

Summary of Changes to the 2022 FDA Food Code

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Quick Agenda

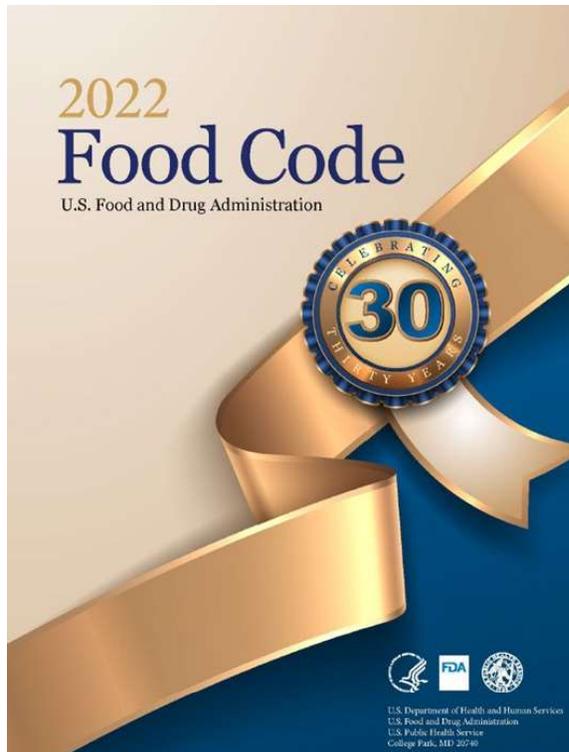
Introduction

Updates to the 2022
FDA Food Code

FDA Retail Food
Specialist Role



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Updates to the 2022 FDA Food Code

What is the Model FDA Food Code

- Provides FDA’s current thinking on food safety and sanitation in the retail food sector.
- Serves as a science-based model for a jurisdiction’s regulatory foundation
- Can be uniformly adopted as a statute, regulation or ordinance for the retail, food service and vending segment of the food industry.
- Result of the efforts and recommendations of many collaborating individuals, agencies, and organizations – Conference for Food Protection
- Embraces the concept that our quality of life, state of health, and the public welfare are directly affected by how we collectively provide and protect our food.

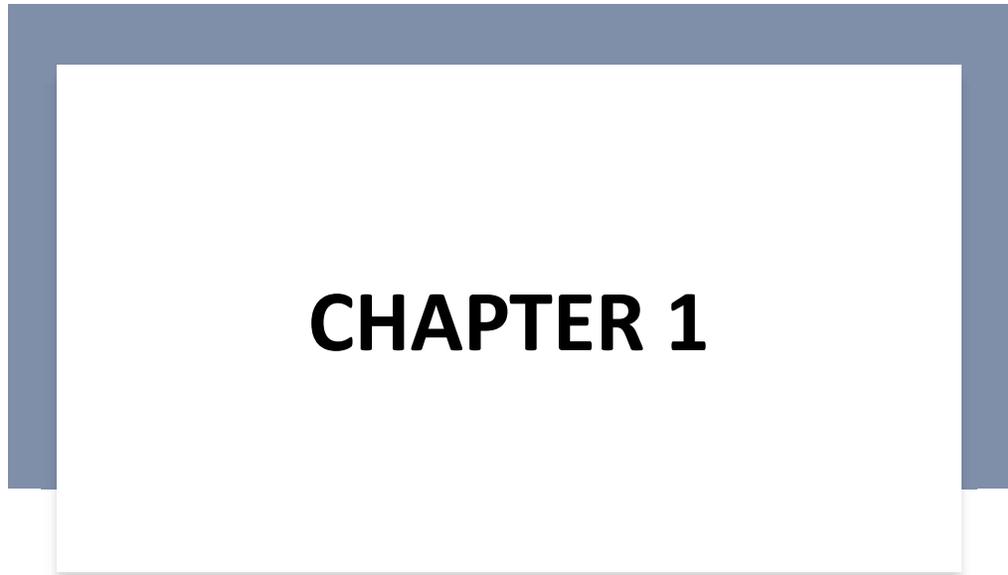
Changes to the FDA Food Code



Changes to the 2017 Food Code go into its Supplement and eventually gets incorporated into the 2022 “Full Edition”

GENERAL SUMMARY OF CHANGES

- Harmonized language to reflect changes in defined terms
- Renumbered, merged, and harmonized some sections to be more consistent with the flow of provisions and corresponding references
- Updated cross references to CFR
- Improved Annex language to provide context, tools, and research
- Changes to the marking instructions



Changes to Defined Terms ¶1-201(B)

REVISED DEFINITIONS

“**Certification number**” to include all the certification and permit codes that may be found on a shellfish tag or label.

“**Commingle**” to align with the NSSP Model Ordinance.

“**Molluscan shellfish**” to clarify that the term is inclusive of shellstock, in-shell product, and shucked shellfish.

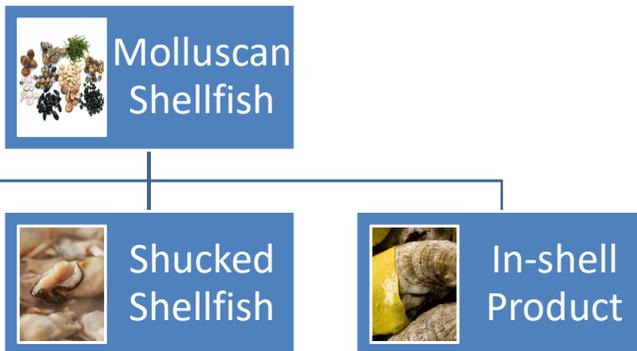
“**Shellstock**” to clarify that it is live molluscan shellfish in the shell.

“**Shucked shellfish**” to clarify that both shells of this product are removed.

NEW! DEFINITION “IN-SHELL PRODUCT”

“**In-shell Product**” means non-living, processed shellfish with one or both shells present.

MOLLUSCAN SHELLFISH



REVISED “INTACT MEAT AND MECHANICALLY TENDERIZED”

“Intact Meat” – clarify that beef products that are vacuum tumbled with solutions, cubed or pounded **are also not** considered intact meat.

“Mechanically Tenderized” – To be consistent with the USDA FSIS description of mechanically tenderized (added since 2017 Supplement)

REVISED "POISONOUS OR TOXIC MATERIALS"

Added previously defined term "Restricted use pesticide"(RUPs) as the 5th category in the definition of "Poisonous or toxic materials"

CFP Issue 2020-I-030

13

REVISED "REDUCED OXYGEN PACKAGING" (2)(D) COOK CHILL

Removed the phrase "which have the air expelled" from the definition of ROP specific to cook chill packaging.

- Corresponding change made to language in Annex 6 Food Processing Criteria

CFP Issue 2020-III-034

15

REVISED "READY-TO-EAT FOOD"

Amended (2)(c) to replace "Fruits and vegetables" with "Plant foods"

Added new (3) to address the new §3-401.15 Manufacturer Cooking Instructions – does not include a commercially packaged food that bears a manufacturer's cooking instruction **and** food in which the manufacturer provided information that it has not been processed to control pathogens

CFP Issue 2020-I-007, 2020-III-032

14

NEW! DEFINITION "TOBACCO PRODUCT"

"Tobacco product" has the meaning stated in the Federal Food, Drug and Cosmetic Act §201(rr).

Made corresponding changes:

- Throughout the Code - wherever the term "tobacco" used, replaced with term "tobacco products"

CFP Issue 2020-I-035

16

CHAPTER 2

Management and Personnel

17

AMENDED SUB ¶¶ 2-201.11(D)(1) AND (D)(2)

Employees with diagnosed, asymptomatic NTS should be restricted, not excluded. The cross-reference to ¶ 2-201.12 (G) was moved from sub¶ 2-201.11(D)(1) to sub¶ 2-201.11(D)(2) to correct the misplaced cross-reference.

18

§2-103.11 PERSON IN CHARGE - DUTIES



Amended to add new ¶(J) to address additional duty requirement for PIC to ensure food employees are properly maintaining the temperature of TCS foods during thawing.

- Redesignated ¶s (J) – (P) as new ¶s (K)-(Q)

Revised ¶2-103.11 (N) to provide more clarity on what food allergy awareness includes describing:

- Foods identified as a major food allergen
- Symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction

CHAPTER 3

Food

NEW! SUBPART 3-204 AND §3-204.10 FOOD DONATIONS



- Created new § 3-204.10 – Food stored, prepared, packaged, displayed, and labeled in accordance to law and this Code may be offered for donation.

Made corresponding changes to:

- § 8-101.10 Public Health Protection
- Annex 2 References
- Annex 3 Public Health Reasons

CFP Issue 2020-I-003

21

§3-305.12 FOOD STORAGE, PROHIBITED AREAS



- Amended risk designation for storage in toilet rooms from Core to Priority Foundation

Made corresponding changes to:

- §4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention
- §4-903.12 Prohibitions

CFP Issue 2020-I-019

23

§3-302.11 PACKAGED AND UNPACKAGED FOOD-SEPARATION, PACKAGING AND SEGREGATION



- Amended sub¶ 3-302.11(A)(1) to add an additional exception indicating instances when raw animal food does not need separation from RTE food.
- Made corresponding changes to
 - Annex 3 PHR and
 - Guide 3B Marking Instructions

CFP Issue 2020-III-026

22

NEW! MANUFACTURER COOKING INSTRUCTIONS



§3-401.15

- (A) addresses when the commercially packaged food bears a manufacturer's cooking instructions.
- (B) addresses information provided by the manufacturer that the food has not been processed to control pathogens.
- Corresponding changes to cross references:
 - Amended sub¶3-501.13 (C)(1) to include a new cross reference to new §3-401.15.
 - Amended sub¶3-801.11 (C)(4) with cross reference to new §3-401.15.

CFP Issue 2020-III-032

24

NEW! MAJOR FOOD ALLERGEN NOTIFICATIONS



- Amended sub¶ 3-602.11(C)(2) to add a cross reference to address major food allergen labeling in bulk food available for consumer self dispensing
- Added a new ¶3-602.12(C) to inform consumers of major food allergens in unpackaged foods via written means

Made corresponding changes to:

- Annex 3 Public Health Reasons
- Annex 7, Guide 3B



§5-202.12 HANDWASHING SINKS, INSTALLATION



- Amend § 5-202.12 Handwashing Sink, Installation to change the hot water temperature at the hand sink from at least 38°C (100°F) to at least 29.4°C (85°F)
- Corresponding changes to:
 - Annex 3 (PHR) § 5-202.12 Public Health Reasons Handwashing Sink, Installation

CHAPTER 5

Water, Plumbing and Waste

CHAPTER 6

Physical Facilities

§6-501.115 PROHIBITING ANIMALS



- Amended to add new exception ¶(D) to allow for pet dogs in outdoor dining areas where approved.
- Amended Annex 3 to include developing a plan for approval, key areas of consideration, and addressing hazards



CFP Issue 2018-I-028

29

§7-203.11 POISONOUS OR TOXIC MATERIAL, CONTAINERS



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

CFP Issue 2020-I-013

31

CHAPTER 7

Poisonous or Toxic Materials

30

ANNEX

32

ANNEX 2: REFERENCES

Revised and updated Bibliography and Supporting Documents throughout Annex 2

- Updated expired weblinks
- Updated titles (i.e., to include new term Tobacco Products)
- Added new references as needed

33

ANNEX 4: MANAGEMENT OF FOOD SAFETY PRACTICES – ACHIEVING ACTIVE MANAGERIAL CONTROL OF FOODBORNE ILLNESS RISK FACTORS

Amended due to codified language changes.

Examples include:

- The HACCP Principles, Category (A)(4) Food Allergens As Food Safety Hazards
- Tables 2a-b Common Chemical Hazards at Retail

35

ANNEX 3: PUBLIC HEALTH REASONS/ADMINISTRATIVE GUIDELINES

Amended to add or revise public health reasons for amended codified language throughout Annex 3.

Examples include:

- **¶1-201.10(B)** Terms Defined, “Time/Temperature Control for Safety Food”
- **§3-302.11** Packaged and Unpackaged Food – Protection Separation, Packaging, and Segregation.
- **§ 3-401.15** Added Public Health Reasons for new §3-401.15 Manufacturer Cooking Instructions
- **§3-202.18** Molluscan Shellfish, Packaging and Identification.

34

ANNEX 7 – MODEL FORMS, GUIDES, AND OTHER AIDES

Form 3-A Food Establishment Inspection Report

- Updated item #'s corresponding to revisions in codified text
 - Item 1: Supervision
 - Item 6: Proper eating, tasting, drinking or tobacco products
 - Item 14: Molluscan Shellfish

36

ANNEX 7 – MODEL FORMS, GUIDES, AND OTHER AIDES CONT'D



Guide 3B – Instructions for Marking the Food Establishment Inspection Report

- Item 1
- Item 6
- Item 11
- Item 14
- Item 15
- Item 18

This slide only depicts changes applicable to the 2022 FC and does not reflect changes made to the Supplement to the 2017 FC

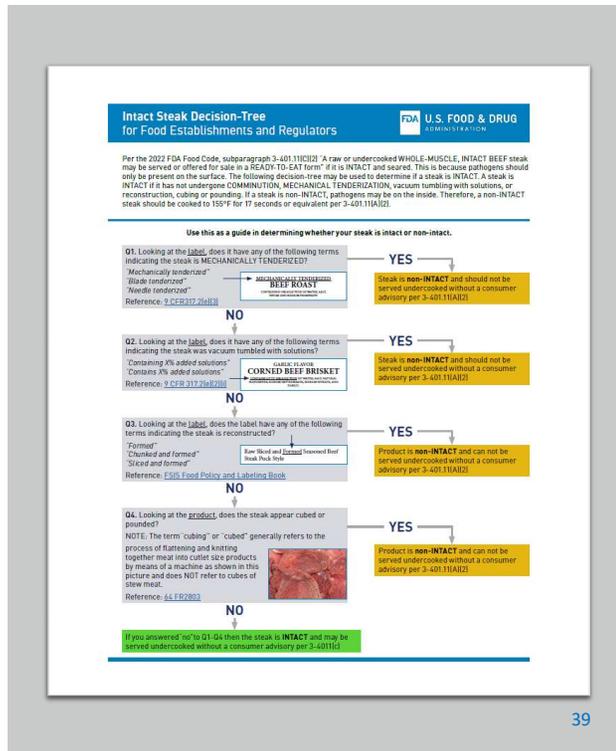
RESOURCES

- 2022 FDA Food Code - <https://www.fda.gov/food/fda-food-code/food-code-2022>
- Complete list of Summary of Changes - <https://www.fda.gov/food/fda-food-code/summary-changes-2022-fda-food-code>
- Directory of FDA Retail Food Specialist - <https://www.fda.gov/food/voluntary-national-retail-food-regulatory-program-standards/directory-fda-retail-food-specialists>



Intact vs Non-Intact Decision Tree

<https://www.fda.gov/mediawatch/2020/01/163808/download>



FDA Retail Food Specialist Role

VNRFRPS

- Voluntary National Retail Food Regulatory Program Standards or "Retail Program Standards"
- Technical Assistance
- Host/facilitate networking and collaboration calls

Food Code

- Promote adoption of the recent FDA Food Code
- Provide technical assistance
- Standardization

Training

- Retail Program Standards
- Retail Food Program Topics
 - Specific topics
 - Special events

Questions

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