



Town of Dennis
Health Department

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ADVISORY LETTER

To: Food Protection Managers and Persons In Charge

From: Kristen Keller, Health Director

Date: June 17, 2019

Re: Food Protection

Dear Food Establishment Licensee,

In October 2018 Massachusetts adopted the 2013 Federal Food Code, with Food and Drug Administration (FDA) amendments from 2015. The Massachusetts Department of Public Health then updated 105 CMR 590.00: State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments to include sections of the new Food Code.

The following is a brief overview of the changes to the code we would like you to be aware of:

- The Food Establishment inspection form has changed and no longer identifies “Critical” and “Non-Critical” Food Code (FC) violations. Violation compliance times have changed
- The term “Time/Temperature Control for Safety (TCS)” foods replaces “Potentially Hazardous Foods (PHF)”. TCS means a food that requires time and temperature controls to limit the growth of disease-causing organisms or toxins. **Reference:** 105 CMR 590.001; FC 1-201.10(B)
- New hot-holding temperature is 135 degrees Fahrenheit instead of 140 degrees Fahrenheit. **Reference:** 105 CMR 590.003; FC 3-501.16
- The permit holder must ensure that the “Person-In-Charge (PIC)” is receiving important health information from employees and conditional employees. The PIC must provide a written report of symptoms of illness and diagnosis or exposure to certain foodborne illnesses. **Reference:** 105 CMR 590.002 (E) and FC 2-201.11

- The exclusion and restriction sections of the Food Code have expanded, as well as the reinstatement of employees after they have been ill (e.g. highly susceptible populations such as preschools and nursing homes). **Reference:** 105 CMR 590.002 (E) (G) and FC 2-201.20 (*continued back*)
- Ensure that written procedures and plans, such as HACCP plans, developed by the food establishment, are maintained and used. **Reference:** 105 CMR 590.008 (a) and FC 8-201.15.
- Food thermometers, cleaning agents and sanitizing agents must be available for use during all hours of operation. **Reference:** 105 CMR 590.004 and FC 4.201.12, 4-203.11, 4-204.112, 4-502.11 (B), 4-302.14, 4-303.14 and 4-602.11(*citations examples*)
- Permit holder must post a placard, in a visible place, stating that the last inspection report is available upon request **Reference:** FC 8-304.11 (K)
- A Food establishment shall have procedures 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 (*see attached template document*). **Reference:** 105 CMR 590.002; FC 2-501.11
- Ready-to-Eat (RTE) TCS foods prepared and held in a Food Establishment for more the 24 hours shall be consumed on premise, sold or discarded when held at a temperature of 41 degrees Fahrenheit or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. **Reference:** 105 CMR 590.003; FC 3-501.17 & 18
- In manual warewashing operations, a temperature measuring device shall be provided and used. In hot water mechanical warewashing operations, and irreversible registering temperature indicators (e.g. thermolabels and/or maximum/minimum registering thermometers) shall be provided and used. For sanitizing solutions, a test kit or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be provided and used. **Reference:** 105 CMR 590.004; FC 4-302.13 & 14

Please review the links below to find resources to assist you with implementing some of the new requirements:

https://www.cdc.gov/norovirus/about/prevention.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fnorovirus%2Fpreventing-infection.html

Upcoming routine inspections by the Dennis Health Department will be specific to the new Food Code, **please be advised that this letter is not a full overview of the changes and amendments that exist.** Both the 2013 Federal Food Code and the newly updated Massachusetts Department of Public Health Merged Food Code can be accessed online, links to which have been included below.

As an owner/operator in the Town of Dennis you are required to become familiar with this code in its entirety.

Also, as a reminder, it is mandatory that your food establishment have on site at all times a staff member who is designated as the “person in charge,” this person must be well versed in food safety protocols and the Food Codes you adhere to.

If you have any questions, concerns or require assistance understanding the codes referenced above, please do not hesitate to call the Health Department at (508) 760-6158

We look forward to working with you through this transition!

Sincerely,

Carrie Schoener
Health Agent
Dennis Health Department

2013 Federal Food Code:

<https://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM374510.pdf>

MA DPH Merged Food Code

<https://www.mass.gov/files/documents/2019/01/04/Merged-Food-Code-11-16-18.pdf>