



## Pomperaug District Department of Health

77 Main Street North • Playhouse Corner • Suite 205 • Southbury, CT 06488  
(203) 264-9616 • Woodbury (203) 266-4785 • Oxford (203) 888-2543 x3005  
Fax: (203) 262-1960 • Website: [www.pddh.org](http://www.pddh.org)

June 20, 2018

To: Food Service Establishments

From: Mona LaBissoniere, R.S., Sanitarian/Health Educator

### **RE: Changes to the Food Service Regulations - Update**

In January, I sent you a letter regarding changes to the FDA Food Code. I just wanted to update you on the status of that change.

- The FDA Food Code was supposed to become effective on July 1, 2018. The implementation has been delayed; however, we have not yet received an official “start date”. So, for now, we are still enforcing the original code, Connecticut Public Health Code 19-13-B42. At this time, we expect the implementation date to occur by January 1, 2019.
- The FDA Code that will be adopted is the 2017 FDA Food Code. When I wrote to you in January, the 2013 code was still in effect. Please familiarize yourself with the new version. It is available at [www.fda.gov](http://www.fda.gov); type “2017 FDA Food Code” into the search bar at the top of the page.
- Despite the fact that the FDA Food Code adoption is being delayed, a few aspects went into effect on October 1, 2017 and will be enforced by the Pomperaug Health District:
  - The new cold holding temperature will be lowered from  $\leq 45^{\circ}$  F to  $\leq 41^{\circ}$  F. You should take steps to ensure that all your cold-holding equipment can meet this requirement.
  - Hot holding temperature is now  $135^{\circ}$ F, instead of  $140^{\circ}$ F.
- Potentially Hazardous Foods (PHF’s) will now be known as Time/Temperature Controlled for Safety Foods (TCS foods). Cut leafy greens will now be considered a TCS food and will need to be cold held at  $\leq 41^{\circ}$ F.
- The food service classifications have been revised. We have asked you specific questions on the food service license application about your operation so that we can accurately reclassify your establishment.
- There must be a Person in Charge (PIC) present during all hours of operation. This is similar to the Qualified Food Operator (QFO), a term from the current food service establishment regulations. The permit holder may be the Person in Charge or may designate one or more persons to be the PIC. The PIC(s) must have a Food Protection Manager Certificate from an accredited program. (example: ServeSafe) The certificate must be valid and must be current – it cannot be expired. Certificates that do not have an expiration date must have been issued in the last 5 years.
  - The State will include new language in the revised food service regulations that allows for an alternate person to be in charge when the PIC cannot be present which is consistent with what is currently allowed per section 19-13-B42(s)(8)(B) of the

Regulations of Connecticut State Agencies. This alternate person in charge may or may not have a food protection manager certificate. If they do not have a certificate, they must be prepared to demonstrate their knowledge of foodborne disease transmission, Hazard Analysis Critical Control Points (HACCP) principles and the requirements of the FDA Food Code. CT Department of Public Health will provide a form to designate alternate persons in charge that must be kept on premises and shown to the inspector upon request.

- If your QFO(s) currently have an expired certificate, the Health District advises that you obtain a new Food Protection Manager Certificate(s) as soon as possible. I know this seems like a hassle, but it will be very beneficial in helping you understand the new requirements, since the review classes and exams are based on the current Food Code. Please be aware that there may be many people who have expired certificates that will be signing up for these certification exams.
  - A word of caution, please be sure that you have or will get a Food Protection Manager certificate and not a Food Handler Certificate.
  - We will no longer ask you to submit the certificates to us. We will ask for them when we inspect – please be sure that you have them in your establishment and that they are easily accessible.
  - FDA Food Code specifically spells out the knowledge requirements and duties of the Person in Charge and the alternate person in charge. See Section 2-102.11 and 2-103.11
- Employees must report to the person in charge if they have any diseases that are transmissible through food and the person in charge must restrict or exclude them from work if they meet certain conditions. The details for this are provided in Section 2-2 of the 2017 FDA Food Code. It is my understanding that the State will require that employees complete Form 1-B from Annex 7 in the 2017 FDA Food Code. It is a Conditional Employees or Food Employees Reporting Agreement where the employee agrees to report certain symptoms and conditions to the Person in Charge.
  - An establishment must have written procedures for employees to follow when responding to a vomiting or diarrheal event that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. See Section 2-501.11 in the 2017 FDA food Code.
  - Food establishments will be required to implement a date marking system for certain foods stored in the establishment. Please see 2017 FDA Food Code Section 3-501.17 for details about date marking.
  - The time frame for correction of violations will be different. The permit holder shall at the time of inspection correct violations of priority items and priority foundation items. For items that cannot be corrected at the time of inspection, you will have up to 72 hours to correct priority items, 10 days to correct priority foundation items and up to 90 days to correct core items. Priority, priority foundation and core items are defined in Chapter 1 of the Food Code. Please be prepared to make corrections at the time of inspection for those priority and priority foundation items that can be corrected immediately.
  - The inspection form will be different. The State Health Department is developing the form. It will probably be very similar to the Form 3-A Food Establishment Inspection Report form that is provided in Annex 7 of the 2017 FDA Food Code.

- The wording for the consumer advisory will be different. If you are planning on changing your menus before the FDA Food Code is adopted, please contact me regarding the menu advisory. After the Food Code is adopted, you can change the menu advisory as you print new menus or we may give you a deadline. At this time, we have not determined exactly how to handle this.
- In the January 2018 letter, we mentioned that prior to issuance of a food service license from the Pomperaug District Department of Health, you will be required to register with the CT Department of Public Health (DPH). At this time, CT DPH is still working out the details of how this will be done and have not yet given us a start date. Therefore, at this time, you will not have to register with CT DPH in order to get your food service license. When CT DPH notifies us that their registry is ready, we will let you know.

Please note that the majority of the requirements will be the same or very similar to what you are currently accustomed to. Overall, the adoption of the FDA Food Code will most likely be beneficial to you. The FDA Food Code is based on the latest science and as such, may actually give you more liberty to do things that you were not previously allowed to do, as long as you carefully follow the requirements as they are spelled out in the Code.

This will be a learning process for both the Pomperaug Health District and the food establishments that we regulate. We will be working with you to make the transition as smooth as possible. We are hoping to have some meetings possibly late this summer or in November-December to review some of the code changes with you. Meanwhile, please take the time to review the 2017 FDA Food Code.

If you have any questions, please feel free to contact me at 203-264-9616, extension 2 or at [mona.labissoniere@pddh.org](mailto:mona.labissoniere@pddh.org).