



Maricopa County

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Standards Committee Meeting – May 28, 2015

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Date: August 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
Pink Salt Clarification	All
Proposal for audits of food employee training	All
Refilling Returnables	All
Glove use requirements for false nails, polish	All
Natural pesticides	All
Thawing vs. cold holding	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:

Pink Salt Clarification

Question:

Which violation should be cited when there are unapproved additives found within a food establishment during an inspection? Inspectors are finding establishments making use of additives such as nitrates for food preservation, tenderizing, and stabilizing food coloration of meats, fruits and vegetables. Multiple enforcement cases are going up the chain where either an "unapproved additives" (3-302.14) or a "variance required" (3-502.11) violation is being cited.

Answer:

When an additive such as pink salt (nitrates) is found in storage at the establishment, 3-302.14 for "unapproved additives" should be documented. If the inspector finds an establishment to be actively using the pink salt in their food products without a variance and prior approval, the product should be embargoed and 3-502.11 should be cited for conducting a process that requires a variance. The Department variance coordinator should also be informed of the situation at the establishment. A partial cease and desist order should be requested for the establishment. It will be up to the division manager on how to proceed with legal action. It is important to distinguish in documentation whether the additive in question is being used or just being stored at the facility.

Proposal for audits of food employee training

Discussion:

Management discussed piloting a new Standard Operating Procedure (SOP) for the audits of food

employee training for field staff. The details of the SOP and expectations will be explained in a forthcoming e-mail. The Division Manager added that this SOP will be one that can evolve over time based on the experiences of those in the field.

Refilling Returnables

Question:

One provision of the food code pertaining to the refilling of returnables with beverages which states that a take-home food container returned to a food establishment may be refilled with a beverage if the beverage is not a time/temperature control for safety (TCS) food.

Scenario:

Certain establishments that make handcrafted coffee beverages may refill a customer's take-home reusable cup and/or thermos with a beverage that contains milk (a TCS ingredient). Is this scenario a violation of the food code? If so, what is an acceptable alternative for businesses that wish to continue this practice?

Answer:

Given the verbiage of the food code in 3-304.17 (C)(1), this scenario is not allowed. However, we want to make sure we are asking the right questions, and taking the time to educate our permit holders. The inspections of establishments that allow for returnables should occur as usual with no extra focus on this violation. If the refilling of returnables is observed, the inspector should assess the following:

- Is the establishment verifying they are receiving a visually clean cup? If the cup is not clean do they reject the cup or are they conducting the proper wash, rinse, sanitize, and air dry steps?
- Are proper handwashing steps taken after handling of a visibly soiled cup? If not, then a hand washing violation may be warranted (2-301.14).
- Are there considerations being made to prevent contamination of food, equipment, and utensils that are still in control of the establishment to be used for public food/beverage service? For example, an employee should not use a multi-use utensil such as a spoon to stir or scoop the poured beverage in the returnable vessel and return this utensil for use in other drinks. If contamination occurs of the utensil from a returnable, and it is not caused for cleaning and sanitizing immediately a violation should be written (4-602.11 (A)(5)). The inspector should have the establishment take corrective action accordingly and educate the operation on the hazard.

Glove use requirements for false nails, polish

Question/Issue:

Are food employees (servers in particular) who have a limited scope of food preparation subject to the same requirement for glove use if they wear false nails and/or use nail polish?

Scenario:

A server who has false nails is tasked with making smoothies, coffee drinks, and scooping ice at their station. They are observed doing all these tasks using the proper utensils and not touching ready to eat food with their bare hands. Would this individual still have to don gloves?

Answer:

Yes, while the employee is avoiding bare hand contact with ready to eat foods via the use of utensils, there are employee hygiene provisions that require glove usage given other conditions. Code reference 2-302.11 requires that a food employee wear intact gloves in good repair when working with exposed food.

Natural pesticides

Question:

There was recently a “natural” pesticide found at a food establishment stored at their 3-compartment sink area. The labeling indicated it was made up of plant oils, surfactants, isopropyl alcohol, and water. Is this product, if labeled as such, approved for use on a food contact surface and by extension within the food preparation areas?

Answer:

The Environmental Protection Agency (EPA) is responsible for the classification and correct labeling of various marketed pesticides/chemicals. The approved use of any substance bearing EPA labeling should be described on the label. If the labeling on the product in question classifies the product as a pesticide, it should be treated as such. The word “natural” should not be equated to the product being safe. Only those chemicals approved by the EPA for food contact surfaces should be used for food contact surfaces. In the case of pesticides, the inspector should cite 7-202.12 (A)(3) if the establishment is found to be applying pesticides without the proper certifications or 7-202.12 (C) if the establishment is found to be in possession of or applying restricted use pesticides without the correct certification.

Thawing vs. cold holding

Question

At what point should the inspector write either a thawing violation or cold holding violation during the thawing process?

Scenario:

The inspector finds TCS raw chicken thawing from frozen under running water in the prep sink at 70°F. What type of violation would be written in this situation?

Answer:

The scenario describes an approved method for thawing that many establishments employ for quickly thawing products for immediate use. The food code has provisions that addresses thawing concerns associated with the running water method under 3-501.13 (B). Subparagraph 4 of this code reference states that thawing under running water (that is 70°F or less) shall not allow the product to be above 41°F for more than 4 hours including the time the food is exposed to running water and the time needed for preparation for cooking, or the time it takes to cool the product back down to 41°F under refrigeration. The inspector should have a discussion with the operator in order to understand the food flow of the item in question. Based on observations and discussions, the scenario described above may not be in violation at all or in violation of the thawing provision. If the latter is true, then the thawing violation should be written (3-501.13) and corrective action should be to cook the food item immediately.

Maricopa County Environmental Services Department
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