

Tips

The Food Safety Newsletter for Brown, Nicollet, Watonwan and Cottonwood Counties

In This Issue:

Page 2 –6

Food Code
Revision

20 CHANGES

Pages 7-10

**Certified Food
Manager (CFM) Class
and
CFM Renewal Class
Information and
Registration Forms**

Page 11

**Information for
you and your
family**

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As you know...The Minnesota Departments of Health and Agriculture have been working together for several years on a revision of the Minnesota Food Code, Minnesota Rules, Chapter 4626.

Food safety and sanitation subject matter to be included in this rulemaking include, but is not limited to, the following areas:

- Management and Personnel
- Food Characteristics, Protection from Contamination, Destroying Organisms, Food Identity, and Contaminated Food
- Equipment, Utensils, and Linens
- Water, Plumbing, and Waste
- Physical Facilities
- Poisonous or Toxic Materials
- Compliance and Enforcement
- Temporary and Portable Food Establishments

Food Code
Revision

The changes to the rules will likely affect:

Local units of government, restaurant owners and managers, food service and retail food workers and food handlers, hospitals, grocery stores, assisted living facilities, bakeries, board and care homes, convenience stores, food protection manager certification trainers, caterers and catering companies, day care centers, food processing and packaging manufacturers, community-based facilities that prepare or serve food, meat processors, motels, hotels and bed and breakfast establishments, vending machine owners and operators, lodging and boarding houses, schools, special and temporary food event stands, food scientists, and any other entity that serves food to the public.

20 CHANGES

The following list encompasses 20 of the most impactful proposed changes to the Minnesota Food Code for food establishment operators.

The list is broken down into four sections:

Terminology, Food Handling, Health and Hygiene, and Equipment and Facilities.

Each topic listed below provides a brief summary of the proposed change, how it will affect operators, and how public health is protected.

This list is **does not include all the changes that are being proposed.**

Please refer to the draft proposed rule language side by side chapters for the full revised rule.

Side by Side changes can be viewed at the following website:

<http://www.health.state.mn.us/divs/eh/food/code/2009revision/draftprule/index.html>

THERE WILL BE MANDATORY LICENSING MEETINGS IN NOVEMBER AND FOOD CODE REVISION TRAINING WILL BE A PART OF THAT MEETING.

Terminology

1. Potentially Hazardous Food: Time/Temperature Control for Safety (Chapter 1: 4626.0020 Subp. 90a)
What has changed: The revision redefines “potentially hazardous” food (PHF) as “time/temperature control for safety” food (TCS).
How this will affect operators: This does not change any requirements for the majority of food items but formally defines cut tomatoes and cut leafy greens as TCS. It also provides a method of determining if food is non-TCS based on the food’s water activity and pH or if a product assessment is needed.
How this will protect public health: This clarifies and improves the decision-making process when determining whether or not food can support pathogen growth or toxin formation to reduce the risk of foodborne illness.
2. Critical/Non-Critical Item: Priority 1, Priority 2, Priority 3 Items (Chapter 1: 4626.0020 Subp. 65a-65c)
What has changed: The revision replaces the previous categories of “critical” and “noncritical” with “Priority 1” or “P1,” “Priority 2” or “P2,” and “Priority 3” (no subscript).
How this will affect operators: This classifies code provisions based on the impact they have on operational risk factors. Priority 1 items directly impact hazards associated with foodborne illness or injury (such as food temps and date marking), Priority 2 items support Priority 1 items (such as equipment, utensils, and facilities), and Priority 3 items focus on sanitation and good retail practice (such as cleaning frequency and maintenance).
How this will protect public health: The three tiers of code provisions identify risk-based controls within the food code.
3. Certified Food Manager: Certified Food Protection Manager (Chapter 2: 4626.0033)
What has changed: The revision replaces the term “Certified Food Manager” (CFM) with “Certified Food Protection Manager” (CFPM).
How this will affect operators: This is mainly a terminology adjustment. It clarifies that the requirement to have a CFPM is primarily based on risk and food processes, rather than the type of facility. The course, exam, and renewal requirements remain similar. The process and requirements to become certified and renew certification are streamlined.
How this will protect public health: The presence of a CFPM promotes Active Managerial Control in food establishments.

Food Handling

4. Highly Susceptible Population (Chapter 1: 4626.0020 42a) Page 18 and Chapter 3: 4626.0447)

What has changed: The revision adds a definition for Highly Susceptible Populations. This includes individuals in certain settings who are more likely than the general population to experience foodborne illness due to being immune-compromised, preschool-aged children, or older adults.

How this will affect operators: Operators of facilities that provide services such as custodial health care, assisted living, nutritional or socialization services need to be aware of additional requirements for food handling.

How this will protect public health: Special food safety precautions are added to protect individuals with an increased risk of foodborne illness and for whom the implications of such illness can be fatal.

5. Consumer Advisory (Chapter 3: 4626.0442)

What has changed: The revision will outline specific requirements for establishments to inform customers of potential health risks from eating raw food offered for consumption.

How this will affect operators: Establishments will be required to inform consumers about the significantly increased risk of eating meat, fish, dairy, and eggs that are sold or served raw or undercooked. The customers must be notified through disclosure that includes a description of the food that makes it obvious the food is raw (“raw-egg Caesar salad”) or by asterisking the food item on the menu and referring to a footnote that states the product is raw or undercooked. The disclosure footnote must include a specific statement regarding the increased risk of foodborne illness from consuming the raw or undercooked product.

How this will protect public health: Consumers are empowered to make an informed choice about the food that they eat, due to being aware of the increased risk of foodborne illness after eating raw or undercooked meat, poultry, seafood, shellfish or eggs.

6. Hot Holding Temperatures (Chapter 3: 4626.0395)

What has changed: The revision lowers the hot holding temperature for Time/Temperature Control for Safety from 140 degrees F to 135 degrees F.

How this will affect operators: This will allow operators to keep hot food 5 degrees F lower than was previously allowed, which could have a positive impact on the quality of food held hot.

How this will protect public health: Food safety hazards related to microbial growth is sufficiently controlled at 135 degrees F.

7. Variations Required for Special Processes (Chapter 3: 4626.0415)

What has changed: The revision will require variances to be obtained for special processes.

How this will affect operators: Food establishments will be required to obtain variances from their inspection authority for smoking, curing, or acidifying food for preservation, some (but not all) reduced oxygen packaging, custom processing animals, sprouting seeds/beans, and other. This provides flexibility for operators to use preparation methods not specifically prescribed in the food code.

How this will protect public health: Special processing methods need to be approved by the regulatory authority to ensure that that food safety hazards are controlled at the same level as prescribed food handling practices.

8. Time as a Public Health Control (Chapter 3: 4626.0408)

What has changed: The revision will extend the amount of time a TCS food can be held without refrigeration under a Time as a Public Health Control plan from 4 hours to 6 hours for previously-chilled foods.

How this will affect operators: TCS food that is held without temperature control can now be held for up to 6 hours before discarding if the food stays below 70 degrees F during the entire 6 hour period. An example of applying this rule would include serving cut melon on a continental breakfast buffet in a non-mechanically chilled container that keeps food below 70 degrees F.

How this will protect public health: Food safety hazards related to microbial growth are sufficiently controlled within these time and temperature parameters.

9. Wild Mushrooms (Chapter 3: 4626.0155 and 4626.0156)

What has changed: The revision adds requirements for obtaining wild mushrooms from an approved harvester, expands harvester registration requirements, and adds harvester and food establishment record-keeping requirements.

How this will affect operators: This will require food establishments to obtain mushrooms from registered harvesters or inspected food processing plants. It also requires that establishments serving wild mushrooms may have to notify customers via menu disclosure that: “wild mushrooms are not an inspected product and are harvested from a non-inspected site.”

How this will protect public health: This increases the responsibility of the mushroom harvesters and food establishment operators to provide safe mushrooms to consumers.

10. Date Marking of Packaged Food from Manufacturers Opened On-site (Chapter 3: 4626.0400 G)

What has changed: The revision will remove date marking requirements for certain foods.

How will this affect operators: Certain food packaged and produced by a food processing plant according to the Code of Federal Regulations no longer needs to be marked with the date the package was opened at the food facility. Specific items are listed in this rule, including deli salads, hard and some semi-soft cheeses, cultured dairy products, pickled fish, and shelf-stable dry fermented sausages and salt-cured products.

How this will protect public health: Food safety hazards related to microbial growth in certain products are sufficiently controlled by food processing plants operating according to the Code of Federal Regulations.

11. Non-continuous Cooking (Chapter 3: 4626.0349)

What has changed: The revision establishes a process for non-continuous cooking for raw animal foods if the establishment has a written procedure and obtains regulatory approval.

How this will affect operators: This will allow operators to halt the cooking process if specific time, cooking, and cooling parameters are met. The initial heating of the raw food can be no longer than 60 minutes and cooling must take place immediately after initial heating. Once cool, the food must be properly cold held at or below 41 degrees F and the food must be cooked to the appropriate internal temperature before final sale or service.

How this will protect public health: This ensures that food does not stay for extended periods of time within temperature ranges that favor microbial growth.

Health and Hygiene

12. Employee illness (Chapter 2: 4626.0045 and 4626.0050)

What has changed: The revision adds requirements for restricting employees with wounds and provides specific instructions for when restrictions and exclusions of ill employees can be removed or adjusted.

How this will affect operators: This specifies that staff who have been ill but who do not have a diagnosed disease may return to work after being asymptomatic for at least 24 hours. This also requires managers to restrict employees with wounds that are uncovered.

How this will protect public health: Excluding and restricting food employees who are symptomatic or suffering from a disease likely to be spread through contamination of food will reduce the likelihood of foodborne illness transmission.



13. Clean Up of Vomiting and Diarrheal Events (Chapter 2: 4626.0123)

What has changed: The revision adds requirements for responding to events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment.

How this will affect operators: This will require managers to establish procedures for employees to follow when cleaning up vomit or feces. The procedures must address specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus and fecal matter.

How this will protect public health: Proper response to vomiting and diarrheal events in a timely manner can help reduce potential for the spread of harmful bacterial or viral pathogens. It may decrease the likelihood that food and surfaces become contaminated and that others may become ill as a result of the accident.

14. Fingernail Brushes and Hand Dryers (Chapter 6: 4626.1440 and 4626.1445)

What has changed: The revision eliminates the requirement for food establishments to have a nailbrush at their handwashing sinks and allows for heated-air and air-knife hand dryers at handwashing sinks in the kitchen.

How this will affect operators: Operators will not be required to maintain nailbrushes at handwashing sinks, and will be allowed to use heated-air and air-knife hand dryers at all handwashing sinks.

How this will protect public health: Fingernail brushes can be a source of contamination if not properly maintained. Hand dryers are an acceptable alternative to individual disposable towels, when used properly.

15. Handwashing Signage (Chapter 6: 4626.1457)

What has changed: The revision will require establishments to provide handwashing reminder signs at all handwashing sinks used by food employees.

How this will affect operators: Many operators posted this signage voluntarily prior to the newest code revision. For those that do not have signs at their hand sinks, they will now be required to post a sign or poster that notifies employees to wash their hands.

How this will protect public health: Visual reminders increase handwashing behavior.

Equipment and Facilities

16. Equipment (Chapter 4: 4626.0505 and 4626.0506)

What has changed: The revision removes a requirement for all equipment to be NSF-certified or equivalent, and specifies that particular pieces of equipment must be certified or classified for sanitation by an ANSI accredited certification program (such as NSF, CSA, ETL, or UL).

How this will affect operators: This ensures that critical pieces of equipment in higher risk operations remain certified/classified to ANSI accredited sanitation standards while granting some flexibility to operators in certain settings.

How this will protect public health: Food equipment and utensils need to be safe, durable, and cleanable. If they cannot maintain their original characteristics over time, they may become difficult to clean which could allow for the harborage of pathogens and pests. Additionally, they must be designed and constructed so parts do not break, creating an injury hazard to consumers.

17. Take-Home Food Container Reuse (Chapter 3: 4626.0295)

What has changed: The revision will provide allowances for refilling take-home food containers for food and beverages.

How this will affect operators: Operators will need to wash, rinse, and sanitize the refillable container if it is for food or a TCS beverage. Non-TCS beverages will be allowed to be refilled by the operator after rinsing with hot water, and can be refilled by the customer if contamination can be prevented.

How this will protect public health: This ensures that reusable containers are durable, and are capable of being adequately cleaned and sanitized.

18. On-Site Sanitizer Generation (Chapter 4: 4626.0805 F)

What has changed: The revision adds provisions for the use of on-site chemical sanitizer generation devices.

How this will affect operators: This will allow establishments to use “activated water” machines, “ionized salt water” machines and similar devices if they are marked as EPA registered and produce an approved sanitizer solution.

How this will protect public health: These devices produce approved sanitizing solutions that effectively reduce pathogens to acceptable levels when used correctly.

19. Food Thermometers (Chapter 4: 4626.0705)

What has changed: The revision specifies the type of thermometer that must be used with a particular food.

How this will affect operators: This will require operators to have a suitable small diameter probe thermometer for measuring the temperatures of foods with thin masses such as meat patties and fish fillets. Normal bi-metallic stem thermometers can still be used, but may only be used with thick foods such as a large pot of chili or a roast.

How this will protect public health: These devices provide greater accuracy when taking temperatures of food, which ensures that pathogens are adequately controlled.

20. Warewashing Temperature Measuring Devices (Chapter 4: 4626.0710)

What has changed: The revision will require operators using dish machines with hot water for sanitization to have an irreversible registering temperature indicator to measure utensil surface temperature.

How this will affect operators: Operators will be required use a temperature measuring device to ensure that food contact surface temperatures reach 160 degrees F. Reusable Min-Max registering thermometers or single-use temperature-sensitive stickers or sticks meet this requirement.

How this will protect public health: These devices provide a simple method to verify that food contact surfaces reach the minimum required temperature to destroy pathogens that may remain on surfaces after cleaning.

We hope you have found this information valuable. The process for the revision to the Food Code will continue as described below:

Notice of Intent to Adopt Rules. When we have finished writing the rules, we will publish in the State Register a Notice of Intent to Adopt Rules, along with the proposed rules. We will also mail the Notice and proposed rules to interested persons and to certain legislative committees.

30-Day Comment Period. After the Notice of Intent to Adopt Rules is published, there is a 30-day comment period, during which persons may submit written comments on the proposed rules. Persons may also request a hearing on the rules during the 30-day comment period.

Rules Hearing. If there are 25 hearing requests, the departments are required to hold a hearing on the rules before an Administrative Law Judge (ALJ).

Review by Administrative Law Judge. Whether or not there is a hearing, an ALJ review the proposed rules and all the documents from the rulemaking. The ALJ will approve the rules if the Departments have statutory authority for the rules, have shown the rules to be needed and reasonable, have given proper notice of the proposed rules, and has complied with all other rulemaking requirements.

Governor Veto. After the rules are adopted by the Departments and approved by the ALJ, the Governor has 14 days to review them. The Governor may veto the rule amendments or let them become effective.

Notice of Adoption. After the Governor’s review period, [the department] will publish a Notice of Adoption in the State Register.

Effective Date. The amendments to the rules become effective the following January 1 or June 1, whichever comes first, after the Notice of Adoption is published.

THERE WILL BE MANDATORY LICENSING MEETINGS IN NOVEMBER AND FOOD CODE REVISION TRAINING WILL BE A PART OF THAT MEETING.

Certified Food Manager 6-Hour Class and Exam

Registration Form

When: Wednesday, September 7, 2016

**Where: Brown County License Bureau
1900 N. Franklin Street — Conference Room A
New Ulm, MN (see map on back)**

Please do not park in parking lot; park on side streets. Thank you!

Time: 9:00 am until 3:00 pm

Registration Fees: Please circle one...

Within Brown, Nicollet, Cottonwood or Watonwan County	\$170.00
If you print your own class manual prior to class from our website	\$140.00
Outside four county area	\$195.00
Exam only (must have already attended a 6-hour class)	\$ 75.00

**NEW POLICIES: Payment must be received prior to the meeting, if you sign up for the class and do not show up, payment will not be returned.
****You must bring a picture ID with you to the meeting******

Please detach the bottom portion and return with your registration fee no later than: **Monday, August 22, 2016**

Save this top portion of the form as a reminder!

6-Hour Certified Food Manager Class—Wednesday, September 7, 2016

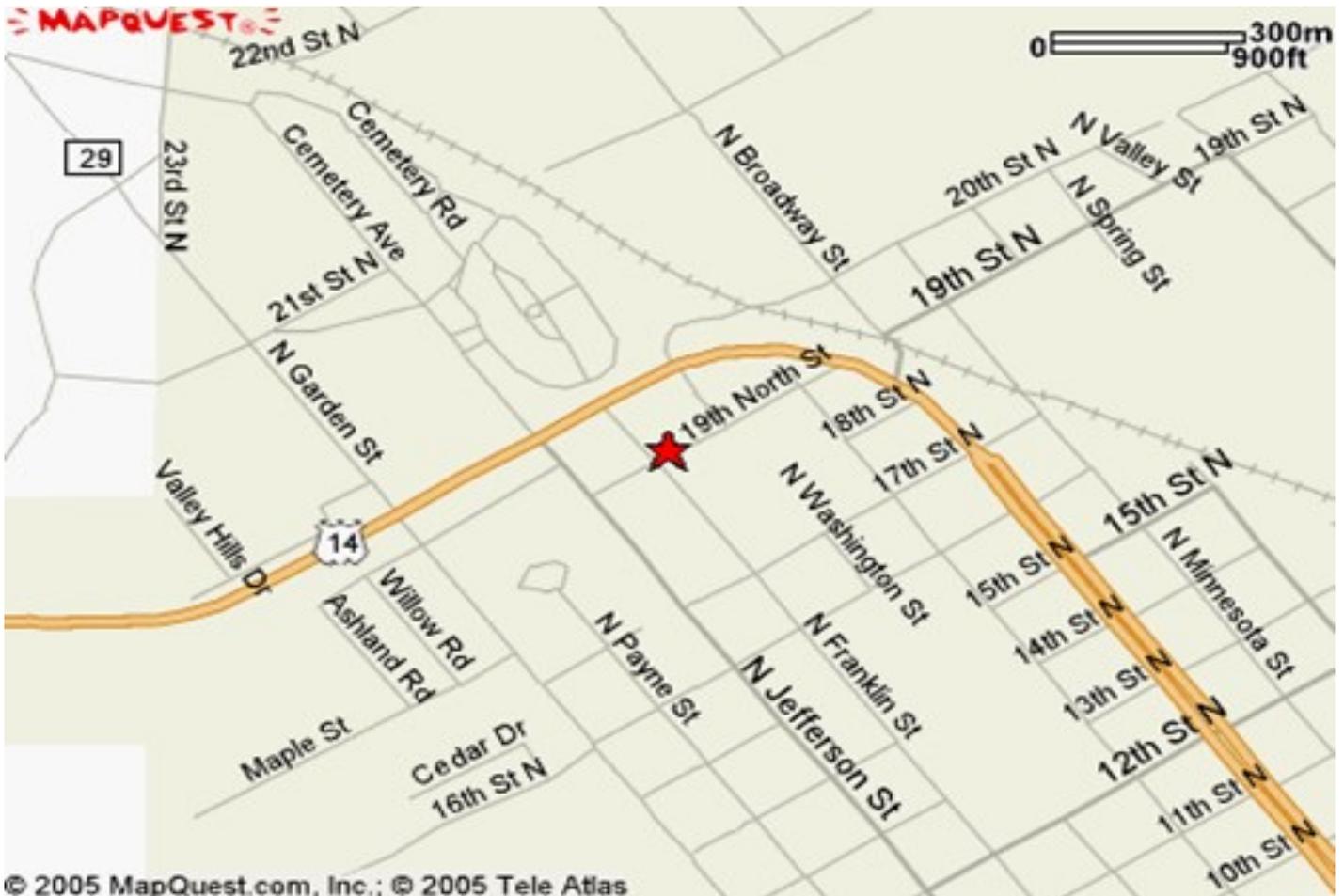
Name _____

Establishment _____

Phone _____

Amount Paid _____ (make checks payable to Brown-Nicollet CHS)

Return with fee to: Brown-Nicollet CHS
622 S. Front St.
Saint Peter, MN 56082 - Phone: 507-934-7089



Certified Food Manager 4-Hour Renewal Class *Registration Form*

BOGO—Buy One—Get One: Limited offer, sign up one person and bring a “guest” for free. Want to provide someone with training—bring a guest! (Guest will not receive 4 Hour Renewal Certificate)

When: Monday, August 29, 2016

Where: Brown County License Bureau
1900 N. Franklin Street — Conference Room A
New Ulm, MN (see map on back)

Please do not park in parking lot; park on side streets. Thank you!

Time: 9:00 am until 1:00 pm

Fee: \$ 75.00

Please detach the bottom portion and return with your registration fee no later than:

**Monday, August 22, 2016
Save this top portion of the form as a reminder!**

4-Hour Certified Food Manager Renewal Class—Monday, August 29, 2016

Name _____

Establishment _____

Phone _____

Amount Paid _____ (make checks payable to Brown-Nicollet CHS)

Return with fee to: Brown-Nicollet CHS
622 S. Front St. - Saint Peter, MN 56082
Phone: 507-934-7089



Preventing Mosquito-Transmitted Disease

How to protect your environment from mosquitoes:

Inspect your property and turn over, cover, or throw out any items that could hold water:

- Tires
- Buckets
- Cans
- Flower Pots and Saucers
- Toys

Remove small pools of standing water from around your home:

- Empty, scrub, and change the water in pet bowls, bird baths, fountains, and pools at least once a week.
- Check gutters and clean out leaves frequently to make sure they aren't plugged.
- Tighten up loose tarps that could hold any water.
- Tightly cover water storage containers (e.g. rain barrels) so that mosquitoes cannot lay eggs inside of it.
- Fill water-holding tree holes with dirt or sand to prevent further mosquito breeding.

How to protect yourself from mosquito bites:

Use a safe and effective mosquito repellent:

- Wear mosquito repellent containing DEET (up to 30%). Concentrations up to 30 percent DEET are also safe for children (according to reports from the American Academy of Pediatrics). Do not use insect repellent on infants under two months of age.
- Apply repellents containing permethrin to your clothing or gear. Do not use permethrin on your skin. Several products are available as sprays, solutions, or commercially-impregnated clothing.
- Other alternatives are available, including picaridin, IR3535, and oil of lemon eucalyptus. Only use products that are registered by the Environmental Protection Agency (EPA).
- Follow the product label and reapply as directed.
- Wash off repellents when you return indoors.

Wear loose fitting, light colored, long sleeved shirts and pants.

More about mosquito-transmitted illness prevention:

[CDC: Avoid Mosquito Bites](#): The Centers for Disease Control and Prevention recommends several options to prevent mosquito-borne disease by avoiding mosquito bites when traveling to affected areas.

[Metropolitan Mosquito Control District](#) The MMCD provides a variety of mosquito control services to people living in the seven county Minneapolis and St. Paul metropolitan area.

[EPA: Mosquito Control](#) : The United States Environmental Protection Agency offers several different methods of mosquito control, including information on how to find a repellent that is right for you.

Have a GREAT Summer!

Brown-Nicollet Environmental Health
622 South Front Street
St. Peter, MN 56082

INSIDE

REGISTRATION FORMS

CFM Renewal Class

Monday, August 29, 2016

AND

Certified Food Manager

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