



FARMERS BRANCH

January 6, 2017

IMPORTANT INFORMATION REGARDING NEW FOOD RULES

This letter is to inform you of recent changes to the Texas Food Establishment Rules (TFER). The TFER was revised and adopted by the Texas Department of State Health Services in October 2015 and is now in effect statewide. The City of Farmer Branch has adopted these updated rules on December 13, 2016 and they will be in effect on January 1, 2017. The new rules and a comprehensive explanation of all the changes can be found on the web page for the Texas Department of State Health Services at: www.dshs.state.tx.us/foodestablishments.

During your next regular inspection, the Health Department staff member performing the inspection will take additional time to educate the person in charge of the establishment about these changes. Please be familiar with them.

Major changes to the state food code include:

- The requirement for all food employees to successfully complete an accredited food handler course within 60 days of employment working in retail food establishments that conduct open food handling for the purpose of preparing and serving food to a customer base. This requirement went into effect September 2016. All food handling certificates must be maintained on the premises. This does NOT apply to temporary food establishments or food establishments that sell ONLY prepackaged food items. Food protection managers are still required to be on the premises during all hours the facility is open preparing and serving food to customers.
- A change in the inspection form from 27 to 44 items. Non-critical violations will be known as core items and include general sanitation, facility structure, operational control and maintenance, must be corrected within 90 days, and are worth 1 point each. Priority items are items that contribute directly to/or associated with prevention of food borne illness (cooking, cooling, reheating, handwashing are to be corrected within 3 days, and are worth 3 points each. Priority foundation items are items that require incorporation of specific actions/equipment to attain control of risk factors for a foodborne illness such as training, maintenance of the equipment, and labeling are to be corrected within 10 days, and are worth 2 points each.
- Terminology for “potentially hazardous food (PHF)” was replaced with “time/temperature control for safety food (TCS)” and includes cut leafy greens/lettuce, cut tomatoes, and cut up melon, cooked produce, as well as any food item that requires either time or temperature control to prevent the growth of bacteria.
- A first aid kit is required on site.
- All enclosed restrooms must now provide a disposable paper towel or similar clean barrier protection when touching surfaces such as manually operated faucets and door handles.
- Added new requirements for food labeling for all major foods allergens to be in the ingredients unless stated in the common name of the food product.
- Oyster/shell stock tags are to be dated with the date they are last used or sold and kept for 90 days from that date.
- Shell tags are to be stored chronologically.
- Refrigerated ready-to-eat foods must be date labeled with a 7-day use by or discard date if they are held in the cooler more than 24 hours
- Purchased commercially prepared time/temperature for safety (TCS) foods must be labeled with a use/discard date that must coincide with the manufacturer’s use/discard date or if no expiration date is available, then the product must

be labeled with a use/by discard date of not more than 7 days from the date when the product is first opened.

- A variance is required from the local health authority for special processing methods which include:
 - Smoking meat to preserve it
 - Curing food
 - Using food additives or adding components such as vinegar to render it not subject to TCS
 - Packaging TCS food using reduced oxygen packaging (ROP)
 - Sprouting seeds or beans
 - Operating a molluscan shell stock life support tank
 - Custom processing animals for personal use
- Non-continuous cooking of raw animal products now requires only a re-heat, not to 165 degrees F. as previously required for all re-heats, but only to the required cooking temperature for that particular food.
- Washing hands between glove changes is not necessary if not changing tasks.
- Required posting in a prominent area notifying the public that a copy of the establishment's most recent inspection is available upon request or through the local health department's website.
- Patron's animals are limited to areas where food, equipment, or single service items cannot be contaminated and must be maintained under control. Service animals are now defined as a canine.
- All chemical bottles must now be labeled and used according to the manufacturer's label. All personal medications are considered toxic items.
- A Heimlich maneuver poster is no longer required.
- Pressure measuring devices for mechanical ware washing equipment are now required to register in the range indicated on the manufacturer's data plate, instead of previously being required to register in a range of 15-25.
- Exposed, unused tableware such as utensils and glassware must now be changed between customers, and washed, rinsed, and sanitized
- A written procedure for the clean-up of vomit and diarrheal events by employees to minimize contamination is now required, and salmonella illness was added to the list of illnesses requiring employee exclusion/restriction from food prep.

1. Note: The City of Farmers Branch has modified some of Texas Food Establishment Rules (TFER) and they are as follows:

- Definitions are added to include catering operation, certificate of occupancy, change of ownership, commissary approval letter, commissary, concession stand, cottage food vendor, farmers market, fixed commercial location, FRP wallboard, gourmet mobile food truck, heavy food service preparation, light food service preparation, mobile food unit (cold truck), mobile food unit (hot food catering truck), no food preparation, seasonal permit, smoker, snow cones and snow cone products, and wholesome.
- A food employee may not wear fingernail polish, finger nail adornments or embellishments, such as sequins or artificial nails while working with exposed foods even if wearing food handling gloves.
- The required certified food protection manager or managers of a food establishment will be required to register with the City of Farmers Branch as a food protection manager by providing to the regulatory authority a copy of the original food protection manager's training certificate from an Accredited Program in which the applicant has passed, filling out the required City registration form, and paying the required fee. The Farmers Branch food protection manager's certificate shall then be posted in the establishment that is conspicuous to consumers.
- Except when washing fruits and vegetables food employees may not contact exposed, ready-to-eat food items with their bare hands whether or not they are serving a highly susceptible population and shall use suitable utensils such as deli tissues, spatulas, tongs, single-use gloves, or other dispensing utensils to provide a barrier between that ready-to-eat food item and their bare hands.

- A take-home food container may not be returned to a food establishment to be refilled with food. All take-home containers for food products must be single service, nonreturnable. A take-home container for beverages only may be refilled with a beverage providing it is filled by the foodservice employee and the refilling is a contamination free process.
- Freshly prepared time/temperature control for safety (TCS) food items for the sole purpose of replenishment shall not be added to or mixed in with existing or remaining time/temperature control for safety food items that are displayed on buffets, steam tables, or salad chill units. Any remaining containers or pans of food items on display are to be removed and discarded in their entirety before adding replenishment food items.
- Ice shall be protected from contamination by consumers. Ice for consumer use shall be dispensed only by employees, unless the ice is in an enclosed self-dispensing ice machine with a chute where contact with the ice cannot occur such as a soda fountain dispensing machine. Employees shall dispense ice using only ice scoops, tongs, or other ice dispensing equipment. Ice dispensing utensils shall be stored inside a bucket of sanitizer out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. At no time shall any items be stored in the ice storage bin due to potential contamination of the ice. Ice storage bins are required to be drained through an air gap which meets the current plumbing code. Ice storage bin interiors that include the interior ceiling, sides, metal or plastic ice guard, and chute shall be cleaned and sanitized at least weekly to prevent build-up of mold and slime.
- Hot dog grills if utilized, are required to be placed at the serving counter to be served by the clerk. Customer self-service of hot dogs is prohibited.
- Cold and hot held time/temperature control for safety (TCS) food items must be documented when taken out of temperature control at 41 degrees F. or 135 degrees F. or above and can be held for a maximum of no more than 4 hours without temperature control at which time that food item must be destroyed.
- If a food item is discovered to be unsound, or unsafe for human consumption that food item can be ordered destroyed by the regulatory authority at the food establishment owner's expense.
- The handwashing sink is to be used for handwashing only. No devices such as eyewash stations or a spigot mounted from the faucet to turn the water on is allowed. The hand wash sink is to be used for handwashing only no items can be stored in or on the sink and the sink shall be kept clean and free of mold, dirt, and slime.
- Under plan review any food establishment that closes for a period or 30 days or more shall be brought into compliance with the current food code before re-opening as a new food establishment if previously grandfathered under a repealed code.
- Under permit required, the food establishment operating permit shall be posted in a conspicuous location to consumers. No shared multi use kitchens is allowed. Only one food establishment operating permit will be issued to one food operator, food establishment owner, or one food production company in a brick and mortar building. Subletting food preparation and storage spaces to other food producers, or food companies is not allowed. Each food operator, company, or food producer is required to have their own permit in order to operate.
- New additions include guidelines for farmers markets, and summer food service programs.

Enclosed is a partial listing of the most pertinent revisions and where they are located in the TFER for your review. As always, we intend to work with you in educating your staff in the new requirements. Thank you for your efforts in providing a safe dining experience for the City of Farmers Branch residents and visitors. Feel free to contact me at the office at 972-919-2536, with any questions.

Sincerely,

Louise Maranzana,
 Environmental Health Specialist
 Farmers Branch Environmental Health Dept.

Encl: (1)

SUMMARY OF CHANGES TO TFER PURPOSE & DEFINITIONS

General:

- As per FDA, eliminated references to PHFs and included Time/Temp Control for Safety (TCS) food where applicable.
- Transition to Priority Item Violation and Priority Foundation Violation from Critical Violation.
- Transition from Non-Critical Violation to Core Item Violation.

Subchapter B - Management and Personnel

§228.33 Certified Food Protection Manager and Food Handler Requirements

- Added new requirements for Certified Food Protection Manager that requires a CFM on site for each licensed establishment.
- Added a new requirement that all food employees shall successfully complete an accredited food handler training course, within 60 days of employment. Takes effect on September 1, 2016.
- Added requirements for the “original” certified food protection manager certificate being posted conspicuous to customer’s location.
- Added requirement for food handler certificates to be located on site.

§228.35 -228.37 Responsibilities and Reporting Symptoms and Diagnosis

- This section was significantly revised to reflect the requirements for Conditions of Exclusions and Restrictions in accordance with the 2013 FDA Model Food Code.
- Responsibilities of reporting illness now for 6 diagnosed illnesses. Norovirus, Hepatitis A, Shigella, STEC, and Salmonella typhi, now includes non-typhoidal Salmonella.

§228.38 Hands and Arms

- Provision added for the use of a disposable paper towel or similar clean barrier when touching surfaces in a rest room that has manually operated faucets and only a hand drying device that use high velocity air
- Hand antiseptics must now meet specific requirement for use.
- Inclusion of using a “clean barrier” to touch surfaces after proper handwashing.

§228.45 Contamination Events

- Added new Section “Contaminations Events” for the clean-up of vomit and diarrheal events in a food establishment.

Subchapter C - Food

§228.64 Molluscan Shellfish, Original Container and Records

- Shellstock tags must now be labeled with date the last shellstock from the container was served and maintain 90 days from that date.

§228.66 Preventing food and ingredient contamination

- Frozen, commercially processed and packaged raw animal foods may now be stored or displayed with or above frozen, commercially processed and packaged ready-to-eat food.

§228.68 Preventing contamination from equipment, utensils, and linens.

- Single use disposable sanitizer wipes may now be used if done in accordance with EPA approved manufacturer's label use instructions. These may not be used in lieu of wash, rinse, and sanitizing.

§228.71 Cooking

- Non-continuous cooking now only requires a re-heat, not to 165°F as previously required for all reheats, but only to the required cooking temperature for that particular food.

§228.72 Freezing

- Freezing for parasite destruction includes a new provision allowing storage for destruction at -20°F or below for a minimum of 24 hours.
- If specific fish, listed in (a)(2)(C) of this section, are raised and fed for service or sold as raw, raw-marinated, partially cooked, or marinated-partially cooked fish in ready-to-eat form, a written agreement or statement from the supplier or aquaculturist shall be maintained for 90 days.

§228.77 Clostridium botulinum and Listeria monocytogenes controls

- This section was significantly revised to reflect the requirements for Clostridium botulinum and Listeria monocytogenes control in accordance with the 2013 FDA Model Food Code
- Reduced oxygen packaging (ROP) previously had one category (double barrier) and is now divided into three categories; double barrier, single barrier (cook-chill and sous vide) and 48 hour ROP. Double barrier and single barrier ROP require an approved HACCP plan.

§228.79 Labeling

- Added new requirements for food labeling for major food allergens to be in the ingredients unless stated in the common name.

Subchapter D. Equipment, Utensils, and Linens

§228.125 Preventing Contamination

- Exposed, unused tableware must now be changed between customers or washed, rinsed and sanitized if used.

§228.147. Plumbing, numbers and capacities.

- Added a restriction that states toilets, urinals, and showers cannot be used as a service sink.

Subchapter F. Physical Facilities.

§228.173 Floors, walls and ceilings.

- Added words “anti-slip floor coverings” requirements in food establishments.

§228.174. Functionality.

- Added section for toilet room exceptions that do not require a tight-fitting and self-closing door if located outside a food establishment or such as a shopping mall.

§228.175. Handwashing sinks.

- New provisions allowing for automatic hand washing facilities if approved by the regulatory authority.
- For mobile food operations and temporary food operations, if approved by the regulatory authority, when food exposure is limited, employees may use chemically treated towelettes for handwashing.
- Hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures are now allowed.
- A sign or poster that notifies food employees to wash their hands shall be provided at all handwashing sinks used by food employees and shall be clearly visible.

§228.186 Premises, building, systems, room, fixtures, equipment, devices, and materials.

- New language requiring plumbing fixtures such as handwashing sinks, toilets, and urinals to be cleaned as often as necessary to keep them clean.
- New language requiring the presence of insects, rodents, and other pests be controlled to eliminate their presence.

Subchapter G. Poisonous or Toxic Materials.

§228.206 Chemicals.

- Chemicals used to wash or peel raw, whole vegetables must be an approved food additive and now include Ozone as an approved antimicrobial agent.

§228.210 First aid supplies. Availability.

- Added section requiring a first aid kit in food establishments.

Subchapter I. Compliance

§228.249 Inspection Frequency performance-based and risk-based.

- Added new language changing to risk based inspection intervals to allow a risk-based inspection interval other than every 6 months as long as specific provisions are met.

§228.253 Priority Item/Priority Foundation Item/Critical violations, time frame for correction.

- New requirement for permit holder to correct violations within 72 hours for priority items. Language changed to reflect three (3) days instead of 72 hours to be consistent throughout the document. Summary of Changes 2015 TFER 10/08/2015 Page 11 of 11
- New requirement for permit holder to correct violations within 10 days for priority foundation items.

§228.254 Core Items violations, time frame for correction.

- New requirement for permit holder to correct violation within 90 days or the next inspections (whichever comes first).

§229.173. Heimlich maneuver Poster. - Section Removed. (TFER 2006)

Encl: (1)