

## **TDA working to make new Food Code practical, palatable**

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In 2013, the Tennessee General Assembly passed the Tennessee Retail Food Safety Act, the first significant change in how the state regulates and inspects retail food establishments in nearly 30 years. Commonly referred to as the Food Code, the Act goes into effect July 1, 2015. The Tennessee Department of Agriculture has worked since last year preparing for its implementation with the goal of an easy transition for businesses.

What is the Food Code and what does it mean for you as a retail grocer or convenience store owner? The Food Code is a model law published by the U.S. Food and Drug Administration that provides a consistent, scientifically sound, technical and legal basis for retail and food service establishment regulation by federal, state and local governments. All 50 states have now adopted some version of the Food Code. It's here to stay and fundamentally changes food safety regulation in this country.

The Retail Food Safety Act provides that the 2009 version of the Food Code be utilized in promulgating rules and regulations. We are working with the Department of Health in putting the finishing touches on the rules and regulations that will guide the implementation of the act. We were working closely with industry partners even before its adoption and will provide additional opportunities for formal comments on the new regulations later this year.

We believe that food safety is a shared responsibility between industry and government to ensure that consumers are provided the safest food possible minimizing disease outbreaks. The Food Code is based on a system of safeguards emphasizing prevention. It is designed to minimize food borne illnesses by ensuring employee health, increasing management competency, using nontoxic and cleanable equipment and following acceptable levels of sanitation. Just as important, the Food Code allows regulatory officials to speak with one clear and consistent voice providing industry with acceptable standards that can be easily applied in training and quality assurance programs.

As the new regulations go into effect, how we carry out inspections and what we will be looking for will be noticeably changed. Some of the most significant changes include:

**1. Risk-Based Inspections** – Currently, TDA typically inspects all retail food facilities twice a year. The Food Code requires risk-based inspections that allow lower-risk establishments to be inspected only once a year while those at higher risk may be inspected three or more times a year.

**2. New Violation Designations** – The use of the terms Critical and Non-Critical for violations will be replaced with Priority Item, Priority Foundation Item and Core Item. A Priority Item is one that contributes directly to the elimination, prevention or reduction to an acceptable level, hazards directly associated with food borne illness or injury. A Priority Foundation item supports priority items by the incorporation of specific actions such as cooling

methods and calibrated thermometers. Core Items relate to the sanitation, design and maintenance of buildings and equipment.

**3. Time / Temperature Control for Safety Food (TCS):** TCS replaces “Potentially Hazardous” and refers to food that requires time or temperature to ensure food safety.

**4. Person in Charge (PIC)** – The individual present at the establishment who is responsible for the operation at the time of the inspection and is able to demonstrate knowledge of food safety.

**5. Demonstration of Knowledge** – The Food Code requires that the PIC demonstrate knowledge of foodborne disease prevention. Knowledge is demonstrated through one of the following ways; certification in food protection, having no priority or priority foundation violations or correctly answering food safety questions by the TDA inspector.

**6. Employee Health Policy** – A written employee health policy is required for food employees to report certain symptoms and diagnoses to the PIC. The PIC is responsible for ensuring that sick food service employees are excluded or restricted from work.

**7. Bare Hand Contact** – Food handlers will not be allowed to touch Ready to Eat (RTE) food with their bare hands. The proper use of tongs, scoops, deli paper and single service gloves are required to handle food which will not be cooked, or cooked again prior to serving, unless approved by TDA.

**8. Date Marking** – RTE or TCS foods are required to be date marked once opened if held for more than 24 hours. These foods shall be used, sold or discarded within seven days when held at or below 41 degrees F.

**9. Temperature Holding Temperatures** - Hot foods must be held at a temperature of 135 degrees F or higher. Cold foods must be held at a temperature of 41 degrees F.

**10. Time without Temperature Control-** Time may be used without temperature control under specific guidelines that are outlined in the regulations.

The Food Code is designed to help retailers better understand how to comply with food safety regulations and may actually reduce the regulatory burden in some cases. We are spending the next year training our staff and partnering with industry to make the transition to the new requirements as smooth as possible. We believe that education before regulation is the key to creating an environment of success for all the parties involved. We are working hard to prepare materials and offer workshop opportunities to help in this process.

As we move forward with this innovative and progressive approach to food safety, we want you, our customers, to be informed and confident in your ability to meet these new standards. As always, we welcome your questions and comments.

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