

Exercising Reasonable Care under the CA Retail Food Code (H&SC 113700 et seq.)



Disclaimer

This presentation is intended to highlight some major topics in the CA Retail Food Code and to encourage food facility owners and operators to **read the law**. Some provisions cited in this presentation have been paraphrased and not quoted in their entirety. Nothing in this presentation is intended as specific legal advice to any food facility owner or operator or any other member of the public.

So please, **READ THE LAW**.

Know the Law



- Obtain a copy of the CA Retail Food Code **EVERY YEAR.**
- Available for free in PDF format at:
www.cdph.ca.gov/services/Documents/fdbRFCpdf.
- Available in paperback edition for \$4.95 plus tax and shipping at:
www.ccdeh.com/resources/products-for-sale/calcode.

Owner Responsibility (H&SC 114397)

- The owner, manager, or operator of any food facility is **responsible for any violation** by an employee of any provision of this part or any regulation adopted pursuant to this part. Each day the violation occurs shall be a separate and distinct offense.
- Note: Reason to consider **voluntary condemnation and destruction (VC&D)** of food when recommended by inspector as alternative to impoundment. (See H&SC 114393.)

General Food Safety Requirements

Protection from Cross-Contamination (H&SC 113986)

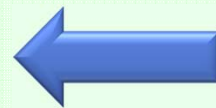
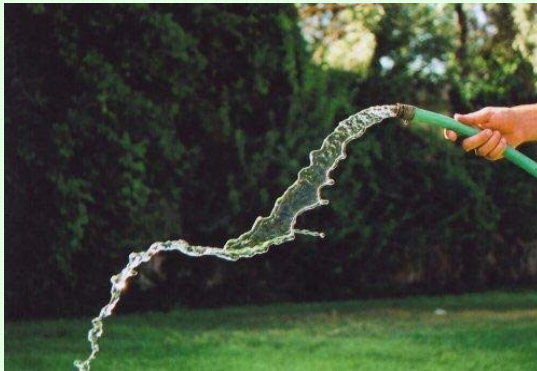
- (a) (1) Separate **raw food of animal origin** during transportation, storage, preparation, holding, and display from **raw ready-to-eat food**, including other raw food of animal origin such as **fish for sushi** or molluscan shellfish, or other raw ready-to-eat food such as **produce**, and **cooked ready-to-eat food** in any of the following ways:

Protection from Cross-Contamination (H&SC 113986 (a)(1))

- (A) Use separate equipment for each type of food.
- (B) Keep each type of food separated from other types within or on equipment.
- (C) Prepare each type of food at different times or in separate areas.
- (D) Except as specified below, store the food in packages, covered containers, or wrappings.
- (E) Clean hermetically sealed containers of food of visible soil before opening.
- (F) Protect food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.

Protection from Cross-Contamination (H&SC 113986 (a)(1))

- (G) Store **damaged, spoiled, or recalled food** being held in the establishment **separately** from any usable food or equipment, utensils, linens, or other products be used in the establishment.
- (H) Separate **fruits and vegetables**, before they are **thoroughly washed** with potable (drinkable) water, from ready-to-eat food.



Not "potable"

Protection from Cross-Contamination

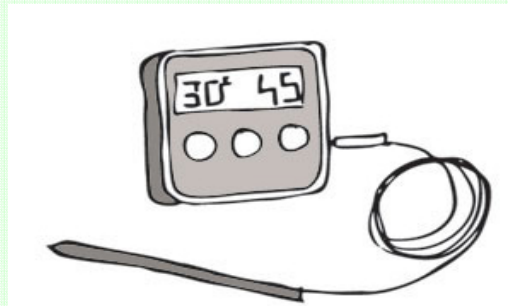
Food that need not be stored in packages (H&SC 113986 (b):

- (1) Whole, uncut, raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption.
- (2) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks.
- (3) Whole, uncut, processed meats, such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks.
- (4) Food being cooled in cooling or cold holding equipment.
- (5) Shellstock.

Time and Temperature Relationships (H&SC 113996)

In general, required temperatures for “potentially hazardous food” (defined H&SC 113871):

- Except during preparation, cooking, cooling, transportation to or from a retail food facility for a period of less than 30 minutes, **potentially hazardous food shall be maintained at or above 135°F, or at or below 41°F.**



Time and Temperature Relationships

(H&SC 113996) Exceptions to temperature rule for potentially hazardous food:

(b) Cooked roasts shall be held at 130°F or above.

(c) Foods that may be held at or below 45°F:

- Raw shell eggs, unshucked live shellfish, pasteurized milk and milk products in original sealed containers,
- Potentially hazardous foods held for dispensing in vending machines,
- Potentially hazardous foods held for sampling at a certified farmers' market,
- Potentially hazardous foods held during transportation.



Time and Temperature Relationships

Exceptions to temperature rule for potentially hazardous food (H&SC 113996 (d)):

- Potentially hazardous foods held for dispensing in **serving lines and salad bars** may be maintained **above 41°F, but not above 45°F**, during periods not to exceed **12 hours in any 24-hour period** only if the unused portions are disposed of at or before the end of this 24-hour period.



Time Alone as Public Health Control for Potentially Hazardous Food (H&SC 114000)

(a) If time only is used as the public health control for potentially hazardous food **before cooking** or for **ready-to-eat** potentially hazardous food that is displayed or **held for service for immediate consumption**, the following shall occur:

- (1) The food shall be marked or otherwise identified to indicate the time that is **four hours** past the point in time when the food is removed from temperature control.
- (2) The food shall be cooked and served, served if ready-to-eat, or discarded within **four hours** from the point in time when the food is removed from temperature control.
- (3) The food in unmarked containers or packages or marked to **exceed a four-hour limit shall be discarded**.

Rapid Cooling of Potentially Hazardous Food (H&SC 114002)

- (a) Whenever food has been prepared or heated so that it becomes potentially hazardous, it shall be rapidly cooled if not held at or above 135°F.**
- (b) After heating or hot holding, potentially hazardous food shall be cooled rapidly from 135°F to 41°F or below within six hours and, during this time the decrease in temperature from 135°F to 70°F shall occur within two hours.**
- (c) Potentially hazardous food shall be cooled within four hours to 41°F or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.**

Rapid Cooling of Potentially Hazardous Food (H&SC 114002)

- (d) Except as specified in subdivision (e), a potentially hazardous food received in compliance with laws allowing a temperature above 41°F during shipment from the supplier as specified in Section 114037 shall be cooled within four hours to 41°F or less.
- (e) Pasteurized milk or pasteurized milk products in original, sealed containers, raw shell eggs, and unshucked live molluscan shellfish need not comply with subdivision (c) or (d) if these foods are placed immediately upon their receipt in refrigerated equipment that maintains an ambient temperature of 45°F or less.

Potentially Hazardous Food; Temperature on Receipt (H&SC 114037)

- (a) Except as specified in subdivision (b), refrigerated, potentially hazardous food may be at a temperature of 45°F or below when received, if the potentially hazardous food is cooled within four hours of receipt to a temperature at or below 41°F.
- (b) If a temperature other than 41°F for a potentially hazardous food is specified in law, the food may be received at the specified temperature and cooled as specified in subdivisions (d) and (e) of Section 114002.
- (c) Live molluscan shellfish shall not be accepted unless received at an internal temperature of 45°F or below, or, if received on the date of harvest, at a temperature above 45°F.

Potentially Hazardous Food; Temperature on Receipt (H&SC 114037)

- (d) Potentially hazardous food that is received hot shall be at a temperature of 135°F or above.
- (e) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen and accepted only if there are not visible signs of thawing or refreezing.
- (f) Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.

Cooking Raw Foods of Animal Origin in a Microwave Oven (H&SC 114008)

Raw foods of animal origin cooked in a microwave oven shall meet all of the following requirements:

- (a) Be rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat.**
- (b) Be covered to retain surface moisture.**
- (c) Be heated to a temperature of at least 165°F in all parts of the food.**
- (d) Stand covered for at least two minutes after cooking to obtain temperature equilibrium.**

Reheating of Previously Cooled, Potentially Hazardous Food (H&SC 114016)

- (a) Except as specified under subdivisions (b) and (c), potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165°F for 15 seconds.
- (b) Except as specified under subdivision (c), potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165°F and the food is rotated or stirred, covered, and allowed to stand covered for at least two minutes after reheating.

Reheating of Previously Cooled, Potentially Hazardous Food (H&SC 114016)

- (c) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant shall be heated to a temperature of **at least 135°F** for hot holding.
- (d) Reheating for hot holding shall be done rapidly, and the **time the food is between 41°F and 165°F shall not exceed two hours.**
- (e) Remaining **unsliced portions of roasts** that are cooked as specified under Section 114004 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions as specified in Section 114004.

Thawing of Frozen Potentially Hazardous Food (H&SC 114020)

Frozen potentially hazardous food shall only be thawed in one of the following ways:

- (a) Under **refrigeration** that maintains the food temperature at **41°F or below**.
- (b) **Completely submerged** under potable running water for a period **not to exceed two hours** at a water temperature of **70°F or below**, and with sufficient water velocity to agitate and flush off loose particles into the sink drain.
- (c) In a **microwave oven** if immediately followed by immediate preparation.
- (d) As part of a **cooking** process.

Instructions to Employees Regarding Personal Hygiene and Food Safety (H&SC 113949.2)

The food safety certified owner or employee shall instruct all food employees regarding the relationship between personal hygiene and food safety, including the association of **hand contact**, personal habits and behaviors, and food employee health to foodborne illness. The owner or food safety certified employee shall **require food employees to report the following to the person in charge**:

- (a) If a food employee is diagnosed with an illness due to one of the following: *Salmonella typhi*, *Salmonella spp.*, *Shigella spp.*, *Entamoeba histolytica*, Enterohemorrhagic or shiga toxin producing *Escherichia coli*, Hepatitis A virus, or Norovirus. **(See FDA's *Bad Bug Book*.)**



Instructions to Employees Regarding Personal Hygiene and Food Safety (H&SC 113949.2)

The owner or food safety certified employee shall require food employees to report the following to the person in charge:

(b) If a food employee has a **wound** that is one of the following:

- (1) On the hands or wrists, unless an **impermeable cover** such as a finger cot or stall protects the wound and a **single-use glove** is worn over the impermeable cover.
- (2) On exposed portions of the arms, unless the wound is protected by an impermeable cover.
- (3) On other parts of the body, unless the wound is covered by a dry, durable, tight-fitting bandage.

Duties of Person in Charge (H&SC 113950)

The person in charge shall do either of the following:

- (1) Exclude a food employee from a food facility if the food employee is diagnosed with an infectious agent specified under subdivision (b) of Section 113949.1.
- (2) Restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles in a food facility if the food employee is suffering from symptoms of an acute gastrointestinal illness.



Handwashing



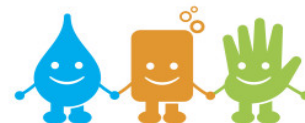
- Not to be done in the same sink as warewashing (H&SC 113953)

Under the following circumstances (H&SC 113953.3)

- (1) Immediately before engaging in food preparation, including working with nonprepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.
- (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
- (3) After using the toilet room.
- (4) After caring for or handling any animal allowed in a food facility pursuant to this part.
- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.

Handwashing (H&SC 113953.3)

- (6) After handling soiled equipment or utensils.
- (7) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
- (8) When switching between working with raw food and working with ready-to-eat food.
- (9) Before initially donning gloves for working with food.
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.
- (11) After engaging in other activities that contaminate the hands.



Global Handwashing Day
October 15

Cleaning Equipment and Utensils

H&SC 114117:

(a) Equipment food-contact surfaces and utensils shall be cleaned and sanitized at the following times:

- (1) Except as specified in subdivision (b), before each use with a **different type of raw food of animal origin** such as beef, fish, lamb, pork, or poultry.
- (2) Each time there is a **change from working with raw foods to working with ready-to-eat foods**.
- (3) Between uses with **raw produce** and with potentially hazardous food.
- (4) Before using or storing a food temperature measuring device.
- (5) At any time during the operation **when contamination may have occurred**.

Cleaning Equipment and Utensils

H&SC 114117:

- (b) Paragraph (1) of subdivision (a) does not apply if the food contact surface or utensil is in contact with a succession of different raw foods of animal origin, each requiring a higher cooking temperature than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board.**
- (c) Except as specified in subdivision (d), if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned and sanitized throughout the day at least every four hours.**

Cleaning Equipment and Utensils

H&SC 114117:

(d) Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned and sanitized less frequently than every four hours if any of the following occurs:

(1) Containers of potentially hazardous food stored at temperatures as specified in Section 113996 and the containers are cleaned and sanitized when they are empty.

(2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at or below 55°F.

Cleaning Equipment and Utensils

H&SC 114117 (d):

- (3) Containers in salad bars, etc., that hold ready-to-eat potentially hazardous food that is maintained at Section 113996 required temperatures are combined more of the same food at required temperatures, and the containers are cleaned and sanitized at least every 24 hours.
- (4) Temperature measuring devices are maintained in contact with food held at temperatures specified in Sections 113996 and 114004.
- (5) Equipment is used for storage of packaged or unpackaged food, such as a reach-in refrigerator, and the equipment is cleaned and sanitized at a frequency necessary to preclude accumulation of soil residues.

Cleaning Equipment and Utensils



H&SC 114117 (d):

- (6) The **cleaning schedule is approved** based on characteristics of the equipment and its use, the type of food involved, the amount of food residue accumulation, and the temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic micro-organisms that are capable of causing foodborne disease.
- (7) **In-use utensils are intermittently stored in a container of water** in which the water is maintained at **135°F** or higher and the utensils and container are cleaned and sanitized at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

Cleaning Equipment and Utensils

H&SC 114117 (e):

Except when dry cleaning methods are used as specified in Section 114111, surfaces of utensils and equipment contacting food that is **not potentially hazardous** shall be cleaned and sanitized in any of the following circumstances:

- (1) At any time when contamination may have occurred.
- (2) **At least every 24 hours** for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles.
- (3) Before restocking consumer self-service equipment and utensils such as **condiment dispensers** and display containers.
- (4) In equipment such as ice bins, beverage dispensing nozzles, and enclosed components of equipment such as ice makers, water vending equipment, etc., at a frequency specified by the manufacturer or at a **frequency necessary to preclude accumulation of soil or mold.**

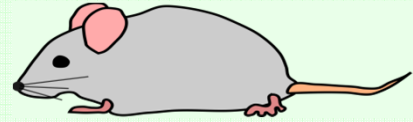
Approved Food Sources (H&SC 114021)

- (a) Food shall be obtained from sources that comply with all applicable laws.
- (b) Food stored or prepared in a private home shall not be used or offered for sale in a food facility, unless that food is prepared by a cottage food operation that is registered or has a permit pursuant to Section 114365.



Not approved food source.
(See H&SC 114031.)

Vermin and Animals



A food facility shall at all times be constructed, equipped, maintained, and operated as to **prevent the entrance and harborage of animals, birds, and vermin**, including, but not limited to, rodents and insects. (H&SC 114259)

The premises of each food facility shall be kept **free of vermin**. (H&SC 114259.1)

H&SC 114259.3:



- (a) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.
- (b) Insect control devices shall be installed so that the **devices are not located over a food or utensil handling area** and dead insects and insect fragments are prevented from being impelled onto or falling on nonprepackaged food, clean equipment, utensils, linens, and unwrapped single-use articles.

Food Service Employees Handling or Caring for Animals on Premises

- (a) Except as specified in subdivision (b), food employees shall not care for or handle animals that may be present, such as patrol dogs, service animals, or pets that are allowed as specified in subdivision (b) of Section 114259.5.**
- (b) Food employees with service animals may handle or care for their service animals if they wash their hands as required in this part. Food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as required in this part.**

Live Animals (H&SC 114259.5)

- (a) Except as specified in this section, live animals may not be allowed in a food facility.
- (b) Live animals may be allowed in any of the following situations if the contamination of food, clean equipment, utensils, linens, and unwrapped single-use articles cannot result:
 - (1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems.
 - (2) Animals intended for consumption if the live animals are kept separate from all food and utensil handling areas, held in sanitary conditions, slaughtered in a separate room designed solely for that purpose and separated from other food and utensil handling areas, and maintained in an area that has ventilation separate from food and utensil handling areas.

Live Animals (H&SC 114259.5)



(b) (cont'd.)

- (3) Dogs under the control of a **uniformed law enforcement officer** or of uniformed employees of private patrol operators and operators of a private patrol service while those employees are acting within the course and scope of their employment as private patrol persons.
- (4) In areas that are not used for food preparation and that are usually open for consumers, such as dining and sales areas, **service animals** that are controlled by a disabled employee or person, **if a health or safety hazard will not result from the presence or activities of the service animal.**

Live Animals (H&SC 114259.5)

(b) (cont'd.)

(5) **Pets**, under specified conditions.

(6) **Caged animals**, under specified conditions.

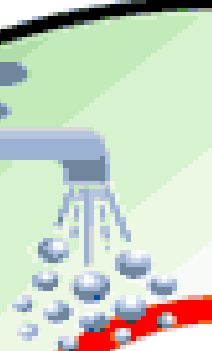
(c) Those persons and operators described in paragraphs (3) and (4) of subdivision (b) **are liable for any damage done to the premises or facilities by the dog.**

(d) **Pet dogs in outdoor dining area** under specified conditions, including the **consent of the food facility owner.**

(e) **Live or dead fish bait** may be stored if contamination of food, clean equipment, utensils, linens, and unwrapped single-use articles cannot result.

FIGHT BAC!

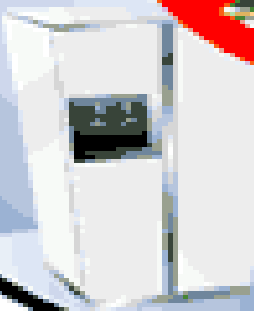
CLEAN
Wash hands
and surfaces
often.



SEPARATE
Don't cross-
contaminate.



CHILL
Refrigerate
promptly.



COOK
Cook to proper
temperatures.



Keep

Food

Safe From Bacteria

TMA

Questions???

