



# Maricopa County subscription service



## Standards Committee Meeting - November 19, 2014

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**Date:** November 19, 2014

**Time:** 1:00 pm - 3:00 pm

**ENVIRONMENTAL HEALTH DIVISION  
STANDARDS COMMITTEE MEETING**



**Where:**  
1001 North Central Avenue  
3rd Floor Conference Room  
Phoenix, AZ 85004

### Agenda Items

Topic	Facilitator
Welcome	David Morales
Molluscan Shellfish Consumer Advisories at Seafood Departments	All
Self-Service of Washed Fruit with Edible Skins	All
Time as a Control at Special Events	All
Citric Acid Use	All

## **MEETING MINUTES:**

The mission of the Environmental Services Department (Department) Standards Committee is to provide a time for standards to come together and discuss food code and to help our staff members provide consistent documentation of violations, and ensuring that our stakeholders understand the reasoning behind the decisions.

The vision is that all field inspectors and supervisors have a place to go with their questions and know that each item will be discussed with the division as a whole, that feedback (both discussion and code references) will be brought back to each office and inspectors will be consistently giving the same message to operators.

The Department currently has two (2) staff members that have been standardized by the FDA. Those staff members then standardize supervisors in each office who then will standardize their staff.

The procedure is that each Environmental Health Specialist (EHS) field staff notifies their supervisor of any code questions or interpretations that they may have. If supervisors are unable to give an answer or want more clarification, they will then send that information to the training officers and training supervisor. Once received, the question is sent to everyone on the committee so that they can start researching it and discussing it in their office. The question is also added to the agenda for the next Standards Committee meeting.

The members will then meet and use codes, Department policies, and any supporting documentation to come up with a decision collaboratively and by consensus as to how the issue will be addressed by the Division. If the issue cannot be resolved, the committee may seek guidance from the FDA, USDA, ADA, Management team and/or Director if needed.

Topics discussed at this meeting:

### **Molluscan Shellfish Consumer Advisories at Seafood Departments**

#### Question:

What is the consumer advisory requirement for live molluscan shellfish sold at the display cases in seafood departments of grocery stores? Is a posted consumer advisory required? Can an establishment provide the advisory at the time of purchase?

#### Hazard/Concern: *Vibrio* bacteria

#### Response:

Annex 3 of the Food Code explains that, "The consumer advisory is intended to apply to all food establishments where raw or undercooked animal foods or ingredients are sold or served for human consumption...such as restaurants, raw bars, quick-service operations, carry-outs, and sites where groceries are obtained that have operations such as delicatessens or seafood departments". Annex 3 also goes on to say that the consumer advisory is required at "all types of food establishments whenever there is a reasonable likelihood that the food will be consumed without subsequent thorough cooking". Although a customer could take a batch of oysters home a cook them, raw consumption would be the more likely scenario. In this case, a consumer advisory is required and should be posted. Annex 3 does also mention that the consumer must have the benefit of the complete consumer advisory before making their selections. Thus, providing the advisory at the time of purchase is not satisfactory.

Other Discussion Points:

A question was discussed about having the consumer advisory printed on the scale receipt instead of having the consumer advisory placed on the counter. The stakeholder brought up the issue of having many advisories placed on the counter can be too much for the customer to read. It would be easier to have it printed directly on the product where the customer would more likely see it. One of the concerns at large national stores is uniformity; we want to make sure that all of our stores have the advisory displayed the same way, and some states do not require the advisory to be displayed.

FDA Response:

Placing the consumer advisory on the print out from the scale would not meet the intent of the Food Code which is to inform the consumer of their increased risk of consuming raw or undercooked animal foods prior to their purchase of the item. The consumer advisory is intended to provide the customer sufficient information to make an informed choice.

While printing the disclosure and reminder on the scale receipt may contain all the required consumer advisory information, it is presented to the consumer post-sale. The consumer would not have had the information as part of their decision making process for purchase of the product. The consumer advisory is different than other safe food handling labels, such as those provided for eggs and ground beef, which instruct the consumer to cook their foods to proper temperatures. The consumer has a method to mitigate the potential hazards associated with these products after purchase by cooking them thoroughly. In the case of raw oyster that are intended to be consumed raw, the consumer does not have any method for mitigating the hazards associated with the consumption of this product raw or undercooked. Hence to meet the intent of the Food Code, the consumer advisory is to be a pre-purchase notification, not a post purchase.

Violation:

3-603.11 – pf: Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Process to Eliminate Pathogens

**Self-service of Washed Fruit with Edible Skins**

Question:

Schools have been providing fresh whole fruit for students for some time now. are we requiring dispensing utensils/deli tissue for items such as apples that will not be peeled? Food Code requires a suitable utensil for consumer self-service of ready to eat foods.

Concern:

Contamination of self-service food by the consumer.

Response:

Plant food that has been washed and does not require any peeling of rinds, peels, husks, or shells is deemed ready to eat food. The washed apples at the cafeteria line in the fruit bowl meet this definition. There is a difference between the cafeteria/foodservice setting and a retail grocery setting. At the grocery store, it is understood that the consumer will bring the fruit home to be washed prior to eating. The cafeteria presents a different scenario where the fruit has been washed and is presented as ready to eat to the student.

Discussions should be had with the kitchen management on best practices to keep these ready to eat food items protected from student contamination. The inspector may suggest that trained food service employees hand the apples to individual students who want the fruit at the service line. Another option could include pre-portioning apple slices and having those dispensed out of a salad bar. Also, as with any consumer self-service operation, a trained staff member should be monitoring activities at the self-service stations.

Violation:

3-306.13(B) and (C) – pf: Consumer Self-Service Operations

**Time as a Control at Special Events**

Question/Issue:

Can food operations at special events use time as a public health control for the time/temperature control for safety foods? Are there any restrictions as to what permit is allowed to conduct time as a public health control?

Concern:

Time/temperature control

Response:

The Maricopa County Environmental Health Code Chapter 8, Section 3, Regulation 1 first describe a “Mobile Food Establishment” as a food establishment offering for sale or dispensing food for human consumption from any vehicle or other temporary or itinerant station. Chapter 8, Section 3, Regulation 7 reads: Time only as a public health control, as explained in this Chapter shall not be used for mobile food establishments.

**Citric Acid Use**

Question:

An establishment was observed using a concentrated citric acid solution as part of their produce wash. The labeling on the citric acid jug indicated that it was toxic if dosed at high enough concentrations. Do we need, or do we have methods to ensure that the amount of citric acid added is not toxic (pH strips)?

Concern:

Chemical intoxication.

Response:

The burden is on the operation to properly demonstrate that they can use this additive in their establishment. Citric acid is generally regarded as safe, but according to this particular situation and the formulation of the additive bottle, there is some risk involved. An establishment that is taking active managerial control of this process should have the tools and protocols in place to verify that the right amounts of citric acid are used (i.e. testing kits). This is an opportunity for the inspector to observe a critical process of the establishment’s food flow and ask questions about what is going on. It would also be good practice to read the additive bottle for the manufacturer’s instructions for dilution, and to ensure these instructions are being followed at the establishment.

Violation:

7-204.12 P: Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria.

Maricopa County Environmental Services Department  
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