



February 4, 2016

To all Food Service Operations (FSO) and Retail Food Establishments (RFE):

The following are the most significant changes to the recently updated Ohio Uniform Food Safety Code, Chapter 3717-1 of the Ohio Administrative Code, that become effective on March 1, 2016.

3717-1-01 Definitions.

“Packaged” – (B)(75)(b) Amended to remove the phrases “carry out box” and “other nondurable container” to clarify when foods packaged for retail sale need labeling so that it now reads: “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.” Therefore, all foods packaged for consumer self-service will have to be labeled according to 02.5 (C) with all ingredients and allergens listed. This requirement includes locations such as hospitals and schools where food is packaged into plastic containers and bags if they are stored outside of protective sneeze guards until purchased. If stored inside of sneeze guards, then the food employees will be expected to be able to explain the food’s ingredients to the food purchaser and no label is required.

“Reduced Oxygen Packaging (ROP)” – (B)(91)(c)(v) Replaced the phrase “place in a hermetically sealed, impermeable bag” with “vacuum packaged in an impermeable bag” so it clearly defines the sous vide process. 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.”

3717-1-02.2 Management and personnel: personal cleanliness.

(C)(8) Amended to clarify that the requirement to wash hands before donning gloves is specific to the beginning of a task involving working with food but not during the specific task. If a food employee would wish to put on a new disposable glove while working with a specific food, as long as they are going to return to the same food item they would not have to wash their hands first before putting on the glove.

3717-1-02.4 Management and personnel: supervision.

(A)(2) New language added to require one employee that has supervisory and management responsibility and the authority to direct food preparation and service to obtain a Level Two Certification in Food Protection according to rule 3701-21-25 within one year of the effective date of this latest rule change which means this new certification must be completed by March 1, 2017.

(A)(3) New language added to exempt temporary, mobile, vending and Risk Level I and II food service operations (FSO) and retail food establishments (RFE) from the requirement to have an employee with Level Two certification.

(C)(6) New language added to require that the Person-in-Charge must ensure that employees are verifying that foods delivered to an FSO or RFE during non-operating hours are from approved sources and are placed into appropriate storage locations at the required temperatures, protected from contamination, unadulterated, and accurately presented.

(C)(14) Modified the language to require the Person-in-Charge to ensure that food employees and conditional employees are informed in a verifiable manner of their responsibility to report to the Person-in-Charge information about their health as it relates to diseases that are transmissible in food.

(C)(15) New language added to require the Person-in-Charge to ensure that all written procedures and plans be maintained and implemented as required.

(C)(16) New language added to require the Person-in-Charge to ensure that the FSO/RFE have a written procedure for employees to follow when responding to vomiting or diarrheal events (the Ohio Department of Health is planning to have sample examples on their website in the future).

3717-1-03.2 Food: protection from contamination after receiving.

(A)(3)(b) Amended to clarify if a food employee contacts ready-to-eat (RTE) food with bare hands at the time the RTE food is added as an ingredient to a food that does not contain a raw animal food, the combined product shall be heated to at least 145°F.

(C)(3) Removed the language “Not storing and displaying comminuted or otherwise non-intact meats above whole-muscle intact cuts of meat unless they are packaged in a manner that precludes the potential for cross-contamination.” Now just have to store raw meats below cooked RTE meats.

(G)(3) New language added to address devices used on-site to generate chemicals for washing raw, whole fruits and vegetables.

(J)(3) New language added to clarify that food may contact surfaces of linens and cloth napkins as specified in the modified paragraph (L) which states that cloth napkins are considered linens.

(P) Amended and added new language to clarify the conditions under which the reuse and refilling of returnable take-home containers are permitted.

3717-1-03.3 Food: destruction of organisms of public health concern.

(D)(4) Amended to clarify that prior to sale or service, raw animal foods cooked using a non-continuous cooking process shall be cooked to the temperature and for the time specified for that particular raw animal food.

(H)(3) Amended language to clarify that all commercially processed, RTE and TCS foods must be heated to a temperature of at least 135°F for hot holding.

3717-1-03.5 Food: food identity, presentation and on premises labeling.

(C)(2)(b) Added “and sub-ingredients” and modified the language “color or flavor” to “colors, artificial flavors” to clarify the information that a label should include.

3717-1-04.2 Equipment, utensils and linens: numbers and capacities.

(H)(2) New language that requires the availability of an irreversible registering temperature indicator in hot water mechanical warewashing operations.

3717-1-04.5 Equipment, utensils and lines: cleaning of equipment and utensils.

(B)(2) New language that cleaning is not required in between different types of raw animal foods if the food-contact surface or utensil is contacting a succession of different types of raw meat and poultry with each successive item requiring a higher cooking temperature.