

COUNTY OF LOS ANGELES ♦ DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH

CALIFORNIA RETAIL FOOD CODE – (CAL CODE)
A SUMMARY OF MAJOR CHANGES

Effective July 1, 2007, the California Uniform Retail Food Facility Law (CURFFL) is being repealed in its entirety and replaced with the new California Retail Food Code, commonly referred to as Cal Code. This new law represents an extraordinary collaborative effort of the California Retail Food Safety Coalition (CRFSC) – a broad-based coalition of Federal, state and local regulators and the retail food industry. Cal Code is based on the federal Food Code 2005, and represents the best available science in the overall goal of preventing foodborne illness.

With the enactment of Cal Code, local enforcement agencies will be focusing their food facility inspections on the foodborne illness risk factors identified by the Centers for Disease Control and Prevention's (CDC). The intent of Cal Code is to create uniformity and consistency throughout California, as well as between California's retail food safety laws and those of other states.

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| The foodborne illness risk factors are: <ul style="list-style-type: none">◆ Food from Unsafe Sources◆ Inadequate Cooking◆ Improper Holding Temperatures◆ Contaminated Equipment◆ Poor Personal Hygiene | The public health interventions are: <ul style="list-style-type: none">◆ Demonstration of Knowledge◆ Employee Health◆ Time/Temperature Control◆ Hands as a Vehicle of Contamination◆ Consumer Advisory |
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These risk factors are also identified in Cal Code Section 113725 and are required as part of the standardized food facility inspection format. This section requires that local enforcement agencies identify on their inspection reports those violations that are considered major. Major violations are traditionally looked upon as criteria for suspension of a food facility permit due to an imminent health hazard. The major violations are: improper holding temperatures, improper cooling temperatures, inadequate cooking, poor personal hygiene of food employees, contaminated equipment, food from unapproved source, no water or hot water, liquid waste and vermin infestation.

So what's new in Cal Code?

The following summarizes and highlights some of the most significant changes from the California Uniform Retail Food Facilities Law (CURFFL) and Cal Code. This summary is not intended to include all changes. It is recommended that each permit holder review all of the requirements in the code.

There have been a few minor changes in terminology:

- Dishwashing is now called "Warewashing"
- Bulk Food Containers are now known as "Working Containers"
- A Wiping Rag has become a "Wiping Cloth"
- Customer Utensils are now referred to as "Tableware"
- Owner/Operator is referred to as "Permit Holder"
- Wiping Cloths are linens BUT linens are not "Wiping Cloths"

Changes or new requirements that address risk factors or public health interventions:

- **Demonstration of Knowledge (Section 113947)**
 - Applicable to assigned duties – all food employees are required to have adequate knowledge of food handling as it relates to their assigned duties
 - Focus will be placed on risk factor violations: temperatures, handwashing, warewashing

- **Food Safety Certification (Section 113947.1-113947.6)**
 - Food safety certification will be valid for 5 years instead of 3 years from date of issuance.
 - The certifying organization must be accredited by the American National Standards Institute. A list of the current accredited exam providers is available on the Conference for Food Protection website: www.foodprotect.org

- **Employee Health (Sections 113949-113950.5, 113974)**

Failure to report or comply with exclusions or restrictions as required in these sections would result in a major violation.

 - All food employees are required to have knowledge regarding the relationship between personal hygiene and food safety.
 - Reportable Illnesses have been expanded to include the following:
 - Salmonella typhi and Salmonella spp.
 - Hepatitis A virus
 - Shigella spp.
 - E coli (Enterohemorrhagic or shiga toxin producing Escherichia coli)
 - Norovirus
 - Entamoeba histolytica (applies only to CA)
 - Other communicable diseases that are transmissible through food
 - An employee must report to the Person In Charge (PIC) if they have been diagnosed with one of the reportable illnesses or if they have a lesion or wound that is open or draining and comply with restrictions and exclusions.
 - The PIC must report to the local enforcement agency if a food employee has been diagnosed with a reportable illness or if they have knowledge that two or more food employees are experiencing symptoms of an acute gastrointestinal illness.
 - The PIC must exclude a food employee if diagnosed with a reportable illness. Exclude means to prevent a person from working as a food employee or entering a food facility except for those areas open to the general public.
 - A PIC must restrict a food employee if they are experiencing persistent coughing. Sneezing or suffering from symptoms of an acute gastrointestinal illness. Restrict means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food. The food employee shall not work with exposed food, clean equipment, utensils, linen and unwrapped single-use articles.
 - The PIC is also required to ensure that lesions or open wounds on food employees arms, hands, or other exposed areas are protected.

- **Handwashing (Section 113953.3)**

Failure to properly wash hands as required in this section would result in a major violation.

 - Food employees are required to wash their hands with soap and warm water by vigorously rubbing their lathered hands and arms for at least 10 to 15 seconds and rinsing with clean running water followed by drying of cleaned hands.

- **Hot and cold holding temperatures (Section 113996, 113998, 114037, 114343)**

Multiple potentially hazardous foods (i.e. two or more food items in separate containers or compartments), or pooled eggs held at temperatures of 50°F to 130°F without any other intervention would result in a major violation.

- Requirement: Cold food must be held at or below 41 °F and hot food must be held at or above 135 °F. Exceptions previously noted in CURFFL remain unchanged.
- Diligent preparation has been eliminated and food may now be removed from specified holding temperatures for up to two hours to facilitate food preparation.

- **Time as a public health control (Section 114000)**

Food that has been time marked and has exceeded the time marked would result in a major violation.

- Time as a public health control cannot be used for raw eggs in licensed health care facilities or in public and private school cafeterias.

- **Cooking of raw animal foods and plant food (Section 114004, 114008, 114010)**

Food that has not been cooked to the required internal temperatures would result in a major violation except in response to an individual consumer order.

- Cooking temperatures have been expanded.
- Fruits and vegetables that are cooked for hot holding must now be cooked to a minimum temperature of 135°F.

- **Food is pure, safe and unadulterated (Section 113967, 113976, 113980, 113988, 113990, 114035, 114254(c) , 114254.3)**

Food that has been adulterated or contaminated would result in a major violation.

- **Food contact surfaces – cleaned and sanitized (Section 114099.6, 114117, 114099.2)**

Inability or failure to clean and sanitize food contact surfaces as required would result in a major violation.

- Wash sink compartment water must be at 110°F during the warewashing process.
- Food contact surfaces in a refrigerated room shall be cleaned at a frequency that corresponds to the temperature in the following chart and this information shall be documented for review by the Local Enforcement Agency (LEA).

| Temperature | Cleaning Frequency |
|--------------|--------------------|
| 41°F or less | 24 hours |
| >41°F - 45°F | 20 hours |
| >45°F - 50°F | 16 hours |
| >50°F -55°F | 10 hours |

- **Shellfish tag retention (Section 114039-114039.5)**

- Shell stock tags must be maintained in chronological order correlated to the date or dates the shell stock are sold or served and held for 90 days.

- **Licensed health care facilities/public & private schools; prohibited foods not offered (Section 114091)**

Failure to comply with this section will result in a major violation.

- Only pasteurized juice, pasteurized fluid and dry milk and milk products may be served.
- Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of foods, unless raw eggs are combined immediately before cooking for one consumer's serving at a single meal and served immediately, or raw eggs are combined as an ingredient immediately before baking.

- **Hot and Cold Water available – Hot water must be available at 120 °F in the food facility.**

| USE | Minimum Temperature Required (measured at the faucet) | Violation |
|------------------------------|--|---|
| HAND WASHING SINK | 100°F | Below 90°F at a critical sink |
| WAREWASHING SINK | 120°F | Below 110°F |
| WAREWASHING MACHINE | Per Manufacturer's Specifications | Anything less than manufacturer's specifications |
| MOP SINK | 120°F | Below 110°F at a critical sink |
| FOOD PREPARATION SINK | 120°F | Below 110°F at a critical sink |

If no water or hot water is available, the food facility shall immediately cease food preparation.

Changes or new requirements that address Good Retail Practices:

- All raw produce is required to be washed prior to being cut, combined with other ingredients, cooked or served or offered for human consumption in ready-to-eat form. (§113992)
- Pressurized beverage containers, cased food in waterproof containers, such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to moisture. (§114047d)
- Tableware that is preset shall be protected from contamination by being wrapped, covered or inverted. Exposed, unused settings shall be removed when a consumer is seated. (§114074)
- Prepackaged food must comply with the Food Allergen Labeling and Consumer Protection Act of 2004, requiring that any food containing one of the eight major food allergens (milk, egg, fish, crustacean shellfish, wheat, soybeans, peanuts and tree nuts) be identified on the label. (§114089)
- Ventilation exemptions will no longer be issued by the Department. The local enforcement agency will evaluate requests for any exemptions. (§114149.1)
- Molluscan shellfish tanks must be operated pursuant to a HACCP plan. (§114155)
- Hot and cold holding equipment must be designed to include and equipped with a temperature measuring device. This does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient temperature air surrounding the food. (§114157)
- Food facilities constructed or remodeled after July 1, 2007, shall be required to provide a food preparation sink for the washing, soaking, thawing or similar preparation of foods. (§114163)
- All pressurized cylinders shall be securely fastened to a rigid structure. (§114172)
- As of July 1, 2007, all installed fogging devices shall use a reservoir for holding water for fogging. Cleaning shall be in accordance with the manufacturer's specifications or at least once a week. (§114180)

Summary of Major Violations:

Major violations require immediate corrective action or suitable alternatives until the violations are corrected. When a major violation cannot be immediately corrected, or a suitable alternative found, the food facility may be subject to closure until the violation is corrected.

| Description of Data Field | Cal Code Section | Major Violation |
|--|---|--|
| Employee Health | 113949-113950.5, 113974 | Any violation of these sections. |
| No discharge from eyes, nose and mouth | 113974 | Any violation of this section. |
| Handwashing | 113953.3 | Hands are not wash when required. |
| Hot and cold holding temperatures | 113996, 113998, 114037, 114343(a) | Multiple potentially hazardous foods or pooled eggs held at temperatures of 50°F-130°F, without any other intervention. |
| Time as a Public Health Control | 114000 | Food that has been time marked and has exceeded time marked. |
| Cooling | 114002, 114002.1 | Potentially hazardous food being cooled improperly. |
| Cooking Temperatures | 114004, 114008, 114010 | Potentially hazardous food not cooked as required. |
| Reheating Temperatures | 114016 | Potentially hazardous food not reheated as required. |
| Food is pure, safe and unadulterated | 113967, 113976, 113980, 113998, 113990, 114035, 114254 (c), 114254.3 | Food that has evidence of being contaminated or adulterated. |
| Food Contact Surfaces: clean and sanitized | 114099.6, 114117 | Improper sanitization of food contact surfaces; Improper warewashing machine temperature; Contamination of food contact surfaces that could result in food contamination; and failure to sanitize food contact surfaces when required. |
| Food from Approved Source | 113980, 114021- 114031, 114041 | Any violation of these sections. |
| Shell stock tags | 114039-114039.5 | Missing or incomplete shellfish certification tags or improper wet storage of shellfish (includes commingling) |
| Gulf Oyster Regulations | 113707 | Any violation of Title 17-CCR, Section 13675. |
| HACCP/Variance | 114057, 114057.1 | Food facility is <ul style="list-style-type: none"> o packaging PHF using a ROP method and has not obtained a HACCP Plan o modifying food using acidification or water activity to prevent the growth of C Bot and has not obtained a HACCP Plan o required to have an approved HACCP Plan and is not following the procedures o not following the variance provisions as approved by the Department |
| Licensed health care facilities/public & private schools | 114091 | Any violation of this section. |
| Hot and Cold Water | 114192 | <ul style="list-style-type: none"> o Hot water at warewashing sink is less than 110°F. o Contaminated or unapproved water supply. o No potable water available |
| Sewage and Wastewater | 114197 | <ul style="list-style-type: none"> o Overflows or back-ups into the food facility that can or does result in contamination of food contact surfaces and adulteration of foods o Overflowing or clogged grease trap/interceptor o Lack of operable toilets |
| Rodents, insects, birds or animals | 114259.1 | Presence of cockroaches, mice, rats and similar vermin (that carry disease) within the food facility as evidenced by live bodies, fresh droppings, vomitus, urine stains, or gnaw marks that has resulted or would likely result in contamination of food, equipment, packaging or utensils. |