



# DEPARTMENT OF PUBLIC HEALTH AND WELLNESS

## Kentucky Food Code Changes

The Louisville Metro Department of Public Health and Wellness strongly advises business owners and food service managers to familiarize themselves with the new code and assure that they are **in compliance by the May 1, 2010 implementation date**. All managers and operators are encouraged to review the information found in this handout and at our website concerning the revisions to the regulation as well as a link to the full FDA 2005 model food code. Please contact the health department if you have any questions about how these changes may affect your business.

### Points of Interest in the New Food Code

- The “temperature danger zone” will now be 41°F to 135°F
- Date marking gives a product a specific number of days to be consumed or discarded
- Handling ready-to-eat foods requires utensils or gloves that are food-use approved
- A designated, knowledgeable person in charge is now required to be on site during hours of operation
- Cleaning and sanitizing surfaces and utensils is highly important in preventing cross contamination
  - Employees with specific illnesses should be excluded or restricted from work
- It is required to advise consumers if your establishment serves raw or undercooked foods

### Date Marking

All ready-to-eat (**RTE**), potentially hazardous foods (**PHF**) that are prepared on-site and are held in refrigeration for more than 24 hours must be marked with the date of preparation or with the date by which the food shall be consumed, sold, or discarded.

**Note:** Day #1 shall be counted as the day of preparation, removal from container or day & time at which frozen food was thawed. Freezing food stops time.

IF	THEN
On site preparation of food to be refrigerated more than 24 hrs	Hold at 41° F or less and consume or discard in 7 days -OR- Hold between 41°F-45°F and consume or discard by day 4
Food from a commercial container	Must be consumed, sold or discarded by the manufactures date
Food was removed from freezer	Hold at 41°F or less, discard/consume by Day 7 -OR- Hold between 41°F - 45°F, discard/consume by Day 4



### Bare Hand Contact with Ready-to-Eat Foods

**Employees are now prohibited from touching RTE foods with bare hands (except when washing fruits and vegetables) to prevent food contamination.**

Bare hand contact can be avoided by using utensils (such as deli tissue, spatulas, tongs, or dispensing equipment) or food handler’s single-use gloves. Foods not in RTE form (such as raw meats prior to cooking) shall have *minimized contact* with food employees’ bare hands and arms.

**Note:** The new code does provide some exceptions under strict requirements, contact us for more info.

## Hot and Cold Holding



Hot holding temperature for PHF has been lowered from 140°F to **135° F** or above.

Cold holding units are required to maintain a temperature of **41° F** or below. Eggs may still be held at 45° F or below. Limited exceptions are made for 5 years for existing equipment that can maintain 45° F but not 41° F.

*Note: This allowance is only for 5 years and shortens the length of time foods can be held to 4 days.*

## Cooling Time and Temperatures

Potentially hazardous foods shall be cooled from:

- a) 135° F to 70° F within 2 hours **and**
- b) 41° F within 4 hours

A one step process may be used for potentially hazardous foods that are prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna. These foods shall be cooled within 4 hours to 41°F.

## Employee Hand Washing and Hygiene

The new food code provides very specific requirements and guidelines for frequent and effective hand washing. Food employees shall keep their hands and exposed portions of their arms clean.

**The code requires visible signage that notifies employees to wash their hands to be posted at all hand washing sinks used by food employees.**

When to Wash: Food employees shall clean their hands and exposed portions of their arms:

- Immediately before food prep, working with clean equipment and utensils and unwrapped single-service and single use articles; after using the toilet room; after coughing, sneezing or using a tissue; after eating, drinking or using tobacco; when switching between working with raw food and RTE food; before putting on gloves to engage in food prep; after handling soiled equipment or utensils; after caring for or handling service or aquatic animals; as often as necessary to remove soil and contamination to prevent cross contamination when changing tasks; or after engaging in other activities that contaminate the hands and arms.

Employee Cleanliness:

- Food employees may not wear fingernail polish or artificial nails when working with exposed food *unless wearing intact gloves in good repair*.
- Food employees may not wear jewelry on their arms and hands *except for a plain ring such as a wedding band*, while preparing food.
- Food employees shall only eat, drink or use any form of tobacco *in designated areas* where the contamination of exposed food; clean equipment, utensils and linens; unwrapped single-service and single-use articles; or other items needing protection can not occur.



## Required Consumer Advisory: Disclosure and Reminder

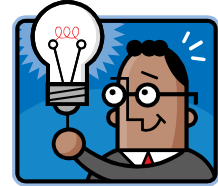
If an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, the permit holder shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.

**Disclosure**-identification of the foods that are raw must be depicted on the menu with a symbol (\*uncooked or undercooked) and

**Reminder**- that written information is available upon request and that consuming raw or undercooked foods may increase risk of food borne illness.

## Manager and Operator Food Safety Knowledge

The **person in charge (PIC)** of the establishment must demonstrate to the health department that they are knowledgeable about the prevention of food borne disease and food code requirements.



This knowledge can be demonstrated by:

- \* Having no critical violations during the current inspection,
- \* Being a certified Food Protection Manager who has shown proficiency of required information passing a test that is part of an accredited program or local health department training or
- \* Responding correctly to the inspector's questions and providing satisfactory explanations for each as they relate to the specific food operation.

Note: Per ordinance #11 series 1989 Louisville Metro requires a certified food service manager to be present at all times of operation .

## Employees with Illness

Food employees (both permanent and temporary) shall report to the manager or owner information about their health and activities related to diseases that are transmissible through food.



**Food employees must disclose to the person in charge (PIC) if they are experiencing:**

- vomiting, diarrhea, jaundice, sore throat with fever or a lesion containing pus or infected on the hands or wrists (unless protected by an impermeable cover) or exposed portions of the arm.

Food employees shall report if they have been diagnosed by a health practitioner with an illness due to: *Norovirus*, *Hepatitis A*, *Shigella*, Shiga toxin-producing *E coli* or *Salmonella typhi.*, has been exposed to, or is the suspected source of a confirmed disease outbreak of: *Norovirus* within the past 48 hours of exposure, Shiga Toxin-Producing *E coli* within the past 3 days, *Salmonella* within the past 14 days or *Hepatitis A* within the past 30 days.

The manager or operator shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure to any of the above diseases shall be excluded or restricted from work as specified under 2-201.12.

## Highly Susceptible Populations

The new food code provides additional restrictions and requirements for establishments that serve foods to highly susceptible populations defined as persons who are more likely than other people in the general population to experience food borne disease because they are:

1. Immune compromised; children 6 years of age & younger, older adults; and
2. Obtaining food at a facility that solely provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.



## Time as a Public Health Control

Operators may elect to use time (rather than temperature alone) as a method to control the growth of pathogenic bacteria in PHF.

**Written procedures and strong knowledge of food safety principles are required for this practice.**

Please refer to 3-501.19 of the 2005 FDA code for more details and contact the health department if you wish to use this type of practice.

## Cross-Contamination of Food Contact Surfaces and Utensils



The new code provides specific requirements for the procedures that must be followed for cleaning and sanitizing of food contact surfaces and utensils in the establishment.

### **Food shall be protected from cross-contamination by:**

1. Separating raw animal foods (except when being combined as ingredients) during storage, preparation, holding and display from raw RTE foods (such as fruits, vegetables and fish for sushi).
2. Separating different types of raw animal foods from each other (such as beef, fish, lamb, pork and poultry) during storage, preparation, holding and display by: using separate equipment for each type, or preparing each type of food at different times or in separate areas.
3. Proper cleaning and sanitizing of food contact surfaces, equipment and utensils should take place each time there is a change from working with raw foods to working with RTE foods.
4. Storing food in packages, covered containers or wrappings and cleaning visibly soiled containers before opening.
5. Separating fruits and vegetables before they are washed from RTE foods.

## Updates for Food Establishments serving Sushi or Undercooked Fish

### Parasite Destruction

Raw, raw marinated, partially cooked or marinated partially cooked fish **are required to be:**

- Frozen and stored at a temperature of  $-4^{\circ}\text{F}$  ( $-20^{\circ}\text{C}$ ) or below for a minimum of 168 hours (7days) in a freezer.
- Frozen at  $-31^{\circ}\text{F}$  ( $-35^{\circ}\text{C}$ ) or below until solid and stored at  $-31^{\circ}\text{F}$  ( $-35^{\circ}\text{C}$ ) or below for a minimum of 15 hours; or
- Frozen at  $-31^{\circ}\text{F}$  ( $-35^{\circ}\text{C}$ ) or below until solid and stored at  $-4^{\circ}\text{F}$  ( $-20^{\circ}\text{C}$ ) or below for a minimum of 24 hours.
- Proper documentation is required.



These requirements do not apply to: Yellow fin, Big eye, Northern Blue fin, Southern Blue fin Tunas AND Farm-Raised aqua cultured fish such as salmon that are pellet fed AND Molluscan Shellfish.

### Sushi Rice Requirements

Rice not being held at a temperature of **41°F or below or 135°F or above** must be prepared by a method to control **pH to a level of 4.2 or below** or by other approved methods.

\*The person in charge (PIC) must show knowledge of how to properly test the pH of sushi rice when finished preparing and prior to using the rice for sushi if it is not held at the temperatures mentioned above.

### Records, Creation and Retention

- If properly frozen to destroy parasites the person in charge must record the freezing temperature and time to which the fish are subjected and must retain the records for up to 90 calendar days from time of sale or service.
- If fish are frozen by the supplier, then a written agreement or statement from the supplier stipulating that the fish are frozen to a temperature and for a time specified above may be substituted for your records.
- If fish served or sold in ready to eat form are raised as earlier specified then a written agreement or statement from the supplier or aqua culturist stipulating the fish were raised and fed as earlier specified shall be obtained and retained by the person in charge for 90 calendar days from time of sale or service.

\* **A variance request must be submitted to use time as a public health control for Sushi Rice.**