

VIRGINIA RETAIL FOOD REGULATIONS

Virginia Department of Agriculture and Consumer Services • Office of Food Safety and Security

Fall • 2008

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VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES

In January you were provided a letter from this Department stating that we had adopted new regulations. To further assist you we are providing this summary document of the major changes in the new regulations.

Many of the food safety requirements and practices with which you are familiar have continued without change. However, there are some new requirements which every owner, manager, operator, and employee needs to understand and act upon. Your Food Safety Specialist will be working to assist you in meeting the new requirements.

Temperature Changes

- Hot holding of Potentially Hazardous Foods (PHFs)* is now **135°F or higher**.
- Cold holding of PHFs is now **41°F or lower**.

Note: For cold holding of PHF's, foods may be held at 45°F or between 45°F and 41°F in existing refrigeration equipment that is not capable of maintaining the food at 41°F or less if:

1. The existing equipment is already in place and in use in the food establishment; and
2. Before January 1, 2012, the equipment is upgraded or replaced to maintain food at a temperature of 41°F or less.

In addition, you will need to provide written documentation to verify that the equipment is unable to maintain temperatures of 41°F or below to your Food Safety Specialist.

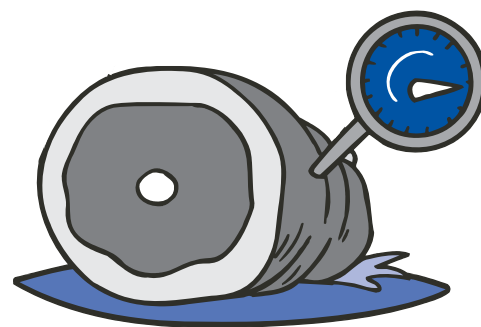
***Potentially Hazardous Foods (PHFs):** A food that requires temperature control because it is capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms.

Cooking Temperatures and Times

Raw animal foods shall be cooked to heat all parts of the food to these minimum internal temperatures in these times:

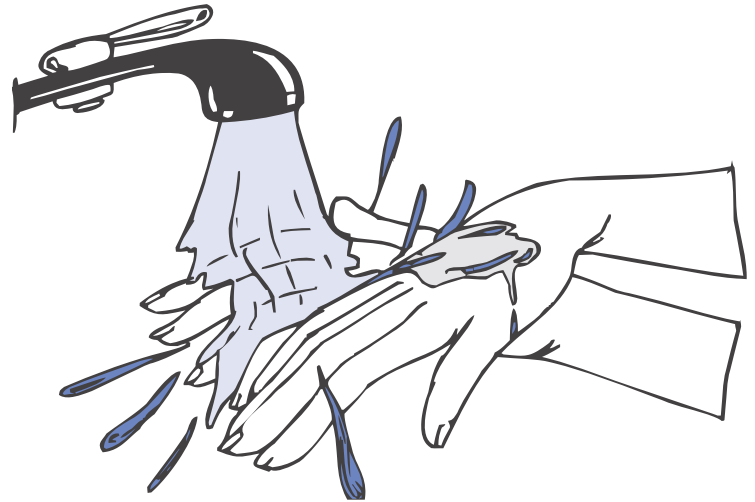
- Eggs cooked for an individual, immediate order:
145°F for 15 seconds
- Fish, meat*, pork and commercially raised game animals:
145°F for 15 seconds
- Ratites, injected meats, eggs for hot holding and comminuted (ground): fish, meat, commercially raised game animals:
155°F for 15 seconds
- Poultry, wild game animals and stuffed: poultry, fish, meat, pasta or ratites:
165°F for 15 seconds
- Stuffing containing fish, meat, poultry or ratites:
165°F for 15 seconds

***Meat:** the flesh of animals used as food including the dressed flesh of cattle, swine, sheep or goats and other edible animals except fish, poultry and wild game animals



Reheating

- PHFs that are **reheated** for hot holding shall be reheated so that all parts of the food reach **at least 165°F**. When reheating ready-to eat food from a commercially processed, sealed container that is from an approved source, such as canned soup, the food must be heated to **135°F or higher** for hot holding.



Cooling

Cooked PHFs shall be cooled:

- Within two hours, from 135°F to 70°F ; and within a total of six hours, from 135°F to 41°F or less; or to 45°F or less if existing refrigeration equipment does not support the 41°F temperature requirement.

Date Marking

Refrigerated, ready-to-eat, PHFs prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded based on the temperature and time combinations specified below:

- May not exceed seven (7) days if held at 41°F or less.
- May not exceed four (4) days if held at 45°F or between 41°F and 45°F in existing refrigeration equipment that is not capable of maintaining the food at 41°F or less.

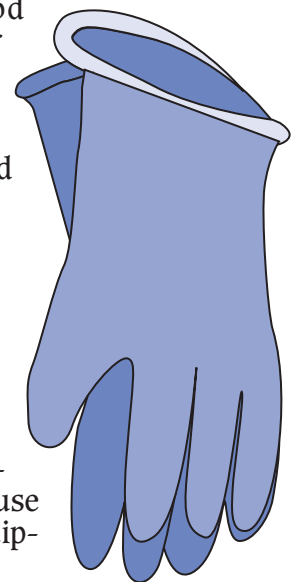
Foods with date-marking that has been exceeded must be discarded.

Note: The day of preparation shall be counted as Day 1.

Date marking is also required for a refrigerated, ready-to-eat, PHF that is commercially prepared. The day the original container is opened in the food establishment shall be counted as Day 1, and the day or date marked by the food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

Handwashing

Food employees must thoroughly clean their hands and arms with soap and warm water for 20 seconds using a cleaning compound. Hands and arms must be cleaned with a method that includes using vigorous friction on the surfaces of the lathered fingers, finger tips, areas between the fingers, hands and arms, followed by thorough rinsing under clean, running, warm water. Hot water temperature at hand sinks must be at least 100°F. Food employees shall not wash their hands in a sink used for warewashing, food preparation, or in a mop sink. Food employees must wash their hands before handling food, when switching from raw to ready to eat foods, or before putting on gloves. Food employees must wash their hands after touching human body parts, using the toilet, touching animals, and handling soiled equipment or garbage.



Bare Hand Contact

Food employees shall not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.

ASSIGNMENT OF RESPONSIBILITY

The operator shall be the person in charge (PIC) or shall designate a PIC and shall ensure that a PIC is present at the food establishment during all hours of operation.

The PIC of a food establishment is accountable for developing, carrying out, and enforcing procedures aimed at preventing foodborne illness and also ensuring compliance with the regulations.

EMPLOYEE HEALTH

An Employee Health Policy will now be required. Policies should incorporate pertinent information in the regulations including reporting illnesses and symptoms and restricting and excluding employees.

Think of these 3 “A”s of Safe Employee Health.

- **Awareness:** The person in charge (PIC) is aware of their responsibility to teach employees to report specific symptoms and diagnosed illnesses. Employees are aware of their responsibility in reporting illnesses to the PIC.
- **Access:** The PIC can produce a policy or guide stating the required actions for illnesses or symptoms reported to them by employees.
- **Action:** The PIC implements the appropriate action following an employee report of illness or symptoms.

REPORT THESE SYMPTOMS TO THE PIC

1. Diarrhea
2. Fever
3. Vomiting
4. Jaundice
5. Sore throat with fever
6. Discharges from eyes, nose or mouth



MANDATORY REPORTING OF ILLNESS TO PIC DUE TO:

1. Typhoid Fever caused by *Salmonella typhi*
2. Shigellosis caused by *Shigella* spp.
3. *E. coli* (Shiga toxin)
4. *Hepatitis A*

The PIC shall exclude a food employee from a food establishment if the food employee is diagnosed with one of the four illnesses as specified above.

DEMONSTRATION OF KNOWLEDGE

During inspections and upon request the Person in Charge (PIC) shall demonstrate to the Department knowledge of foodborne disease prevention, application of HACCP principles, and the requirements of the Retail Food Establishment Regulations. The PIC shall demonstrate this knowledge by accomplishing one of the following:

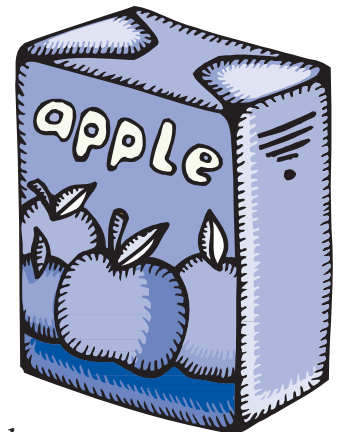
- Complying with this regulation by having no violations during the current inspection;
- Being a certified food protection manager who has passed a test that is part of an accredited program (Please contact your local Food Safety Office for a list of accredited programs); or
- Responding correctly to the inspector’s questions as they relate to the specific food operation.

PACKAGED JUICE

- Unpasteurized juice processed in a food establishment must be treated to attain a 5 log reduction of the most resistant pathogen according to a plan approved by VDACS or be labeled in the following manner:

“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.”

- Prepackaged juice must be obtained from an approved supplier that meets the requirements of the HACCP system as specified in 21CFR Part 120.



HOW SAFE IS YOUR PLACE?

Safe Food Handling Practices To Remember



- *Do all employees know when, where and how to wash their hands?*
- *Does management model desired behaviors?*
- *Do employees know when to wear and change gloves?*
- *Do employees know which symptoms of illness to report and to whom to report them?*
- *Do employees check temperature and condition of food deliveries?*
- *Do employees protect food from potential contamination during prep, storage, and service?*
- *Do employees know how to use a food thermometer?*
- *Do employees know the minimum cooking, reheating, and cooling temperatures?*
- *Do employees know how to prevent cross contamination of food and prep surfaces?*
- *Do employees know the proper way to store and use cleaning chemicals?*
- *Do employees know the right way to clean and sanitize food equipment, food containers, utensils, and surfaces?*

MANUAL WAREWASHING SINK REQUIREMENTS

A sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils. Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment and utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in 2VAC 5-585-1460, subsection C of the Retail Food Establishment Regulations shall be utilized.

Note: In some instances a two-compartment sink may be acceptable. The operator will need to have prior approval by VDACS and the person in charge shall limit the number of items cleaned and sanitized in the two-compartment sink.

VARIANCE REQUIREMENT

A food establishment shall obtain a variance from the Department before:

- Smoking food as a method of food preservation rather than as a method of flavor enhancement
- Curing food
- Using food additives or adding components such as vinegar:
 - As a method of food preservation rather than as a method of flavor enhancement; or
 - To render a food so that it is not potentially hazardous
- Packaging food using a reduced oxygen packaging method except where a barrier to *Clostridium botulinum* in addition to refrigeration exists
- Operating a molluscan shellfish life-support system display tank used to store and display shellfish that are offered for human consumption
- Custom processing animals that are for personal use as a food and not for sale in a food establishment; or
- Preparing food by another method that is determined by the Department to require a variance.



CONSUMER ADVISORY

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 disease causing microorganisms (pathogens), the consumer must be made aware of the risk by providing the following written information:

Disclosure: Animal foods that are, or can be ordered raw or undercooked must be clearly identified as such or must be identified by an asterisk with a footnote.

Reminder: A written statement that identifies the health risk of consuming the raw or undercooked animal food must be provided.

METHODS OF COMPLIANCE WITH CONSUMER ADVISORY REQUIREMENTS:

Both **Disclosure** and **Reminder** components must be present to be in compliance.

Disclosure Statement

- Disclosure must be at the point where food is selected by the consumer.
- Disclosure must identify the food items and specify that those food items are, or contain, raw or undercooked animal foods.
- You may use a description such as: oysters on the half-shell (raw oysters), raw-egg caesar salad, or hamburgers (cooked rare to order); or
- You may asterisk the food item and use a footnote that states the disclosure such as: *“Served raw or undercooked,”* or *“Contains raw or undercooked ingredients.”*

Reminder Statement

- If a menu is provided the reminder may be on any page and located so that the consumer may easily find it, or

- By using deli case advisories, label statements, placards, table tents, menu boards, or other effective written means.
- You may use a consumer advisory brochure in which case you would asterisk the undercooked animal food and provide a footnote that states: “Regarding the safety of these items, written information is available upon request;” or
- You may identify by asterisk the animal food that requires disclosure and use a footnote that states: *“Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness;”* or *“Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.”*

Consumer Advisory is not required when serving undercooked whole muscle, intact beef steaks when supported by written buyer specifications or invoices, or when serving undercooked pasteurized eggs. A consumer advisory is required if you are serving Sushi since parasite control does not remove the risk of bacterial contamination and growth.

We hope that the information provided in this newsletter has been beneficial to you. Working together we can provide a safe and secure food supply to the citizens of Virginia.

For a complete version of the Virginia Retail Food Regulations go to: www.vdacs.virginia.gov/fdsafety/pdf/retailfoodregs.pdf

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