

MAJOR CHANGES TO THE MASSACHUSETTS RETAIL FOOD CODE FOR FOOD ESTABLISHMENTS

The MA Department of Public Health amended 105 CMR 590.00: State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments (the Retail Food Code) to include sections of the 2013 FDA Food Code with amendments made by FDA in 2015. These changes became effective on October 5, 2018, and all Food Establishments are required to comply with its standards. This is a partial summary of the changes to the Retail Food Code. The Food Protection Program's Retail Food Code website provides the full text of the regulation as well as other useful tools and guidance. It can be accessed here: mass.gov/lists/retail-food.

TERMS

- "Potentially Hazardous Foods (PHF)" has been changed to "Time/Temperature Control for Safety Foods (TCS Foods)."
- "Cut leafy greens" is a new term that includes a variety of cut lettuces and leafy greens and is a time/temperature control for safety food (TCS).
- "Critical Item" has been changed to "Priority (P) Item" and "Priority Foundation (Pf) Item."
- "Non-critical Item" has been changed to "Core Item."

PERMITS

Food Establishment Permits are no longer required if the operation:

- Only offers whole, uncut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs which are stored and maintained at 45°F (7.2°C) or less.
- Only sells prepackaged foods that are not time/temperature control for safety foods.
- Is a cooking class held for educational purposes only.
- Is a bed-and-breakfast operation that: is owner occupied; guest bedrooms do not exceed six; breakfast is the only meal offered; and, number of guests served does not exceed 18.

For information about new permit types and restrictions, please see "Guidance on the Retail Food Code by Establishment Type" located at: mass.gov/lists/retail-food.

NEW DUTIES FOR PERSON IN CHARGE (PIC)

- Verify that food deliveries made during non-operating hours are stored safely and at proper temperatures.
- Inform employees in a verifiable manner of their responsibility to report all diseases that are transmissible through food.

PREVENTING THE SPREAD OF NOROVIRUS

- A food handler must now be excluded if they test positive for Norwalk virus, Norwalk-like virus, Norovirus, or any other calicivirus to prevent foodborne cases of viral gastroenteritis.
- Every Food Establishment must now have written procedures for responding to and clean-up of vomiting and diarrheal events.

FOOD SAFETY

- Date Marking and Disposition: All TCS foods held in an establishment for more than 24 hours must be clearly marked with the date by which the food is to be sold, discarded, or consumed.
 - o Exceptions include foods prepared and packaged by an inspected food processing plant such as deli salads, hard and soft cheeses with certain moisture content, cultured dairy products (yogurt, milk, sour cream) and shelf stable meats (prosciutto, pepperoni).
- TCS Food Temperature: Hot holding, receiving, reheating and beginning cooling temperature for TCS foods lowered from 140°F to 135°F
- Non- Continuous Cooking of Raw Animal: An establishment may partially pre-cook raw meat, cool the product, and finish the cooking process at a later time. The final cook step must bring the product to a cooking temperature specified under 590.003; FC 3-401.11(A) to fully cook the meat prior to serving. The establishment must have prior approval from the local board of health of written procedures for preparation and storage and compliance with standards in 105 CMR 590.003; FC 3-401.14.
- Time/Temperature Control for Safety Foods (TCS): Replaces Potentially Hazardous Foods (PHF) and now includes cut tomatoes and cut leafy greens. This means that cut tomatoes and cut leafy greens must be held at or below 41°F. Cut leafy greens are defined as fresh leafy greens whose leaves have been cut, shredded, sliced, chopped or torn and do not include herbs such as cilantro or parsley.
- Treating Juice: Juice packaged in a food establishment either treated under HACCP plan or contain a warning label.
- Time Only as a Public Health Control (TPHC): A variance is no longer required to use TPHC. Instead, a Food Establishment must prepare written procedures in advance which are submitted to the local board of health for review and made available upon request. Food must be marked with the time period when removed from temperature control. Temperature requirements are as follows:
 - o 4 hours: Initial temperature of 41°F or less when removed from cold holding temperature control, or 135°F or greater when removed from hot holding.
 - o 6 hours: Initial temperature of 41°F or less when removed from temperature control and the temperature may not exceed 70°F during a 6 hour time frame.

EQUIPMENT AND SIGNAGE

- Inspection Signage: Food establishments required to post a conspicuous sign which tells customers that a copy of last inspection report is available upon request.
 - Temperature Measuring Devices: Requires an irreversible registering temperature indicator for mechanical warewashing.
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For Any Questions, please contact your Local Board of Health or the Massachusetts Department of Public Health, Bureau for Environmental Health's Food Protection Program at 617-983-6712 | Fax: 617-983-6770 | TTY: 617-624-5286 | Email: FPPDPH@state.ma.us

If you would like a copy of the state regulations or additional information concerning the retail food code, please visit mass.gov/lists/retail-food

