



Needham Public  
Health Division  
Prevent. Promote. Protect.

# Needham Public Health Division

*presents*

## ***Regulatory Updates***

# **2022 FDA Food Code & Supplement**

***October 8, 2025***

***Pamela Ross-Kung, M.S., R.S.***  
***Food Safety Specialist***

# What brought us here today?

The Needham Public Health Division is looking to adopt the 2022 FDA Food Code along with some or all, of the 2024 supplemental provisions to enhance its food safety program, which is currently guided by the 2013 FDA Food Code, and other state and local regulations.

The FDA Food Code provides a standardized framework for food safety that encourages widespread adoption by state and local health departments to protect public health, so Needham's initiative aligns with the FDA's goals for uniform food safety standards.

# FDA Food Code Update Frequency

The last update to the Food Code was in 2017 and typically the Food Code is updated on a four-year cycle.

However, the FDA weighs retail food stakeholder input through the Conference for Food Protection and, in this cycle, the conference was pushed back to 2021 due to the COVID-19 pandemic. Accordingly, FDA adjusted the Food Code release by a year.

On December 28, 2022, FDA issued the 2022 edition of the Food Code. The Supplement was issued in 2024.

The next edition of the Food Code will be published in 2026.

# Conference for Food Protection (CFP)

- The Conference for Food Protection is a national meeting that happens every two years.
- Regulators, industry, academia, and consumers all come together to talk about food safety problems and propose solutions.
- Prior to the conference, they submit issues.
- At the conference, they debate the issues and vote on them.
- The FDA then reviews those recommendations and decides if they should be added to the Food Code.
- When you see changes in the Food Code, like those we'll be discussing today, they usually started with discussions at CFP.



# The CFP Process

The CFP provides a forum for individuals who have an interest in retail food safety.

- Issue Submission (anyone can submit an issue)
- Council Deliberation and Decision
- Assembly of State Delegates Vote on Recommendations from the Councils.
- CFP Recommendations forwarded to FDA/USDA/CDC or other relevant party.
- Issues accepted by State Delegates are formally presented to Federal Agencies with request, in FDA's case, to include in the next edition of the Food Code.

# FDA Food Code - Purpose

- Safeguards public health and provide consumers food that is safe, unadulterated, and honestly presented.
- Encourages uniform national standards for retail food safety to reduce complexity and ensure better compliance.
- Facilitates and allows for standardization of inspections and inspectors.
- Creates a common/standardized language between regulators and industry.

**An example of how the FDA Food Code creates standardized language** is the definition and use of “potentially hazardous food (PHF)”, now more commonly referred to as “time/temperature control for safety food (TCS food)”.

- **Before the Food Code:** Different jurisdictions might have used varying terms like “perishable food,” “high-risk food,” or “hazardous food,” leading to confusion between inspectors and operators.
- **With the Food Code:** The term “TCS food” is clearly defined with specific criteria — foods that require time and temperature control to limit pathogen growth or toxin formation.
- **Impact:** This shared terminology ensures that when an inspector cites a violation for improper cold holding of a TCS food, the operator understands exactly what category of food is being referenced and why it matters.

# FDA Food Code – Purpose (cont'd)

- Provides practical, science-based guidance and manageable, enforceable provisions for mitigating known risks of foodborne illness.
- Working with the Conference for Food Protection (CFP) and other stakeholders, FDA has incorporated and addressed key topics in the Food Code over the years.

# FDA Food Code and MA Regulations

Although Needham plans to adopt the latest version of the Food Code, it will continue to enforce MA specific regulations found in 105 CMR 590.000 Department of Public Health State Sanitary Code Chapter X – Minimum Sanitation Standards for Food Establishments and the 2013 Food Code if those regulations are stricter.

*Example:*

**590.005; FC 5-202.12**

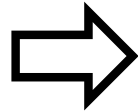
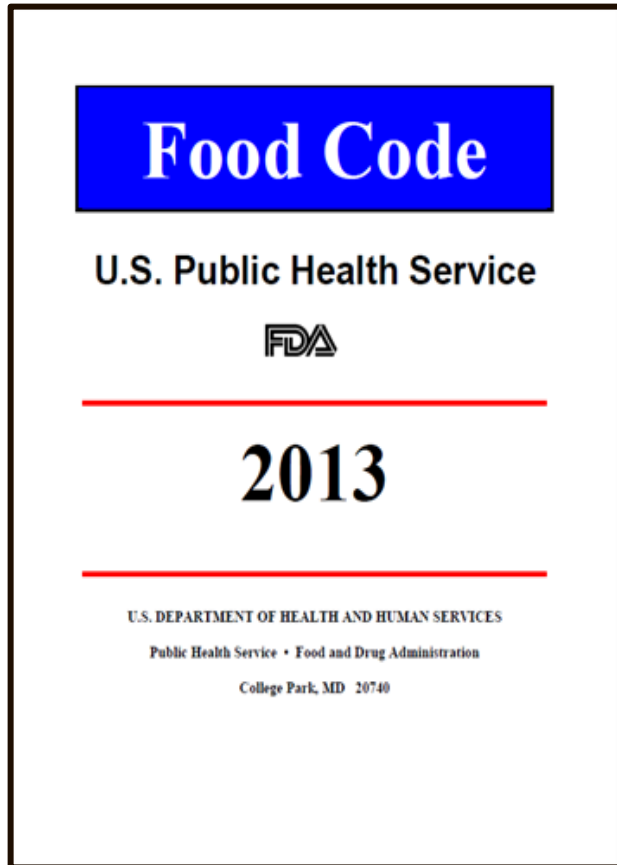
## **Handwashing Sink Installation**

A handwashing sink shall be equipped to provide water at a temperature of least **100°F** through a mixing valve. <sup>Pf</sup>

Changed in the 2022 Food Code to **85°F**, but we must keep **100°F** because MA is stricter.



# Regulatory Updates



## Supplement to the 2022 Food Code

U.S. Public Health Service

FDA

U.S. DEPARTMENT OF HEALTH AND HUMAN  
SERVICES

College Park, MD 20740

# Definition

**Added new definition** to make clear of the distinction from sanitizers (CFP 2023-III-015).

**“Disinfection”** means the application of a substance, or mixture of substances, that destroys or irreversibly inactivates bacteria, fungi, and viruses, but not necessarily bacterial spores.

# ***Disinfection of Equipment and Utensils***

***Disinfectants have been added to these sections to take care of situations like a potential norovirus contamination event.***

## **FC 4-302.14 Sanitizing and Disinfecting Solutions, Testing Devices.**

### **Added paragraph (B):**

A test kit of other device that accurately measures the concentration of **DISINFECTING** solutions shall be provided. <sup>Pf</sup>

## **FC 4-501.116 Warewashing Equipment, Determining Chemical Sanitizer or Disinfectant Concentration.**

### **Added paragraph (B):**

A test kit, used to determine the concentration of a SANITIZING or **DISINFECTING** solution shall be used in accordance with the manufacturer's label instructions.

## **FC 7-102.11 Common Name**

### **Added the word DISINFECTANTS**

Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners, SANITIZERS and **DISINFECTANTS** taken from bulk supplies shall be clearly and individually identified with the common name of the material. <sup>Pf</sup>



# *Chapter 4 was Amended by adding a new Part 4-10*

## **4-1001 Objective**    **FC 4-1001.11**    **Food-Contact, Non-Food-Contact Surfaces & Utensils**

Equipment, food contact surfaces, non-food contact surfaces, and utensils shall be **DISINFECTED** when pathogens of concern are not controlled by available sanitizers. shall be **DISINFECTED** when pathogens of concern are not controlled by available sanitizers. <sup>P</sup>

## **4-1002 Frequency**    **FC 4-1002.11**    **Disinfectant Use**

When pathogens of concern are not controlled by available sanitizer, equipment, food-contact surfaces, nonfood-contact surfaces, and utensils shall be **DISINFECTED**:

- (A) When contaminated with vomitus, fecal matter, blood, or any other bodily fluid that can lead to disease transmission;<sup>P</sup> or
- (B) During a foodborne disease outbreak or imminent health hazard.<sup>P</sup>

## **4-1003 Methods**    **FC 4-1003.11**    **Chemical**

- (A) Food-contact surfaces and nonfood-contact surfaces shall be **DISINFECTED** in accordance with the EPA-registered label use directions.<sup>P</sup>
- (B) **DISINFECTANTS** applied to a food-contact surfaces shall be rinsed with potable water, unless otherwise specified on the EPA-registered label use directions.<sup>P</sup>

## FC 7-102.11 Common Name

*This section was also amended to add the term  
**DISINFECTANTS**.*

Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners, SANITIZERS and **DISINFECTANTS** taken from bulk supplies shall be clearly and individually identified with the common name of the material. <sup>Pf</sup>

**“Poisonous or toxic materials”** means substances that are not intended for ingestion and are included in 5 categories: **(added #5 and the word DISINFECTANT to 1 and 2)**

- (1) Cleaners, SANITIZERS and DISINFECTANTS, which include cleaning, SANITIZING and DISINFECTING agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;**
- (2) Pesticides, except SANITIZERS and DISINFECTANTS, which include substances such as insecticides and rodenticides;**
- (3) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and PERSONAL CARE ITEMS that may be deleterious to health; and**
- (4) Substances that are not necessary for the operation and maintenance of the establishment and are on the PREMISES for retail sale, such as petroleum products and paints.**
- (5) RESTRICTED USE PESTICIDE means** a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator. **(New definition added)**

## **New Section - FC 4-303.11**

### **Cleaning Agents & Sanitizers - Availability**

- (A) Cleaning agents that are used to clean EQUIPMENT and UTENSILS as specified under Part 4-6, shall be provided and available for use during all hours of operation. <sup>Pf</sup>
- (B) Except for those that are generated on-site at the time of use, chemical SANITIZERS that are used to sanitize EQUIPMENT and UTENSILS as specified under Part 4-7, shall be provided and available for use during all hours of operation. <sup>Pf</sup>

*Cleaning agents and sanitizers must be provided and easily accessible for use.*

- **"In-Shell Product"** means non-living, processed shellfish with one or both shells present.  
Added new term meaning non- living, processed shellfish with one or both shells present.
- **"Molluscan shellfish"** means any edible species of fresh or frozen oysters, clams, mussels, and scallops, or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle. MOLLUSCAN SHELLFISH includes SHELLSTOCK, SHUCKED SHELLFISH and IN SHELL PRODUCTS.  
Revised the definition to clarify that the term is inclusive of shellstock, in-shell product, and shucked shellfish.
- **"Shellstock"** means live MOLLUSCAN SHELLFISH in the shell.  
Amended Revised the definition to clarify that it is live molluscan shellfish in the shell.
- **"Shucked shellfish"** means MOLLUSCAN SHELLFISH that have both shells removed.  
Revised the definition to clarify that both shells of this product are removed.

# Flow Chart of FDA Food Code Terminology

## "Molluscan Shellfish"

Any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof.



### "Shellstock"

LIVE in the shell(s)



### "Shucked Shellfish"

Both shells removed



### "In-Shell Product"

Non-living, processed  
in the shell(s)

## **FC 3-203.12(B) and (C)**

### **Molluscan Shellfish, Maintaining ID**

These sections were updated to include an invoice as appropriate documentation for tracing "Molluscan shellfish" to its original source in addition to tags and labels.

# Why include invoices now?

- Records may be difficult to keep for “in-shell products” and “shucked shellfish”.
- "In-shell product" may not have tags but may have a label or required information on a master container.
- Keeping the entire master container may not be feasible and soiled labels may be difficult to read.



# Mandatory Traceback Information

When invoices are used, they must contain required information for tracing "Molluscan Shellfish" to its original source.

1. the dealer's name and address
2. the dealer certification number (ex. from dealer that depurates, packs, ships, or reships)
3. the most precise identification of the harvest location
4. the harvest or shucking date
5. the type and quantity
6. the 'sell-by' or 'best if used by' date on "shucked shellfish" (if less than 1.89 L or one-half gallon) and "in-shell product"
7. the date when the last "Molluscan shellfish" from the container is sold or served shall be recorded on the tag, label, or invoice

An invoice that does not include all the required information is not acceptable.

## What is required to be on the tag, label or invoice for proper traceback?

The identification requirements in the Food Code follow the National Shellfish Sanitation Program (NSSP) Guide for Control of Molluscan Shellfish.

The tag, label or invoice may vary slightly; however, "Molluscan shellfish" must contain the following for traceback:

1. the dealer's name and address,
2. the dealer certification number (ex. from dealer that depurates, packs, ships, or reships),
3. the most precise identification of the harvest location,
4. the harvest or shucking date,
5. the type and quantity,
6. the 'sell-by' or 'best if used by' date on "shucked shellfish" (if less than 1.89 L or one-half gallon) and "in-shell product".
7. the date when the last "Molluscan shellfish" from the container is sold or served shall be recorded on the tag, label, or invoice.

**Note:** "Molluscan Shellfish" must be received from businesses listed on the Interstate Certified Shellfish Shipper's List (ICSSL) and accompanied by tags or labels. When an invoice is maintained in the food establishment for traceback, it must have the required information listed in Items 1-6 above. It is key that the "Food establishment" records the date in Item 7 because that date starts the 90 day clock for maintaining the "molluscan shellfish" invoice.

**1** Dealers Name and Address

**5** Type and Quantity of Shellstock

**3** Harvest Area

**4** Harvest Date

**2** Dealer's Certification Number

**7** Date when the last shellstock was removed from the container must be written somewhere on the invoice.

Invoice 13920a

**SoGood Seafood**  
 30 Anywhere Rd  
 Jersey, ME 25047  
 1-877-333-3333  
 support@sogoodseafood.com  
 www.sogoodseafood.com

**BILL TO**  
 Chef Steve  
 Maine Fish Company 38  
 Anywhere, ME 03333

**SHIP TO**  
 Chef Steve  
 Maine Fish Company  
 38 Anywhere, ME  
 03333

| DATE     | PLEASE PAY | DUE DATE |
|----------|------------|----------|
| 12/31/22 | \$300.00   | 12/31/22 |

| ACTIVITY              | DESCRIPTION                                    | QTY | RATE  | AMOUNT             |
|-----------------------|------------------------------------------------|-----|-------|--------------------|
| Raw Oysters, 1lb bag, | Harvest Area: ME 123, Harvest Date: 12/31/2022 | 10  | 30.00 | 300.00             |
|                       |                                                |     |       | SUBTOTAL 300.00    |
|                       |                                                |     |       | TAX 0.00           |
|                       |                                                |     |       | TOTAL 300.00       |
|                       |                                                |     |       | TOTAL DUE \$300.00 |

Thank you for your business!  
We prefer checks, bank transfer, debit over credit card if possible. Thanks

Record of Shipping and Compliance w/ Temp. Regulations

Shipping Dealer: SoGood Seafood, ME 12323 SS

All product has been stored at <45 degrees and adequately iced for shipment.

If shipping shellfish, time of departure: \_\_\_\_\_

If shipping shellfish, time of arrival: \_\_\_\_\_

Retailers: DATE WHEN LAST SHELLSTOCK FROM THE CONTAINER SOLD OR SERVED (INSERT DATE): \_\_\_\_\_

EXAMPLE FOR EDUCATIONAL PURPOSES ONLY

This illustration does not include Item 6 (from above) because it does not apply to "shellstock" which is used in this example.

**“Intact Meat”** means a cut of whole muscle(s) MEAT that has **not** undergone COMMINATION, MECHANICAL TENDERIZATION, vacuum tumbling with solutions, reconstruction, cubing or pounding.

Revised the definition to clarify that beef products that are vacuum tumbled with solutions are not considered intact meats. Also added cubing or pounding.

**"Mechanically Tenderized"** means manipulating meat by piercing with a set of needles, pins, blades or any mechanical device, which breaks up muscle fiber and tough connective tissue, to increase tenderness. This includes **INJECTION**, scoring, and processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," or "needling".

### **Added INJECTION**

**Amended the definition of the term "Mechanically Tenderized" to clarify that products injected with a marinade or solution are considered mechanically tenderized.**

#### **Before:**

(1) "Mechanically tenderized" means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins, needles or any mechanical device.

(2) "Mechanically tenderized" does not include processes by which solutions are **INJECTED** into meat.

"Whole-muscle, intact beef" means whole muscle beef that is **not** injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

## **Cooking – 3-401.11 (C) (1-3) Raw Animal Foods**

*(C) A raw or undercooked WHOLE-MUSCLE, INTACT BEEF steak may be served or offered for sale in a READY-TO-EAT form if:*

- (1) The FOOD ESTABLISHMENT serves a population that is not a HIGHLY SUSCEPTIBLE POPULATION,*
- (2) The steak is labeled to indicate that it meets the definition of "WHOLE-MUSCLE, INTACT BEEF" as specified under ¶ 3-201.11(E), and*
- (3) The steak is cooked on both the top and bottom to a surface temperature of 63oC (145oF) or above and a cooked color change is achieved on all external surfaces.*

## Sources - 3-201.11 – Compliance with Food Law

(E) WHOLE-MUSCLE, INTACT BEEF steaks that are intended for consumption in an undercooked form without a CONSUMER advisory as specified in ¶ 3-401.11(C) shall be:

- (1) Obtained from a FOOD PROCESSING PLANT that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of WHOLE-MUSCLE, INTACT BEEF,<sup>Pf</sup> or
- (2) Deemed acceptable by the REGULATORY AUTHORITY based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of WHOLE-MUSCLE, INTACT BEEF,<sup>Pf</sup> and
- (3) If individually cut in a FOOD ESTABLISHMENT:
  - (a) Cut from WHOLE-MUSCLE INTACT BEEF that is labeled by a FOOD PROCESSING PLANT as specified in Subparagraph (E)(1) of this section or identified as specified in Subparagraph (E)(2) of this section,<sup>Pf</sup>
  - (b) Prepared so they remain intact,<sup>Pf</sup> and
  - (c) If PACKAGED for undercooking in a FOOD ESTABLISHMENT, labeled as specified in Subparagraph (E)(1) of this section or identified as specified in (E)(2) of this section.<sup>Pf</sup>

The term “Tobacco” replaced with the term **"Tobacco Product"** has the meaning stated in the Federal Food, Drug and Cosmetic Act §201(rr) (21 U.S.C. 321(rr)).

Includes any product made from tobacco:

- encompasses cigarettes, cigars, and smokeless tobacco.
- covers components and parts - Items like e-cigarettes and vaping devices are included if they contain tobacco-derived substances.
- applies to nicotine delivery systems - Products designed to deliver nicotine, regardless of their form, fall under this definition.
- Tobacco products may not be consumed in the kitchens and hands must be washed after use.



**"Major food allergen"** means:

- (a) Milk, EGG, FISH (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, soybeans and sesame; or
- (b) A FOOD ingredient that contains protein derived from a FOOD, as specified in Subparagraph (1)(a) of this definition.

***"Major food allergen" does not include:***

- (a) *Any highly refined oil derived from a food specified in Subparagraph (1)(a) of this definition and any ingredient derived from such highly refined oil; or*
- (b) *Any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).*

# FC 3-602.12

## Other Forms of Information\*

To provide food establishment operators with current industry best practices for notifying consumers of major food allergens present in menu items and food that is unpackaged (i.e., not covered by the Food Allergen Labeling and Consumer Protection Act or other labeling requirements).

**Added new paragraph (C):**

**(C) The PERMIT HOLDER shall notify CONSUMERS by written notification of the presence of MAJOR FOOD ALLERGENS as an ingredient in unPACKAGED FOOD items that are served or sold to the CONSUMER.\***

**\*MAJOR CHANGE**

# Notice of Major Food Allergens

- This can be done in a variety of ways:
  - Brochures
  - Table tents
  - Placards
  - Deli case or menu notifications
  - Ingredient binders (accessible to consumers)
  - Electronic or “other effective written means”

*Ensure that notifications of major food allergens are specific to the food items that contain the major food allergens.*

*They could include either the common name or an image of the relevant major food allergen.*

# Dippin' Dumplings

THE YUMMIEST CHINESE  
TAKEOUT IN TOWN



## DIM SUM

### *Very Veggie* <sup>2, 8, 7, 8, 9</sup>

All-vegetable dumplings in delicate spinach wonton parcels

**\$5**

### *Soupy Dumplings* <sup>2, 4, 8, 7, 8, 9</sup>

Our take on the xiaolongbao. Each little pouch packs a punch!

**\$5**

### *Shrimp-a-holic* <sup>2, 4, 8, 7, 8, 9</sup>

Crystal prawns encased in translucent wrappers, served with chili soy sauce

**\$7**

### *Shumai Love* <sup>2, 4, 8, 7, 8, 9</sup>

The classic pork and shrimp shumai, upgraded with a drizzle of truffle oil

**\$7**

### *Faux Shark Fin Dumplings* <sup>2, 8, 7, 8, 9</sup>

Get the same texture minus the guilt with agar-agar strips and our special recipe

### *Power Bao* <sup>2, 8, 7, 8, 9</sup>

A pair of cloud-soft baos with an assortment of hearty fillings

## NOODLES

### *Chili Garlic Goodness* <sup>2, 8, 7, 8, 9</sup>

Dry noodles made silky with sesame oil, and loaded with garlic and spice

### *Truly Tantanmen* <sup>2, 8, 7, 8, 9</sup>

Hand-cut noodles served with a nutty, savory dipping sauce

### *Want More* <sup>2, 8, 7, 8, 9</sup>

#### *Wonton Noodles*

A hearty soup with tons of toppings, already a meal in itself

## DRINKS

### *Pure Soya*

Soy milk made from scratch, served hot or iced

**¥ 120**

### *Tea for Two*

A pot of oolong, jasmine, or green tea to wash down the dim sum

**¥ 150**

**Allergen Notice.** Food items marked with the below numbers may contain the corresponding ingredients. Please speak with your server if you have any allergies.

**1 Milk | 2 Eggs | 3 Fish | 4 Crustacean Shellfish | 5 Tree Nuts | 6 Wheat | 7 Peanuts | 8 Soybeans | 9 Sesame**

# Dippin' Dumplings

THE YUMMIEST CHINESE  
TAKEOUT IN TOWN



## DIM SUM

### Very Veggie

Cantonese Eggs, Wheat, Peanuts, Soybean, Sesame

All-vegetable dumplings in delicate spinach wonton parcels

\$5

### Soupy Dumplings

Cantonese Eggs, Fish, Crustacean Shellfish, Wheat, Peanuts, Soybean, Sesame

Our take on the xiaolongbao. Each little pouch packs a punch!

\$5

### Shrimp-a-holic

Cantonese Eggs, Crustacean Shellfish, Wheat, Peanuts, Soybean, Sesame

Crystal prawns encased in translucent wrappers, served with chili soy sauce

\$7

### Shumai Love

Cantonese Eggs, Crustacean Shellfish, Wheat, Peanuts, Soybean, Sesame

The classic pork and shrimp shumai, upgraded with a drizzle of truffle oil

\$7

### Faux Shark Fin Dumplings

Cantonese Eggs, Wheat, Peanuts, Soybean, Sesame

Get the same texture minus the guilt with agar-agar strips and our special recipe

### Power Baos

Cantonese Eggs, Wheat, Peanuts, Soybean, Sesame

A pair of cloud-soft baos with an assortment of hearty fillings

## NOODLES

### Chili Garlic Goodness

Cantonese Eggs, Wheat, Peanuts, Soybean, Sesame

Dry noodles made silky with sesame oil, and loaded with garlic and spice

\$10

### Truly Tantanmen

Cantonese Eggs, Wheat, Peanuts, Soybean, Sesame

Hand-cut noodles served with a nutty, savory dipping sauce

\$10

### Want-More

#### Wonton Noodles

Cantonese Eggs, Wheat, Peanuts, Soybean, Sesame

A hearty soup with tons of toppings, already a meal in itself

\$10

## DRINKS

### Pure Soya

Cantonese Soybean

Soy milk made from scratch, served hot or iced

\$3

### Tea for Two

A pot of oolong, jasmine, or green tea to wash down the dim sum

\$3

If you or someone in your party has allergies, please notify your server.

# ***Duties***

## **FC 2-103.11 - PIC**

### **Revised the letter (N)**

#### ***Language before revision:***

Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties.

#### ***Language after revision:***

Except when APPROVAL is obtained from the REGULATORY AUTHORITY as specified in ¶ 3-301.11(E), EMPLOYEES are preventing cross-contamination of READY-TO-EAT food with bare hands by properly using suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT; <sup>Pf</sup>

# **CHAPTER 2**

## **Management & Personnel**

# ***Responsibility***

## **FC 2-101.11 (A) – Assignment\***

**(A)** Except as specified in ¶¶ (B) and (C) of this section, the PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present at the FOOD ESTABLISHMENT during all hours of operation.\* Pf

**\*MAJOR CHANGE**



# FC 2-102.12 (A)

## Certified Food Protection Manager

The person in charge (PIC) shall be a certified food protection (CFPM) manager who has shown proficiency of required information through passing a test that is part of an *accredited program*.



## FC 1-201.10 (B)

### ***“Accredited Program”***

- (1) "Accredited program" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.
- (2) “Accredited program” refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline, and grievance procedures; and test development and administration.
- (3) “Accredited program” does not refer to training functions or educational programs.

*Handout*

## **FC 2-401.13**

### **Use of Bandages, Finger Cots, Finger Stalls**

- If used, an impermeable cover such as a bandage, finger cot or finger stall located on the wrist, hand or finger of a FOOD EMPLOYEE working with exposed FOOD shall be covered with a single-use glove.

# Responding to Contamination Events

## FC 2-501.11

### Clean-up of Vomiting & Diarrheal Events

- A FOOD ESTABLISHMENT shall have **written** procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, consumers, FOOD, and surfaces to vomitus or fecal matter. <sup>Pf</sup>



# **CHAPTER 3**

## **Food**

# Sources, Specifications, and Original Containers and Records

## **FC 3-204.10** – *Food Donation*

### **New Section:**

- FOOD stored, prepared, PACKAGED, displayed, and labeled in accordance to LAW and this Code may be offered for donation.

[Food Donation - RecyclingWorks Massachusetts](#)

# Recyclingworks: Steps for Establishing a Food Donation Process

In order to have a successful food donation program, Recyclingworks recommends considering these steps:

## 1. Identify Food To Donate with Local Partners

Any business that handles food can donate it—as long as they follow **food safety standards to maintain quality**.

This includes a wide variety of establishments including restaurants, grocery and convenience stores, colleges and universities, K–12 schools, hospitals, corporate cafeterias, caterers, event venues, farms, farmers markets, sports arenas, food manufacturers, and trucking distribution centers.

**To get started**, reach out to local food rescue organizations, food banks, or donation apps in your area. Ask what types and quantities of food they accept—whether non-perishable, perishable, or prepared—and explore how your business can collaborate with them.

[Comprehensive Guidance for Food Recovery Programs](#)



# Food Donation Giving Guide

Thank you for considering food donation as a way to support our community and reduce waste. It's important to know that businesses that donate perfectly good food are protected from liability from the Bill Emerson Good Samaritan Act, which was signed into law in 1996, and recently updated in 2022 (<https://chipli.org/wp-content/uploads/2023/03/Emerson-Fact-Sheet.pdf>).

This flyer provides information on which foods may or may not be acceptable for donation at your nearby meal site or food bank.

### Donatable Foods

When donating food, it is important to only select items that are safe and suitable for human consumption. Here are some examples of acceptable foods. Always work with your food donation partner to determine what can and cannot be donated.

#### Donatable Non-Perishables



Examples:

- Canned vegetables, fruits, beans, soups, fish, and poultry
- Dry pasta, rice, beans and grains

*\*Note: Cans/packaging should be unopened and undamaged. Consult your local food rescue partner to see if they will take items past their Best By, Use By, and/or Sell By dates.*

#### Donatable Perishables



Examples:

- Fresh fruits and vegetables (check with your food donation partner if produce with minor bruising is OK!)
- Dairy products
- Deli meats and cheeses
- Bakery items (uncontaminated and mold-free)
- Frozen fruits and vegetables
- Frozen meats
- Packaged salads, soups, sandwiches, and wraps

*\*Notes:*

- Any items with packaging/seals should be intact and undamaged
- Check the Best By, Use By, and/or Sell By dates on the packaging, if applicable. Some meal sites may take food after its sell by date.
- Items can be stored, transported, and donated at the same temperature as they were sold, but also chilled or frozen within cooling parameters.

Certain hot bar or buffet items may be donatable. Check with your food rescue partner and/or health department to confirm.

### Non Donatable Foods

Prescreening and excluding unsuitable food items can greatly benefit the recipients of food donations.

#### Non Donatable Non-Perishable Items



Examples:

- Goods with significantly dented cans and/or missing labels
- Items with damaged or opened packaging
- Home-canned goods

#### Non Donatable Perishable Items



Examples:

- Hot or cold foods not kept at temperature for greater than 2 hours
- Moldy items
- Stale items
- Overly bruised produce
- Items with damaged or opened packaging

Food banks and similar outlets may welcome slightly bruised produce. However, produce with significant bruising, exceeding the size of a quarter, should be directed towards composting, animal feed, or anaerobic digestion.

|                                                                                       | Keep on shelf | Donate/Repurpose | Redirect to Compost/Anaerobic Digestion |
|---------------------------------------------------------------------------------------|---------------|------------------|-----------------------------------------|
|  |               |                  |                                         |
|  |               |                  |                                         |
|  |               |                  |                                         |
|  |               |                  |                                         |
|  |               |                  |                                         |

|                                                   |                                                                                                                                                                                                                                                               |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Food Handling Guidelines for Donating Food</b> | <b>Packaged Foods</b> <ul style="list-style-type: none"><li>• Shelf-stable (boxed, canned foods): Cool &amp; dry</li><li>• Meat (fresh), dairy, perishable: Chilled at 41°F or below</li><li>• Meat (frozen or unprocessed): Frozen at 0°F or below</li></ul> | <b>Food Donation Partnership Agreement Outline</b> | <ol style="list-style-type: none"><li>1. Exchange of Basic Information: Key contacts &amp; anticipated donation frequency</li><li>2. Types of Foods to be Donated</li><li>3. Food Transport Arrangements</li><li>4. Qualifications of Key Staff &amp; Staff Training<ul style="list-style-type: none"><li>• Hygiene, food safety, food defense, storage, &amp; transport procedures</li></ul></li><li>5. Communication</li><li>6. Resolution of Unsatisfactory Situations</li></ol> |
|                                                   | <b>Fresh Produce</b> <ul style="list-style-type: none"><li>• Whole: Cool &amp; dry</li><li>• Chopped: Chilled at 41°F or below</li></ul>                                                                                                                      |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Information adapted from <https://www.foodprotect.org/guides-documents/comprehensive-guidance-for-food-recovery-programs/>. For more information, contact your local health department or CET at [cet@online.org](mailto:cet@online.org). This material is based upon work supported under a grant by the Rural Utilities Service, United States Department of Agriculture. Any opinions, findings, and conclusions expressed in this material are solely the responsibility of the authors and do not necessarily represent the official views of the Rural Utilities Service.

43

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# CFP – See Resources – 51 pages

Originally developed by the Food Recovery Committee  
2000 Conference for Food Protection / Council I

October 2000  
Updated January 2004  
Updated April 2006  
Updated March 2007

**This revision April 2016**





# FC 3-302.11

## Packaged & Unpackaged Food – Separation, Packaging, & Segregation

(A) FOOD shall be protected from cross contamination by:

1. Except as specified in **(1)(d)** below or when combined as ingredients, separating raw animal FOODS during storage, preparation, holding, and display from:
  - (a) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables,
  - (b) Cooked READY-TO-EAT FOOD, and
  - (c) Fruits and vegetables before they are washed;
  - (d) Frozen, commercially processed and packaged raw animal FOOD may be stored or displayed with or above frozen, commercially processed and PACKAGED, ready-to-eat food.**

# ***Cooking***

## **FC 3-401.11 - Raw Animal Foods**

(A)(1) Amended this section to include **intact meat**, which must be cooked to 145°F (63°C) for 15 seconds.

(A)(2) Amended this section to reflect new cooking **time** for the following raw foods from **15 seconds to 17 seconds**:

- ratites
- mechanically tenderized and injected meats
- comminuted fish, meat, game animals commercially raised for food or under voluntary inspection
- raw eggs prepared to a consumer's order

***Final internal cooking temperature remains the same: 155°F***

# ***Cooking (cont'd)***

(A)(3) Amended this section to reflect new cooking **time** for the following raw foods from **15 seconds to <1 second (instantaneous)**:

- Poultry
- Baluts
- Wild game animals
- Stuffed fish, meat, pasta, poultry, ratites  
Stuffing containing fish, meat, poultry, or ratites

## **FC 3-401.15 (New Section)**

### **Manufacturer Cooking Instructions**

**(A)** Commercially PACKAGED FOOD that bears a manufacturer's cooking instructions shall be cooked according to those instructions before use in READY-TO-EAT FOODS or offered in unPACKAGED form for human consumption, unless the manufacturer's instructions specify that the FOOD may be consumed without cooking. P

**(B)** FOOD for which the manufacturer has provided information that it has not been processed to control pathogens, when used in READY-TO-EAT FOODS or offered for human consumption, shall be cooked according to a time and temperature appropriate for the FOOD. P

# ***Duties***

## **FC 2-103.11 - PIC**

Added new paragraph (J)

- FOOD EMPLOYEES are properly maintaining the temperature of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS *during thawing* through daily oversight of the FOOD EMPLOYEE'S routine monitoring of FOOD temperatures; <sup>Pf</sup>

# FC 3-502.12

## ROP – No Variance - Fish



(C) *Except for FISH that is frozen before, during, and after PACKAGING **and bears a label indicating that it is to be kept frozen until time of use,*** a FOOD ESTABLISHMENT may not PACKAGE FISH using a REDUCED OXYGEN PACKAGING method. <sup>P</sup>

## FC 3-50 1.19(B)(2)

### Time as a Public Health Control (TPHC)

(B) If time without temperature control is used as the public health control up to a maximum of 4 hours:

(1) Except as specified in (B)(2), the food shall have an initial temperature of 5°C (41°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control; <sup>P</sup>

(2) **The food may have an initial temperature of 21°C (70°F) or less if;**

- (a) It is a ready-to-eat fruit or vegetable that upon cutting is rendered a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD as defined in ¶1-201.10(B), or**
- (b) It is a READY-TO-EAT HERMETICALLY SEALED FOOD that upon opening is rendered a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD as defined in ¶1-201.10(B),**
- (c) The FOOD temperature does not exceed 21°C (70°F) within a maximum time of 4 hours from the time it was rendered a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD; and**
- (d) The FOOD is marked or otherwise identified to indicate the time that is 4 hours past the point in time when the FOOD is rendered a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD as specified in sub¶¶ (B)(2)(a) and (b) of this section.**

# Changed Risk Designation

**FC 3-305.12    FC 4-401.11    FC 4-903.12**

- Food, clean & sanitized equipment, utensils, laundered linens, and single service/use articles, and cabinets used to store any of the items mentioned may not be stored:
  - A. In locker rooms;
  - B. In toilet rooms; Pf (from core)
  - C. In dressing rooms;
  - D. In garbage rooms;
  - E. In mechanical rooms;
  - F. Under sewer lines that are not shielded to intercept potential drips;
  - G. Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
  - H. Under open stairwells; or
  - I. Under other sources of contamination.



## 590.003; FC 3-304.17 Refilling Returnables

A take-home food container returned to a food establishment may be refilled at a food establishment with food if the food container is:

- Designed and constructed for reuse<sup>P</sup>;
- One that was initially provided by the food establishment to the consumer, either empty or filled with food by the food establishment, for the purpose of being returned for reuse;
- Returned to the food establishment by the consumer after use; and
- Subject to the following steps before being refilled with food:
  - (a) Cleaned properly,
  - (b) Sanitized properly; <sup>P</sup>
  - (c) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under Part 4-1 and 4-2; <sup>P</sup> and

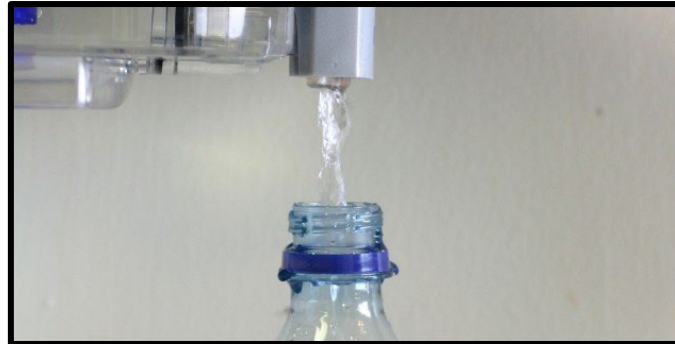
## **590.003; FC 3-304.17 Refilling Returnables (cont.)**

A take-home food container returned to a food establishment may be refilled at a food establishment with a beverage if:

- The beverage is not a time/temperature control for safety food;
- The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;
- Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
- The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and

## 590.003; FC 3-304.17 Refilling Returnables (cont.)

- The container is refilled by:
  - An employee of the food establishment , or
  - The owner of the container if the BEVERAGE system includes a contamination-free transfer process that cannot be bypassed by the container owner.



- Consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups, and promotional BEVERAGE glasses, may be refilled by employees or the consumer if refilling is a contamination-free process.
- Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

# **CHAPTER 7**

## **Poisonous or Toxic Materials**

## **FC 7-203.11 Poisonous or Toxic Material Containers**

A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense FOOD, EQUIPMENT, UTENSILS, LINENS, SINGLE- SERVICE or SINGLE-USE ARTICLES. P

*Amended to include the prohibition of storage of equipment, utensils, linens, single-service/use articles in containers previously used for storing toxic chemicals.*

*Earlier provision only mentioned the prohibition of storing food in these containers.*

# **CHAPTER 8**

## **Compliance & Enforcement**

# Imminent Health Hazard

## FC 8-404.11 Ceasing Operations and Reporting

*Amended by adding subparagraphs (C)(1)-(3)*

*(C) Considering the nature of the potential HAZARD involved and the complexity of the corrective action needed, the REGULATORY AUTHORITY may agree to continuing operations in the event of an extended interruption of electrical or water service if:*

- (1) A written emergency operating plan has been APPROVED;*
- (2) Immediate corrective action is taken to eliminate, prevent, or control any FOOD safety RISK and IMMINENT HEALTH HAZARD associated with the electrical or water service interruption; and*
- (3) The REGULATORY AUTHORITY is informed upon implementation of the written emergency operating plan.*

# **Emergency Action Plan for Retail Food Establishments**

## **Second Edition**

**Practical guidance for retail grocery and food service establishments to plan and respond to emergency situations that could impact food safety and facility operations.**

Original Produced By:  
Emergency Preparedness Committee of Council II  
2004-2006 Conference for Food Protection

First Revision By:  
Emergency Preparedness and Response Committee of Council II  
2006-2008 Conference for Food Protection

Current Edition By:  
Emergency Action Plan Committee of Council III  
2012-2014 Conference for Food Protection



# New Definition

**“Active Managerial Control” (AMC)** means the purposeful incorporation of specific actions or procedures by industry management into the operation of their business to attain control over foodborne illness RISK factors. It embodies a preventive rather than reactive approach to FOOD safety through a continuous system of monitoring and verification.

**Added** to clarify and provide consistency in application and understanding the term (CFP 2023-II-043).

# Food Defense\*

\* **MAJOR CHANGE**

# New Definition

“**Food Defense**” is the effort to protect FOOD from acts of intentional ADULTERATION or tampering.

**Added** to ensure that food defense is adequately addressed in the food code (CFP 2023-II-039).

# ***Knowledge***

## **FC 2-102.11 - Demonstration**

*Amend ¶ 2-102.11(C) to add **new sub¶ (C)(18)** to read as follows:*

Based on the RISKS inherent to the FOOD operation, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of foodborne disease prevention, application of the HAZARD Analysis and CRITICAL CONTROL POINT principles, and the requirements of this Code. The PERSON IN CHARGE shall demonstrate this knowledge by:

(C) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. The areas of knowledge include:

**(18) Explaining steps that are taken to prevent intentional ADULTERATION by CONSUMERS, EMPLOYEES, or other PERSONS including monitoring operations, ingredients, supplies, and finished products for unusual or suspicious activities, or other FOOD DEFENSE activities. <sup>Pf</sup>**

# ***Duties***

## **FC 2-103.11 - PIC**

*Amend §2-103.11 to revise the lead in sentence and to add **new ¶ (R)** to read as follows:*

The PERSON IN CHARGE shall maintain ACTIVE MANAGERIAL CONTROL of foodborne illness RISK factors by ensuring that:

**(R) EMPLOYEES are aware of FOOD DEFENSE, such as signs of intentional acts of ADULTERATION as it relates to their assigned duties, and report suspicious activity to the PERSON IN CHARGE. <sup>Pf</sup>**

Handout

# Food Defense

## Employee Orientation

Establishment Name: \_\_\_\_\_ Employee ID#: \_\_\_\_\_

Food Employee Name: \_\_\_\_\_

| Employee Awareness Checklist: The purpose of this checklist is to provide a guideline to help raise employee awareness pertaining to Food Defense. This can be used during employee orientation or during routine employee training to help document Food Defense discussions.                                         | Employee Initials |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Be a responsible employee. Communicate any potential food defense issues to your manager.                                                                                                                                                                                                                              |                   |
| Be aware of your surroundings and pay close attention to customers and employees who are acting suspiciously or are not where they belong                                                                                                                                                                              |                   |
| Limit the number of personal items you bring into your work establishment and keep items secure in a designated area                                                                                                                                                                                                   |                   |
| Be aware of who is working at a given time and where (in what area) they are supposed to be working.                                                                                                                                                                                                                   |                   |
| Periodically monitor the food display and food service areas (like salad bar, food displays, and other self-service foods.)                                                                                                                                                                                            |                   |
| Make sure chemicals are labeled and in their designated storage or sales area. Notify manager if large amounts of chemicals are missing.                                                                                                                                                                               |                   |
| Know your company guidelines and follow them. If you have questions or believe company guidelines are not being followed, request assistance from your manager.                                                                                                                                                        |                   |
| <b>Take all threats seriously</b> , report any verbal or social media threats made by other employees or customers to your manager.                                                                                                                                                                                    |                   |
| If the back door is supposed to be locked and secure, <b>make sure it is!</b>                                                                                                                                                                                                                                          |                   |
| If something doesn't look normal, <b>stop</b> using the product and <b>notify</b> your manager <b>immediately</b> . For example, if a food product or chemical you use looks different than it usually does                                                                                                            |                   |
| If an ex-employee or non-employee enters an <b>"employees only"</b> area, let them know they have entered an "employee only" area, ask if they need help, escort them out of the employee area. Notify the person in charge or a manager.                                                                              |                   |
| Cooperate in all investigations and notify management or corporate office. This could mean answering questions from the police or other government officials                                                                                                                                                           |                   |
| <b>Do not talk to the media</b> ; refer all questions to your manager, person in charge, or corporate office.                                                                                                                                                                                                          |                   |
| If you are aware of a hoax, prank, or social media challenge, notify your manager <b>immediately</b> .                                                                                                                                                                                                                 |                   |
| <b>CUSTOMER AWARENESS SOP:</b>                                                                                                                                                                                                                                                                                         |                   |
| Be aware of any unattended bags or briefcases customers bring into your operation, notify your manager <b>immediately</b> .                                                                                                                                                                                            |                   |
| If a customer walks into an <b>"employee only"</b> area of your operation, ask the customer politely if he or she needs help, then notify a member of management.                                                                                                                                                      |                   |
| <b>VENDOR AWARENESS SOP:</b>                                                                                                                                                                                                                                                                                           |                   |
| Check the identification of any vendor or service person that enters restricted areas of your operation and do not leave him or her unattended. Make sure management is aware of any after-hour vendor services or deliveries.                                                                                         |                   |
| Monitor all products received and look for any signs of tampering.                                                                                                                                                                                                                                                     |                   |
| When a vendor is making a delivery, never accept more items than what is listed on your invoice. If the vendor attempts to give you more items than listed, <b>notify your manager</b> .                                                                                                                               |                   |
| When receiving deliveries: <b>Step 1.</b> Always ask for identification. <b>Step 2.</b> Stay with the delivery person. <b>Step 3.</b> Do not allow the person to roam freely throughout your operation. <b>Step 4.</b> Delivery vehicle must always be attended or locked when the driver is away delivering products. |                   |
| <b>FACILITY AWARENESS SOP:</b>                                                                                                                                                                                                                                                                                         |                   |
| Report all equipment, maintenance, and security issues to your manager.                                                                                                                                                                                                                                                |                   |
| Document any equipment, maintenance, and security issues.                                                                                                                                                                                                                                                              |                   |
| Be aware of the inside and outside of your facility, including the dumpster area, and report anything out of the ordinary.                                                                                                                                                                                             |                   |
| <b>ESTABLISHMENT SPECIFIC FOOD DEFENSE (OPTIONAL):</b>                                                                                                                                                                                                                                                                 |                   |
| EMPLOYEE SIGNATURE                                                                                                                                                                                                                                                                                                     | OWNER/MANAGER     |
| SIGNATURE                                                                                                                                                                                                                                                                                                              | DATE              |
| Resourced by: SURE, Food Defense Manager Manual For food service and retail establishments                                                                                                                                                                                                                             |                   |

# Food Defense Employee Training

- This sample document provides a framework for food industry managers and trainers to use during employee orientation or routine training to help raise food employee awareness and document discussions pertaining to Food Defense.
- Approved via Issue 2023-I-041 from the 2021-2023 Food Defense Committee.
- The new CFP Food Defense Guidance-Food Defense Employee Orientation form provides a sample checklist of important food defense topics for food employees. The form is intended for use by food industry managers or trainers to provide a guideline for increasing employee food defense awareness. The form may be used during employee orientation and routine or refresher training to guide and document food defense discussions. Resourced by: SURE, Food Defense Manager Manual For food service and retail establishments.

# Guidance for Industry: Food Security Preventive Measures Guidance for Retail Food Stores and Food Service Establishments

OCTOBER 2007

Final

Docket Number: [FDA-2020-D-1927](#)

Issued by: Human Foods Program

*This guidance represents the Food and Drug Administration's (FDA's) current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. You can use an alternative approach if the approach satisfies the requirements of the applicable statutes and regulations.*

## Table of Contents

I. [INTRODUCTION](#)

II. [BACKGROUND](#)

III. [DISCUSSION](#)



# **Food Safety Management Systems\***

**\* MAJOR CHANGE**

# New Definitions

**(1) “FOOD SAFETY MANAGEMENT SYSTEM”** means a specific set of actions taken by the EMPLOYEE to prevent the occurrence of foodborne illness RISK factors based on the type of operation, type of FOOD preparation, and FOODS prepared within the FOOD ESTABLISHMENT.

**(2) “FOOD SAFETY MANAGEMENT SYSTEM”** includes written procedures, training plans, and monitoring records to control specific operational steps in a FOOD ESTABLISHMENT that contribute to foodborne illness.

# Food Safety Management System

## 8-201 Facility and Operating Plans

Building on the concept of Food Safety Management Systems and Active Managerial Control by defining the terms, new provisions have been added that speak to when a Food Safety Management System is required

# FC 8-201.12

## Contents of Plans and Specifications

*Amend ¶8-201.12(E) to replace the term **standard procedures** with the term **food safety management system** to read as follows:*

The plans and specifications for a FOOD ESTABLISHMENT, including a FOOD ESTABLISHMENT specified under § 8-201.13, shall include, as required by the REGULATORY AUTHORITY based on the type of operation, type of FOOD preparation, and FOODS prepared, the following information to demonstrate conformance with Code provisions:

- (E) Evidence that a **FOOD SAFETY MANAGEMENT SYSTEM** that ensures compliance with the requirements of this Code are developed or are being developed; and

# FC 8-201.15

## When a Food Safety Management System is Required

(A) Within 4 years of the REGULATORY AUTHORITY'S adoption of this Code, a written FOOD SAFETY MANAGEMENT SYSTEM shall be:

1. Developed and maintained to ensure compliance with requirements of this Code as specified in 2-103.11.
2. Implemented in the FOOD ESTABLISHMENT during all hours of operation, and
3. Made available to the REGULATORY AUTHORITY upon request.

*(B) This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the REGULATORY AUTHORITY to pose minimal RISK of causing, or contributing to, foodborne illness based on the nature of the operation and extent of the FOOD preparation.*

## FC 8-201.16

### Contents of a food safety management system

*Amend Subpart 8-201 to add **new § 8-201.16**  
as a reserved provision to read as follows:*

RESERVED.

# FSMS

In the past, the Food Code asked you to have written procedures—like how to wash hands or cook chicken safely.

The 2022 update now expects you to go a step further and use a **Food Safety Management System**.

That means not just having rules but having a *system* that makes sure those rules are always followed, checked, and corrected if something goes wrong.

## FSMS (cont.)

- The FDA added this requirement because the old approach—just having standard procedures (like how to wash hands or clean surfaces)—wasn't enough to consistently prevent foodborne illness.
- Too many outbreaks still happened even when procedures existed on paper.



# Standard Procedures vs FSMS

*Standard Procedures = step-by-step instructions (“Here’s how you calibrate a thermometer”).*

*Food Safety Management System (FSMS) = a bigger, integrated framework that makes sure those procedures are being carried out, monitored, and improved.*

SPs = tell staff what *should* be done.

FSMS = makes sure it *is* done, *monitored*, and *corrected* when it isn’t.

# **Example: Standard Procedure**

“After cooking, rice is placed in shallow pans for cooling. The rice is cooled to 41°F within 6 hours. Pans are stored uncovered in the walk-in cooler.”

**What do you think of this procedure?**

Good: Simple and direct

Needs improvement:

- 2-stage cooling process
- monitoring,
- pre-determined corrective actions,
- verification
- records

# Example: Upgraded to FSMS

**Process:** Cooling cooked rice

**Hazard:** *Bacillus cereus* growth and toxin formation

**Critical Limit:** Cool from 135°F to 70°F within 2 hours,  
then to 41°F within 6 hours

## **Example: FSMS Cooling Cooked Rice**

|                           |                                                                                                                                                                                                                         |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Written Procedure</b>  | Rice is spread in shallow metal pans ( $\leq 2$ " deep), labeled with time/temp stickers, and placed uncovered in walk-in cooler.                                                                                       |
| <b>Monitoring</b>         | Staff check temps at 2-hour and 6-hour marks using calibrated thermometer. Cooling logs completed for each batch.                                                                                                       |
| <b>Corrective Actions</b> | If rice doesn't reach 70°F in 2 hours, reheat to 165°F and spread rice onto sheet pans for rapid cooling. If rice doesn't reach 41°F in the next 4 hours, discard. If thermometer is uncalibrated, replace and recheck. |
| <b>Verification</b>       | Manager reviews logs weekly. Meets with staff if monitoring shows corrective actions needed.                                                                                                                            |
| <b>Training</b>           | Staff retrained as necessary if problems noted. New hires trained during onboarding.                                                                                                                                    |
| <b>Documentation</b>      | Cooling logs, thermometer calibration records, and training sign-in sheets kept for 90 days.                                                                                                                            |

# Upgraded to FSMS

- **Monitoring:** Supervisors observe handwashing during busy shifts and note compliance on a checklist.
- **Verification:** Manager reviews observation sheets weekly and addresses repeated misses with retraining.
- **Corrective Action:** If an employee skips handwashing after handling raw chicken, food is discarded, surfaces sanitized, and employee is coached immediately.
- **System:** Instead of assuming staff always wash, the FSMS builds in observation, documentation, correction, and accountability.

***Questions?***

# References

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Public Health Service • Food and Drug Administration 2022 Food Code**  
<https://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM374510.pdf>

**Supplement to the 2022 Food Code U.S. Public Health Service FDA U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES College Park, MD:**  
20740<https://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM451981.pdf>

**Summary of Changes In the FDA Food Code 2022**  
<https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/ucm374759.htm>



# References (cont.)

## **105 CMR 590.000: STATE SANITARY CODE CHAPTER X - MINIMUM SANITATION STANDARDS FOR FOOD ESTABLISHMENTS**

<https://www.mass.gov/files/documents/2018/10/09/105cmr590.pdf>

Merged Food Code (2013 FDA Food Code, with 2015 Supplemental Regulations, and 105 CMR 590.000).

<https://www.mass.gov/lists/retail-food#dph-regulation-and-fda-code->

**Note:** Since MA regulations are still being followed, the merged food code will still be a useful document.

# References (cont.)

## Food Donation

- **Food Recovery Programs**[comprehensive-resource-for-food-recovery-2016-version.pdf](#) - Google Drive (approx. 50 pages)
- [Food Donation - RecyclingWorks Massachusetts](#)
- [CET-Food-Donation-Guidance-1.pdf](#)
- [Interfaith Food Pantry Network - Serving Morris County](#)

# Training Handouts

- Maintaining Molluscan Shellfish Identification
- MA DPH- Food Allergen Awareness FAQs
- Food Allergen Notifications: A Guidance for Industry
- Dippin Dumplings Sample Menus
- Refilling Returnables
- RecyclingWorks – Steps for Establishing a Food Donation Process
- CET - Food Donation Giving Guide
- FDA Guidance for Industry – Food Security Preventive Measure for Retail Food and Foodservice Establishments
- Food Defense Employee Orientation