



2013 FDA Model Food Code Changes

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On November 13, 2013 the U.S. Food and Drug Administration (FDA) released the latest version of the Model Food Code (FC) for adoption by other governmental jurisdictions. The FC incorporates the input of regulatory officials, industry, academia, and consumers that participated in the 2012 biennial meeting of the Conference for Food Protection.

Within the NPS policy system, Director's Order 83 directs our program to use the most current version of the FC. Reference Manual 83(C)1 implement this directive. The NPS Office of Public Health expects to adopt the 2013 Food Code by April 1, 2014, prior to the majority of the food evaluations that are conducted annually. It is not anticipated that these changes will affect the scoring system for food safety evaluations. While we have attempted to capture the significant changes and their impact below, it is always important to consult the applicable code sections to fully understand the rule.

The FC and a complete summary of changes are available from the FDA at:
<http://www.fda.gov/food/guidanceregulation/retailfoodprotection/foodcode/ucm374275.htm>

If you have questions about the provisions or how they affect your facility please contact the Public Health Consultant that evaluates your facility.

Changes that may affect Food Service Operations that occur on NPS Lands

Chapter 1 – Purpose and Definitions

The term Potentially Hazardous Food (Time/Temperature Control for Safety of Food) (PHF/TCS) is being replaced with Time/Temperature Control for Safety of Food (TCS). The definitions remain the same for both terms.

Chapter 2 – Management and Personnel

The following three sections were amended to add non-typhoidal *Salmonella* (NTS) as one of the reportable illnesses:

2-201.11 Responsibility of Permit Holder, Person in Charge, and Conditional Employees

2-201.12 Exclusions and Restrictions

2-201.13 Removal, Adjustment, or Retention of Exclusions and Restrictions

The FC has added non-typhoidal *Salmonella* (NTS) as one of the now six designated organisms listed in the as having high infectivity via contamination of food by infected food employees. The new changes require food employees to report a diagnosis of non-typhoidal *Salmonella* (NTS), prompts the person in charge to exclude food employees with diagnosis of NTS, and provides conditions for reinstatement of a food employee who has been diagnosed with NTS. This change may require an update to Concessioners written health policies and training.

2-301.14 (H) When to Wash Before donning gloves to initiate a task that involves working with food

This section was amended to make clear that the requirement to wash hands before donning gloves is specific to the beginning of a task involving working with food.

2.501.11 Clean-up of Vomiting and Diarrheal Events.

This completely new subpart to Chapter 2 requires food establishments to have procedures to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the establishment. Information for this can be found with the NPS' norovirus guidance documents at: http://www.nps.gov/public_health/info/factsheets/fs_noro_r&c.htm

Chapter 3 – Food

3-301.11(D) Preventing Contamination from Hands

A new provision allows bare hand contact with ready to eat foods that are subsequently going to be added to a product containing raw animal foods that will be fully cooked OR any other food product that will be subsequently cooked to a minimum of 145°F prior to consumption.

3-401.14 Non-Continuous Cooking of Raw Animal foods

Amended to clarify that prior to sale or service, raw animal foods cooked using a non-continuous cooking process shall be cooked to a temperature and for a time as specified under ¶¶3-401.11 (A)-(C). Previous versions had required all products cooked under non-continuous conditions to be cooked to 165F.

3-501.13 Thawing

Amended to add three new paragraphs to address the removal of reduced oxygen packaged (e.g. vacuum packed) frozen fish labeled that it should be kept frozen until use must be removed from its packaging before thawing to prevent *C. botulinum* toxin formation.

3-502.12 Reduced Oxygen Packaging (ROP) Without a Variance, Criteria.

Amended to provide an exemption to the HACCP plan requirement for ROP of TCS under the following conditions:

- *The TCS is ALWAYS labeled with the production time/date*
- *The TCS is ALWAYS held at 41°F or lower during storage*
- *The TCS is ALWAYS removed from it's package within 48 hours after packaging*

3-502.12(B)(3)(b) an (B)(4) were amended to extend shelf-life of ROP TCS from 14 days (2009 Food Code) to 30 days.

3-502.12(D)(2)(e)(ii) was amended to extend shelf-life during cold holding of ROP TCS at 41°F from 72 hours (2009 Food Code) or 7 days after cooling to 41°F.

We would highly recommend discussing any plans to perform a ROP process with the Public Health Consultant that covers your facility prior to engaging in the practice. There are a number of requirements in this section that may need to be addressed and are not covered under the exemption.

3-602.11 Food Labels

Amended ¶3-602.11(B)(2),(3),(5), and (7) to clarify the information that a label should include. The term “sub ingredients” was added to this subparagraph to clarify that individual component ingredients of a main ingredient must be disclosed in the statement of ingredients. This clarification helps to make clear that all individual ingredients in a packaged food will be disclosed in the statement of ingredients.

Chapter 4 – Equipment, Utensils, and Linens

4-302.13 (B) Temperature Measuring Devices, Manual and Mechanical Warewashing

This section was amended to require the availability of irreversible registering temperature indicators for mechanical warewashing equipment.

4-602.11 Equipment Food Contact Surfaces and Utensils

Amended to change the cleaning and sanitizing frequency for food contact surfaces or utensils that are in contact with a raw animal food that is a major food allergen such as fish, followed by other types of raw animal foods. With this change, in addition to evaluating the cooking temperature a concessioner will need to determine if the product is a major food allergen.

Chapter 8 – Compliance and Enforcement

8-304.11 Responsibilities of the Permit Holder

Amended to add new ¶(K) to include a requirement for the permit holder to post a sign or placard notifying the public that inspectional information is available for review. After discussion with WASO Commercial Services this may be met by having a sign stating that the information is available through the Superintendent. Please contact your Park's concessions specialist for more information on this point.