



20 Questions: Major Changes of Concern

Minnesota Food Code

Minnesota Departments of Agriculture and Health

Food Safety

- 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 these food illness outbreaks the Minnesota Departments of Health and Agriculture have updated the Minnesota Food Code in 2018.

How does this impact Minnesota State Campuses?

- It is more than just our food service vendors and your cafeterias. Does your campus:
 - Have athletic events with concession stands?
 - 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 use your campus 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.**

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.

Objectives

- Presentation encompasses 20 of most impactful changes to the Minnesota Food Code for food establishment operators.
- Broken down into four sections: Terminology, Food Handling, Health and Hygiene, and Equipment and Facilities.
- Each topic provides brief summary of the proposed change, how it will affect operators, and how public health is protected.

Terminology

1: PHF → TCS

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

Time/temperature control for safety food (TCS) means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

How this will affect operators:

- Does not change any requirements for majority of food items
- Formally defines cut tomatoes and cut leafy greens as TCS
- Provides method of determining if food is non-TCS based on the food’s water activity and pH or if a product assessment is needed

Why: Clarifies and improves decision-making process determining whether or not food can support pathogen growth or toxin formation to reduce the risk of foodborne illness

2: Critical/Non-Critical → Priority 1, 2, 3

What: The revision replaces the previous categories of “critical” and “non-critical” with “Priority 1” or “P1,” “Priority 2” or “P2,” and “Priority 3” (no subscript).

How this will affect operators: Classifies code provisions based on impact they have on operational risk factors

Why: The three tiers of code provisions identify risk-based controls within the food code

Priority 1 item or p_1 includes:

Items with quantifiable measure to show control of hazards:

- Food temps:
 - Cooking
 - Cooling
 - Reheating
- Handwashing
- Date marking



Priority 2 item or p₂ includes:

Items that require specific actions, equipment, or procedures by industry management to control risk factors that contribute to foodborne illness or injury:

- Personnel training
- Infrastructure/Facilities
- Equipment and utensils
- Documentation, recording keeping, labeling

“Priority 3 item” means a provision of the code that is not designated as a Priority 1 item or as a Priority 2 item.

- Usually relates to good practices:
 - Cleaning frequency
 - Operation controls and general sanitation
 - Sanitation standard operating procedures (SSOPS)
 - Facilities or structures
 - Equipment design
 - General Maintenance

3: Certified Food Manager → Certified Food Protection Manager

What: The revision replaces the term “Certified Food Manager” (CFM) with “Certified Food Protection Manager” (CFPM) along with select other changes

How this will affect operators:

- CFM title changed to Certified Food Protection Manager (CFPM)
- Clarifies requirement to have a CFPM is primarily based on risk and food processes, rather than the type of facility
- Course, exam, and renewal requirements remain similar
- A CFPM certificate is not transferable.

Food Handling 4: Highly Susceptible Population

What: Revision adds a definition for Highly Susceptible Populations. This includes:

- Individuals in certain settings who are more likely than the general population to experience foodborne illness due to being immune-compromised,
- Preschool-aged children, or
- Older adults.

4626.0447 Subp. A

Juice Served to Highly Susceptible Population

- Children age 9 or less and who receive juice in a school, day care setting, or similar facility that provides custodial care are included in this part as highly susceptible population;
- Prepackaged juice or prepackaged beverage containing juice, that bears a warning label or juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, may not be served or offered for sale; p1
- Unpackaged juice that is prepared on the premises for service or sale in a RTE form shall be processed under a Hazard Analysis Critical Control Point (HACCP) plan. p1

Food Handling 5: Consumer Advisory

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

How this will affect operators:

- Establishments required to inform consumers about the significantly increased risk of eating meat, fish, dairy, and eggs that are sold or served raw or undercooked
- Customers must be notified through disclosure or by asterisking the food item on the menu and referring to a footnote that states the product is raw or undercooked

Why: Consumers are empowered to make an informed choice about the food that they eat, due to being aware of the increased risk of foodborne illness after eating raw or undercooked meat, poultry, seafood, shellfish or eggs

Food Handling

6: Hot Holding Temperatures

What: The revision lowers the hot holding temperature for Time/Temperature Control for Safety from 140°F to 135°F.

How this will affect operators: Lets operators keep hot food 5°F lower than was previously allowed, which could have a positive impact on the quality of food held hot.

Why: Food safety hazards related to microbial growth is sufficiently controlled at 135°F.

7: Variances Required for Specialized Processes

What: The revision requires variances to be obtained for specialized processes.

Food Handling

8: Time as a Public Health Control

What: Extends 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 operators: TCS food that is held without temperature control can now be held for up to 6 hours before discarding if the food stays below 70°F during the entire 6 hour period.

Why: Food safety hazards related to microbial growth are sufficiently controlled within these time and temperature parameters.

4626.0408 Subp. A Time as Public Health Control

- Written procedures must be:
 - Prepared in advance,
 - Maintained in food establishment, and
 - Made available to regulatory authority upon request that specify method of compliance with Food Code rules. p2



Food Handling 9: Wild Mushrooms

What: The revision adds requirements for obtaining wild mushrooms from an approved harvester, expands harvester registration requirements, and adds record-keeping requirements for harvesters and food establishments.

Food Handling 10: Date Marking of Packaged Food from Manufacturers Opened On-site

What: The revision will remove date marking requirements for certain foods.

How will this affect operators: Certain food packaged and produced by a food processing plant no longer needs to be marked with the date the package was opened at the food establishment.

Why: Food safety hazards related to microbial growth in certain products are sufficiently controlled by food processing plants operating according to the Code of Federal Regulations.

Food Handling

11. Noncontinuous Cooking

What: 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 operators: Allows operators to halt the cooking process if specific time, cooking, and cooling parameters are met.

Why: This ensures that food does not stay for extended periods of time within temperature ranges that favor microbial growth

Noncontinuous Cooking of Raw Animal Foods

- Raw animal foods cooked using a noncontinuous cooking process must:
 - Have initial heat process no longer than 60 minutes;
P1
 - Cool immediately, using required time and temperature parameters; P1
 - Be held frozen or refrigerated (after cooling); P1

Noncontinuous Cooking: Written Procedures

- Prepared and stored according to written procedures that:
 - Have prior approval from regulator; p₂
 - Are maintained on site and are available to regulator upon request; p₂
 - Describe how these processes are to be monitored and documented, plus state what corrective actions will be taken when needed; p₂
 - Describe how the foods are marked or identified; p₂ and
 - Describe how the foods are separated. p₂

Health and Hygiene

12. Employee Illness

What: The revision adds requirements for additional reportable symptoms & pathogens and more clearly outlines when restrictions and exclusions of ill employees can be removed or adjusted.

How this will affect operators:

- Staff will have to be aware of additional symptoms or diagnosed diseases that require reporting to PIC and possibly the regulatory authority.
- Staff will have to follow proper exclusion and restriction requirements.

Why: Proper reporting, exclusions and restrictions help to reduce the likelihood of foodborne illness transmission from worker to patron.

4626.0040 Subp.A1 & A2 Reportable Symptoms & Illnesses

A food employee shall report the following symptoms to the PIC:

- Vomiting
- Diarrhea
- Jaundice
- **Sore throat with fever**

A food employee shall report the following illnesses to the PIC:

- **Norovirus**
- Hepatitis A virus
- Salmonella spp.
- Shigella spp.
- **Shiga toxin-producing E.coli**
- Other enteric bacterial, **viral or parasitic** pathogens

PIC should report above illnesses (in employee or patron) to Regulatory Authority

13. Clean Up of Vomiting and Diarrheal Events

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

How this will affect operators:

- Requires managers to establish procedures for employees to follow when cleaning up vomit or feces
- Procedures must address specific actions employees must take

Why:

- Proper response to vomiting and diarrheal events in a timely manner can help reduce potential for the spread of harmful bacterial or viral pathogens
- It may decrease the likelihood that food and surfaces become contaminated and that others may become ill as a result of the accident

14. Fingernail Brushes and Hand Dryers

What: The revision eliminates the requirement for food establishments to have a nailbrush at their handwashing sinks and allows for heated-air and air-knife hand dryers at handwashing sinks in the kitchen.

How this will affect operators:

- Operators not required to maintain nailbrushes at handwashing sinks
- Does allow heated-air and air-knife hand dryers at all handwashing sinks, including those in kitchen area

Why:

- Fingernail brushes can be source of contamination if not properly maintained
- Hand dryers are acceptable alternative to individual disposable towels, when used properly.

Health and Hygiene

15. Handwashing Signage

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

How this will affect operators:

- Many operators posted this signage voluntarily prior to code revision
- Those that do not have signs at hand sinks, now required to post sign or poster

Why: Visual reminders increase handwashing behavior

- A visible sign or poster that notifies food employees to wash their hands must be provided at all handwashing sinks used by food employees.



16. Preventing Contamination from Hands

What: This revision formally prohibits bare hand contact with food that is ready to eat and will not receive further heat treatment.

• How this will affect operators:

- Will require that all food establishments prevent bare hand contact with ready to eat food using single-use gloves, utensils, or other single-use articles such as deli paper.
- There is a very detailed option for food establishments not serving a highly susceptible population which may allow the use of bare hands during food preparation.
- The plan to use bare hands during the handling of ready to eat foods at these establishments does not require a variance but must be available for review by the regulatory authority.

Preventing Contamination from Hands Affect & Protect (Continued)

Why:

- Addresses one of the main sources of food contamination, human hands.
- Controlling potential contamination from hands will reduce food borne illness and increases protection of food for highly susceptible populations.

Equipment and Facilities

17. Equipment

What: The revision removes a requirement for all equipment to be NSF-certified or equivalent, and specifies that only particular pieces of equipment must be certified or classified for *sanitation* by an ANSI accredited certification program (such as NSF, CSA, ETL, or UL.).

Equipment Affect & Protect

How this will affect operators:

- Ensures that critical pieces of equipment in higher risk operations remain certified/classified to ANSI accredited sanitation standards
- Grants some flexibility to operators in certain settings and with certain pieces of equipment

Why:

- Food equipment and utensils need to be safe, durable, and cleanable
- If they cannot maintain their original characteristics over time, they may become difficult to clean which could allow for the harborage of pathogens and pests
- Additionally, they must be designed and constructed so parts do not break, creating an injury hazard to consumers

Equipment and Facilities

18. Take-Home Food Container Reuse

What: The revision will provide allowances for refilling returnable take-home food containers with food and beverages.

How this will affect operators:

- Operators will need to wash, rinse, sanitize and inspect refillable container if it is for food or a TCS beverage before refilling.
- Non-TCS beverages will be allowed to be refilled by the operator after rinsing with hot water, and can be refilled by the customer if contamination can be prevented.

Why: Ensures that reusable containers are durable, and are capable of being adequately cleaned and sanitized before refilling.

Equipment and Facilities

19. Food Thermometers

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

How this will affect operators:

- Requires operators to have a suitable small diameter probe thermometer for measuring the temperatures of foods with thin masses
- Normal bi-metallic stem thermometers can still be used, but may only be used with thick foods such as a large pot of chili or a roast

Why: These devices provide greater accuracy when taking temperatures of food, which is important to ensure that pathogens are adequately controlled

20. Warewashing Temperature Measuring Devices

What: The revision will require operators using dish machines with hot water for sanitization to have an irreversible registering temperature indicator to measure utensil surface temperature.

How this will affect operators:

- Operators required to use temperature measuring device or indicator to ensure food contact surface temperatures reach 160°F
- Reusable Min-Max registering thermometers or single-use temperature-sensitive stickers meet this requirement

Why: These devices provide a simple method to verify that food contact surfaces reach minimum required temperature for both manual and machine washing and sanitizing.

- Determine all locations and circumstances where food is served on campus.
- Determine required food code compliance for each location and circumstance.
- Assign food code compliance responsibility for each location and circumstance.
- Ensure that the required compliance documentation is being done.

CFO Follow Up

- Ensure that required written programs (both campus and vendor) are in place.
- Review current food vendor contract language and determine if compliance responsibilities need to be better defined.
- Review use agreement language where an outside agency will be serving food on your campus.
- Ensure that your Culinary Program understands and follows the 2018 Food Code.

Questions?

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