

Implementation of the New Illinois Food Code





Background

- In May 2016, the “new” Illinois Retail Food Code was passed (effective 6/29/2016)
- Includes mandate that all local health departments implement no later than July 1st, 2018
- Incorporates most of the 2013 FDA Model Food Code



Why adopt the FDA Model Food Code?

- Based on most up-to-date science and research
 - Focuses on risk factors that cause/contribute to foodborne illness
 - Good retail practices to reduce the risk of foodborne illness
- Uniform inspection process and common language between industry and local health departments
 - Increased uniformity across the state, as many local health departments have used different inspection forms



What to Expect

- Inspections will be more in-depth, with an emphasis changing from SCORING to MODIFYING BEHAVIORS to reduce the risk of foodborne illness.



What to Expect

- Revised inspection form
- Some new terminology
- Some new/revised requirements
- Inspections may involve longer time commitment
- More inspector interaction with the Person-in-Charge
- No inspection scores (*Proposed*)



The Revised Inspection Form

- Fulton County adopted the “FDA-style” inspection report and numbering system in 2013
- Revised report will look similar to current report, with some changes
- 58 items in two categories
 - 29 foodborne illness (FBI) risk factor and public health intervention items
 - 29 good retail practices



Focus is on the importance of FBI risk factors

- The first 29 items of the inspection report focus on the most frequently reported risk factors contributing to FBI:
 - Food from unsafe sources
 - Inadequate cooking
 - Improper holding temperatures
 - Contaminated equipment
 - Poor personal hygiene



FBI Risk Factors

- Each FBI risk factor must be reviewed in establishment during every inspection
- Each item needs to be marked in this section as follows:
 - IN – In Compliance
 - OUT – Out of Compliance
 - N/A – Not Applicable (e.g., Item 14: Facility does not serve shellfish or raw fish)
 - N/O – Not Observed (e.g., Item 12: Inspector did not observe any food being delivered to establishment during inspection)



FBI Risk Factors, Continued

- Inspection times will vary, so that the Health Department can see your processes at different times.
- If inspections result in a large number of Risk Factor items marked as “N/O,” the inspector will try to conduct subsequent inspections during days/times when these activities are occurring.
- It is important to update the Health Department if you change your days and/or hours of operation.



Good Retail Practices

- Items 30 through 58 of the inspection form focus on good retail practices.
- Good retail practices are preventative measures to control hazards related to the contamination of food by pathogens, chemicals, and physical objects. For example:
 - Proper utensil and equipment storage
 - Facility maintenance
 - Cleaning



Types of Violations

- Violations are now divided into three types:
 - Priority
 - Priority Foundation
 - Core



Priority Items

- Priority items are those items that most directly eliminate or reduce a hazard associated with foodborne illness.
- Includes violations that were previously known as critical violations.
- In the past, usually required immediate or 24 hour correction.
- Examples include:
 - Improper food temperatures
 - Lack of hand washing
 - No hot water
- Priority items are denoted with a superscript "P"



Priority Foundation Items

- Priority foundation violations are those items that help keep priority violations in compliance and support (i.e. provide the foundation for) priority items
- Examples include:
 - Not having a metal stem thermometer
 - Not having sanitizer test strips
 - Not having soap or paper towel at a hand sink
- Includes violations that were previously critical and non-critical violations.
- Previous correction time ranged from immediate to 10 days to next routine inspection
- Priority foundation items are denoted with a superscript "Pf"



Core Items

- Core violations are those items that are related to general sanitation and facility maintenance
- Most core violations were previously known as non-critical or minor violations
- Examples include:
 - Soiled floors
 - Equipment maintenance



Types of Violations

- Each item on the inspection form may have components that fall under different violation types
- For example, Item 10, Adequate handwashing sinks, properly supplied and accessible
 - If your hand sink has no soap available, that is a priority foundation violation
 - If your hand sink does not have a sign stating that employees must wash hands, that is a core violation
- Inspectors will use the Code to determine what type of violation, and how quickly it must be corrected.



Correction Timelines

- Based on type of violation:
 - Priority Violations: immediate or within 24 hours
 - Priority Foundation Violations: immediate or within 10 days
 - Core Violations: before next routine inspection, unless directly contributing to a priority or priority foundation item
- If your facility has priority and/or priority foundation violations that are not corrected during the inspection, or if your initial score is below 80, you will be reinspected.
- Reinspection fees will apply: \$25 for first reinspection, \$50 for second reinspection, etc.



Alternate Timeline for Corrections

- In the event that the correction of the violation would require the installation of new equipment or structural changes, the owner can request an alternative timeline for correction. The request for the alternative timeline for correction shall be in writing and received prior to the expiration of the initial timeline for correction. The request shall include:
 - Date of proposed violation correction,
 - Explanation of why original timeline for correction cannot be met,
 - And documentation on how the public health will be protected during the alternative correction timeline.
- The health department will review the request and notify the requestor in writing as to whether the alternative timeline for correction has been approved or denied.



New Terminology

- Potentially Hazardous Foods (PHF) are now known as Time and Temperature Control for Safety (TCS) foods
- TCS foods include:
 - Milk and dairy products
 - Eggs
 - Meat: Beef, pork, and lamb
 - Poultry
 - Fish
 - Shellfish and crustaceans
 - Heat-treated plant food (cooked vegetables, rice, beans, and grains)
 - Tofu or other soy protein
 - Sliced melons, cut leafy greens, cut tomatoes
 - Sprouts and sprout seeds
 - Untreated garlic-and-oil mixtures



Person-In-Charge (PIC)

- The permit holder shall be the person-in-charge or shall designate a person-in-charge
- The permit holder shall ensure that a person-in-charge is present at the food establishment during all hours of operation^{Pf}
- Applies to ALL facilities, including Category III/Low Risk facilities



Person-In-Charge (PIC)

The PIC is responsible for:

- Demonstrating knowledge of foodborne illness prevention, including application of the employee health policy.
- Application of safe food preparation principles.
- The requirements of the Food Code.
- Providing documentation confirming compliance with staff training requirements.



Demonstrating Knowledge

- The person-in-charge shall demonstrate knowledge by:
 1. Complying with this code by having no violations of priority items during the current inspection; ^{Pf}
 2. Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; ^{Pf} or
 3. Responding correctly to the inspector's questions as they relate to the specific food operation. ^{Pf}



Person-In-Charge Question Topics

- See handout listing 17 topics that a PIC can be questioned on to determine knowledge.
- Inspectors can ask about any and all of these topics.
- Inspectors will have to interact with the PIC to determine his or her knowledge.



Examples of Potential Questions for the PIC

- What are the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of time/temperature control for safety (TCS) food?^{Pf}
- What is the relationship between the prevention of foodborne illness and the management and control of the following?
 - Cross-contamination,^{Pf}
 - Hand contact with ready-to-eat foods,^{Pf}
 - Handwashing,^{Pf} and
 - Maintaining the food establishment in a clean condition and in good repair;^{Pf}
- List the foods identified as major food allergens and the potential symptoms of an allergic reaction.^{Pf}



Active Managerial Control

- Purposeful incorporation of specific procedures to control foodborne illness risk factors and **PREVENT ILLNESS**.
- Involves monitoring the flow of food through your food facility and incorporating timely controls (including corrective action) to **PREVENT ILLNESS**.
- **Preventative** vs. **Reactive** approach.
- The bottom line is: *Do you understand what risk factors need to be controlled and **are you doing something about it** to reduce the risk of illness?*



Active Managerial Control

- For example: Cold TCS food must be held at 41° F or below
- Do you have a **visible, accurate** thermometer in the warmest part of every cooler/fridge/walk-in cooler?
- Do you check the air temperature in each cold unit at least every 4 hours?
 - Temperature logs are a good way to help staff remember to do this
- Do you check the temperatures of cold food on the prep line?
- **When your inspector comes, you should **already know** that your food is cold enough – because you have been monitoring the temperature of your food on a regular basis **to make sure** it is cold enough (or **correcting the problem** if it's not)!**



Certified Food Protection Manager (CFPM)

- Effective January 1, 2018, instead of Food Service and Sanitation Manager Certification (FSSMC), those holding the certification will now be known as Certified Food Protection Managers (CFPM), in accordance with FDA code.
- After 1/1/18, you will not have to pay the Illinois Department of Public Health \$35 to get an Illinois certificate.
- You will only need the certificate provided when you pass the CFPM exam (e.g., from ServSafe, Learn2Serve, etc.)
- Existing Illinois FSSMC certificates will be honored until they expire



Certified Food Protection Manager (CFPM)

- At this time, the food manager requirements have not changed for IL:
- Category I facilities must have at least one CFPM present at all times that food is being prepared
- Category II facilities must have at least one full time employee who is a CFPM
- Category III facilities are not required to have a CFPM on staff.



Food Handler Training

- Still required, and now listed as Item #58 on new inspection form
- All food handlers who are not CFPMs must take 2-hour Food Handler course within 30 days of hire
- For employees in restaurants, the Food Handler certificate expires after 3 years, and the employee must take the course again
 - NOTE: Food Handler certificates earned in 2014, when the requirement took effect, expired in 2017
- Keep a copy of certificates on site



Employee Health

- Food operations must adopt an employee health policy
- The policy must require all employees (including conditional) to report to the PIC information about their health and activities as they relate to diseases that can be transmitted through food
- Employees must report:
 - Symptoms of vomiting, diarrhea, jaundice, sore throat with fever, and open wounds
 - Illness diagnoses of norovirus, hepatitis A, shigella, shiga toxin-producing *E. coli*, and salmonella
 - This includes exposure to these viruses / bacteria



Employee Health, Continued

- PIC must report to the health department within 24 hours:
 - Any jaundiced employee
 - Any employee diagnosed with norovirus, hepatitis A, shigella, shiga toxin-producing *E. coli*, and salmonella



Employee Exclusion or Restriction

- The PIC shall ensure that an employee who reports symptoms or diagnoses is excluded or restricted from work as required
- Exclude = Employee is not allowed to come to work
- Restrict = Employee is allowed to work, but not around food
 - For example, have them do paperwork at a desk



Employee Illness

- Employees working around food must not have persistent sneezing, coughing, or runny nose that causes discharge from the eyes, nose, or mouth
- Should be excluded or restricted



Procedures for Responding to Vomiting and Diarrheal Events

- Food facilities are required to adopt procedures for responding to vomiting and diarrheal events in the establishment
 - See handout for direction on how to clean up vomitus/fecal matter and items to include in your clean-up kit
- Facilities with janitorial staff must also have a plan/kit
- Must use a disinfectant that is approved for Norovirus

(see handout or <https://www.epa.gov/pesticide-registration/list-g-epas-registered-antimicrobial-products-effective-against-norovirus>)



Bare Hand Contact

- Bare hand contact with ready-to-eat foods is not allowed
 - Must use a barrier (i.e. gloves, tongs, deli paper, etc.)
- Three out of five confirmed foodborne illness outbreaks involve an infected food handler that makes direct bare hand contact with ready-to-eat foods
- Low infectious dose = small number of pathogens required for illness. Hand washing and barrier = reduced risk of FBI



Bare Hand Contact, Continued

- Only two exceptions to the bare hand contact rule:
 1. You may touch ready-to-eat ingredients for a dish that will be cooked to at least 145° F or hotter
 - For example, if you are prepping carrots for chicken noodle soup that will be cooked to 165° F
 2. You are making food that requires bare hand contact, AND an alternate procedure has been pre-approved by the health department in accordance with the Food Code



Hand Washing Signs

- All establishments are required to have a sign or poster that notifies food employees to wash their hands
- Sign must be visible at ALL hand washing sinks used by employees



Hair Restraints

- Food handlers must wear hair restraints such as hats, hairnets, or other hair coverings (such as head scarves or bandanas), beard restraints, and clothing that covers body hair
- Must be designed and worn effectively to keep hair from falling into or contacting food, utensils, or equipment
- Does not apply to wait staff, hostesses, or counter staff, as long as they present a minimal risk of contaminating food, utensils, or equipment



Dish Machines Using Hot Water Sanitizing

- Operations that use high temperature sanitizing in dish machines must provide staff with a way to measure the surface temperature of the items being sanitized, to ensure that the machine reaches the correct sanitizing temperature during operation.
- Can use heat sensitive tape or a maximum registering thermometer to ensure that appropriate temperatures for sanitizing are reached.



Consumer Advisory Notices

- Applies to all food establishments where raw or undercooked animal foods are served to the consumer.
- Two part requirement: Disclosure and Reminder



Consumer Advisory Notices, Continued

1. Disclosure: You must identify raw or undercooked animal-derived foods or ingredients on the menu by asterisk (*) and footnote that states that the item(s) are served raw, undercooked, or contain raw or undercooked ingredients.

- For example, if you will serve hamburgers cooked “medium” upon request, or if you serve house-made Caesar dressing that contains raw, unpasteurized eggs, you must identify these items on the menu with an asterisk and footnote



Consumer Advisory Notices, Continued

2. Reminder: Includes asterisking the animal-derived foods requiring disclosure to a footnote that states:
 - “Written information regarding the safety of these items is available upon request.” (*You must be able to provide this written information.*)
OR
 - “Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.” OR
 - “Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.”
- Satisfactory compliance is gained when both a disclosure and reminder are provided in a manner that is consistent with the code.



Allergen Awareness Training

- All CFPM employed by a Category I restaurant must obtain training in basic allergen awareness principles within 30 days of employment and every 3 years after
- Training programs must be accredited by ANSI
- ANSI training is transferrable between employers
- Category I facilities that are non-restaurants (such as schools, daycares, hospitals, and long-term care facilities) are not required to have Allergen Awareness Training



Allergen Awareness Training: Enforcement

- Training requirement is effective as of January 1, 2018
- From January 1, 2018 through June 30, 2018, enforcement will be limited to **education** and **notification** of requirements
- Enforcement will begin on July 1, 2018.



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