

**WHITE PAPER  
ON  
CHANGES TO THE MINNESOTA FOOD CODE  
  
FOR  
MINNESOTA STATE  
CHIEF FINANCIAL OFFICERS CONFERENCE  
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Food safety has become a major concern across the United States. Raw meat, fresh leafy vegetables, packaged processed products, etc. are tested each and every day. Each day it seems that another food recall is being done. In an effort to manage food illness outbreaks, the Minnesota Department of Health and Agriculture updated the [Minnesota Food Code](#) in 2018. These changes become effective January 1, 2019.

How does this impact Minnesota State college and university campuses? It is more than just our food service vendors and your cafeterias.

Does your campus have athletic events with concession stands?

Does your campus have a daycare center?

Does your campus student or campus associations sponsor events where food is served?

Do you have pot lucks on campus?

Do you have program cookouts?

Do outside companies or groups use your campuses for programs where food is served?

Wherever food is served on campus, an evaluation needs to be made to determine necessary compliance to the Minnesota Food Code.

### **CFO Actions**

CFOs are asked to facilitate implementation of changes at campuses by:

1. Identifying all locations and circumstances where food is served on campus.
2. Determining required food code compliance for each location and circumstance.
3. Assigning food code compliance responsibility for each location and circumstance.
4. Ensuring that required written programs (both campus and vendor) are in place and compliance documentation is being done.

To assist in this work, the following list encompasses 20 of the most impactful changes to the Minnesota Food Code for food establishment operators. The list is broken down into four sections: Terminology, Food Handling, Health and Hygiene, and Equipment and Facilities. Each topic provides a brief summary of the proposed change, how it will affect campuses and questions to ask/processes to verify with vendors and Culinary Programs. **Good communication practices will lead to successful implementation!**

## Terminology

### 1. Potentially Hazardous Food – Time/Temperature Control for Safety

**What has changed:** The revision redefines “potentially hazardous” food (PHF) as “time/temperature control for safety” food (TCS).

**How this will affect campuses:** Formally adds cut tomatoes and cut leafy greens as TCS to the list of raw or heat treated animal foods, heat treated plant foods, raw sprouts, cut melons and garlic in oil mixtures.

**Questions to ask/processes to verify:**

- When and where will TCS foods be used on campus?
- Has your food vendor and Culinary Program created a list of the campus TCS foods? Does your food vendor and Culinary Program understand and know how to use the matrix to determine if a food is TCS or non-TCS based on the food’s water and pH or if a product assessment will be needed?

### 2. Critical/Non-Critical Item – Priority 1, Priority 2 Priority 3 Items

**What has changed:** The revision replaces the previous categories of “critical” and “non-critical” with “Priority 1 or  $p_1$ ” “Priority 2 or  $p_2$ ” and “Priority 3” (no subscript).

**How this will affect campuses:** This classifies code provisions based on the impact they have on operational factors. The three tiers of code provisions identify risk-based controls within the food code.

**Questions to ask/processes to verify:**

- Does your food vendor and Culinary Program understand their Priority 1 responsibilities?
- What part does the campus play with the Priority 2 responsibilities, i.e. who purchases equipment and utensils?
- What part does the campus play with Priority 3 responsibilities, i.e. does the vendor or campus staff clean the kitchen floor?

### 3. Certified Food Manager – Certified Food Protection Manager

**What has changed:** The revision replaces the term “Certified Food Manager” (CFM) with “Certified Food Protection Manager” (CFPM) and changes in the certification process.

**How this will affect campuses:** This clarifies that the requirement to have a CFPM is based on risk and food process rather than the type of facility. Also CFPM exemptions for permanent temporary and seasonal temporary establishments are removed and these types of facilities will now need to employ a full-time CFPM based on their risk category and menu.

**Questions to ask/processes to verify:**

- Who holds the MDH food establishment license(s) you or your vendor?
- Who is the CFPM for each location?
- Who in your Culinary Program serves as the CFPM?

## Food Handling

### 4. Highly Susceptible Population

**What has changed:** The revision adds a definition for Highly Susceptible Populations.

**How this will affect campuses:** Preschool-aged children is a highly susceptible population. This will impact our day care centers. Offering certain types of raw or undercooked foods and bare hand contact with ready to eat foods will be prohibited, this includes juices.

**Questions to ask/processes to verify:**

- Does your day care provider know that there is a revised food code?
- Do they understand the changes in types of juices allowed and bare hand handling of ready to eat foods?

### 5. Consumer Advisory

**What has changed:** The revision outlines specific requirements for establishments to inform customers of potential risks from eating raw food offered for consumption.

**How this will affect campuses:** Campuses will be required to inform staff and students about the increased risk of eating meat, fish, dairy and eggs that are sold or served raw or undercooked through signs, menu information, package information, etc.

**Questions to ask/processes to verify:**

- What are your current practices letting staff and students know regarding raw and allergy foods such as peanuts?
- What changes need to be made?
- Who will be responsible for posting warnings?

### 6. Hot Holding Temperatures

**What has changed:** The revision lowers the hot holding temperatures for TCS foods from 140 degrees F to 135 degrees F.

**How this will affect campuses:** Lowering the hot holding temperature will have a positive impact on the quality of the food held hot.

**Questions to ask/process to verify:**

- What are your food vendor and Culinary Program hot holding practices, when and where is it done?

### 7. Variances Required for Special Process

**What has changed:** The revision will require variances to be obtained for special processes.

**How this will affect campuses:** Food establishments will be required to obtain variances from their inspection authority for smoking, curing, custom processing animals, etc.

**Questions to ask/processes to verify:**

- Does your food vendor, Culinary Program or Customized Training do any of the above processes, i.e. wild game processing?
- If yes, who will get the variance?

## 8. Time as a Public Health Control

**What has changed:** The revision will extend the amount of time a TCS food can be held without refrigeration under a Time as a Public Health Control Plan from 4 hours to 6 hours for previously chilled foods.

**How this will affect campuses:** TCS food that is held without temperature control can now be held up to 6 hours before discarding IF the food stays below 70 degrees F during the entire 6 hours?

**Questions to ask/processes to verify:**

- Does your food vendor and Culinary Program have a written Time as a Public Health Control Plan?

## 9. Wild Mushrooms

**What has changed:** The revision adds requirements for obtaining wild mushrooms from registered harvesters and adds recordkeeping requirements.

**How this will affect campuses:** This will require food establishments to obtain mushrooms from registered harvesters or inspected food processing plants. If mushrooms are not from either of the two choices the food establishment must notify customers.

**Questions to ask/processes to verify:**

- Where does your food vendor and Culinary Program get wild mushrooms?
- If not for either listed above, what are your customer notification practices?

## 10. Date Marking of Packaged Food from Manufacturers Opened on-site

**What has changed:** The revision removes date marking requirements for certain foods.

**How will this affect campuses:** Certain food packaged and produced by a food processing plant according to the Code of Federal Regulations no longer need to be marked with the date the package was opened at the food facility.

**Questions to ask/processes to verify:**

- What are your current practices?
- Are dated foods being disposed in a timely fashion? How do you know and assure?

## 11. Noncontinuous Cooking

**What has changed:** The revision establishes a process for noncontinuous cooking for raw animal foods if the establishment has a written procedure and obtains regulatory approval.

**How this will affect campuses:** This will allow operators to halt the cooking process if specific time, cooking and cooling parameters are met.

**Questions to ask/processes to verify:**

- Where on campus would this practice be used, i.e. athletic event concession stands, special events, student fund raisers, etc.?
- What are your current practice at such events?

## Health and Hygiene

### 12. Employee Illness

**What has changed:** The revision adds requirements for restricting employees with wounds and provides specific instructions for when restrictions and exclusions of ill employees can be removed or adjusted.

**How this will affect campuses:** Direction is provided for staff who have been ill but not diagnosed with a disease may return to work. It also restricts employee food activities with wounds that are uncovered.

**Questions to ask/process to verify:**

- What are the current food vendor and Culinary Program illness practices?
- Who is maintaining the illness logs?
- Who is responsible for medical evaluations of conditional employees particularly student workers?

### 13. Clean Up of Vomiting and Diarrheal Events

**What has changed:** The revision adds requirements for responding to events that involve the discharge of vomitus or fecal matter onto surfaces in a food establishment.

**How this will affect campuses:** This will require written procedures for employees to follow while cleaning up vomit or feces.

**Questions to ask/processes to verify:**

- Who is responsible for this type of clean up vendor or campus staff?
- Is there a written cleanup plan?
- Are Bloodborne cleanup practices being followed when appropriate?

### 14. Fingernail Brushes and Hand Dryers

**What has changed:** The revision eliminates the requirement for food establishments to have a nailbrush at their hand washing sinks and will allow heated-air or air-knife hand dryers at handwashing sinks in kitchens.

**How this will affect campuses:** Food establishments will not need to maintain nailbrushes at their hand washing sinks and will be allowed to have heated-air or air-knife hand dryers at handwashing sinks in kitchens.

**Questions to ask/process to verify:**

- Ensure that brushes are thrown away (after January 1, 2019).

### 15. Handwashing Signage

**What has changed:** The revision will require establishments to provide handwashing reminder signs at all handwashing sinks used by food employees.

**How this will affect campuses:** It will now be mandatory rather than voluntary for establishments to provide handwashing reminder signs at all handwashing sinks used by food employees.

**Questions to ask/processes to verify:**

- Have all the food service hand washing locations been identified?

- Who will do the signage posting vendor or campus staff?
- Is there a written hand washing procedure/practice and is it being followed?

## 16. Preventing Contamination from Hands

**What has changed:** This revision prohibits bare hand contact with food that is ready to eat and will not receive further heart treatment.

**How this will affect campuses:** This will require that all food establishments prevent bare hand contact with ready to eat food using single-use gloves, utensils or single-use articles such as deli paper.

**Questions to ask/processes to verify:**

- What are the current bare hand procedure/plan utilized by your food vendor and Culinary Program? Is it written?

## Equipment and Facilities

### 17. Equipment

**What has changed:** The revision removes a requirement for all equipment to be ANSI certified or equivalent.

**How this will affect campuses:** This will grant some flexibility to operators for certain pieces of equipment and utensils not having to be ANSI certified for sanitation.

**Questions to ask/processes to verify:**

- Who (campus or vendor) is purchasing equipment and cooking utensils that are safe, durable, and cleanable and where needed that they are certified?

### 18. Take Home Food Container Reuse

**What has changed:** The revision will provide allowances for refilling take-home food containers for food and beverages.

**How this will affect campuses:** Operators will need to wash, rinse, sanitize and inspect the refillable container if it is for a TCS food or beverage before refilling.

**Questions to ask/processes to verify:**

- What are your current practices/procedures to ensure that reusable containers are durable and capable of being adequately cleaned and sanitized before refilling? Is it written?

### 19. Food Thermometers

**What has changed:** The revision specifies the type of thermometer that must be used with a particular food.

**How this will affect campuses:** This will require operators to have a suitable small diameter probe thermometer for measuring the temperature of foods with thin masses such as meat patties and fish fillets. Normal bi-metallic stem thermometers can still be used but may only be used with thick foods such as a pot of chili or a roast.

**Questions to ask/processes to verify:**

- What locations/activities on campus would require temperature control evaluations and maintaining a testing log?

## 20. Warewashing Temperature Measuring Devices

**What has changed:** The revision requires operators using dish machines with hot water sanitization to have an irreversible registering temperature indicator to measure utensil surface temperature.

**How this will affect campuses:** Operators will be required to use a temperature measuring device to ensure that food contact surface temperatures reach 160 degrees Fahrenheit.

**Questions to ask/processes to verify:**

- What are the current practices to verify warewashing temperatures both manual and machine?

## Contacts and Resources

Minnesota Department of Health - Food, Pools, and Lodging Services  
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<http://www.health.state.mn.us/foodsafety/index.html>

<http://www.health.state.mn.us/divs/eh/food/code/index.html>

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