

Summary of Changes in the FDA Food Code

This Summary provides a synopsis of the textual changes from the 1997 FDA Food Code Chapters and Annexes to the 1999 edition. The primary intent of this record is to capture the nature of the changes rather than to identify every word or editing change. This record should not be relied upon as an absolute comparison that identifies each and every change.

General:

- Numerous editing changes were made throughout the document for internal consistency, to correct some errors in the '97 Code and for clarification.
- Italics and capitalization of *Salmonellae* are modified throughout the document, with the exception of Annex 2 where titles of published documents remain unchanged. The modifications reflect current, commonly recognized conventions used in the scientific community. Species of *Salmonellae* are not italicized and begin with a capital letter.
- Defined words and terms are in small capital letters throughout the Chapters and Annex 1 to highlight that they have a specific meaning within the context of the Code. Refer to the Preface, Information to Assist the Reader, for a discussion of this feature.
- Section numbers listed refer to the 1997 Code unless otherwise noted. Definition numbers listed refer to the 1999 Code. Renumbering occurred in the 1999 edition, based on the changes made.

Chapter 1:

1-201.10 - Definitions

- (1) added "Accredited program" (CFP 98-02-06)
- (21) revised "Easily movable" for consistency with NSF International's use of terms
- (28) modified "Foodborne disease outbreak" for consistency with CDC (CFP 98-01-11)
- (43) added "Juice"
- (61) amended "Potentially hazardous food" regarding garlic-in-oil mixtures
- (67) amended "Reduced oxygen packaging" to more fully explain the ROP processes
- (74) deleted existing (81) "Support animal" and replaced it with new definition, "Service animal", for consistency with the ADA
- (75) modified "Servicing area" to include vehicle and equipment cleaning
- (81) modified "Single-service articles" to specify the intent for them to be discarded
- (87) added "probe-type price and identification tags" to the definition of a "Utensil"
- (90) added the definition of "Variance" from § 8-103.10 in § 1-201.10
- (91) modified "Vending machine" to include optional manual operation
- (94) added "Whole-muscle, intact beef"

Chapter 2:

2-103.11 added ¶¶ (K) and (L) (CFP 96-01-07)

2-201.11(D)(4) deleted (CFP 98-01-42)

2-201.13 added recognition of nurse practitioners, and physician assistants, if allowed by law, for purpose of medical documentation

2-201.15 deleted “or a person who applies for a job as a food employee” and “or is suspected of having” (CFP 98-01-41); changed language to “... shall notify ... that an employee...”

2-301.12 updated to include approved automatic handwashing facility (CFP 98-03-10); other related provisions in Chapters 2, 5, and 6 were changed to be consistent

2-301.14(D) amended to clarify that a person may drink from a closed container without washing hands each time (CP 98-01-40)

2-301.16 revised to clarify approval methods for hand sanitizers

2-302.11 formed a new ¶ (A) and added a new ¶ (B) to prohibit the wearing of fingernail polish or artificial fingernails (CFP 98-01-35)

Chapter 3:

3-201.11 added ¶ (E) to address labeling of whole-muscle, intact beef by a food processor and ¶ (F) to address labeling meat and poultry with safe handling instructions (CFP 98-01-29)

3-202.11(C) changed reference to § 3-401.16 to § 3-401.13

3-301.11 added an insert page to alert readers that Annex 3 contains a full discussion clarifying ¶ (B) and to provide a brief synopsis of that discussion

3-301.11(C) is identified as a swing item to allow for judgment regarding the significance of bare hand contact with food that is not ready-to-eat

3-304.11 ¶ (A) deleted and combined with ¶ (B) (CFP 98-03-16) to allow the use of probe-type price identification tags

3-304.12 ¶ (C) amended to clarify that both the in-use utensil and the food-contact surfaces must be cleaned and sanitized; added a new ¶ (F) to allow in-use utensils to be stored in water that is maintained at a temperature of at least 140°F (CFP 98-01-07)

3-304.14 changed the tagline; changed the word “moist” to “wet” in ¶¶ (B) and (C); added specificity about the concentration of the sanitizing solution; and added ¶ (D) to clarify that each time the sanitizing solution is changed, the wiping cloth needs to be evaluated to determine that it is clean (CFP 98-03-18)

3-304.16(A) amended to allow refilling by food employees under certain circumstances (CFP 98-01-19)

3-306.13(A) amended to include consumer self-service of raw, frozen, shell-on shrimp and lobster (CFP 98-01-26)

3-306.14 changed tagline and amended to allow transfer of certain food containers from one consumer to another (CFP 98-01-20)

3-401.11(A)(1)(b) added “pork” to be cooked to 145°F (CFP 98-03-03); (A)(2) deleted “pork” to be cooked at 155°F; (A)(2) amended the chart to include the temperature at which certain foods, e.g., hamburger can be cooked if the time is less than one second (CFP 98-03-23); (B) added “pork roasts” and “cured pork roasts” to beef roast cooking parameters

(CFP 98-03-03); added new ¶ C to allow the surface searing of a whole-muscle, intact beef steak without fully cooking the steak (CFP 98-03-25); (D) added to exempt seared steaks from a consumer advisory (CFP 98-03-20)

3-501.18 added new ¶ (G) to address the date marking of an existing portion of food to which new portions of food are added (CFP 98-01-18)

3-501.19 amended so that former ¶¶ (A)-(D) are now contained in ¶ A and added new ¶ B stating time may not be used as the public health control for raw eggs for a highly susceptible population

3-502.11 amended to clarify that a variance is not required if smoking food is done solely for flavor enhancement

3-502.12 amended to clarify that a HACCP plan is needed for ROP foods with two barriers to ***C. botulinum***

3-603.11 amended to exempt from the consumer advisory requirement, animal foods that are “otherwise processed to eliminate pathogens”; added a new insert page to alert the reader to what constitutes satisfactory compliance with the provision and direct the reader to Annex 3 for more discussion

3-801.11 expanded ¶ (A) to include all fruit and vegetable juice and prohibit prepackaged unpasteurized juice; amended ¶ (B) to require pasteurized eggs whenever raw eggs are combined, except for 3 specific situations; ¶ (D) expanded to prohibit raw seed sprouts (CFP 98-03-22); added new ¶ (E) to describe the restricted conditions under which raw eggs may be used

Chapter 4:

4-501.16(A) deleted the end statement “or dumping mop water” (CFP 98-01-05). This leaves the prohibition of dumping mop water in a warewashing sink as a critical item in § 6-501.15.

4-602.11(B) revised to clarify intent of cleaning frequency when equipment is contacting raw animal food that requires a higher cooking temperature than the previous food contacting the same equipment

4-602.11 ¶ (D) amended with time/temperature chart to allow cleaning frequency greater than 4 hours with refrigerated food-contact utensils and equipment (CFP 98-03-05)

4-602.11(D)(7) added new subparagraph to specify the cleaning frequency for the water container used to hold the 140°F water and the in-use utensil

4-802.11 amended ¶ (D) to clarify the cleaning frequency of wiping cloths (CFP 98-03-18)

Chapter 5

5-103.11 added requirement for hot water capacity as a critical item. Split provision into ¶¶ (A) and (B).

5-103.13 deleted and combined with 5-103.11

Chapter 6:

6-202.15(A) amended to refer to the paragraphs as they were redesignated; new ¶ (C) allows an exception to the use of self-closing devices on emergency doors used as exits under certain conditions (CFP 98-01-46); ¶ (C) → ¶ (D); ¶ (D) → ¶ (E)

6-301.14 added a new section requiring a handwashing sign to be posted (CFP 98-01-36)

6-501.115 added clarifying language in Subparagraph (B)(3) regarding service animals to be consistent with the ADA; added language in Subparagraph (B)(5) allowing certain animals on the premises

Chapter 8:

8-201.12 ¶ (E) redrafted to ease the paperwork burden on industry during plan review; relocated requirement for standard operating procedures to § 8-203.10; moved Subparagraphs (1)-(6) from ¶ (E); deleted ¶ (F) because the new ¶ 2-103.11(L) addresses training; ¶ (G) → ¶ (F)

8-203.10 amended this section to require standard operating procedures by the time of the preopening inspection and to cross reference ¶ 8-201.12(E)

8-501.20, 8-501.30, and 8-501.40 added the word “Food” before “employee” where it was missing, for internal consistency

Annex 2:

References added for many code provisions

Annex 3:

1-201.10 added a discussion about accredited programs

2-201.11 modified language, including adding language about hands in contact with pustular lesions on parts of the body other than hands also posing a threat for introducing

Staphylococcus aureus into food

3-201.11 added information regarding labeling for safe handling instructions on packages of meat and poultry; labeling juices that have not been pasteurized; and identifying whole-muscle, intact beef steaks (CFP 98-01-29)

3-202.11 added new federal regulation requiring shell eggs to be stored and transported in ambient air temperature of 45°F or below

3-301.11 added a discussion that clarifies the phrase in ¶ (B), “except when otherwise approved”

3-302.15 added reference to a guidance document regarding the washing of fruits and vegetables (CFP 98-03-14)

3-304.12 - 3-304.17 separated the public health reasons and added new language

3-401.11 added discussion regarding seared steak and hamburger cooking temperature and pork cooking

3-401.13 clarified that the hot holding temperature applies to fruits and vegetables that are fresh, frozen, or canned

3-501.14 modified in concert with current CFR regarding shell eggs

3-603.11 expanded with a current discussion of the purpose, background, satisfactory compliance with and applicability of the consumer advisory provision; explained that irradiated meat and poultry can not be offered in a ready-to-eat form without a consumer advisory

3-801.11 updated the discussion regarding the importance of using pasteurized juices in highly susceptible populations; added a discussion regarding federal juice labeling requirements, ***Salmonella Enteritidis*** in raw shell eggs, and raw seed sprouts

6-202.15 expanded to discuss how the National Fire Protection Association’s guidance is related to this section

6-501.115 discussed that new Code language allows a food establishment to have both a snack bar and a pet sales area or to sell food adjacent to animal displays; added discussion regarding compliance with ADA requirements for allowing service animals on the premises

7-204.12 clarified that the CFR has no maximum limit on the concentration of chlorine applied to fruits and vegetables

8-201.12 and 8-203.10 added new language regarding using the plan review process for discussion between the regulatory authority and the operator about long-term compliance with the Food Code; including operating procedures that address training

Annex 4:

Item 8 Temperature Measuring Devices (A) Sensor-Type Temperature Measuring Devices (4) Infrared Thermometers: added infrared thermometers to the listing of types of temperature measuring devices and provided a brief discussion of them

Annexes 5 and 6:

Made changes consistent with changes elsewhere in the document

Annex 7:

Form 1 in the purpose statement, after the word “Applicant,” added the phrase “to whom a conditional offer of employment has been made” for consistency with the ADA and under the topic High-Risk Conditions, deleted the question concerning travel

Form 3 added “to whom a conditional offer of employment has been made” for consistency with the ADA; **Paraphrased From the FDA Food Code for Physician’s Reference**, High-Risk Conditions Related to a Person’s Activities, deleted (4) concerning travel

Guide 1 deleted reference to Subparagraph 2-201.11(D)(4) concerning travel

Guide 2 under Health Status # 3, deleted reference to Subparagraph 2-201.11(D)(4); recognized nurse practitioners and physician assistants for medical documentation

List deleted the word “endemic;” replaced reference to the 1995 version of CDC’s Yellow Book with 1996-97 edition; stated criterion for denoting *E. coli* O157:H7 in some geographical areas; added language to clarify intended use of the list since travel is deleted from the Chapter 2 high-risk conditions

Charts 1 & 2 updated to reflect new temperatures for pork and instant kill at 158°F for certain foods

Chart 3 added new chart on “Ready-to-Eat, Potentially Hazardous Food, Date Marking and Disposition”

ADA = Americans with Disabilities Act
CFP = Conference for Food Protection
CFR = Code of Federal Regulations
ROP = Reduced Oxygen Packaging