



Consumer & Industry Services

Tennessee Department of Agriculture

Significant Regulation Changes with the Adoption of the 2009 Food Code

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. The Act goes into effect **July 1, 2015**.

As the new regulations, commonly known as the Food Code, go into effect, how we carry out inspections and what we will be looking for will be noticeably different. **Some** of the most significant changes include:

- 1. Risk-Based Inspections** – Historically TDA has typically inspected all retail food facilities twice a year. The Food Code is founded upon the concept of risk-based inspections that allow lower-risk establishments to be inspected less frequently while those at a higher risk, may be inspected three or more times a year. Example of a lower risk facility would be those establishments that sell only prepackaged items. Example of a high risk facility would be those establishments that have an in house deli or meat department.
- 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 asked by the 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 or below.
- 10. Time without Temperature Control**- Time may be used without temperature control under specific guidelines that are outlined in the regulations.