

County of Santa Clara

Department of Environmental Health

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NOTICE TO ALL RETAIL FOOD FACILITIES OPERATING IN THE COUNTY OF SANTA CLARA

The County of Santa Clara, Department of Environmental Health is providing an important announcement that will affect all food service proprietors, operators, and food employees.

Effective **July 1, 2007** the California Uniform Retail Food Facilities Law (CURFFL) will be replaced by the **California Retail Food Code (CalCode)**. *Excerpt from the California Health and Safety Code (as amended by Senate Bill 144), Division 104-Environmental Health, Part 7-California Retail Food Code. Full text of SB 144 is available on-line at www.CCDEH.com; click on "CalCode Implementation."*

Enclosed you will find critical information related to the new state law governing the food service industry (i.e., any food sales or dispensing of food or beverage to the consumer). As a food facility permit holder, it is incumbent upon you to become familiar with the new terminology and requirements of this code and to ensure that you and your food employees comply with its provisions. Your attention to these changes will help ensure proper regulatory compliance and satisfy consumer expectations that food is prepared in a clean environment, unadulterated, and honestly presented.

The enclosed handout drafted by the *California Retail Food Safety Coalition* provides a summary of the major changes. We recognize the transition to this new code may seem overwhelming; we want to reassure you that this Department will work with you during upcoming food safety inspections to help you understand and implement any required changes.

This Department has a responsibility to ensure a safe food supply to the public through the enforcement of CalCode provisions. When violations of any new code section are observed, we will make every effort to provide you with a reasonable time frame in which to make the transition. However, on occasion, a situation may require that immediate action be taken by you to abate an imminent health hazard – *up to and including closure of a food facility or process* – and, in these situations, we will require your immediate compliance.

Please review the enclosed materials and share them with food employees in all of your facility locations. If you have questions or concerns that cannot wait until your next routine inspection, please contact your District Environmental Health Specialist at 408-918-3400.

Very truly yours,

A handwritten signature in blue ink that reads "Richard Fuchs".

Richard Fuchs, MPH, REHS
Director, Consumer Protection Division



CALIFORNIA RETAIL FOOD CODE – SUMMARY OF MAJOR CHANGES

On May 15, 2006, the Governor signed into law SB 144 (Runner) which enacted the California Retail Food Code (CalCode).

This new law which completely replaces the California Uniform Retail Food Facilities Law (CURFFL), represents a culmination of an extraordinary collaborative effort of the California Retail Food Safety Coalition (CRFSC) – a broad-based coalition of federal, state and local regulators and the retail food industry. Cal Code is modeled on the federal Model Food Code (2001 version) which represents the best available science in the overall goal of preventing foodborne illness.

With the enactment of CalCode, local enforcement agencies are refocusing their food facility inspections with emphasis on the Centers for Disease Control and Prevention's (CDC) identified foodborne illness risk factors and public health interventions. CalCode is intended to create uniformity and consistency throughout California.

<p>The foodborne illness risk factors are:</p> <ul style="list-style-type: none"> ◆ Food from Unsafe Sources ◆ Inadequate Cooking ◆ Improper Holding Temperatures ◆ Contaminated Equipment ◆ Poor Personal Hygiene 	<p>The public health interventions are:</p> <ul style="list-style-type: none"> ◆ Demonstration of Knowledge ◆ Employee Health ◆ Time/Temperature Control ◆ Hands as a Vehicle of Contamination ◆ Consumer Advisory
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These risk factors are consistent with CalCode Section 113725. This section requires that local enforcement agencies identify on their inspection reports those violations that are considered major. Major violations are traditionally looked upon as rationale for suspension of a food facility permit due to an imminent health hazard. A summary of the major violations is included for reference in this document.

So what's new in Cal Code?

The following is a summary of the most significant changes or new requirements found in CalCode. This summary is not all inclusive. It is recommended that each permit holder review all of the requirements in code.

There have been a few minor changes in terminology:

- o Dishwashing is now called "warewashing"
- o Bulk food containers are now known as "Working Containers"
- o A wiping rag has become a "Wiping Cloth"
- o Customer utensils are now referred to as "Tableware"
- o Owner/Operator is referred to as "Permit Holder"
- o Wiping Cloths are linens BUT linens are not "Wiping Cloths"

Changes or new requirements that address risk factors or public health interventions:

- **Demonstration of Knowledge (Section 113947)**
 - Applicable to assigned duties – all food employees are required to have adequate knowledge in food safety as it relates to their assigned duties
 - Focus will be on risk factor violations: temperatures, handwashing, warewashing
- **Food Safety Certification (Section 113947.1-113947.6)**
 - Food safety certification will be valid for 5 years instead of 3 years from date of issuance.
 - Certifying organization must be accredited by the American National Standards Institute. List of current accredited exam providers available on Conference for Food Protection website: www.foodprotect.org
- **Employee Health (Sections 113949-113950.5, 113974)**
 - All food employees are required to have knowledge regarding the relationship between personal hygiene and food safety and food employee health.
 - Reportable illnesses have been expanded to include the following:
 - Salmonella typhi and Salmonella spp.
 - Hepatitis A virus
 - Shigella spp.
 - E coli (Enterohemorrhagic or shiga toxin producing Escherichia coli)
 - Norovirus
 - Entamoeba histolytica (applies only to CA)
 - Employee must report to the Person In Charge (PIC) if they have been diagnosed with one of the reportable illnesses or if they have a lesion or wound that is open or draining and comply with restrictions and exclusions.
 - PIC must report to the local enforcement agency if a food employee has been diagnosed with a reportable illness or if they have knowledge that two or more food employees are experiencing symptoms of an acute gastrointestinal illness.
 - PIC must exclude a food employee if diagnosed with a reportable illness or restrict a food employee if suffering from symptoms of an acute gastrointestinal illness. Exclude means to prevent a person from working as a food employee or entering a food facility except for those areas open to the general public. Exclusions can only be removed by the local health officer/enforcement agency.
 - PIC must restrict a food employee if they are experiencing persistent coughing or sneezing. Restrict means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linen and unwrapped single-use articles.
 - PIC is required to ensure that lesions or open wounds on food employees are protected.
- **Handwashing (Section 113953.3)**
 - Food employees are required to wash their hands with cleanser and warm water by vigorously rubbing their lathered hands and arms for at least 10 to 15 seconds and rinsing with clean running water followed by drying of cleaned hands.
- **Hot and cold holding temperatures (Section 113996, 113998, 114037, 114343)**
 - Exceptions previously in CURFFL remain in effect.
 - The term "diligent" has been eliminated. Food may be removed from specified holding temperatures for up to two hours during food preparation.

- **Cooking of raw animal foods and plant food (Section 114004, 114008, 114010)**
 - Cooking temperatures have been expanded.

Food Item	Cooking Temperature (for 15 sec)
Fruits & vegetables for hot holding	135°F
Shell eggs for immediate service, fish, single pieces of meat	145°F
Comminuted meat, injected meats, raw eggs for later service	155°F
Poultry, stuffed items (fish, meat, poultry, pasta), stuffing containing fish, meat, poultry, ratites)	165°F

- Charts for roasts have been included in CalCode.
- **Food contact surfaces – cleaned and sanitized (Section 114099.6, 114117)**
 - Wash sink compartment water must be at 110°F during the warewashing process.
 - Food contact surfaces in a refrigerated room shall be cleaned at a frequency that corresponds to the temperature in the following chart and this information shall be documented for review by the LEA.

Temperature	Cleaning Frequency
41°F or less	24 hours
>41°F - 45°F	20 hours
>45°F - 50°F	16 hours
>50°F -55°F	10 hours

- **Shellfish tag retention (Section 114039-114039.5)**
 - Shellstock tags must be maintained in chronological order correlated to the date or dates the shellstock are sold or served and held for 90 days.
- **HACCP Plans and Variances (Section 114057, 114057.1, 114417.6)**
 - HACCP Plans approved by the Department are required for food facilities that conduct any of the following activities:
 - Package potentially hazardous foods products using a reduced-oxygen packaging (ROP) method.
 - Using acidification or water activity as a means to prevent the growth of Clostridium botulinum
 - Variances can be requested through the Department to allow the use of an alternative practice or procedure for the following circumstances: employee hygiene, protection of food contamination, time as a public health control, cooling, cooking and reheating temperatures for PHF, raw shell eggs in food that is not thoroughly cooked, thawing, receiving temperatures, reduced-oxygen packaging of PHF and for sanitization methods for food and non-food contact surfaces.
- **Licensed health care facilities/public & private schools; prohibited foods not offered (Section 114000, 114091)**
 - Time as a public health control can not be used for raw eggs in licensed health care facilities or in public and private school cafeterias.
 - Only pasteurized juice, pasteurized fluid and dry milk and milk products may be served.
 - Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of foods, unless raw eggs are combined immediately before cooking for one consumer's serving at a single meal and served immediately, or raw eggs are combined as an ingredient immediately before baking.

- **Hot and Cold Water available (Sections 113953 (c), 114099.2 (b), 114101 (a), 114163 (a), 114189, 114192, 114192.1, 114195)**
 - Hot water must be available at 120 °F in the food facility.
 - Warm water is defined as 100 °F.

<i>Use</i>	<i>Minimum Temperature Required (measured at the faucet)</i>	<i>Major Violation</i>
Hand washing	100 °F	
Utensil Washing	110 °F	Below 110 °F
Dish washing Machine	Per Manufacturer's Specifications	Anything less than manufacturer's specifications

Changes or new requirements that address Good Retail Practices:

- Food must be transported in a manner that prevents contamination and that maintains food at proper temperatures (exception: deliveries < 30 minutes) (§113982)
- All raw produce is required to be washed prior to being cut, combined with other ingredients, cooked or served or offered for human consumption in ready-to-eat form. (§113992)
- Pressurized beverage containers, cased food in waterproof containers, such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to moisture. (§114047d)
- Tableware that is preset shall be protected from contamination by being wrapped, covered or inverted. Exposed, unused settings shall be removed when a consumer is seated. (§114074)
- Prepackaged food must comply with the Food Allergen Labeling and Consumer Protection Act of 2004, requires any food containing one of the eight major food allergens (milk, egg, fish, crustacean shellfish, wheat, soybeans, peanuts and tree nuts) be identified on the label. (§114089)
- Prohibits concealing or altering manufacturer's dating information on foods. (§114090)
- Ventilation exemptions will no longer be issued by the Department. The local enforcement agency may evaluate requests for any exemptions. (§114149.1)
- Molluscan shellfish tanks must be operated pursuant to a HACCP plan. (§114155)
- Hot and cold holding equipment must be designed to include and be equipped with a temperature measuring device. This does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring ambient air temperature surrounding the food. (§114157)
- Food facilities constructed or remodeled after July 1, 2007, shall be required to provide a food preparation sink for the washing, soaking, thawing or similar preparation of foods. (§114163)
- All pressurized cylinders shall be securely fastened to a rigid structure. (§114172)
- As of July 1, 2007, all fogging devices installed shall not use a reservoir for holding water for fogging. Cleaning shall be in accordance with the manufacturer's specifications or at least once a week. (§114180)

Summary of Major Violations:

Major violations require immediate corrective action or suitable alternatives until the violations are corrected. When a major violation cannot be immediately corrected, or a suitable alternative found, the food facility may be subject to closure of the impacted areas until the violation is corrected.

Description of Data Field	Cal Code Section	Major Violation
Employee Health	113949-113950.5, 113974	Failure to report or comply with exclusions or restrictions as required in these sections would result in a major violation.
No discharge from eyes, nose and mouth	113974	Any violation of this section.
Handwashing	113953.3	Hands are not washed when required.
Hot and cold holding temperatures	113996, 113998, 114037, 114343(a)	Multiple potentially hazardous foods or pooled eggs held at temperatures of 50°F-130°F, without any other intervention.
Time as a Public Health Control	114000	Food that has been time marked and has exceeded time marked.
Cooling	114002, 114002.1	Potentially hazardous food being cooled improperly.
Cooking Temperatures	114004, 114008, 114010	Potentially hazardous food not cooked as required.
Reheating Temperatures	114014, 114016	Potentially hazardous food not reheated as required.
Food in good condition, safe and unadulterated	113967, 113976, 113980, 113998, 113990, 114035, 114254 (c), 114254.3	Food that has evidence of being contaminated or adulterated.
Food Contact Surfaces: clean and sanitized	114099.6, 114117	Improper sanitization of food contact surfaces; Improper warewashing machine temperature; Contamination of food contact surfaces that could result in food contamination; and failure to sanitize food contact surfaces when required.
Food from Approved Source	113980, 113982, 114021-114031, 114041	Any violation of these sections.
Shell stock tags	114039-114039.5	Missing or incomplete shellfish certification tags or improper wet storage of shellfish (includes commingling)
Gulf Oyster Regulations	113707	Any violation of this section.
HACCP/Variance	114057, 114057.1, 114417.6	Food facility is <ul style="list-style-type: none"> o packaging PHF using a ROP method or is modifying food using acidification or water activity to prevent the growth of Clostridium botulinum and has not obtained a HACCP Plan o required to have a Department approved HACCP Plan and is not following the procedures o not following the variance provisions as approved by the Department
Licensed health care facilities/public & private schools	114091	Any violation of this section.
Hot and Cold Water	114192	<ul style="list-style-type: none"> o Hot water at warewashing sink is less than 110°F. o Contaminated or unapproved water supply. o No potable water available
Sewage and Wastewater	114197	<ul style="list-style-type: none"> o Overflows or back-ups into the food facility that can or does result in contamination of food contact surfaces and adulteration of foods o Overflowing or clogged grease trap/interceptor o Lack of operable toilets
Rodents, insects, birds or animals	114259.1	Presence of cockroaches, mice, rats and similar vermin (that carry disease) within the food facility as evidenced by live bodies, fresh droppings, vomitus, urine stains, or gnaw marks that has resulted or would likely result in contamination of food, equipment, packaging or utensils.