



City of Huntsville Health Inspection Presentation, Questions and Concerns

Texas Food Establishment Rule changes
and updates

11-09-15

Survey Results

- Why are violations still given a demerit if corrected on site?
- Uniform Inspections between both inspectors
- Attitude, professionalism, being courteous, etc.
- Corrective Action plans
- Incentive programs
- Food safety education materials
- Date-marking
- Employee personal items/hygiene
- Water bottles, twist top bottles
- Cross contamination with mops, brooms, towels
- Online food handler cards
- Conducting inspections during different times
- Increase of Re-Inspection fee- \$55.00 to \$300.00

Why are violations given demerits if corrected on-site?

According to the Texas Food Establishment Rules (TFER) §229.171(a) [and new TFER §228.251(a)], the regulatory authority is required to apply these rules to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented. When the regulatory authority conducts inspections of retail food establishments, the inspector is required to document factual observations of violated conditions or other deviations from these rules that require correction by the permit holder as stated in §229.171(j)(1)(B). Therefore, if violated conditions are observed, they should be documented on the inspection report.

- The rationale is if violations are observed during an inspection, even if corrected on-site, the violation must be marked. Violations observed during time of inspection probably would persist, if not for the inspection, and therefore inspectors would only be pointing out violations and will not identify weaknesses in the management system in place.
- **Reminder:** Inspections are performed 2-3 times per year, (4-6 months in between inspections) Ex: routine is 01-05-16 next routine inspection is open for anytime in the month of May if high risk and anytime during the month of July if low-medium risk.
- **Reminder:** Food safety practices should be enforced and practiced all the time, not just for preparation of an inspection.

You say, “the other inspector said this.....”

- Both inspectors are thoroughly trained and educated with BS degrees as well as RS (**Registered Sanitarian**) and REHS (**Registered Environmental Health Specialist**) credentials
- Laws/Rules can be interpreted differently but we try to work together with State and Federal agencies to clarify questions that may arise from time to time
- Both inspectors work diligently together on ensuring inspections are conducted as thorough and uniform as possible
- Both inspectors attend many of the same trainings and conferences
- Inspectors make the effort to review previous inspections before your routine inspection to ensure that violations and issues are addressed

Attitude and Professionalism

- Both inspectors should walk into your establishment, identify ourselves with a smile and courteous attitude
- Our goal is to develop and maintain positive, professional relationships with all owners, managers and staff
- Again, we are human and may not smile as big from one inspection to the next, please do not take that personal and simply ask “how is your day?” or “Everything going, ok?”
- We understand that attitudes feed off attitudes whether good or bad, and we also understand that inspections can be a stressful time, our goal is to educate and provide a positive experience with positive feedback, therefore your help in this matter is appreciated as well

What does your establishment do to correct violations after inspector leaves?

- Develop a corrective action plan with staff
- CAP (**Corrective Action Plan**) is a voluntary agreement established with the person-in-charge to attain active managerial control over food-borne illness risk factors that are out of control
- CAP- **Monitoring**- 1. What will be done? 2. Who will do it? 3. Where will it be done? 4. When and how often will it be done?
- Corrective Action- the CAP should provide answers to the following question: What will the food establishment employees do when the food is out of time/temperature control?
- **Verification**- the CAP should provide answers to the following questions: 1. How do you know if the plan is working? 2. Who is in charge of determining if the plan is working?
- **Record Keeping**- the CAP should provide answers to the following questions: 1. Where are the records being kept? 2. How long are the records going to be kept?

Example of a Cold Hold CAP

“The owner agrees to place an accurate thermometer in the walk-in cooler by close of business today. Each shift manager will record the temperature of the walk-in at 10am, 2pm, and closing. If the air temperature is higher than 35-38°F, internal temperatures of time/temperature control for safety (TCS) food will be checked. If the TCS food internal temperatures are higher than 41°F for more than 4 hours, the owner will be notified, food will be destroyed and action recorded in the temperature log book. The manager will calibrate the walk-in cooler weekly and record the results in the temperature log book that will be kept in the manager’s office.”

Elements of the CAP

- **Monitoring**- “Each shift manager will record the temperature of the walk-in at 10am, 2pm, and closing”
 1. What will be done? Temperature will be recorded
 2. Who will do it? Each shift manager
 3. Where will it be done? In the walk-in
 4. When will it be done? 10am, 2pm, and closing
- **Corrective Action**- What will be done when the food is out of time/temperature control? The owner will be notified, food will be destroyed, and action recorded in the temperature log book”
- **Verification**-”The manager will calibrate the walk-in cooler weekly and record the results”
 1. Who is in charge of determining if the plan is working? The manager
 2. How does he know if the plan is working? Checks thermometer and log book
- **Record Keeping**- “ The manager will calibrate the walk-in cooler weekly and record the results in the temperature log book that will be kept in the manager’s office.”
 1. Where are the records going to be kept? In the manager’s office
 2. How long are the records going to be kept? Indefinitely

Can my staff have false nails?

According to NEW TFER:

Fingernail Maintenance: Food employees shall keep fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.

Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food. (includes solar nails)

Hair Restraints

Food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

This does not apply to food employees such as counter staff who ONLY serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

Famous Question?? Water bottles, screw top bottles, open or closed????

Is a twist top bottle of water or soda considered in violation of the closed beverage container requirement?

A food employee that is drinking from a twist top bottle would be in violation of Section 228.42(a). The intent of this provision is to reduce the risk of a food employee's hands by contact with an area where the individual's mouth has touched. According to the Food and Drug Administration (FDA), a bottle with a twist top does not meet the requirement. A container with a pop-up cap is considered to be a closed beverage container and meet the requirement because a person does not need to use their hands to open or close the bottle.

Storage: 228.42(a)(1): an employee **SHALL** eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection cannot result.

When is my inspection and when are you coming?

Inspections are un-announced. We will not call to warn you when we are coming to conduct your inspection unless you have operation hours that do not fall within the realm of inspectors normal business hours.

Routine inspections are performed every 4-6 months depending on risk assessment. Any day of the 4th month or 6th month is fair game for an inspection.

Rationale behind this theory is not to “catch you”, but have a better idea of operations and determine where weaknesses may be occurring that could possibly lead to food-borne illness.

Date-Marking

228.75(g)(1-7)

All cooked/prepared TCS food must be date-marked if held longer than 24 hours with prep date and 7 day expiration dates.

If food is NOT held longer than 24 hours it does not have to be date-marked.

Inspection Etiquette

- Presenting information or violations during operation hours and with customers present
- Explaining report at conclusion of inspection, time for questions
- Staff questions are ALWAYS welcome
- Inspectors ask questions during inspections to get a better understanding of situations in order to address issues or violations, not for writing citations or pay fines
- Inspections are an educational experience and we do lots of on-site education and training- ASK QUESTIONS
- Inspection times, lunch rush
- Re-inspection fee \$300.00
- Food safety checklists, guidelines and criteria for inspections

What would you like to see as an incentive program?

- If your establishment scores a 0-10 or an “A”, your FSE name and score would be posted on our website.
- A gold star certificate posted in your FSE next to your permit that shows your FSE has scored an A and demonstrates proper food safety practices.

Ideas are welcome and will be taken into consideration!

New TFER Form

- 5,4,3 Demerits have changed to 3,2,1
- 27 line item inspection form to 47 line item inspection form
- Priority Items (3 points), Priority Foundation Items (2 points), Core items (1 point)
- Transition from Non-Critical Violation to Core Item Violation.
- All violations have a demerit value



Texas Department of State Health Services
Retail Food Establishment Inspection Report

Date:	Time in:	Time out:	License/Permit #	Est. Type	Risk Category	Page ___ of ___
Purpose of Inspection:		1-Compliance	2-Routine	3-Field Investigation	4-Violation	5-Other
Establishment Name:		Contact/Owner Name:		* Number of Repeat Violations: _____ ✓ Number of Violations COs: _____		TOTAL/SCORE
Physical Address:		City/County:	Zip Code:	Phone:	Follow-up: Yes No (circle one)	
Compliance Status: Out = not in compliance IN = in compliance NO = not observed NA = not applicable COs = corrected on site R = repeat violation Mark the appropriate points in the OUT box for each numbered item. Mark "✓" a checkmark in appropriate box for IN, NO, NA, COs. Mark an asterisk "*" in appropriate box for R.						
Priority Items (3 Points) violations Require Immediate Corrective Action not to exceed 3 days						
Compliance Status OUT IN NA COs		Time and Temperature for Food Safety (F = degrees Fahrenheit)		Compliance Status OUT IN NA COs		Employee Health
			1. Proper cooling time and temperature			12. Management, food employees and conditional employees; knowledge, responsibilities, and reporting
			2. Proper Cold Holding temperature (41° F/ 45° F)			13. Proper use of restriction and exclusion; No discharge from eyes, nose, and mouth
			3. Proper Hot Holding temperature (135° F)			14. Preventing Contamination by Hands
			4. Proper cooking time and temperature			15. No bare hand contact with ready-to eat foods or approved alternate method properly followed (APPROVED Y N)
			5. Proper reheating procedure for hot holding (165° F in 2 Hours)			16. Pasteurized foods used; prohibited food not offered
			6. Time as a Public Health Control; procedures & records			Pasteurized eggs used when required
			Approved Source			Chemicals
			7. Food and ice obtained from approved source; Food in good condition, safe, and unadulterated; parasite destruction			17. Food additives; approved and properly stored; Washing Fruits & Vegetables
			8. Food Received at proper temperature			18. Toxic substances properly identified, stored and used
			Protection from Contamination			Water/ Plumbing
			9. Food Separated & protected; protected during food preparation, storage, display, and tasting			19. Water from approved source; Plumbing installed; proper backflow device
			10. Food contact surfaces and Utensils; Cleaned and Sanitized at _____ temperature			20. Approved Sewage/Wastewater Disposal System; proper disposal
			11. Proper disposition of returned, previously served or reconditioned			
Priority Foundation Items (2 Points) violations Require Corrective Action within 10 days						
Compliance Status OUT IN NA COs		Demonstration of Knowledge/ Personnel		Compliance Status OUT IN NA COs		Food Temperature Control/ Identification
			21. Person in charge present; demonstration of knowledge, and perform duties/ Certified Food Manager (CFM)			27. Proper cooling method used; Equipment Adequate to Maintain Product Temperature
			22. Food Handler/ no unauthorized persons/ personnel			28. Proper Date Marking and disposition
			Safe Water, Recirculating and Food Package Labeling			29. Thermometers provided, accurate, and calibrated; Chemical/ Thermal test strips
			23. Hot and Cold Water available; adequate pressure, safe			Permit Requirement, Prerequisite for Operation
			24. Required records available (shellstock tags; parasite destruction); Packaged Food labeled			30. Food Establishment Permit (Current & Valid)
			Conformance with Approved Procedures			Utensils, Equipment, and Vending
			25. Compliance with Variance, Specialized Process, and HACCP plan; Variance obtained for specialized processing methods; manufacturer instructions			31. Adequate handwashing facilities; Accessible and properly supplied, used
			Consumer Advisory			32. Food and Non-food Contact surfaces cleanable, properly designed, constructed, and used
			26. Posting of Consumer Advisory; raw or under cooked foods (Disclosure/ Reminder/ Buffer Plate)/ Allergen Label			33. Warewashing Facility; installed, maintained, used/ Service sink or dish cleaning facility provided
Core Items (1 Point) Violations Require Corrective Action Not to Exceed 90 Days or Next Inspection, Whichever Comes First						
Compliance Status OUT IN NA COs		Prevention of Food Contamination		Compliance Status OUT IN NA COs		Food Identification
			34. No Evidence of insect contamination, rodent/other animals			41. Original container labeling (Bulk Food)
			35. Personal Cleanliness/eating, drinking or tobacco use			Physical Facilities
			36. Wiping Cloth; properly used and stored			42. Non-Food Contact surfaces clean
			37. Environmental contamination			43. Adequate ventilation and lighting; designated areas used
			38. Approved cleaning method			44. Cuts and Burns properly disposed; facilities maintained
			Proper Use of Utensils			45. Physical facilities installed, maintained, and clean
			39. Utensils, equipment, & linens; properly used, stored, dried, & handled/ In use utensils; properly used			46. Toilet Facilities; properly constructed, supplied, and clean
			40. Single-service & single-use articles; properly stored and used			47. Other Violations
Received by: (signature)		Print:		Title: Person In Charge/ Owner		
Inspected by: (signature)		Print:		Business Email:		

Priority Items (3 Points)

TFER definition: Application of a provision that contributes directly to the elimination, prevention, or reduction of hazards associated with food borne illness or injury to an acceptable level. There is no other provision that directly controls the hazard. Items will include cooking, reheating, cooling and hand-washing.

Examples of PI are:

- Time and Temperature for Food Safety (no longer PHF)
- Approved Source
- Protection from Contamination
- Employee Health
- Preventing Contamination by Hands
- Highly Susceptible Population
- Chemicals
- Water/Plumbing

Priority Foundation Items (2 points)

TFER Definition: A provision whose application supports, facilitates, or enables one or more priority items. Includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury, for example: personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.

Examples of PFI items:

- Demonstration of Knowledge/Personnel
- Safe Water, Record Keeping and Package Labeling
- Conformance with Approved Procedures
- Consumer Advisory
- Food Temperature Control/Identification
- Permit Requirement, Prerequisite for Operation
- Utensils, Equipment, and Vending

Core Items (1 point)

TFER Definition: A provision that is not designated as a Priority item or a Priority Foundation item and includes an item that usually relates to general sanitation, operational controls, sanitation operating procedures facilities or structures, equipment design, or general maintenance.

Examples of Core items:

- Prevention of food contamination
- Proper use of Utensils
- Food Identification
- Physical Facilities

2015 TFER Rule Changes

- Changed Chapter citations from 229 to 228
- Eliminated references to PHF's and included Time/Temp Control for Safety (**TCS**)
- New TFER is available on City web-site as well as DSHS website for viewing or printing

Summary of Changes To TFER

- ***Certified Food Manager: 228.33***

- ❖ At least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service shall be certified food protection manager.
- ❖ The original food manager certification shall be posted in a location in the food establishment that is conspicuous to consumers.
- ❖ Food handler Cards are still required to obtain in 30 days from the day of hire.

- ***Top 5 diagnosed illnesses went to top 6 illnesses: 228.35***

- ❖ Norovirus
- ❖ Hepatitis A
- ❖ Shigella
- ❖ Shiga Toxin-Producing E. Coli
- ❖ (NEW) Nontyphoidal Salmonella

- **Hands & Arms: 228.38**

- ❖ Disposable paper towels are required to be available with a manually operated faucets. Need clean barrier when touching surfaces 228.38 (3)(4)(c-d)(1-9)
- ❖ Hand antiseptics must be approved by FDA

- **Added Contamination Events: 228.45**

- ❖ Need a written procedure for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. Employee must minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

- **Specifications for Receiving: 228.63**

- ❖ All product received must be at a temperature of 41°F and below or 135°F and above.
- ❖ Raw shell eggs, Grade A Milk, Molluscan shellfish may be received in refrigerated equipment that maintains an ambient air of 45°F or less.

- ❖ Frozen food shall be received frozen and free of evidence of previous temperature abuse, such as but not limited to odors, ice crystals, frost or discoloration.
- **Molluscan Shellfish, Original Container and Records: 228.64**
 - ❖ Shellstock tags must now be labeled with date the last shellstock from the container was served and maintain **90** days from that date.
- **Preventing contamination by employees: 228.65**
 - ❖ Permit holder has must obtain approval from the regulatory authority and maintains proof of the approval at the facility for review during inspection.
 - ❖ Written procedures are maintained in the food establishment and made available to the regulatory authority upon request that include for each bare hand contact procedure.
 - ❖ **Please see 228.65 (5)(C)(i)(ii)(iii)(D)(E)(F)(G)** to see details on using bare hand contact of ready-to-eat food.

- *Preventing contamination from equipment, utensils, and linens:228.68*

- ❖ Single use disposable sanitizer wipes may now be used if done in accordance with EPA approved manufacture's label use instructions.

- ❖ EXAMPLES:



- ❖ Please visit website sanitizingwipes.com to locate different types of sanitizing wipes.

- ❖ Using single-use gloves are not required to be changed if NOT changing task

❖ Take-home food establishment food containers may be refilled if:

1. Designed and constructed for reuse
2. Containers must be cleaned and sanitized before reuse/refilling
3. Visually inspected by the food establishment

❖ Take-home food establishment beverage containers may be refilled if:

1. Beverage is **NOT** a TCS
2. Cleaned and sanitized before reuse/refilling
3. Refilled by employee or owner includes a contamination-free transfer process

- **Cooking: 228.71**

❖ Non-continuous cooking of raw animal foods are only required to be re-heated to the required cooking temperature if:

1. Cook to proper temperature
2. Cool properly to 41°F and below within the required 6 hours to cool properly.
3. After cooling, held frozen or cold, as specified for time/temperature control for safety.
4. Prior to sale or service, re-heated to the required cooking temperature and held hot or cold to required temperatures or for immediate sale.

- **Temperature and time control: 228.75**

- ❖ Product can now be held at room temperature for up to 6 hours or 70°F if:
 1. An initial temperature of 41°F or less when pulled from temperature control
 2. Food shall be monitored to ensure the warmest portion of food does not exceed 70°F during the 6 hour period.
 3. Product that has reached 70°F or above before the 6 hour duration has ended, product must be discarded
 4. Written documentation must be available to show time pulled from temperature control to time that product must be discarded (either 4 or 6 hours)

- **Labeling: 228.79**

- ❖ Labeling for Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view for consumer:
 1. Manufacturer's or processor's label that was provided with the food or a card, sign, or other method of notification that includes the information. If manufacture does not provide card, establishment is responsible for labeling all major food allergens to be listed in the ingredients unless stated in common name.

❖ Labeling information shall include:

1. Common name of product
2. List of ingredients
3. Net weight (weight of the product)
4. Manufactures name and address
5. Consumer instructions (example: keep refrigerated)
6. Nutritional information if required
7. Allergen statement
8. Nutrient content claim
9. Health claims

❖ Labeling of donated food:

1. Name of food
2. Source of food (Establishment name)
3. Date of preparation

NUTRITION FACTS:		
Serv. Size 10g or about 20 tablets		
No. Serv. per kg about 100		
Amount Per Serving		
Calories 42		
	Amount/Serv.	%DV
Total Fat	0g	0%
Sat. Fat	0g	0%
Trans Fat	0g	
Cholest.	0mg	0%
Sodium	0mg	0%
Total Carb.	10g	3%
Fiber	0g	0%
Sugars	10g	
Protein	0g	0%
Vitamin A 0% • Vitamin B • 0% •		
Vitamin C 0% • Calcium 0% • Iron 0%		
Percent Daily Values (DV) are based on a 2000 calorie diet.		

Ingredients: Dextrose, Maltodextrin, Citric Acid*, Magnesium Stearate, Natural & Artificial Flavors. Less than 1% Colors: Carmine Lake, FD&C Red #40 Lake, FD&C Yellow #6 Lake, FD&C Yellow #5 Lake, FD&C Blue #2 Lake, FD&C Blue #1 Lake.

*Banana, Rootbeer, Strawberry, flavors contain no Citric Acid

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- Accuracy of temperature measuring devices, food: 228.105

- ❖ Temperature measuring devices for food:



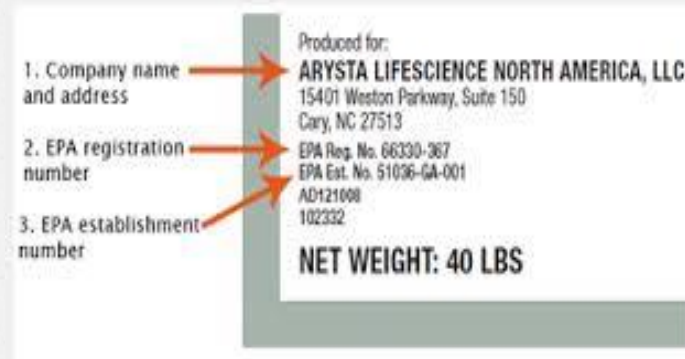
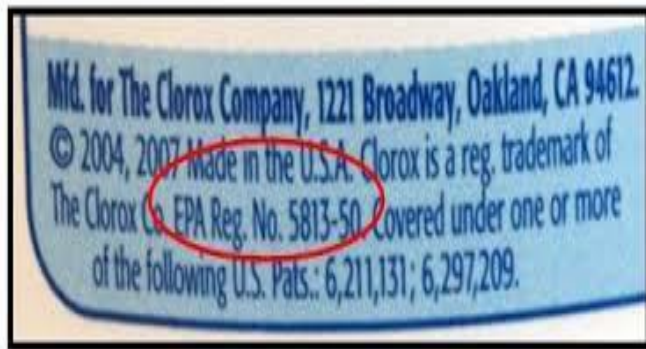
- ❖ Temperature measuring devices, ambient air and water:



- ❖ Pressure measuring devices for mechanical ware washing equipment are not required to register in the range indicated on the manufacturer's data plate instead of previous being required to register in a range of 15-25



- **Equipment, maintenance and operation: 228.111**
- ❖ Wording has changed from manufactures label to EPA-registered label.
- ❖ All sanitizing equipment must be provided with EPA-registered label and EPA manufacturing facility registration number on device



- **Utensils and temperature and pressure measuring devices:**
228.112

- ❖ Food temperature measuring devices now must be calibrated in accordance with manufacture's specifications. If thermometers do not come with manufacture's specifications, calibrate thermometers with a ice bath to 32°F or with boiling water to 212°F.



- **Preventing Contamination: 228.125**

- ❖ Preset tableware shall be protected from contamination by being wrapped, covered, or inverted.
- ❖ Preset tableware may be exposed if unused settings are removed when a consumer is seated, or setting not removed when a consumer is seated and cleaned and sanitized before further use.
- ❖ Chemically treated towelettes can be used inside a Mobile Food Unit or Temporary Food Establishments or Vending Machine if handwashing sinks are not conveniently available. **FOOD ESTABLISHMENTS ARE NOT ALLOWED TO USE TOWELETES INSIDE A FULL SERVICE KITCHEN. HANDWASHING INSIDE A HANDSINK IS REQUIRED.** Also found under 228.147 (a)(3) and 228.221(10)

- **Plumbing design, construction and installation: 228.146**

- ❖ Changed the requirement for plumbing systems from according to law to according to **plumbing code**. 228.146(a)(1)

- **Plumbing, numbers and capacities: 228.147**

- ❖ Toilets, urinals and showers may not be used as a service sink for the disposal of mop water and similar liquid waste.

- **Plumbing operations and maintenance. 228.149**

- ❖ For Mobile Food Units, tank inlet and outlet must clearly and durably be identified as to its use if not permanently attached.

- **Floors, walls and ceilings: 228.173**

- ❖ Except for **anti-slip floor coverings** or applications that may be used for safety reasons, the floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable.

- **Functionality: 228.174**

- ❖ Toilet rooms located outside of a food establishment and does not open directly into the food establishment is exempt from a tight-fitting and self-closing door.
- ❖ Except for areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, servicing areas shall be provided with overhead protection.

- **Handwashing sinks: 228.175**

- ❖ Automatic hand washing facilities are approved to be used inside kitchen/prep areas with paper towels or automatic hand drying device. Also see 228.147(a)(1-3)
- ❖ Towelettes are allowed to be used for handwashing if food operations are minimal (MFU and Temporary Establishment)
- ❖ Air-knife system that delivers high velocity are now allowed inside kitchen/prep areas.



- **Lighting, intensity: 228.177**

- ❖ Minimum Lux requirements have changed. 10 Foot Candles inside walk-in cooler and dry food storage areas, 20 Foot Candles for self-serve areas (buffets and salad bars), reach-in and under-counter refrigerators, and 50 Foot Candles for food prep areas, working with utensils where employee safety is a factor.

- **Premises, building, systems, room, fixtures, equipment, devices, and materials: 228.186**

- ❖ Cleaning of Plumbing Fixtures. Plumbing fixtures such as handwashing sinks, toilets, and urinals shall be cleaned as often as necessary to keep them clean.
- ❖ Language changed from minimizing pests presence to **eliminate their presence on the premises.**

- **Chemicals: 228.206**

- ❖ Chemicals used to wash or peel raw, whole fruits and vegetables must be an approved additive.
- ❖ **OZONE** as an antimicrobial agent has now been added as an approved additive

- **First aid supplies. 228.210 and 228.211**

- ❖ This section has been added to the TFER and is now a requirement for all Food Establishments to have a first aid kit with supplies available.

- ❖ **PLEASE SEE GUIDENCE DOCUMENT INSIDE FOLDER FOR FIRST AID SUPPLIES**

- ❖ First aid supplies should be labeled and stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, and linens, and single-service and single-use articles.

- **Mobile Food Units, Requirements: 228.221**

- ❖ Mobile Food Units are required to demonstrate they are Readily Moveable on an annual inspection basis. 228.221(a)(3)

- ❖ **Required documents to have available for permit:**

1. Certified Food Manager
2. Central Preparation Facility Authorization (if required)
3. Central Preparation Facility Inspection Report
4. Servicing Area Authorization (**Peddler Letter**)
5. Menu

- ❖ Equipment must be turned on and available for Inspectors to take temperatures to assure all equipment is working properly.
- ❖ Liquid waste holding tank shall be labeled as “waste water”
- ❖ Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

- Temporary Food Establishments: 228.222, Bed and Breakfast: 228.223, Micro Markets: 228.225, and Facility and Operation Plans: 228.244 have made changes. Please see TFER if interested or applies.

- **Inspection Frequency performance-based and risk-based: 228.249**

- ❖ Inspection Frequency has not changed only language. Inspections will be conducted every 4-6 months based on risk-assessment.

- **Report of Findings: 228.251**

- ❖ Critical violations have changed to Priority Items, Priority foundation items and Core items.
- ❖ Critical violations and non-critical violation terminology will no longer be used in our language.

- **Priority Item/Priority Foundation Item, Time frame for correction:228.253**

- ❖ On Summary of Changes “Critical violations” should be removed from title.
- ❖ Wording changed on inspection form from 72 hours to 3 days
- ❖ Priority Foundation Items have 10 days to correct

- **Core items violations, time frame for corrections: 228.254**

- ❖ Core violations have 90 days to correct or next inspection, which ever comes first.

- ***Heimlich maneuver Poster: 229.173***

- ❖ Poster is no longer required to be posted inside establishment

- ***Responsibilities of the Permit Holder: 228.248(11)***

- ❖ Notify customers that a copy of the most recent establishment inspection report is available upon request by posting a **sign or placard** in a location in the food establishment that is conspicuous to customers or by another method acceptable to the regulatory authority.

- **Cut leafy greens-**

- ❖ Fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn are considered a TCS food now and must maintain 41°F and below. Examples of leafy greens are: iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce, escarole, endive, spring mix, spinach, cabbage, kale, arugula, and chard. This term does not include herbs such as cilantro or parsley.

- **Service animal-**

- ❖ a CANINE that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability as per Health and Safety Code, 437.023.
- ❖ Does not require to provide tags or licenses for such animal
- ❖ Animal must be harnessed, leashed, or tethered, unless these devices interfere with the service animals work or the individuals disability prevents these devices.

- ❖ Dogs whose sole function is to provide comfort or emotional support do not qualify as a service animal under the ADA. (Americans with Disabilities Act)
- ❖ Questions that can be asked:
 1. “Is this a service animal required because of a disability?”
 2. “What work or task has the dog been trained to perform?”
- **Containers of chemical sanitizing solutions-**
 - ❖ in which wet wiping cloths are held between uses **SHALL** be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, of single-use articles. 228.68(d)(2)(A)(5)

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