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Public Health
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Memorandum

TO: Easthampton Permitted Food & Retail Establishments

FROM: Bri Eichstaedt, Health Agent

RE: Summary of the Changes to the FDA Food Code Merged with 105 CMR 590

On October 5, 2018, the state adopted the 2013 Food Code Merged with 105 CMR 590.000 (<https://www.mass.gov/files/documents/2019/01/04/Merged-Food-Code-11-16-18.pdf>). Previously, we were enforcing the 1999 Food Code Merged with 105 CMR 590.000. We will now be enforcing the 2013 Food Code when inspecting. We have outlined some of the major changes below. Please incorporate the changes outlined below into your establishment. Please feel free to contact me with any questions.

1. Instead of Red-Critical and Critical violations, the new code defines a Red-Critical violation as a **Priority** violation, a Critical violation as a **Priority Foundation** violation, and all other non-critical violations such as physical facility violations will be considered **Core** violations. While looking at the code, you'll see a superscript P or Pf indicating whether the violation is a Priority or Priority Foundation. You can find the definitions of Priority, Priority Foundation, and Core items in the definition section of the code.

2. Section 5-202.11: Hot water at hand wash sinks shall be 100 degrees F. The 1999 code required the hand wash temperature to be at 110 degrees F.

3. Section 2-501: A food establishment shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter on 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. I have posted a sample plan to our website. You may use this plan if you'd like. It is your responsibility to train your employees on this plan and also make this plan readily accessible to them if you're not on site at the time of an event. A "clean up kit" is not required per the code, however, this plan indicates you must have absorbent material, gloves, masks, shoe coverings, etc. Therefore, if you adopt this plan, you must have these items readily available.

4. PHF's or potentially hazardous foods were re-defined as TCS or time control for safety foods. The formal definition for a TCS food can be found in the definition section of the code.

5. Section 3-603: If your establishment serves raw or under cooked foods, you must asterisk * or somehow mark the food on the menu that your consumer advisory is referring to. For example, if there is a steak on the menu, you must put a * next to that menu item if you do serve it under cooked to patrons that request it.

6. Section 3-501.17: Ready to eat, TCS foods prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days. The day of preparation shall be counted as Day 1.

7. Section 3-401.14: If you do non-continuous cooking in your establishment you must first get written approval from the Health Dept. (please refer to the code section for specific details on what needs to be in your written plan). Non-continuous cooking is defined as: the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.

8. Section 4-302.13: Dishwashers must have an "irreversible registering temperature indicator." Thermometers on the outside of dish machines do not comply for this section. You will need to have a thermometer that goes in with the load and records the highest temp. You may use the color indicating strips that you may have seen us use during inspections, however, they can be expensive and in the long run, it may be more cost effective buying a thermometer that can go into the machine.

9. Section 8-304.11: A sign stating "a copy of the most recent inspection form is available upon request" shall be hung in a conspicuous location for the public's view. I suggest placing this sign next to your Food Protection Manager certificates/Food Establishment Permit, etc. because these certificates should be in the public's view too.

10. Section 2-103.11: The Person in Charge shall inform food employees in a verifiable way their responsibility to report information about their health as it relates to diseases that are transmissible by food. One way to achieve this is to have food employees sign off on an Employee Health Policy Agreement that outlines what illnesses they are required to report. A sample agreement can be found on our website.

11. Section 6-501.111: Food establishments shall be free of pests. The 1999 code stated establishments shall control pests to minimize their presence; however, the new code requires establishments to be free of pests.

The above changes are some of the major changes to the code and do not encompass all changes to the code. To see all changes to the code, please visit: <https://www.mass.gov/files/documents/2019/01/04/Merged-Food-Code-11-16-18.pdf>. All changes are listed in red font. Please visit the Easthampton Health Department website to view samples of the Employee Policy Agreement, Most Recent Inspection Report Available sign, and Vomit/Diarrhea Clean Up Procedure Plan.