean

Wall and ceiling covering:

- ❑ easily cleanable and kept clean (including decorative items)
- ❑ light in color
- ❑ only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface
- ❑ studs, joists, and rafters may not be exposed in areas subject to moisture

Is all this décor kept clean?

45. Physical Facilities installed, maintained and clean

Physical facilities

cleaned frequently
maintained in good repair
free of litter and unnecessary items

45. Physical Facilities installed, maintained and clean

Laundry Facilities:
Provided If work clothes or linens are laundered on the premises, not for any other purpose

located to protected from contamination of exposed food or food related items

Dressing Areas and Lockers, Designation.
Provided, designated and used for the orderly storage of employees' clothing and other possessions

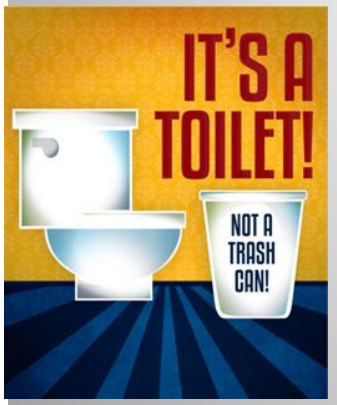
Areas designated for employees to eat, drink, and use tobacco located away from food and food related items

Living or sleeping quarters, separation

46. Toilet Facilities; properly constructed, supplied and clean

Toilets and urinals

- ✓ Provided
- ✓ Convenient and accessible
- ✓ Enclosed–tight fitting door
- ✓ Toilet tissue provided
- ✓ Lidded trashcan or sanitary napkin holder



Toilets, urinals and showers may not be used as a service sink for the disposal of mop water and similar liquid waste

Separate restrooms would be required.

Plumbing system and fixtures shall be cleaned and maintained in good repair.

34. No Evidence of Insect contamination, rodent/other animals

228.186(k) Controlling pests language change from **minimize to eliminate**

Controlling pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises

Remember an establishment needs to have control measures to eliminate the presence of insects, rodents, and other animals.
Thus the presence is a core item

Item 34-No Evidence of insect contamination, rodent/other animals

Insect control devices, design and installed to retain the insect within the device

Removing dead or trapped birds, insects, rodents, and other pests

Item 34-No Evidence of insect contamination, rodent/other animals

Outer openings protected

- solid, tight fitting doors, windows
- 16 mesh screens
- walls, ceiling protected
- seal pipe penetrations

Item 34-No Evidence of insect contamination, rodent/other animals

Live animals may not be allowed on the premises of a food establishment

Except

- ✓ Edible/ decorative fish
- ✓ Patrol/sentry dogs
- ✓ Service animal (canine)
- ✓ In common areas where no food or food related items are exposed
- ✓ Live/dead fish bait

POISONOUS OR TOXIC MATERIALS

SUBCHAPTER G

Chemicals

Chemicals	
17. Food additives; approved and properly stored; Washing Fruits & Vegetables	
18. Toxic substances properly identified, stored and used	

- 228.206(b) Chemical for Washing, Treatment, Storage, and Processing Fruits and Vegetables
- 228.210 Section added to require first aid supplies on site

Item 17- Food additives; approved and properly stored; washing fruits and vegetables

Food additives was added as an item separate from toxic chemicals

Examples:
Establishment using unapproved chemical for washing apples. [COS] Apples voluntarily destroyed.

How does FDA recommend washing fruits and vegetables?

FDA recommends washing fruits and vegetables under running water just before eating, cutting, or cooking. FDA does not recommend the use of soap, detergent, or commercial produce washes.

Item 18- Toxic substances properly identified, stored and used

An unlabeled bottle of cleaner was observed on a counter in the food preparation area. The bottle was labeled & stored under the ware washing sink. [COS]

An unapproved can of pesticide labeled for household use was stored in the dry food storage area. The pesticide is not approved for use in a food establishment. The can was removed from the building. [COS]

The Chlorine sanitizing solution in the third compartment of the warewashing sink was observed to be greater than 200 parts per million (ppm). TFER requirements state 50-100 ppm for manual warewashing. Water was added to the 3rd bay of the sink until the sanitizer concentration was at 50ppm as verified with Chlorine test strips. [COS]

Item 18- Toxic substances properly identified, stored and used

REQUIREMENTS APPLICABLE TO CERTAIN ESTABLISHMENTS

SUBCHAPTER H

- 228.221(a)(3) Clarification added to require mobile units to be readily movable
- 228.221(a)(8) and (9) Fill hose and water tank shall be labeled “Potable Water” and liquid waste holding tank labeled “waste water”
- 228.221 (a)(11) Toilet rooms must be conveniently located and accessible to employees while operating
- 228.149(f)(12) Added a provision to allow the regulatory authority to test a mobile food unit holding tank for contamination

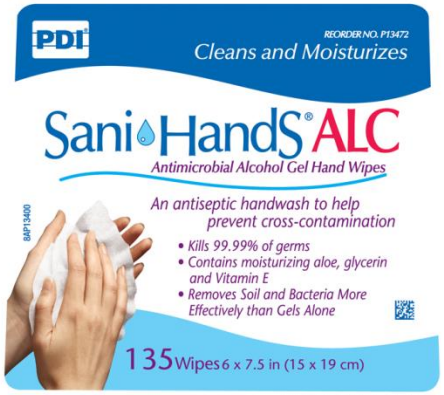
Mobile food units (MFU)

Item 14- hands cleaned and properly washed/gloves used properly

Mobile or Temporary Event

If approved by the regulatory authority, when no food exposure exists and handwashing sinks are not conveniently available, such as in some MOBILE FOOD UNITs or TEMPORARY FOOD ESTABLISHMENTs or at some vending machine locations, employees may use chemically treated towelettes for handwashing

228.147(a)(3) allows chemically treated towelettes for handwashing when no exposure of food is taking place and hand sinks are not conveniently available. Previously read 'limited exposure'.



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- 228.222(k) Temporary food establishment requirements for floors, walls, and ceilings
- 228.222(a)(2) Each temporary unit may be required to have at least one person on site with an accredited food handler certification
- 228.222(h) All waste water and sewage generated from the establishment shall be disposed of through an approved sanitary sewage system

Temporary food Establishments

Bed and Breakfast Establishments

- 228.223(b) The owner or manager shall successfully complete a food manager's certification course approved by ANSI- CFP.

Outfitter Operations

- 228.224(l) If food other than pre-packaged ready to eat food is being served, at least one guide during the excursion shall successfully complete a food manager's certification course accredited by this department.

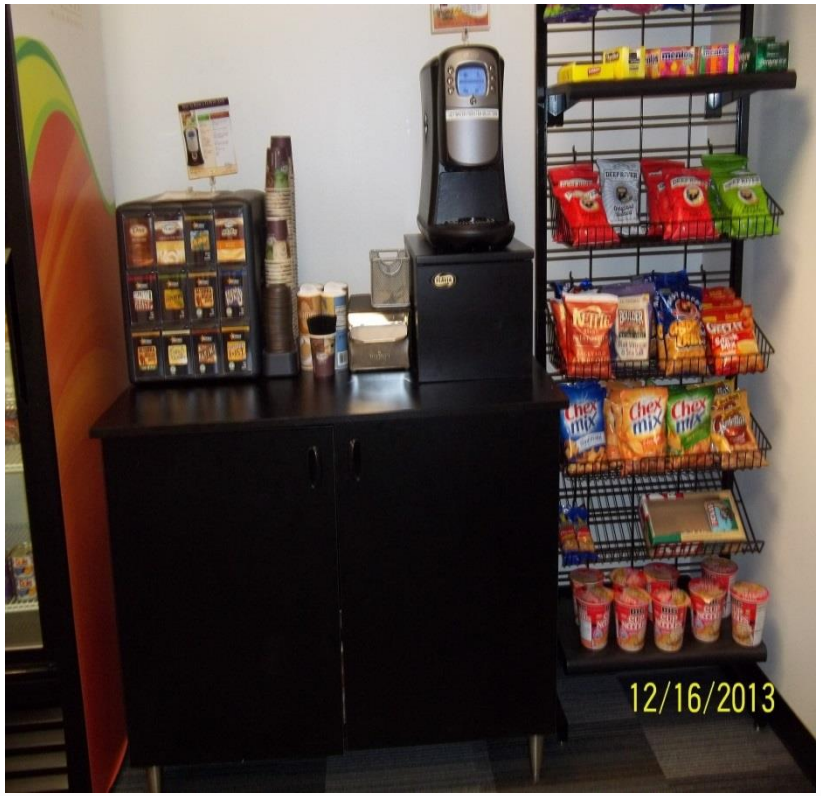
- 228.224(d)(6) Leftovers shall not be re-heated or re-served.

Warewashing. Alternative manual warewashing equipment, such as receptacles that substitute for the compartments of a multi-compartment sink, may be used for washing and sanitizing utensils when approved by the regulatory authority. Outfitters without effective facilities for cleaning and sanitizing tableware shall only provide single-service articles for use by food employees and consumers

Item 33 Warewashing Facilities; installed, maintained, used

Self-Service food Markets

- New Section 228.225
- Unmanned food establishments located in factories, office buildings, or businesses
- What are they?


12/16/2013

Häagen-Dazs
ICE CREAM
Nestlé
12/16/2013

CRUNCH
SUGAR BABIES
TWIX
12/16/2013

12/16/2013

Self-Service Food Markets shall have a sign readily visible from the automated payment kiosk stating:

(1)the name of the business to whom complaints/ comments shall be addressed,

(2)the address of the business responsible for the market, and

(3)the responsible business' telephone number and email or web information, when applicable

47 Other Violations

COMPLIANCE

SUBCHAPTER I

- 228.248 Regulatory Authority shall assess existing facility or equipment: (D) The existence of a documented agreement with the permit holder that the facilities or equipment will be replaced as specified.

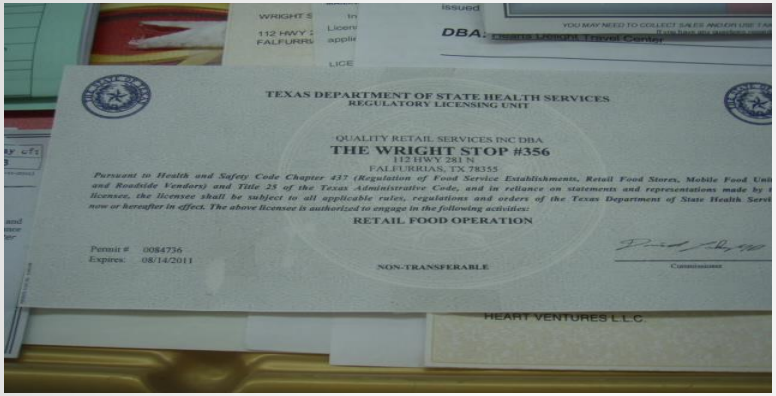
- 228.244(c) Before ROP w/o Variance, submit HACCP plan.

Subchapter I- Compliance

- 228.249(b) Risk based inspection frequency
- 228.249(c) Periodically inspect TFE:
  - TCS/temporary facilities/equipment/ inexperienced food employees.
- 228.253(2)(A) Timely correction
  - Priority Items -- 3 Days
  - Priority Foundation Items – 10 days
  - Core Items – 90 days or next inspection whichever comes first

Subchapter I- Compliance, CONT.

Permit Required, prerequisite for Operation



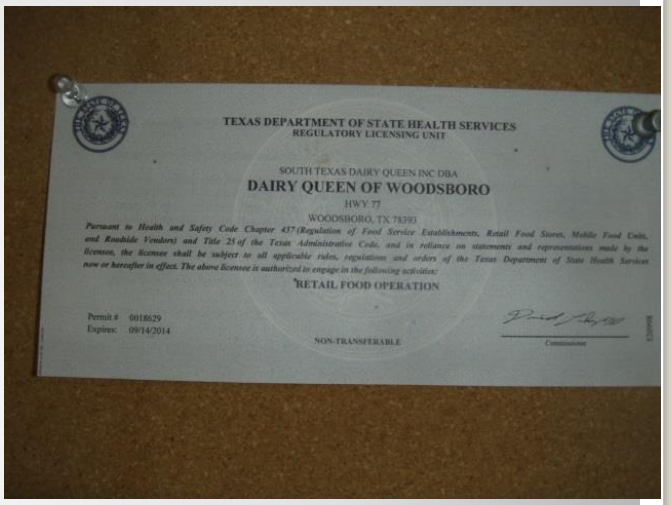
- ✖ 228.244 New paragraphs that deal with plan review and the context of plans and specifications: submit plans & specifications for review and approval.

Upon acceptance of the permit issued by the regulatory authority, the permit holder in order to retain the permit shall post the permit in a location in the establishment that is conspicuous to consumers

NEW

228.248(11)
Notify customers that a copy of the most recent establishment inspection report is available upon request by posting a sign or placard in a location in the establishment that is conspicuous to customers or by another method acceptable to the regulatory authority.

Permit posted in Office



47. Other Violations

PRIVATE WATER SYSTEMS

SUBCHAPTER J

- Subchapter J- Private Water Systems
- Food Establishments with private water wells not regulated by the Texas Commission on Environmental Quality may need to upgrade their systems to meet new water supply regulations.
- Added requirements for primary constituent levels

New additions to the proposed rule

- Most items related to private water systems fall under approved water source #19

					Water/ Plumbing	
					19. Water from approved source; Plumbing installed; proper backflow device	
					20. Approved Sewage/Wastewater Disposal System, proper disposal	

PRIVATE WATER SYSTEMS

Establishment has a private water well and serves fewer than 25 customers per day for 60 days out of the year. Documentation of bi-annual bacteriological testing is needed for proof of potable water source.

Establishment serves greater than 25 customers per day for 60 days out of the year for drinking and as food ingredient, monthly bacteriological testing is required.

PRIVATE WATER SYSTEMS

QUESTIONS?????

Contact Us

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THANK YOU FOR YOUR ATTENTION!