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## Proposed Updates to the Ohio Uniform Food Safety Code Chapter 3717-1 Ohio Administrative Code

### 3717-1-01 Definitions

"Enterohemorrhagic *Escherichia coli* (EHEC)" Deleted, as use of the EHEC terminology is outdated and is included in the revised definition of Shiga toxin-producing *Escherichia coli* (STEC).

"Packaged"- (B)(75)(a) Deleted the term "securely" to avoid undue emphasis on nature of the package.

"Packaged"- (B)(75)(b) Amended to remove the phrases "carry out box" and "other nondurable container" to clarify when foods packaged at retail need to be labeled so that it reads: *Packaged 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.*

"Reduced Oxygen Packaging (ROP)"- (B)(91)(c)(v) Replaced the phrase "place in a hermetically sealed, impermeable bag" with "vacuum packaged in an impermeable bag" so it clearly defines the sous vide process. It now reads: "Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens."

"Shiga toxin-producing *Escherichia coli* (STEC) "- (B)(112) Revised to reflect current nomenclature.

### 3717-1-02.2 Management and personnel: personal cleanliness.

(C)(8) Amended to clarify that the requirement to wash hands before donning gloves is specific to the beginning of a task involving working with food and not during the task.

(E)(1)(b) Amended to clarify and align the rule with applicable C.F.R.'s and the FD&C Act with regard to the use of hand antiseptics as a food additive.

### **3717-1-02.4 Management and personnel: supervision.**

(A)(2) New language added to require one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service obtain Level Two Certification in Food Protection according to rule 3701-21-25 within one year of the effective date of the rule.

(A)(3) New language added to exempt the temporary, mobile, vending and risk level I and risk level II food service operations (FSO) or retail food establishments (RFE) from the requirement to have an employee certified in food protection.

(C)(6) New language added to require the person in charge to ensure that employees are verifying that foods delivered to an FSO or RFE during non-operating hours are from approved sources and are placed into appropriate storage locations at the required temperatures, protected from contamination, unadulterated, and accurately presented.

(C)(14) Modified the language to require the person in charge to ensure that food employees and conditional employees are informed **in a verifiable manner** of their responsibility to report to the person in charge information about their health as it relates to diseases that are transmissible in food.

(C)(15) New language added to require the person in charge to ensure that all written procedures and plans be maintained and implemented as required.

(C)(16) New language added to require the person in charge to ensure that the FSO/RFE have a written procedure for employees to follow when responding to vomiting or diarrheal events.

### **3717-1-03.2 Food: protection from contamination after receiving.**

(A)(3)(b) Amended to clarify if a food employee contacts ready-to-eat food with bare hands at the time the ready-to-eat food is added as an ingredient to a food that does not contain a raw animal food, the combined product shall be heated to at least 145°F instead of 165°F.

(C)(3) Removed the language "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".

(G)(3) New language added to address devices used on-site to generate chemicals for washing raw, whole fruits and vegetables.

(J)(3) New language added to clarify that food may contact surfaces of linens and cloth napkins as specified in modified paragraph (L) of this rule.

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

(P) Amended and new language added to clarify conditions under which the re-use of returnables, and refilling of returnable take-home containers are permitted.

### **3717-1-03.3 Food: destruction of organisms of public health concern**

(D)(4) Amended to clarify that prior to sale or service, raw animal foods cooked using a non-continuous cooking process shall be cooked to a temperature and for a time as specified under paragraphs (A)(1), (A)(2), and (A)(4) of this rule instead of 165°F.

(E)(2)(b) New language added to clarify that scallop products consisting solely of the shucked adductor muscle are excluded from the requirements for freezing for parasite destruction.

(H)(3) Amended language to clarify that this rule applies to all commercially processed TCS foods that are ready-to-eat. Previous text suggested that it applied only immediately upon removal of the food from a sealed container.

### **3717-1-03.5 Food: food identity, presentation, and on premises labeling.**

(C)(2)(b) Added "and sub-ingredients" and modified the language "color or flavor" with "colors, artificial flavors" to clarify the information that a label should include.

(C)(2)(g) Added "or astaxanthin" to clarify the information that a label should include.

(C)(3)(b) Amended a reference to correctly refer to what a labeling device such as a card, sign, or other method of notification needs to declare.

### **3717-1-4.2 Equipment, utensils, and linens: numbers and capacities**

(H) Amended the tag line to add "and mechanical".

(H)(1) Amended to re-designate the existing section into this section.

(H)(2) New language that requires the availability of an irreversible registering temperature indicator in hot water mechanical warewashing operations.

### **3717-1-04.4 Equipment, utensils, and linens: maintenance and operation.**

(N) Removed "using" from the tag line.

(N)(6) New language added to allow for a chemical sanitizer to be generated by a device located on-site if the device complies with the requirements of this section.

### **3717-1-04.5 Equipment, utensils, and linens: cleaning of equipment and utensils**

(B)(1)(a) Included the reference to the new paragraph of (B)(2).

(B)(2) New language that does not require cleaning in between different types of raw animal foods 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.

(B)(3) New language that references the exception in paragraph (B)(4).

(B)(4) Modified language for clarity.

(K) Incorporated this section into 3717-1-03.2 (P).

### **3717-1-04.7 Equipment, utensils, and linens: laundering.**

(B)(3) Amended to clarify that napkins in this section refers to cloth napkins and they are by definition considered linens.

### **3717-1-07.1 Poisonous or toxic materials: operational supplies and applications.**

(E) Amended language to include chemical sanitizing solutions generated on-site, and placed the C.F.R. reference in a new section.

(E)(1) The C.F.R. reference in (E) changed to this section.

(E)(2) Added new C.F.R. reference.

(F) Added to the tag line "treatment, storage and processing".

(F)(1) New language added to include chemicals generated on-site for the washing or peeling of raw, whole fruits and vegetables and the requirement it must meet.

(F)(2) New language added to state that ozone used as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a facility shall meet the requirements specified in 21 C.F.R. 173.368.

### **3717-1-09 Criteria for reviewing facility layout and equipment specifications.**

(A)(3) Added new language to clarify what should be included in a site plan when submitted.

### **Updates coming soon**

#### **3717-1-03.1 Food: sources, specifications, and original containers.**

(S) Language added to allow juice which has **not** undergone a five log reduction to be processed in one FSO or RFE and transported to another FSO or RFE as long as the processing facility is inspected by ODA and both facilities are licensed under the same name.

#### **3717-1-03.4 Food: limitation of growth of organisms of public health concern.**

(C)(5) New language added to specify that frozen fish packaged using an ROP method shall be removed from the ROP environment either prior to initiating thawing procedures under refrigeration, or immediately upon completion of thawing completely submerged under running water as specified in this rule.

(G)(1) Amended the language to match the FDA food code by updating references and to re-order the wording.

(G)(2) Amended the language to match the FDA food code by updating references and to re-order the wording.

(G)(6) New language that exempts raw, live in-shell molluscan shellfish from date marking.

(G)(7)(f) Amended language to clarify that the exemption from date marking for shelf-stable dry fermented sausages produced in USDA-regulated facilities is not dependent on the product retaining the original casing.

(G)(7)(g) Amended language to match the FDA food code by stating that shelf stable salt-cured meats are exempt from date marking, regardless of whether the label states "Keep Refrigerated".

(J)(4) Amended language to clarify that only TCS foods prepared under ROP methods that do not control for growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* require a variance.

(J)(10) Removed the requirement for a variance when harvesting seed or bean sprouts.

(K)(1) Removed the references to sections (K)(3) – (K)(5).

(K)(2) Added the reference to the new section (K)(6), that exempts certain facilities from having to implement a HACCP plan; Added the reference to the new section (M)(2) and (M)(4), which provides the information needed in a HACCP plan.

(K)(2)(b) Modified the language to include the reference from (K)(3) to (K)(5). Corrected the spelling of “degrees”.

(K)(2)(c)(ii) Replaced “fourteen” days with “thirty” days.

(K)(2)(d) Replaced “fourteen” days with “thirty” days.

(K)(2)(e)(i) Added “ready-to-eat” to prohibit bare hand contact.

(K)(2)(g) Added new language to specify that a HACCP plan be provided to the regulatory authority prior to implementation.

(K)(4) Added the reference to the new language that specifies when a FSO or RFE that uses a reduced oxygen packaging method does not need a HACCP plan; Added the term “Time/Temperature controlled for safety food” to clarify that this section applies to TCS food.

(K)(4)(a) Amended language to clarify that a facility must notify the regulatory authority prior to implementing and executing a HACCP plan.

(K)(4)(b) Added “Ensure the” to the beginning of the sentence.

(K)(4)(b)(i) Replaced “bagged” with “packaged”.

(K)(4)(b)(ii) Amended language to specify that only the cooking parameters in paragraphs (A)(1), (A)(2) and (A)(4) of rule 3717-1-03.3 apply. (In other words, under-cooked raw animal foods (03.3(A)(3)) may not be packaged using ROP).

(K)(4)(b)(v) Removed “subsequently”.

(K)(4)(b)(v)(a) Replaced “preparation” with “packaging”.

(K)(4)(b)(v)(b) Amended language to allow for cold holding of ROP food at 41°F for 7 days after cooling to 41°F.

(K)(4)(b)(v)(c) Removed old language and re-numbered subparagraphs.

(K)(4)(c) Amended language to clarify that temperatures shall be monitored and the records shall be maintained.

(K)(4)(c)(i) Modified language for clarity.

(K)(4)(c)(ii) Modified language for clarity.

(K)(4)(d) Modified language for clarity.

(K)(5) Amended to add the new language regarding when a HACCP plan is not required for ROP packaging of cheese.

(K)(5)(b) Amended to reference that the HACCP plan contains the information specified under the new paragraph (L).

(K)(6) New language added to specify when a FSO or RFE does not need a HACCP plan when using ROP.

(L) New language added to specify the contents of a HACCP plan.