



Environmental Services Department



Stakeholder Meeting ES-2014-001 2013 FDA Food Code Adoption Tuesday September 16, 2014

Stakeholders Present: Norm Barnett – Fry's Food Stores, Elaine Arena – NAMA

Staff Present: Andy Linton – Division Manager Environmental Health, Ken Conklin – Division Manager Quality & Compliance, Kevin Chadwick – Division Manager Water & Waste Management, Hether Krause – Environmental Operations Program Supervisor Quality & Compliance, David Morales – Supervisor Quality & Compliance, Pat Valadez – Administrative Assistant Quality & Compliance.

Presenter(s): Hether Krause and Andy Linton.

Minutes*: Hether Krause started off the meeting by discussing the Enhanced Regulatory Outreach Program (EROP) and the updated website. The EROP was put together by the Board of Supervisors (BOS) to allow for more transparency of any regulatory changes and updates. Stakeholders present were familiar with the process.

Andy Linton briefed the stakeholders on the recent BOS task force meetings and discussed that the adoption of the 2013 FDA Food Code was one of the recommendations. The 2013 FDA Food Code has the most updated food science and industry practices. The adoption of the 2013 FDA Food Code will be a revision to the Maricopa County Environmental Health Code (MCEHC) Chapter 8, Section 2. The proposed revisions to the MCEHC were discussed in more detail as outlined on the presentation. The 2013 FDA Food Code will not be written into our MCEHC, but adopted by reference. Aside from adoption of the 2013 FDA Food Code, there is one other addition to MCEHC Chapter 8, Section 2 and this is the regulation on Micro Market requirements..

A detailed list of all the changes from the 2009 FDA Food Code to the 2013 FDA Food Code is listed on the FDA website. Some of the more relevant changes were discussed and handed out to the stakeholders (attached).

Stakeholder questions and MCESD answers:

- If the food borne illness' covers all types of Salmonella, why is it important to put “non-Typhoidal Salmonella” instead of just Salmonella?
 - It will be listed separately to say “Salmonella Typhi” and “non-Typhoidal Salmonella”, so it will be part of the “Big 6” instead of the “Big 5”.
- How will Growlers be affected?
 - Refilling growlers is currently allowed under the 2009 FDA Food Code and will still be allowed under the 2013 FDA Food Code. There are some changes, however, to the section on refilling returnable containers with food. These changes will allow, under certain requirements, for food containers to be refilled.
- How will the ROP changes be related to “Fresh Fish” that the customer takes home, there is no guarantee that the customer will use that within 48 hours?

- The requirements for reduced oxygen packaging in the 2013 FDA Food Code are not specific to retail sales in a grocery store setting. The establishment is responsible for the requirements while the product is under their control.

Micro Markets were discussed along with some of the new requirements (see presentation). In case ES-2014-002/Fee Table Adjustments, the permit and plan review fees for Micro Markets will be discussed. The fee model is not completely finished yet, but it's looking like the fee will be somewhere around \$150-\$250 range for each Micro Market location. The plan approval fee will likely be in the range of \$250-\$300 and a fee for accepting a standard, or reference plan, for multiple location has been included in the proposal. Andy made it clear that these numbers were not yet finalized. He mentioned these ranges to give those in attendance a general sense of what these fees may be.

- Would it be possible to get a couple of the slides related to the Micro Markets?
 - Yes, the entire presentation will also be available as part of the Staff Report that will be presented to the Board of Health (BOH) on the EROP website.

Any comments related to these proposed changes will be welcomed on the comment section on the EROP website.

Both of the stakeholders present expressed their support for the proposed changes.

Another stakeholder meeting will be scheduled for Monday October 6, 2014. This case is scheduled to be presented to the BOH on October 27, 2014.

Attachment: Summary of 2009 vs 2013 FDA Food Code.

Meeting adjourned.

*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.

Summary of 2009 vs 2013 FDA Food Code

Chapter 1 Purpose and Definitions

Definition Changes

2009: Big 5 Foodborne Illnesses includes the term “Enterohemorrhagic *Escherichia coli*” (EHEC) O157:H7 along with the other 4 illnesses

2013: Deletes “Enterohemorrhagic *Escherichia coli*” (EHEC) O157:H7 as use of EHEC terminology is outdated. Uses the term “Shiga toxin-producing *Escherichia coli*” (STEC), which includes any *E. Coli* capable of producing Shiga toxin. Example of a STEC is *E. Coli* O157:H7

2009: Definition of the term “Packaged”

2013: Clarified definition of packaged food to “Packaged” does not include wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer, by a food employee, upon consumer request.

2009: Uses the term Potentially Hazardous Foods/Time/Time Control for Safety (PHF/TCS)

2013: Deletes the term Potentially Hazardous Food (Time/Temperature Control for Safety Food)” (PHF/TCS) and made a universal change throughout the Code to replace it with the term “Time/Temperature Control for Safety Food” (TCS). The definition remains the same.

2009: Definition of Reduced Oxygen Packaging

2013: Revised definition. Deletes the phrase “placed in a hermetically sealed, impermeable bag” and replace it with “vacuum packaged in an impermeable bag” so it clearly defines the sous vide process as outlined in Annex 6(2)(B)(4)(b). It now reads: “Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.”

Chapter 2 Management and Personnel

Chapter 2-201.11, 2-201.12, 2-201.13

2009: Big 5 Foodborne Illnesses (Norovirus, Hepatitis A, Shigella spp, STEC *E. Coli*, and Salmonella Typhi

2013: Now the Big 6, to include all non-typhoidal Samlonella (NTS)

2-301.14(H) When to Wash Hands

2009: Employee must wash hands before donning gloves

2013: Clarifies that if a person is still working with the same food product and contamination has not occurred, then the employee may change gloves and continue working with the same product, while not being required to wash hands

2-301.16(A)(2) Hand Antiseptics

2009: Describes that hand antiseptics comply with an FDA publication based on the safety and effectiveness

2013: Deleted section (A)(2)(b)(i-ii) and added new subparagraphs (A)(2)(b-e) to clarify and align the codified text with applicable CFR’s and the FD&C Act with regard to the use of hand antiseptics as a food additive.

Chapter 3 Food

3-201.16(A) Wild Mushrooms

2009: Mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an APPROVED mushroom identification expert

2013: Removed the need for an approved mushroom identification expert and now recognizes a regulatory authority’s ability to approve the sale of wild mushrooms within a food establishment

3-301.11(D) Preventing Contamination from Hands

2009: Requires a written procedure to touch foods with bare hands

2013: Revised subparagraph (D)(2) to clarify that Paragraph (B) does not apply where a ready-to-eat food is added as an ingredient to another food that does not contain a raw animal food and the combined product will be heated to at least 63°C (145°F). This allows for touching ready to eat foods with bare hands if the ready to eat food is an ingredient that will be heated to at least 63°C (145°F).

3-302.11 Packaged and Unpackaged Food-Separation, Packaging, and Segregation

2009: Cleaning EQUIPMENT and UTENSILS as specified under ¶ 4-602.11(A) and SANITIZING as specified under § 4-703.11

2013: Removed above subparagraph and renumbered the remaining paragraphs

3-304.11 Food Contact with Equipment and Utensils

2009: Defines what food can come into contact with

2013: Added a new paragraph that clarifies that food may contact surfaces of linens and napkins

3-304.13 Linens and Napkins, Use Limitation

2009: Allows for linens and napkins to be used in contact with food if they are used to line a container for the service of food and then replaced each time the container is refilled for a new consumer

2013: Clarified that napkins in this section refers to cloth napkins and they are by definition considered linens.

3-304.17 Refilling Returnables

2009: Returnable containers cannot be refilled with a PHF/TCS product

2013: This now allows for a consumer to bring a refillable container to an establishment (to fill with TCS food or drink), but the container must meet specific requirements such as: material of good construction, in good repair, can be cleaned and sanitized, and can be visually inspected.

3-401.14 Non Continuous Cooking of Raw Animal Foods

2009: Requires that when an establishment is cooking raw animal food using a non-continuous method (ex. placing grill marks on a steak that will be cooked at a later time), the food must then be cooked to temperature that heats all parts of the food to 165°F for 15 seconds (does not matter what the original cooking requirement is of the raw animal food)

2013: Revises paragraph D to allow that the raw animal food that is being cooked in a non-continuous method can now follow normal cooking requirements (3-401.11 (A)-(C)). (Does not require a final cooking temperature of 165°F for 15 seconds for all food products)

3-402.11 Parasite Destruction

2009: Defines freezing requirements for parasite destruction and exemptions

2013: Added a new paragraph to clarify that scallop products consisting solely of the shucked adductor muscle are excluded from the requirements for parasite destruction and re-numbered existing paragraphs

3-403.11 Reheating and Hot Holding

2009: Requires that ready to eat food from a commercially processed plant must be reheated to 135°F for hot-holding.

2013: Clarifies paragraph 3-403.11(C) and states that this provision applies to all commercially processed (pre-cooked) TCS foods that are ready-to-eat. The product must be reheated to 135°F.

3-501.13 Thawing

2009: Describes proper thawing

2013: Added new paragraph which specifies that frozen fish which have been packaged using a ROP method be removed from the ROP environment either prior to initiating thawing procedures under refrigeration or immediately upon completion of thawing. It also clarifies that “time of use” means when removed from packaging, such as when fish is thawed in the establishment.

3-501.17 Ready to Eat, Time/Temperature Control for Safety Food, Date Marking

2009: Requirements for date marking

2013: Added new paragraph that exempts raw, live in-shell molluscan shellfish from date marking and re-numbers paragraphs.

Also, the code amended an existing subparagraph to clarify that the exemption from date marking for shelf stable dry fermented sausages produced in USDA-regulated facilities is not dependent on the product retaining the original casing. Due to this, paragraphs were re-numbered.

3-502.11 Variance Requirement

2009: Reviews when a variance is required

2013: Amended to revise paragraph D to clarify that only TCS foods prepared under ROP methods that do not control for growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* require a variance.

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria

3-502.12 (B) Reduced Oxygen Packaging (ROP)

2009: Package of TCS food that has been package by using ROP must discard the food within 14 days

2013: Package of TCS food that has been package by using ROP must discard the food within 30 days

New paragraph specifying that a HACCP plan be provided to the regulatory authority prior to inspection.

3-502.12 (D) Cook-Chill or Sous Vide

2009: Cook-Chill or Sous Vide: After proper cooking, can hold product for 72 hours before discarding

2013: Cook-Chill or Sous Vide: amended paragraph to delete the word “FOOD” and replace it with the term “Time/Temperature control for safety food” to clarify that this section applies to TCS food.

2013: Cook-Chill or Sous Vide: amended subparagraph to allow for cold holding at 41°F for 7 days after cooling to 41°F.

3-502.12 (F) HACCP Plan not required when a food establishment uses ROP to package TCS

2009: Does not exist

2013: New paragraph added to identify the conditions under which a HACCP Plan is not required for ROP TCS foods (labeled, held at 41°F, removed from its package within 48 hours of being packaged)

Amended paragraphs (B), (D), and (E) lead-in paragraphs to reference new paragraph (F) of this section.

Amended paragraph (B) lead in paragraph and subparagraphs (B)(6)(c), (D)(1), and (E)(2) to reference ¶8-201.14(B) along with existing reference to ¶ (D).

Amended to delete existing subparagraph 3-502.12(D)(2)(e)(iii) and amended subparagraph 3-502.12(D)(2)(e)(iv) to renumber it as the new subparagraph (D)(2)(e)(iii).

3-602.11 Food Labels

2009: Defined food label requirements

2013: Amended paragraph B to clarify the information that a label should include. The term “sub ingredients” was added to this subparagraph to clarify that individual component ingredients of a main ingredient must be disclosed in the statement of ingredients. This clarification helps to make clear that all individual ingredients in a packaged food will be disclosed in the statement of ingredients.

Chapter 4 Equipment Utensils and Linens

4-302.13 Temperature Measuring Devices, Manual and Mechanical Warewashing

2009: Section called Temperature Measuring Devices, Manual Warewashing

2013: Added the term Mechanical to the tagline to now read: Temperature Measuring Devices, Manual and Mechanical Warewashing

Also, Paragraph B now changes the term “temperature measuring device” (thermometer) to “irreversible registering temperature indicator” shall be provided and readily accessible for reading utensil surface temperature in hot water mechanical dish machines.

4-602.11 (B) Equipment Food –Contact Surfaces and Utensils

2009: Describes the exemption to cleaning (if food contact surface then is used for a food with a higher cooking temperature requirement, such as a cutting board used to cut raw fish, then raw chicken)

2013: Amended paragraph to only allow between raw animal foods that are not a major food allergen, such as fish. (ex. if a fish product was cut on a cutting board, the board would now be required to be cleaned and sanitized before another food product, due to possible allergen contamination).

4-802.11 Laundering Specifications

2009: Defined frequency of cleaning linens

2013: Amended paragraph to clarify that napkin in this section refers to cloth napkins and they are by definition considered linens

Chapter 7 Poisonous or Toxic Materials

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

2009: Defined requirements for using chemicals to wash produce.

2013: Amended paragraph A into a lead-in paragraph with four new subparagraphs: Added 21 CFR 173 Secondary Direct Food Additives Permitted in Food for Human Consumption as new subparagraph (A)(1); Added GRAS ingredients as new subparagraph (A)(2); Added effective food contact notifications as new subparagraph (A)(3); Added 40 CFR 156 Labeling Requirements for Pesticides and Devices as new subparagraph (A)(4) to allow the use of other antimicrobial agents allowed under the food contact notification program for washing fruits and vegetables as well as GRAS ingredients permitted as antimicrobials or for general food use.

Chapter 8 Compliance and Enforcement

8-201.13 When a HACCP Plan is Required

2009: Defined when a HACCP plan is required

2013: Amended paragraph B to add new language to have the food establishment notify the Regulatory Authority through submission of a HACCP plan that they will be conducting ROP operations (Before engaging in Reduced Oxygen Packaging, a business must submit to the Department a HACCP plan).

8-304.11 Responsibility of the Permit Holder

2009: Requirements of a permit holder to retain a permit

2013: Added a new paragraph which requires the permit holder to post a sign or placard notifying the public that inspectional information is available for review.




Initial Stakeholder Meeting

**Proposed Revisions
Maricopa County Environmental Health Code**

**CASE # ES-2014-001
2013 FDA Food Code Adoption**

**Maricopa County Environmental Services Department
September 16, 2014**




Maricopa County Environmental Services Department

**Working with our community
to ensure a safe and healthy environment**

VISION STATEMENT:
As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

MISSION STATEMENT:
The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.




MARICOPA COUNTY ENHANCED REGULATORY OUTREACH PROGRAM



Maricopa County's Enhanced Regulatory Outreach Program (EROP) Departments seek to ensure the safety and well-being of our community. Because we understand that regulations and rule-making decisions, discussions, and meetings can be confusing, we have developed this website to allow citizens to easily monitor and engage in the adoption and amendment of all regulations.

AIR QUALITY • ENVIRONMENTAL SERVICES • FLOOD CONTROL • PLANNING & DEVELOPMENT • PROCUREMENT SERVICES • TRANSPORTATION

<http://www.maricopa.gov/regulations/>





REGULATORY ADOPTION PROCESS STEP-BY-STEP

Item Number	Description	Comment Now!
ES 2014-001	Step 1: County Manager Briefed the Board of Supervisors	Comment Now!
ES 2014-002	Step 2: Conduct Stakeholder Workshop	Comment Now!
ES 2014-003	Step 3: Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission	Comment Now!
	Step 4: Public Meeting to Initiate Regulatory Change	Comment Now!
	Step 5: Specific Departmental Processes	Comment Now!
	Step 6: Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission	Comment Now!
	Step 7: Public Meeting to Make Recommendation to Board of Supervisors	Comment Now!
	Step 8: Schedule BOS Public Hearing	Comment Now!
	Step 9: Board of Supervisor Public Hearing	Comment Now!
	Step 10: Item Adopted	Comment Now!

<http://www.maricopa.gov/regulations/es/process.aspx>




EROP Notifications Include:

- Follow the Regulatory Process
- Regulatory Meetings
- Current Regulatory Index
- Substantive Policy Statements



<http://www.maricopa.gov/regulations/Notifications.aspx>




Citizens Comments

Your input will be collected and forwarded to the appropriate department. We appreciate your comments and your time. If you prefer, you can send your comments via email.

Case Information
I would like to: * Select Case #

Your Information
First Name * Last Name *
Organization
City * Zip
Email *
Phone Number Phone Type: mobile work home
Would you like for someone to contact you? yes no

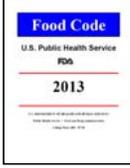
Comments
If you would like to attach supporting documentation associated with your comment, please click here.

<http://www.maricopa.gov/regulations/comments.aspx>



2013 FDA Food Code

“The Food Code establishes practical, science-based guidance and enforceable provisions for mitigating risk factors known to cause foodborne illness.”



2013 FDA Food Code

“...conformance with acceptable procedures and practices is far more likely where regulatory officials ***‘speak with one voice’*** about what is required to protect the public health, why it is important, and which alternatives for compliance may be accepted.”



2013 FDA Food Code

Adopt 2013 FDA Food Code by reference in the Maricopa County Environmental Health Code

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS

SECTION 2

FOOD ESTABLISHMENTS

REGULATION 1. Food Establishments.

a. Effective March 31, 2010, the U.S. Food and Drug Administration 2009 Food Code, and no future editions or amendments, is adopted and incorporated by reference, except as follows:



2013 FDA Food Code

Summary of Changes

Completed summary of changes is available here:

<http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/ucm374759.htm>



2013 FDA Food Code

Summary of Changes

Chapter 1 – Purpose and Definitions

- Replace Potentially Hazardous Food (Time/Temperature Control for Safety Food)” (PHF/TCS) and with the term “Time/Temperature Control for Safety Food” (TCS). The definition remains the same.
- Revised definition. Deletes the phrase “placed in a hermetically sealed, impermeable bag” and replace it with “vacuum packaged in an impermeable bag” so it clearly defines the sous vide process as outlined in Annex 6(2)(B)(4)(b). It now reads: “Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.”



2013 FDA Food Code

Summary of Changes

Chapter 2 – Management and Personnel

- Big 5 Foodborne Illnesses (Norovirus, Hepatitis A, Shigella spp, STEC E. Coli, and Salmonella Typhi) – Now the Big 6, to include all non-typhoidal Salmonella (NTS)
- Glove Use – Clarifies that if a person is still working with the same food product and contamination has not occurred, then the employee may change gloves and continue working with the same product, while not being required to wash hands

 **2013 FDA Food Code** 
Summary of Changes

Chapter 3 – Food

- Bare Hand Contact – Allows for touching ready to eat foods with bare hands if the ready to eat food is an ingredient that will be heated to at least 63°C (145°F).
- Refilling Returnables – Allows for a consumer to bring a refillable container to an establishment (to fill with TCS food or drink), but the container must meet specific requirements such as: material of good construction, in good repair, can be cleaned and sanitized, and can be visually inspected.
- Non Continuous Cooking – Allows for raw animal food that is being cooked in a non-continuous method to follow normal cooking requirements (3-401.11 (A)-(C)). (Does not require a final cooking temperature of 165°F for 15 seconds for all food products)
(example: placing grill marks on a steak that will be cooked at a later time)

 **2013 FDA Food Code** 
Summary of Changes

Chapter 3 – Food

- Thawing – Specifies that frozen fish which have been packaged using a ROP method be removed from the ROP environment either prior to initiating thawing procedures under refrigeration or immediately upon completion of thawing.
- Date Marking – Exempts raw, live in-shell molluscan shellfish. Clarifies that the exemption from date marking for shelf stable dry fermented sausages produced in USDA-regulated facilities is not dependent on the product retaining the original casing.

 **2013 FDA Food Code** 
Summary of Changes

Chapter 3 – Food

- Reduced Oxygen Packaging –
 - Package of TCS food that has been packaged by using ROP must discard the food within 30 days.
 - Cook-Chill or Sous Vide: amended subparagraph to allow for cold holding at 41°F for 7 days after cooling to 41°F.
 - HACCP Plan is not required for ROP TCS foods (labeled, held at 41°F, removed from its package within 48 hours of being packaged)

 **2013 FDA Food Code** 
Summary of Changes

Chapter 4 – Equipment, Utensils, and Linens

- Cleaning Between Raw Animal Foods – Amended paragraph to only allow between raw animal foods that are not a major food allergen, such as fish. Example: if a fish product was cut on a cutting board, the board would now be required to be cleaned and sanitized before another food product, due to possible allergen contamination).

 **2013 FDA Food Code** 
Summary of Changes

Chapter 8 – Compliance and Enforcement

- HACCP Plan – Clarify that a food establishment submit a HACCP Plan prior to engaging in Reduced Oxygen Packaging.
- Responsibilities of the Permit Holder – Added a new paragraph which requires the permit holder to post a sign or placard notifying the public that inspectional information is available for review

 **Micro Markets** 



Champion Vending




Micro Markets

“Micro Market” means a retail food establishment located within an area of a business that is secure from general public access and is not under the full-time supervision of a food employee that offers for sale food items that are commercially prepackaged, refrigerated or frozen, time/temperature controlled for safety foods or ready to eat fruits and vegetables in displays not more than 300 hundred square feet.




Micro Markets

(A) All micro market display units offering time/temperature controlled for safety food shall have an automatic control that prevents the equipment from opening if:

- 1) There is a power failure, mechanical failure, or other condition that results in an internal equipment temperature that cannot maintain food temperatures as specified under chapter 3 of the U.S. Food and Drug Administration 2013 Code, and
- 2) A condition specified under subparagraph (A)(1) of this regulation occurs, until the equipment is serviced and restocked with food that has been maintained at temperatures specified under chapter 3 of the U.S. Food and Drug Administration 2013 Code.




Micro Markets

(B) When the automatic shutoff within a display described under paragraph (A) of this regulation is activated the ambient temperature may not exceed 41 degrees Fahrenheit for more than thirty minutes immediately after the display is filled, serviced, or restocked.

(C) Refrigerated, ready-to-eat, time/temperature controlled for safety food, displayed at a micro market, shall be discarded if the automatic shutoff control is activated as specified in (A)(1) of this regulation.

(D) All micro market display units offering time/temperature controlled for safety food shall be equipped with a self-closing door, an automatic shut-off device and shall comply with all applicable regulations of this Code as determined by the Department.




Micro Markets

Micro Market Reference Plan Review –

- Reference plan may apply to multiple locations without further plan review approval. Deviation from the reference plan would require the owner apply and receive approval for the new plan.
- A permit to operate would be required for each Micro Market location.




**Thank you for your participation!
We welcome your questions
and comments.**

<http://www.maricopa.gov/regulations/>

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MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 1

GENERAL PROVISIONS

REGULATION 1. Definitions

(1) to (26) No Change

(27) “Event” means a public celebration such as but not limited to a fair, festival, circus, exhibition, carnival, food and/or drink tasting.

(27) to (30) No Change

(31) Food Establishment - as defined in the U.S. Food and Drug Administration ~~2009~~ 2013 Food Code.

(a) “Food Establishment” includes:

(i) No Change.

(ii) No Change.

(iii) As defined in the U.S. Food and Drug Administration ~~2009~~ 2013 Food Code.

(b) “Food Establishment” does not include:

(i) No Change

(ii) No Change

(iii) No Change

(iv) No Change

(v) No Change.

- (vi) As defined in the U.S. Food and Drug Administration ~~2009~~ 2013 Food Code.

(32) to (45) No Change

(46) "MICRO MARKET" MEANS AN UNATTENDED RETAIL FOOD ESTABLISHMENT WHERE COMMERCIALY PREPACKAGED, TIME/TEMPERATURE CONTROL FOR SAFETY FOODS OR READY-TO-EAT FRUITS AND VEGETABLES ARE OFFERED FOR SALE.

~~(46)~~ **47)** "Misbranded" or "Mislabeled" means wrongly labeled or branded and the term shall apply to any food if it does not conform to the Federal Food and Drug Administration requirements for labeling located in 21CFR101.

~~(47)~~ **48)** "Mobile Food Establishment" means a food establishment selling, offering for sale or dispensing food for human consumption from any vehicle or other temporary or itinerant station. For the purpose of this Environmental Health Code, mobile food establishments are defined as follows:

(a) No Change

(b) No Change

(c) No Change

(d) "Temporary Food Establishment" means an event as defined in this Section and as defined in the **U.S. FOOD AND DRUG ADMINISTRATION** ~~2009~~ 2013 ~~FDA~~ Food Code.

(e) No Change

(f) No Change

~~(48)~~ **49)** No Change

~~(49)~~ **50)** No Change

~~(50)~~ **51)** No Change

~~(51)~~ **52)** Potentially Hazardous Food (time/temperature control for safety food) as defined in the U.S. Food And Drug Administration ~~2009~~ 2013 ~~FDA~~ Food Code and includes sun tea that is not brewed.

~~(52 53)~~ **(53 54)** No Change
~~(53 54)~~ **(54 55)** No Change
~~(54 55)~~ **(55 56)** No Change
~~(55 56)~~ **(56 57)** No Change
~~(56 57)~~ **(57 58)** No Change
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~~(68 69)~~ **(69 70)** No Change
~~(69 70)~~ **(70 71)** No Change
~~(70 71)~~ **(71 72)** No Change
~~(71 72)~~ **(72 73)** No Change
~~(72 73)~~ **(73 74)** No Change

(74 75) No Change

REGULATION 2. to **REGULATION 11.** No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 2

FOOD ESTABLISHMENTS

REGULATION 1. Food Establishments

- a. Effective ~~March 31, 2010~~ **TBD**, the U.S. Food and Drug Administration ~~2009~~ **2013** Food Code, and no future editions or amendments, is adopted and incorporated by reference, except as follows:
 1. Section 3-304.15 is omitted;
 2. Section 3-201.11(B) is amended to read: food prepared in a private home may not be used or offered for human consumption in a food establishment unless the food is prepared in compliance with A.R.S. § 36-136(H)(4)(g).
- b. No Change
- c. Copies of the [U.S. Food and Drug Administration 2009 2013 Food Code](#) incorporated by reference herein are available from the U.S. Food and Drug Administration.
- d. For the purpose of this Section, references to “Regulatory Authority” in the U.S. Food and Drug Administration ~~2009~~ **2013** Food Code meanS the Maricopa County Environmental Services Department.

REGULATION 2. and REGULATION 3. No Change

REGULATION 4. Dog Friendly Patio

In addition to the U.S. Food and Drug Administration ~~2009~~ **2013** Food Code Rule 6.501.115, no dog shall be allowed on a food establishment premises unless the Department has issued a Dog Friendly Patio Permit to the food establishment. A Dog Friendly Patio Permit shall not be issued unless the food establishment complies with the following conditions and standards:

- a. to j. No Change

REGULATION 5. Gloves, Use Limitation

If used, single-use gloves shall be used for only one task, such as working with ready-to-eat food or with raw animal food. Single-use gloves shall be used for no other purpose, and shall be discarded when damaged or soiled or when interruptions occur in the operation.

- a. Slash-resistant gloves that are used to protect the hands during operations requiring cutting shall not be used in direct contact with food, unless that food is subsequently cooked as specified under Part 3-4 of the U.S. Food and Drug Administration ~~2009~~ **2013** Food Code, such as frozen food or a primal cut of meat.
- b. No Change
- c. Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as specified under Part 3-4 of the U.S. Food and Drug Administration ~~2009~~ **2013** Food Code, such as frozen food or a primal cut of meat.
- d. No Change

REGULATION 6. MICRO MARKETS

- (A) A MICRO MARKET SHALL BE LOCATED WITHIN AN AREA THAT IS SECURE FROM GENERAL PUBLIC ACCESS.**
- (B) THE AREA OF A MICRO MARKET IN WHICH FOOD IS DISPLAYED SHALL BE LIMITED TO A SPACE OF THREE HUNDRED (300) SQUARE FEET OR LESS.**
- (C) ALL MICRO MARKET DISPLAY UNITS OFFERING TIME/TEMPERATURE CONTROLLED FOR SAFETY FOOD SHALL HAVE AN AUTOMATIC CONTROL THAT PREVENTS THE EQUIPMENT FROM OPENING:**
 - 1) IF THERE IS A POWER FAILURE, MECHANICAL FAILURE, OR OTHER CONDITION THAT RESULTS IN AN INTERNAL EQUIPMENT TEMPERATURE THAT CANNOT MAINTAIN FOOD TEMPERATURES AS SPECIFIED UNDER CHAPTER 3 OF THE U.S. FOOD AND DRUG ADMINISTRATION 2013 CODE; AND**
 - 2) IF A CONDITION SPECIFIED UNDER SUBPARAGRAPH (A)(1) OF THIS REGULATION OCCURS, UNTIL THE EQUIPMENT IS SERVICED AND RESTOCKED WITH FOOD THAT HAS BEEN MAINTAINED AT TEMPERATURES**

**SPECIFIED UNDER CHAPTER 3 OF THE U.S. FOOD AND
DRUG ADMINISTRATION 2013 FOOD CODE.**

- (D) WHEN THE AUTOMATIC SHUTOFF WITHIN A DISPLAY DESCRIBED UNDER PARAGRAPH (A) OF THIS REGULATION IS ACTIVATED, THE AMBIENT TEMPERATURE MAY NOT EXCEED 41 DEGREES FAHRENHEIT FOR MORE THAN THIRTY MINUTES IMMEDIATELY AFTER THE DISPLAY IS FILLED, SERVICED, OR RESTOCKED.**
- (E) LABELING REQUIREMENTS FOR PREPACKAGED FOOD ITEMS SHALL BE MET AS REQUIRED BY THE U.S. FOOD AND DRUG ADMINISTRATION 2013 FOOD CODE.**
- (F) REFRIGERATED, READY-TO-EAT, TIME/TEMPERATURE CONTROLLED FOR SAFETY FOOD, DISPLAYED AT A MICRO MARKET, SHALL BE DISCARDED IF THE AUTOMATIC SHUTOFF CONTROL IS ACTIVATED AS SPECIFIED IN (C)(1) OF THIS REGULATION.**
- (G) ALL MICRO MARKET DISPLAY UNITS OFFERING TIME/TEMPERATURE CONTROLLED FOR SAFETY FOOD SHALL BE EQUIPPED WITH A SELF-CLOSING DOOR, AN AUTOMATIC SHUT-OFF DEVICE, AND SHALL COMPLY WITH ALL APPLICABLE REGULATIONS OF THIS CODE AS DETERMINED BY THE DEPARTMENT.**
- (H) THE PERMIT APPLICANT SHALL SUBMIT FOR REVIEW AND APPROVAL A COMPLETE SET OF PLANS AND SPECIFICATIONS DOCUMENTING THE EQUIPMENT IS CERTIFIED OR CLASSIFIED FOR SANITATION BY AN AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)-ACCREDITED CERTIFICATION PROGRAM.**

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 3

MOBILE FOOD ESTABLISHMENTS

REGULATION 1. Definitions

- a. “Mobile Food Establishment” means a food establishment offering for sale or dispensing food for human consumption from any vehicle or other temporary or itinerant station.

For the purpose of this Environmental Health Code, mobile food establishments are defined as follows:

- (1) No Change
- (2) No Change
- (3) No Change
- (4) “Temporary Food Establishment” means an event as defined in Section 1 of this Chapter and as defined in the **U.S FOOD AND DRUG ADMINISTRATION** 2009 2013 ~~FDA~~ Food Code.
- (5) and (6) No Change

- b. No Change

REGULATION 2. to REGULATION 12. No Change

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CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 4

VENDING MACHINES

In addition to complying with the regulations in section 1 and 2 of this Chapter, vending machine operations shall comply with the following regulations.

REGULATION 1. to REGULATION 3. No Change

REGULATION 4. Vending Machines, Automatic Shutoff

- a. Refer to the U.S. Food and Drug Administration ~~2009~~ **2013 FDA** Food Code, ~~Regulation~~ § 4-204.111, adopted by reference.

REGULATION 5. to REGULATION 8. No Change

REGULATION 9. Sturdy Construction and Design

- a. Refer to the U.S. Food and Drug Administration ~~2009~~ **2013 FDA** Food Code, ~~Regulation~~ § 4-204.123, adopted by reference.

REGULATION 10. Condensing Units

- a. Refer to the U.S. Food and Drug Administration ~~2009~~ **2013 FDA** Food Code, ~~Regulation~~ § 4-204.18, adopted by reference.

REGULATION 11. Service Connections

- a. Refer to the U.S. Food and Drug Administration ~~2009~~ **2013 FDA** Food Code, ~~Regulation~~ § 4-204.123, adopted by reference.

REGULATION 12. to REGULATION 14. No Change

REGULATION 15. Dispensing Equipment, Protection of Equipment and Food.

- a. Refer to the U.S. Food and Drug Administration ~~2009~~ **2013 FDA** Food Code, ~~Regulation~~ § 4-204.13, adopted by reference.

REGULATION 16. No Change

REGULATION 17. Container Opening Devices

- a. Refer to the U.S. Food and Drug Administration ~~2009~~ **2013 FDA** Food Code, ~~Regulation~~ § 4-204.19, adopted by reference.

REGULATION 18. to REGULATION 22. No Change

REGULATION 23. Vending Machines, Liquid Waste Products.

- a. Refer to the U.S. Food and Drug Administration ~~2009~~ **2013 FDA** Food Code, ~~Regulation~~ § 4-204.121, adopted by reference.

REGULATION 24. and REGULATION 25. No Change

REGULATION 26. Sanitary Standards for Food Employees

- a. Refer to the U.S. Food and Drug Administration ~~2009~~ **2013 FDA** Food Code, ~~Regulation~~ § 3-301.12 and § 3-301.11, adopted by reference.

REGULATION 27. No Change

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CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 6

FOOD RELATED FACILITIES

No Change

REGULATION 1. to REGULATION 8. No Change

REGULATION 9. Confectionary Food Establishment

- a. In facilities that do not meet §4-301.12 of the **U.S FOOD AND DRUG ADMINISTRATION 2009 2013 FDA** Food Code, warewashing can be accomplished using alternative cleaning and sanitizing procedures approved by the Department. The Department will evaluate the type/quantity of utensils required to be cleaned, the type of warewashing equipment available, and the cleaning procedures developed by the applicant as part of the approval process.
- b. to f. No Change