

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

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Commissioner



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Environmental Health Section

EHS Circular Letter #2017-32

DATE: October 5, 2017

TO: Directors of Health
Certified Food Inspectors
Interested Parties

FROM: Tracey Weeks
Food Protection Program Coordinator

RE: Adoption of the FDA Food Code - Sample Letter for Local Food Establishments

The attached document is provided as a sample letter that local health departments may wish to use to announce the changes caused by the passage of [Public Act 17-93](#) that were previously described in Circular Letter #2017-16. The Food Protection Program encourages local health departments to share information with their regulated food establishments about the impending adoption of the FDA Food Code and those changes that will occur sooner.

If you have questions regarding these changes please contact the FPP at the number below or email rhonda.wisniewski@ct.gov.

C: Suzanne Blancaflor, MS, RS, Chief, Environmental Health Section



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To CT Retail Food Operators:

This year Connecticut legislators passed a bill that directs the Connecticut Department of Public Health to adopt the FDA Food Code no later than July 1, 2018. Implementation of Public Act 17-93 brings many changes with it and since this will be a major change for both operators and regulators, it is important to understand what the changes are and when they will take effect. The following are some of the most commonly asked questions about the new code with answers provided by the Connecticut Department of Public Health Food Protection Program staff.

Who will be affected?

Any food establishment that stores, prepares, or serves food to the public will be covered by the FDA Food Code. This is a unified code that combines regulations for food service operations, food stores, mobile (itinerant) vendors, caterers, and food delivery operations into a single code. The same entities that are regulated now will continue to be regulated including restaurants, retail food stores and bakeries, snack bars, institutions with food service (for example, schools, hospitals, long-term care facilities, and day care centers), and temporary food operations. All regulated facilities will be required to register their business with the Connecticut Department of Public Health prior to being issued a license to operate by their local health department.

What is the FDA Food Code?

The FDA Food Code is science based and is revised every four years in order to incorporate the most recent policy and technical changes. Adoption of the FDA Food Code will provide a uniform set of regulations for retail and food service operations that focus on the prevention of foodborne illness. This new code will put Connecticut in line with our neighboring states that have already adopted the FDA Food Code - Massachusetts, Rhode Island, New Hampshire, and Maine.

What are some of the changes?

- *A Qualified Food Operator* will essentially be renamed a *Certified Food Protection Manager*. Food Establishments that are determined to be Class 2, 3, or 4 will be required to employ one person who has passed a test that has been evaluated, conforms to national standards, and is listed with a national accredited program.
- *A Person in Charge* will be required in all food establishments. This person may also be the *Certified Food Protection Manager* but can also be a different individual who is in charge of the establishment at various times. The *Person in Charge* is responsible for operating the food establishment in compliance with the regulatory requirements.
- *Potentially hazardous foods* will be referred to as *time/temperature controlled for safety foods* (TCS foods). Cut leafy greens will be added to the list of TCS foods and will need to be temperature-controlled.
- The risk classifications for food establishments will change to better reflect the food safety risks associated with the processes utilized and the population served. Inspection frequencies may change based on your new classification.
- An itinerant vendor is described as a vehicle mounted, self-contained, mobile food establishment.

- Certified food inspectors are currently involved in required additional training – both online courses and classroom training.
- A new one page inspection form is being developed. This form will be similar to the green, two-page, Focused Food Inspection form currently being used by some inspectors, but the inspection will not result in a numerical score. Instead, the goal will be to obtain immediate correction of risk factor violations and monitoring repeat risk factor violations.
- The violations on the inspection form fall into three new categories: *Priority*, *Priority foundation*, and *Core*. *Priority* items eliminate, prevent or reduce to an acceptable level, hazards that cause foodborne illness or injury; e.g. food workers washing hands appropriately. *Priority foundation* items provide support to *Priority* items; e.g. soap provided to wash hands with. *Core* items are related to general sanitation/maintenance and standard operating procedures; e.g. floors are easily cleanable.
- Food establishments will be allowed to conduct special processes, such as reduced oxygen packaging, sous vide, acidification, smoking, and curing. Due to the increased risks associated with these processes, they will require prior approval from the regulatory authority (reduced oxygen packaging may be approved at the local level while all other special processes must be approved by DPH).
- Food establishments will be required to implement a date-marking system for certain foods stored in the establishment.

When will the new code become effective?

PA 17-93 requires that the Commissioner adopt the FDA Food Code by July 1, 2018, however, there are some changes that will happen before that date:

October 1, 2017

- Hot and cold holding temperatures for TCS (food that requires temperature control to prevent bacterial growth) will change.

Cold holding temps **new 41°F. or below** [OLD 45°F. or below]

Hot holding temps **new 135°F. or above** [OLD 140°F. or above]

- As stated above, the classification designations of food establishments will change. Your local health department will be reviewing each food establishment and will notify you of your new category. There are still four categories, but the definition of each category has changed as follows:

"Class 1 food establishment" means a food establishment that only offers for retail sale (A) prepackaged food that is not time or temperature controlled for safety, (B) commercially processed food that (i) is time or temperature controlled for safety and heated for hot holding, but (ii) is not permitted to be cooled, or (C) food prepared in the establishment that is not time or temperature controlled for safety;

"Class 2 food establishment" means a retail food establishment that does not serve a population that is highly susceptible to food-borne illnesses and offers a limited menu of food that is prepared, cooked and

served immediately, or that prepares and cooks food that is time or temperature controlled for safety and may require hot or cold holding, but that does not involve cooling;

"Class 3 food establishment" means a retail food establishment that (A) does not serve a population that is highly susceptible to food-borne illnesses, and (B) has an extensive menu of foods, many of which are time or temperature controlled for safety and require complex preparation, including, but not limited to, handling of raw ingredients, cooking, cooling and reheating for hot holding;

"Class 4 food establishment" means a retail food establishment that serves a population that is highly susceptible to food-borne illnesses, including, but not limited to, preschool students, hospital patients and nursing home patients or residents, or that conducts specialized food processes, including, but not limited to, smoking, curing or reduced oxygen packaging for the purposes of extending the shelf life of the food.

The information presented in this letter represents only a portion of the changes that will be taking place in response to adoption to the FDA Food Code. Your local health department is available to work with you to make this transition as smooth as possible.