

March 1, 2023

Notice Regarding the Implementation of FDA Model Food Code

As of February 16, 2023, the Connecticut Department of Public Health (CT DPH) has transitioned from the current food code that you are used to, to the FDA Model Food Code that is in effect in the rest of the United States. A copy of the current FDA Model Food Code is available online - <https://www.fda.gov/media/164194/download>.

As you may be aware, these inspections are less focused on the physical facility and more focused on the five major risk factors which have been implicated in foodborne illness outbreaks. These major risk factors are:

- Improper hot and cold holding temperatures
- Inadequate cooking of animal products (meats, fish, poultry, eggs)
- Contaminated equipment
- Food from unsafe sources
- Poor personal hygiene, especially the lack of handwashing and barehand contact with ready to eat foods

During the risk-based inspection, the inspector will start with a walk-around the facility to get a general overview of what processes are occurring. The menu is reviewed to analyze types of food preparation. Questions may be asked if the inspector observes processes that may contribute to the major risk factors. Once the inspection starts, the following items will be evaluated:

- Cooking, cooling, reheating, hot and cold holding
- Employee handwashing at appropriate times
- Barehand contact with ready to eat foods
- Potential for cross contamination
- Cleanliness of food-contact surfaces
- Sanitization processes
- Ware washing including dish machine and three-bay sink set up
- Approved sources of food

Another part of the risk-based inspection is discussing and evaluating written policies that include:

- Glove policy
- Ill food worker policy
- Response to vomiting/diarrheal events
- Produce washing policy

The risk-based inspection verifies the following through written documents:

- **Certified Food Protection Manager (CFPM) (formerly called QFO)** - A CFPM is an individual who has demonstrated the required knowledge, skills, and abilities necessary to protect the public from foodborne illness by successfully completing a certified food manager

examination. The CFPM is responsible for overseeing and actively managing the kitchen, as well as training all food handling staff. The CFPM certificate must be available upon request.

- **Person in Charge (PIC)** – the PIC is a designated person such as a chef, kitchen manager, or other employee who is present at the work site any time food is being handled and has direct authority and supervision over employees who engage in the safe storage, preparation, display, and service of food. The PIC must have a CFPM certificate.
- **Alternate PIC documentation (formerly the Designated Alternate)** - A signed statement must be provided by the owner/operator of the food service establishment, attesting that the alternate PIC has demonstrated knowledge of food safety. The Alternate PIC Demonstrated Knowledge Statement form has been given out during past inspections. It is important to have these forms filled out, onsite, and available upon request.
- **Food Employee Training Records** - These forms have been given out in the past. It is important to keep these records updated, onsite, and available upon request.

There are **two** required parts to the **Consumer Advisory and Disclosure**. This is mandatory and must be on your menu if you are serving raw or undercooked items from animal-derived foods. The **DISCLOSURE**. This requires that any item you serve raw or potentially undercooked, for example eggs, meat, fish, or shellfish be identified on the menu. Most often this is indicated with an asterisk (*) or something similar placed next to the menu item. This alerts the customer that there may be something undercooked. This would be required if there is a raw ingredient. For example, raw eggs in a sauce, in addition to any item the customer may order rare or medium well done.

The **CONSUMER ADVISORY REMINDER**. The statement “**Thoroughly cooking meats, poultry, seafood, shellfish or eggs reduces the risk of foodborne illness**” must be displayed on the menu, in at least an 11-point font and in a location prominent enough to be obvious to the reader (for instance on the same page as the indicated menu items). There is also the option to provide this statement on a poster, table tent, placard, or other written means easily visible to patrons instead of on the menu itself.

The asterisk directs the consumer to a statement which says ***This item is cooked to order and may contain raw or undercooked ingredients** or something similar, as appropriate, followed by the reminder statement.

Examples:

Certified Angus Beef *

Ribeye

Filet Mignon

Raw Bar **

Oysters

Littleneck Clams

**These items are cooked to order. Thoroughly cooking meats, poultry, seafood, shellfish, and eggs reduces the risk of foodborne illness.*

***These items are served raw or undercooked. Thoroughly cooking meats, poultry, seafood, shellfish, and eggs reduces the risk of foodborne illness.*

Another part of the risk-based inspection is the use of a date-marking system which pertains to ready-to-eat, time/temperature control for safety (TCS) foods prepared in a food establishment and held longer than a 24 hour period. These food items shall be marked to indicate the date or day by

which the food is to be consumed on the premises, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days. The FDA Food Code does not specify a particular date marking label, nor does it specify that the time the food was prepared be captured on the label. However, the FDA Food Code provides parameters to work within and allows for flexibility in creating a system that works for each food establishment. Please ask your inspector any specific questions you have about this during your next routine food inspection.

At some point in the future, ALL food establishments will be required to register with the Connecticut Department of Public Health before permits can be renewed or issued by this Department. Details on that process will be circulated as they become available.

The Central Connecticut Health District is in the process of organizing brief training sessions that may be helpful for you and your staff to go over the changes in more detail and help to troubleshoot any issues. More information will be shared as soon as it is available.

In closing, the risk-based inspection involves an assessment of active managerial control in the establishment. It is expected that the PIC will be overseeing all food-handling activities, that all staff will have been trained in safe food-handling procedures, and that the facility will be clean and well organized. With these good retail practices in place, and the major risk factors under control, you and your customers should be able to enjoy a safe and healthy dining experience.

If you have any questions please contact your sanitarian, or the main office at 860-785-8380. We are here to help.