

## Ohio Department of Health Food Safety Conference Call for June 30, 2011

Topics covered during the call:

1. License Reports/Transmittals – Jean Hayden

Chapter 3717 of the Revised Code permits local health districts to submit their transmittals and license reports quarterly. This is a maximum time frame a health district must submit this information to ODH. Recently we noticed that when health districts submit their licensing information for the last quarter (October 1 to December 31), the licenses certified cover two different licensing periods. ODH therefore recommends that the transmittal (cover sheet) and reports be printed out at the end of each month and then certified to the State as a total package according to the schedule in the Revised Code.

2. Wendy's Variance Review- Larry Holbert

ODH has received reports from local health districts that some individual Wendy's stores:

1. Do not have the ODH Variance agreement available upon request;
2. Are holding the cheese product for cooling to be used the next day;
3. Are including shredded cheese products in the variance procedure.

The variance agreement does not allow for the cheese to be cooled and re-used. The agreement also specifies it is for sliced cheese manufactured by Schreiber, Inc. only, and does not include shredded cheese or cheese products manufactured by another company. If an individual Wendy's store fails to follow the agreement, the local health district may take enforcement action against the store to void their variance agreement.

Section 3701-21-02.4 of the OAC states that two variance reviews must be completed per licensing period. These reviews shall be documented on the CCP inspection form.

If a violation is identified during the variance review, it should also be documented on the standard inspection report for enforcement. The violation should be cited under 3717-1-03.4(I) (3).

3. McDonald's glove use – Larry Holbert

McDonald's has initiated a policy that employees must wear a designated color glove over disposable poly gloves to handle raw food products in their grill area. The designated glove may be disposable or multi-use. The policy states that after the employee places raw products on the grill for proper cooking, the outer glove is to be removed, and the disposable poly gloves remain on. The cooked product is then removed from the grill using a utensil, placed on a lined tray, and then forwarded to the hot holding area. The employee returns to begin the steps describe above. This is all considered as one task and additional hand washing would not be required, unless incidental contamination has occurred.

The employee policy requires that the color glove(s) be removed by way of the cuff of the glove first. If you observe during the inspection that the color glove(s) are removed by the fingers of the glove or the palm, then hand washing would be required before the employee continues the tasks in the grill area. If the violation cannot be corrected, then other methods for compliance must be considered by the local health district.

If the employee leaves the grill area to perform a food handling task (i.e., to prepare a sandwich), the poly gloves must be removed, hands properly washed, and new gloves put on before completing the task.

Section 3717-1-02.2(c) states that hand and arms shall be cleaned immediately before engaging in food preparation, including working with exposed food; clean equipment or utensils; or unwrapped single service articles, and:

(1) After touching bare human body parts other than clean hands and clean, exposed portions of arms; (2) After using the toilet room; (3) After caring for or handling service animals or aquatic animals (4) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking except as for a food employee drinking from a closed beverage container; (5) After handling soiled equipment or utensils; (6) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks; (7) When switching between working with raw food and working with ready-to-eat food; (8) Before donning gloves for working with food; and (9) After engaging in any other activities that contaminate the hands.

A hand antiseptic used as a topical application, a hand dip, or a hand antiseptic soap shall be applied only to hands that are cleaned, as required by 3717-1-02.2(E) (i.e., used in conjunction with hand washing).

If there are questions, please request from the person in charge to see the specific store policy. The Ohio Uniform Food Safety Code supersedes any local store policy that is in conflict with the rules.

#### 4. Licensing of internet cafes/skilled game facilities – Doug Pollitt

Recently ODH received a request for an opinion as to whether internet gambling cafés/skilled game facilities should be required to obtain a food service operation license. It is ODH's opinion that these facilities be required to obtain a food service operation license if they meet the definition of a food service operation (as defined in the ORC), and patrons can obtain foods served on site by either:

- Paying a fee for the food,
- Purchasing a membership or cover charge to enter the facility,
- Purchasing internet time or paying computer fees at the facility, or
- Paying a required donation, or any other required fees.

Section 3717.01 of the ORC defines a "Food Service Operation" as: "a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this division, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received".

Every facility should be evaluated individually, as each one may operate differently. ODH recommends that you obtain a letter or other written documentation from the facility operators describing specifically what foods they plan to serve, and how they propose to operate.

4. Completing Standard and CCP Inspection Reports – Doug Pollitt

Doug Pollitt discussed the difference between the Standard and CCP inspection. He reiterated that both inspections may be conducted during the same visit, but they are separate inspections. Any critical control point violations must be sited on the standard inspection report for enforcement, but should also be addressed on the CCP inspection report for educational purposes. Section 3701-21-01 lists the following definitions:

1. "Critical control point inspection" means an inspection designed to identify and prevent food handling procedures that epidemiological data have shown to lead to outbreaks of foodborne disease.
2. "Standard inspection" means an inspection designed to determine compliance with Chapter 3717 of the Revised Code and the rules adopted under it.

Todd Mers from Ohio Department of Agriculture discussed the Process Review inspection and clarified how it differs from a CCP inspection. A request was made to have each state agency develop a guidance document for the CCP and Process Review inspections.

5. Review of ORC 3717.25/3717.45 (Public Hearing notice) – Jean Hayden

Sections 3717.25 and 3717.45 of the Revised Code requires the licenser to mail a written notice of the public hearing to each person holding a license when a board of health adopts new fees. The ORC also states that the notice must be mailed to the last known address of the licensee. It is the opinion of ODH legal council that publishing the notice in the newspaper does not comply with this section of the ORC. In addition, the notice does not have to be mailed to each temporary operation unless they were currently licensed at the time of the mailing.

6. Reminders – Jean Hayden

Jean reiterated that there are only two training dates remaining for the update to the cost analysis forms: July 6<sup>th</sup> in Athens and August 2 in Massillon. To register for either date, contact Jean Hayden at 614-644-8653 or email at [jean.hayden@odh.ohio.gov](mailto:jean.hayden@odh.ohio.gov).

When placing an order for literature/forms for any of the Environmental Health Programs, please contact the specific program, and do not contact the ODH warehouse. An updated version of the BEH Literature & Forms Requisition is in development, and as soon as it is completed will be emailed to all local health districts, and placed on the website.

To prepare for the food surveys, we are asking that local health districts email their licensing fees and copies of other documents requested during the survey to Jean Hayden at [jean.hayden@odh.ohio.gov](mailto:jean.hayden@odh.ohio.gov). These documents will be kept on file at ODH and shared with the survey officer. In the near future, ODH plans to begin a SharePoint site for the food program to allow local health districts to post these documents.

#### 8. Updates from Ohio Department of Agriculture

Terri Gerhardt from ODA discussed Farmer's Markets, and stated that ODA will be inspecting registered Farmer's Markets throughout the state. Terri also discussed licensing of Home Bakeries, canning, and the sale of Cottage Foods.