

# Significant Changes & Issues in the State Food Code

July 2005

## Temperatures:

All *hot holding* temperatures for Potentially Hazardous Foods have changed from 140°F to 135°F. throughout the code. 3-501.16(A) (1)

## Time as a Public Health Control: Cold Holding:

Cold Holding of Potentially Hazardous Foods has been modified in Chapter 3-501.16 (C). Holding of a potentially hazardous food for up to **6 hours** at an internal temperature of

**41- 70°F**, may now occur under monitored conditions. Before a business is permitted to do this, a written regulatory approved procedure is required. It must be maintained on the premise.



The food shall be cooked and served if ready-to-eat, or discarded, within 6 hours from the point in time when the food is removed from cold holding temperature control. The food product must be discarded if the 6-hour time limit is exceeded, the food temperature rises above 70°F., or the food is removed from service. All other food products that do not exceed these limits can be cooked and used for immediate service or discarded.

**THERE CAN BE NO LEFTOVERS AND NO REUSE OF THE FOOD!**

## Benefits of Having No "Risk Factor" Violations to Demonstration of Knowledge

Requires permit holder or person in charge to demonstrate to the regulatory authority, upon request, knowledge of foodborne disease prevention as it relates to their specific food processes and general food code requirements.

One method of compliance is to have no Risk Factor Violations noted on the most recent inspection form from the food safety regulatory authority. Section 2-102.11. A Risk Factor means one of the improper practices or procedures that have been identified by the Centers for Disease Control and Prevention as the most prevalent contributing factors to foodborne illness or injury. 1-201.10(B) (79t)

A **Risk Factor** is a condition of:

- Poor Personal Hygiene/Food Handling Method
- Food from an Unsafe Source
- Inadequate Cooking
- Improper Holding Temperatures
- Contaminated Equipment

## Employee Health:

Workers must be *excluded* or *restricted* (terms now defined in the code) from food preparation and service based on their signs and symptoms of a foodborne illness. A sudden onset of vomiting and diarrhea (2-201.12) requires REMOVAL AND PROHIBITED REENTRY OF THE EMPLOYEE TO THE ESTABLISHMENT. 1-201.10(B) (30).

The Person in Charge may remove an exclusion for an employee if the person excluded is asymptomatic for 24 hours after having a noninfectious condition. 2-201.13(A) (3). Documentation from an appropriate medical professional is no longer required for removal of exclusion or restriction if approval is granted by the local health department or regulatory authority. 2-201.13(A) & (B)

## "Ready-to-Eat Foods" Further Clarified:

Consult this expanded definition as it may reinforce handling practices where direct hand contact needs to be avoided! 1-201.10(B)(71)

## Hand Washing Before Gloving:

If gloves are used, employees must effectively wash their hands *prior to putting on gloves* when working with food. 2-301.14 (H).

## Date Marking:

Ready-to-eat (RTE) *potentially hazardous* food held for more than 24 hours in an establishment must be clearly marked at the time of preparation to indicate that the food shall be consumed on the premise, or sold or discarded within 7 calendar days or less from the day that the food is prepared, including the day of preparation. This is an internal quality control system especially for the control of the bacteria *Listeria monocytogenes* that grows well at refrigeration temperatures.

Refrigerated RTE potentially hazardous food items prepared in advance must be discarded after seven (7) days if held at 41° F or less.

The following clarification has been made to Chapter 3-501.17: Types of Foods Exempt from Date Marking:

Aged Hard Cheeses such as Cheddar, Parmesan, Asiago old, Asiago Medium cheese or Romano; Semisoft Cheeses, such as Colby, Asiago fresh & soft, Edam, Monterey



Jack, Muenster, or Swiss; Pasteurized process cheeses or Cheese Curds.  
*When the surface is cut but the remaining portion is whole and intact: Fermented sausage not labeled "Keep refrigerated" and original casing is intact; shelf stable, dry fermented sausages; and shelf stable salt-cured products: Prosciutto, Parma ham (that are not labeled "Keep Refrigerated").*

Ready-to-eat potentially hazardous food items which are prepared, frozen, and thawed must be controlled by date marking to ensure that the item is consumed within a total of seven (7) days held at refrigeration temperatures (freezer time minus days held at refrigerated temperature). 3-501.17.

**The Regulatory Authority Will Verify Your Procedures for an Alternate Plan to No Bare Hand Contact**

Bare hand contact with ready-to-eat foods is prohibited. Deli paper, tongs or other suitable utensils may be used to handle ready-to-eat foods. Section 3-301.11(B). Prior approval of a procedure/plan is no longer needed to allow bare hand contact with ready-to-eat foods. The Regulatory Authority will verify the procedure/plan during onsite inspections. A template will be available to develop bare hand contact policies.

**Consumer Information/Advisory:**

The consumer advisory must now include a written reminder statement warning the consumer about eating foods containing a raw or undercooked animal product. A correctly written consumer advisory statement includes these *two elements*:



- A disclosure statement that provides the raw product description. (Ex. "The Caesar dressing contains raw eggs." "Eggs and Beef that are ordered soft/rare/medium rare may be undercooked and will only be served on consumer request.") *and*
- A reminder statement warning that illness may occur. (Ex. "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.") 3-603.11

Plan to modify your menus to include these consumer alerts. Other methods include brochures, deli case/menu advisories, label statements, table tents, placards or other effective **written means**. Asterisk identification with footnotes is a helpful way to provide these on the menu.

**Temporary Food Establishments:**

As approved by the regulatory authority, warewashing facilities are not needed on site for temporary food

stands, *if* an adequate number of spare utensils are provided and the operator returns to an approved facility (licensed restaurant with approved equipment) each day to conduct ware washing. 10-104.11 (C)

**Source-Shell Fish:**

Shucked shell fish may be removed from the container from which it was received and may be repacked in consumer self service containers if: (3-203.11)



- Each container is labeled.
- Information is retained in a written log correlating the dates of sale/or service.
- The written log must be maintained for 90 days.

**G**eneral Educational Information has been added to make operators more aware of the state and federal public health concerns about **Food Allergens** and the importance of proper ingredient labeling. 3-101.11

**Hands Free Faucets:**

Non-hand operated faucets at all hand sinks (includes restrooms) are required for new construction or when a hand sink or sink faucet requires replacement. 5-202.12(C)

**Building and Plumbing Code Compliance:**

The structure must be built in compliance with all state applicable commercial building and plumbing codes. 6-202.10. General references to the WI Department of Commerce statutes and rules appear throughout the code.

**Ice Beverage Storage Standard Eliminated:**

50 ppm of bleach in solution has been eliminated for an ice waterbath for beverage storage. 3-303.12 (E).

**Chapter 11 Special Organizations Serving Meals**

This chapter's provisions have been removed from the WI Food Code and incorporated into the DHFS Administrative Code Chapter HFS 196.045.

**Enhancing Security and Reducing Contamination:**

Public entrances/exits shall be located so that it is not necessary for patrons to pass through a food preparation, processing or warewashing area. 6-201.19

Please take the time to obtain, carefully read and reference the entire updated WI Food Code. **All changes are not contained in this Fact Sheet.** Other more specific Food Code Fact Sheets will be updated and made available in the near future on [www.DATCP.state.wi.us](http://www.DATCP.state.wi.us)  
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