



Department of  
Agriculture

# Ohio Department of Agriculture and Ohio Department of Health

Ohio Uniform Food Safety Code  
Rule Updates 2016 Training

# Introduction

- Highlighting only major changes
- Based on the 2011 FDA Food Code Supplement and the 2013 FDA Model Food Code

# Chapter 3717-1-01

## Definitions

## *Definitions*

Only a few changes are present in this Chapter of the code, but the numbering has changed due to the deletion of a definition.

## *Definitions*

(37) Enterohemorrhagic  
Escherichia coli or EHEC  
–Has been removed.

## *Definition Reminder*

(69) "**Micro market**" means a retail food establishment that offers for sale food items that are allowable in a risk level one operation in displays not more than two hundred and fifty linear feet. All commercially prepackaged refrigerated or frozen, time/temperature controlled for safety foods shall be stored in equipment that complies with paragraph (H) of rule 3717-1-03.4, paragraphs (LL) and (MM) of rule 3717-1-04.1 of the Administrative Code.

# *Old Definition*

“Packaged”

(a) means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a FSO, RFE, or a food processing plant; and

(b) Does not include a wrapper, carry out box, or nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

# *Updated Definition*

(75)“Packaged”

(a)means bottled, canned, cartoned, bagged, or wrapped, whether packaged in a FSO, RFE, or a food processing plant; and

(b)Does not include wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer, by a food employee, upon consumer request.



## *Updated Definition*

- The words SECURELY were removed from (a) of the old definition.
- Letter (b) was changed to simplify.

# *Update Definition*

- Impacts of the Update definition of “packaged”.
  - Regardless if located in a FSO or RFE, all foods packaged for consumer self-service will need to be labeled to comply with 3717-1-3.5 (C).

# *Update Definition*

- “Packaging” examples.
  - Clam shell
  - Plastic wrap
  - Bakery bag
  - Deli container





# Definitions

- ▶ 2013 Food Code

- ▶ “Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag...”

- ▶ 2016 Food Code

- ▶ (91)(c)(v)“Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag...”

# Definitions

- ▶ 2013 Food Code
  - ▶ The definition of “Shiga toxin-producing *Escherichia coli*” or STEC
- ▶ 2016 Food Code
  - ▶ (112) Definition provides details on the symptoms of STEC and examples of serotypes

# Chapter 3717-1-02

## Management and Personnel



# Chapter 2

- ▶ 2013 Food Code

- ▶ Hands and arms-when to wash.

(8) Before donning gloves  
**for** working with food; and

- ▶ 2016 Food Code

- ▶ 2.2(C)(8) Hands and arms-when to wash.

(8) Before donning gloves  
**to initiate a task that involves** working with  
food; and

# Chapter 2

## 2.2(E)(1)(b):

- Amended to clarify and align the rule with the applicable C.F.R.'s and the FD&C Act with regard to the use of hand antiseptics as food additive.

# *Chapter 2*

2.4(A) Person in charge – assignment of responsibly.

(2) One year after the effective date of this rule, at least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service shall obtain the level two certification in food protection according to rule 3701-21-25 of the Administrative Code.

# Chapter 2



Certified in Food Protection

The Director of Health verifies on 12/18/2015

**Copy**  
Jean Hayden

has successfully completed the certification course in Food Protection at

**Reciprocity**

A handwritten signature in black ink, appearing to be 'John E. D. ...', written over a faint, illegible background.

Director of Health

## *Chapter 2*

2.4(A) Person in charge – assignment of responsibility.

(3) Temporary, mobile, vending and risk level I and risk level II food service operations or retail food establishments are exempt from paragraph (A)(2) of this rule.

# *Chapter 2*

2.4(C) Person in charge - duties.

(6) Employees are verifying that foods delivered to a food service operation or retail food establishment during non-operating hours are from approved sources...

# *Chapter 2*

2.4(C) Person in charge - duties.

(6) continued:

...and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unadulterated, and accurately presented;

# Chapter 2

## 2.4(C) Person in charge – duties.

- (14) Food employees and conditional employees are informed **in a verifiable manner** of their responsibility to report in accordance with this chapter, to the person in charge, information about their health as it relates to diseases that are transmissible through food as specified under paragraph (A) of rule 3717-1-02.1 of the Administrative Code;



# *Chapter 2*

## 2.4(C) Person in charge - duties.

(15) Written procedures and plans, as specified in this Chapter and as developed by the FSO or RFE are maintained and implemented as required.

# *Chapter 2*

## 2.4(C) Person in charge - duties.

(16) The food service operation or retail food establishment shall have written procedures for employees to follow when responding to vomiting or diarrheal events that involve discharge onto surfaces in the FSO or RFE. 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.

# Chapter 2

- <http://www.nfsmi.org/documentlibraryfiles/pdf/20120103124641.pdf>
- <https://www.maricopa.gov/EnvSvc/EnvHealth/pdf/Clean-up%20Procedures%20for%20Vomit%20and%20Fecal%20Accidents.pdf>
- [http://www2.epa.gov/sites/production/files/2015-10/documents/list\\_g\\_norovirus.pdf](http://www2.epa.gov/sites/production/files/2015-10/documents/list_g_norovirus.pdf)
- <http://www.cdc.gov/norovirus/preventing-infection.html>

# Video

- <https://vimeo.com/89134675>

# Chapter 3717-1-03

## Food

# *Chapter 3: Protection from Contamination After Receiving*

Update:

3.2(A) Preventing contamination from hands.

(3)(b) Does not contain a raw animal food but is to be cooked in the food service operation or retail food establishment to heat all parts of the food to a temperature of at least one hundred and **forty-five** degrees Fahrenheit (**sixty-three** degrees Celsius).

# *Chapter 3: Protection from Contamination After Receiving*

## 3.2(C)(3) - **Removed**

Not storing and displaying comminuted or otherwise non intact meats above whole muscle intact cuts of meat unless they are packaged in a manner that precludes the potential for cross contamination.

# *Chapter 3: Protection from Contamination After Receiving*

## 3.2(G) Washing fruits and vegetables.

– Added (3)

- Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315, for the washing of raw, whole fruits and vegetables shall be used in accordance with the manufacturer's instructions.



# *Chapter 3: Protection from Contamination After Receiving*

## 3.2(J)(3):

- Amended to clarify that foods may be in contact with linens, such as cloth napkins, as specified under paragraph (L), as long as they are laundered per 3717-1-04.7 of the OAC.

# *Chapter 3: Protection from Contamination After Receiving*

3.2(L):

Amended to clarify that napkins in this section refers to cloth napkins and they are by definition considered linens.

# *Chapter 3: Protection from Contamination After Receiving*

## 3.2(P) – Refilling returnables.

- (1) Except as specified in paragraphs (2) - (5) of this rule, empty containers returned to a food service operation or retail food establishment for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.

# *Chapter 3: Protection from Contamination After Receiving*

- (2) A take-home food container returned to a food service operation or retail food establishment may be refilled at a food service operation or retail food establishment with food if the food container is:
  - (a) Designed and constructed for reuse and in accordance with the requirements specified under 3717-1-04.0 and 3717-1-04.1 of the Ohio Administrative Code;
  - (b) One that was initially provided by the food service operation or retail food establishment to the consumer, either empty or filled with food by the food service operation or retail food establishment, for the purpose of being returned for reuse;

# *Chapter 3: Protection from Contamination After Receiving*

- (c) Returned to the food service operation or retail food establishment by the consumer after use;
- (d) Subject to the following steps before being refilled with food:
  - (i) Cleaned as specified under 3717-1-04.5 of the Ohio Administrative Code,
  - (ii) Sanitized as specified under 3717-1-04.6 of the Ohio Administrative Code; and
  - (iii) Visually inspected by a food employee to verify that the container, as returned, meets the requirements specified under 3717-1-04.0 and 3717-1-04.1 of the Ohio Administrative Code;

# *Chapter 3: Protection from Contamination After Receiving*

- (3) A take-home food container returned to a food service operation or retail food establishment may be refilled at a food service operation or retail food establishment with beverage if:
  - (a) The beverage is not a time/temperature controlled for safety food;
  - (b) 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 service operation or retail food establishment;
  - (c) 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;

# *Chapter 3: Protection from Contamination After Receiving*

- (d) The consumer-owned container returned to the food service operation or retail food establishment for refilling is refilled for sale or service only to the same consumer; and
- (e) The container is refilled by:
  - (i) An employee of the food service operation or retail food establishment, or
  - (ii) The owner of the container if the beverage system includes a contamination-free transfer process as specified under paragraph (P)(1), (P)(2), and (P)(4) of rule 3717-1-04.1 of the Administrative Code that cannot be bypassed by the container owner.

# *Chapter 3: Protection from Contamination After Receiving*

- (4) 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 as specified under paragraph (P)(1), (P)(2), and (P)(4) of rule 3717-1-04.1 of the Administrative Code
- (5) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.



# *Chapter 3: Destruction of Organisms*

Update:

3.3(D) : non-continuous cooking

(4) Prior to sale or service, cooked using a process that heats all parts of the food to a temperature and time as specified under paragraphs (A)(1) ,(A)(2) and (A)(4) of this rule;

# *Chapter 3: Destruction of Organisms*

## Update:

3.3(E)(2) The provisions of paragraph (E)(1) of this rule do not apply to:

(b) A scallop product consisting only of the shucked adductor muscle.

# *Chapter 3: Destruction of Organisms*

Update:

3.3(H) Reheating for hot holding.

(3) Ready-to-eat time/temperature controlled for safety food that has been commercially processed and packaged in a food processing plant... Shall be heated to a temperature of at least 135 degrees Fahrenheit *when being reheated* for hot holding.

# Chapter 3 – Food Labeling

## Update:

### 3.5(C)(2)

- (b) If made from two or more ingredients, a list **and sub-ingredients** in descending order of predominance by weight, including a declaration of artificial color, ~~or~~ **artificial** flavor and chemical preservatives, if contained in the food;

## *Chapter 3 – Food Labeling*

Update:

3.5(C)(2)

- (g) For any salmonid fish containing canthaxanthin **or astaxanthin** as a color additive, the labeling of the bulk fish container, including a list of ingredients,....., that discloses the use of canthaxanthin **or astaxanthin**

# Chapter 3717-1-04

## Equipment, Utensils and Linens

# *Chapter 4* – Equipment, utensils, and linens

Update:

4.2(H)

(1) In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

# *Chapter 4* – Equipment, utensils, and linens

Update:

4.2(H)

(2) In hot water mechanical warewashing operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring utensil surface temperature



# Chapter 4 – Equipment, utensils, and linens



# *Chapter 4* – Equipment, utensils, and linens

## Update:

### 4.4(N)(6)

- (6) If a chemical sanitizer is generated by a device located on-site at the food service operation or retail food establishment it shall be used as specified in paragraphs (N)(1) to (N)(4) of this rule and shall be produced by a device that:
  - (a) Complies with regulation as specified in §§ 2(q)(1) and 12 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),

# *Chapter 4* – Equipment, utensils, and linens

## Update:

### 4.4(N)(6)

- (b) Complies with 40 CFR 152.500 Requirement for Devices and 40 CFR 156.10;
- (c) Displays the EPA device manufacturing facility registration number on the device; and
- (d) Is operated and maintained in accordance with manufacturer's instructions.

# *Chapter 4* – Equipment, utensils, and linens

## 4.5(B)(2): Equipment food-contact surfaces and utensils – cleaning frequency

- Paragraph (B)(1)(a) of this rule does not apply if the food contact surface or utensil is in contact with a succession of different types of raw meat and poultry each requiring a higher cooking temperature as specified under paragraph (A) of rule 3717-1-03.3 of the Administrative Code than the previous type.

# *Chapter 4* – Equipment, utensils, and linens

## 04.5(B)(3):

- Except as specified in paragraph (B)(4) of this rule, if used with time/temperature controlled for safety food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four hours

# *Chapter 4* – Equipment, utensils, and linens

## 04.5(B)(4):

- Surfaces of utensils and equipment contacting time/temperature controlled for safety food, may be cleaned less frequently than every four hours, if:

# Chapter 3717-1-07

Poisonous or toxic materials

# *Chapter 7* – Poisonous or toxic materials

## 7.1(E)

Amended to include chemical sanitizing solutions generated on site.





# *Chapter 7* – Poisonous or toxic materials

## 7.1(F)

(1) Amended to include those chemicals generated on site to wash or peel raw, whole fruits and vegetables.

(2) Amended to include Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables.

# Chapter 3717-1-09

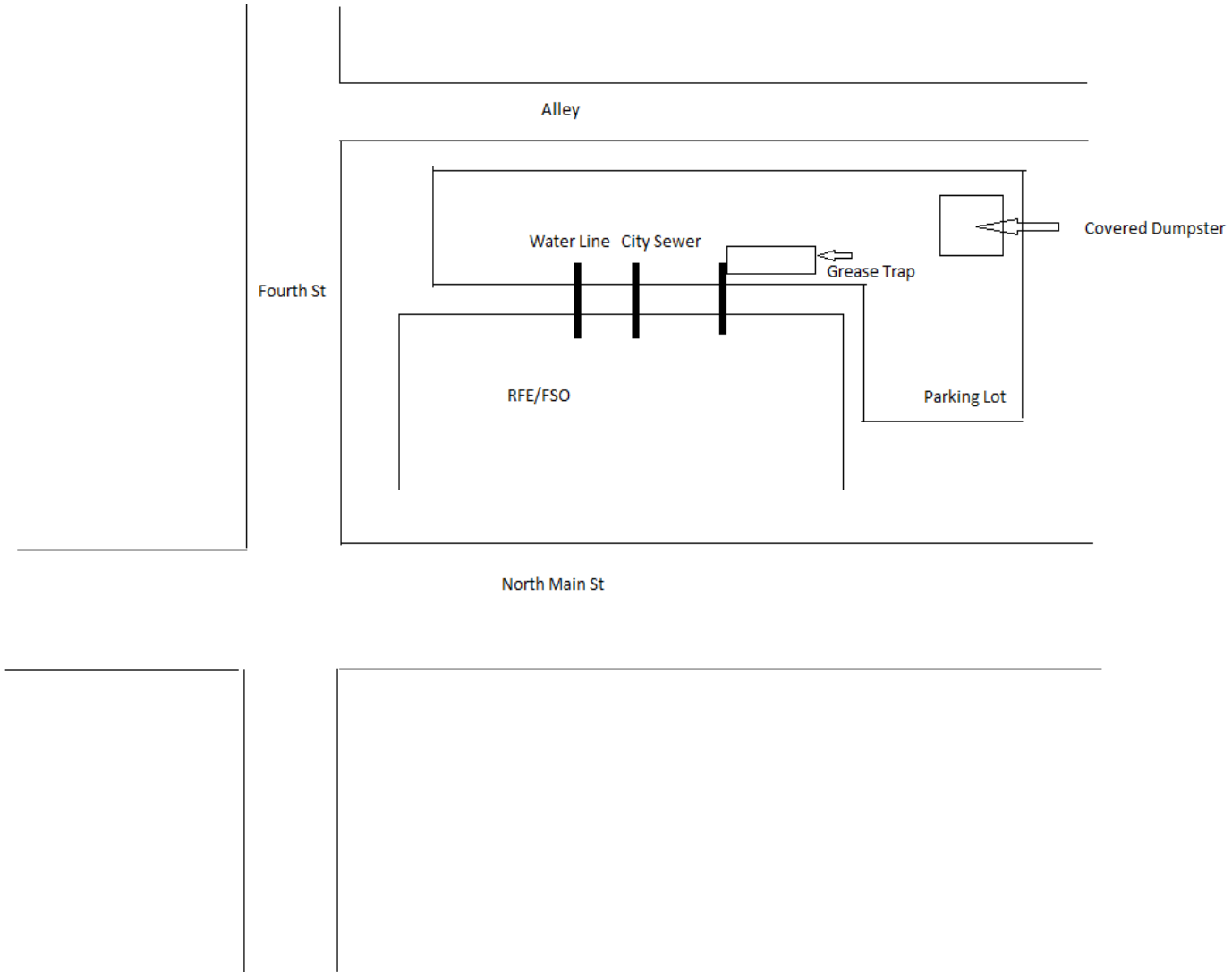
Criteria for reviewing facility layout  
and equipment specifications

# *Chapter 9 – Criteria for reviewing facility layout and equipment specifications*

## 9(A)(3)

### A site plan that includes:

- (a) Location of business in a building such as a shopping mall or stadium;
- (b) Location of building on site, including alleys, streets, and location of any outside support infrastructure such as dumpsters, potable water source, sewage treatment system; and
- c) Interior and exterior seating areas.



**Will be effective soon**

# *Chapter 3: Protection from Contamination after Receiving*

## Update:

### 3.1(S) Pre-packaged juice shall:

(1) Be obtained from a processor with a HACCP system as specified in 21 C.F.R.120; and **either**

(2) Be obtained pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21C.F.R. 120.24.; **or**

(3) Be obtained from a food processing establishment defined in rule 901:3-23-01(B) of the Administrative Code.

# Chapter 3 - Limitation of Growth of Organisms

## Update:

3.4(C) Thawing – temperature and time control.

(5) Reduced oxygen packaged fish that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment:

(a) Prior to thawing under refrigeration...

(b) Prior to, or immediately upon completion of, ... (C)(2) of this rule



# *Chapter 3* - Limitation of Growth of Organisms

Update:

3.4(G) Date marking

(6) Paragraphs (G)(1) and (G)(2) of this rule do not apply to shellstock.

# Chapter 3 - Limitation of Growth of Organisms

## ▶ 2013 Food Code

- ▶ Shelf stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled “Keep Refrigerated” ...

## ▶ 2016 Food Code

- ▶ 3.4(G)(7)(f) Now states: “Shelf stable, dry fermented sausages, such pepperoni and Genoa”

# Chapter 3 - Limitation of Growth of Organisms

## ▶ 2013 Food Code

- ▶ Shelf stable salt-cured products such as prosciutto and Parma (ham) **that are not labeled “Keep Refrigerated” ...**

## ▶ 2016 Food Code

- ▶ 3.4(G)(7)(g) Now states: Shelf stable salt-cured products such a prosciutto and Parma (ham).

# *Chapter 3* - Limitation of Growth of Organisms

3.4(K) Reduced oxygen packaging without a variance - criteria.

Update:

3.4(K)(2)(c) and (d)

Now limits the refrigerated shelf life to no more than thirty calendar days from packaging to consumption.

# *Chapter 3* - Limitation of Growth of Organisms

3.4(K) Reduced oxygen packaging without a variance - criteria.

Update:

3.4(K)(2)(g)

Regulatory authority is notified prior to implementation.

# ***Chapter 3 - Limitation of Growth of Organisms***

## **Update:**

3.4(K) Reduced oxygen packaging without a variance - criteria.

3.4(K)(4): cook-chill or sous vide

(a) Notify the regulatory authority prior to implementation and execute a HACCP plan that contains the information as specified under paragraph (L) of this rule;

# Chapter 3 - Limitation of Growth of Organisms

## ▶ 2013 Food Code

- ▶ Regarding an FSO/RFE using a cook-chill or sous vide process

Temp from 41°F	Cool Time	Use or Discard By
34°F (hold at 34°F)	48 hours	30 days from preparation
34°F (hold at 41°F)	48 hours	72 hours
38°F (hold at 38°F)	24 hours	72 hours
<<<<<<<	Held frozen	>>>>>>>

## ▶ 2016 Food Code

- ▶ Regarding an FSO/RFE using a cook-chill or sous vide process

Temp from 41°F	Cool Time	Use or Discard By
34°F (hold at 34°F)	48 hours	30 days from preparation
Hold at 41°F	N/A	Seven days
<<<<<<<	Held Frozen	>>>>>>>

# Chapter 3 - Limitation of Growth of Organisms

## 3.4(K)(6)

- A HACCP plan is not required for a specific food when a food service operation or retail food establishment uses a reduced oxygen packaging method to package that specific time/temperature controlled for safety food that is always:
  - (a) Labeled with the production time and date;
  - (b) Held at 41°F or less during refrigerated storage; and
  - (c) Removed from its package in the FSO or RFE within 48 hours after packaging.



# Chapter 3 - Limitation of Growth of Organisms

## 3.4(L) – contents of a HACCP plan

- For an FSO or RFE that is required to have a HACCP plan, the plan and specifications shall include:

(1) A flow diagram by specific food or category type identifying critical control points and providing information on the following:

(a) Ingredients, materials, and equipment used in the preparation of that food; and

(b) Formulations or recipes that delineate methods and procedural control

measures that address the food safety concerns involved.

# Chapter 3 - Limitation of Growth of Organisms

## 3.4(L) – contents of a HACCP plan

- (2) A statement of standard operating procedures for the plan under consideration including clearly identifying;
  - (a) Each critical control point;
  - (b) The critical limits for each critical control point;
  - (c) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge;

# Chapter 3 - Limitation of Growth of Organisms

## 3.4(L) – contents of a HACCP plan

(d) The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points;

(e) Action to be taken by the person in charge if the critical limits for each critical control point are not met; and

(f) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and

# *Chapter 3* - Limitation of Growth of Organisms

## 3.4(L) – contents of a HACCP plan

- (3) Additional scientific data or other information, as required by the regulatory authority, supporting the determination that food safety is not compromised by the proposal.