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THE LOADED TABLE

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FOOD CODE CHANGES EFFECTIVE 3/1/2022

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Certified Food Protection Manager WAC 246-215-02107

A Certified Food Protection Manager is an employee with the authority to implement food protection measures and is certified by an [ANSI-CFP accredited tester](#).

OK, so what does this mean for you? The CFPM duties will include training and implementing a program of food protection and education for each of your PIC's (Person in Charge). This allows each shift to have a Person in Charge who knows proper food safety procedures, enforces policies and food rules, and can demonstrate that knowledge.

Only 1 person is required to be a CFPM for an establishment and you will have an extra year to meet this requirement as it goes into effect on March 1, 2023.

More details will be sent on this requirement as we get closer to the effective date in 2023 including info on exemptions for very limited food operations.

Training Tentatively Planned

We are currently looking to hold an **in person training** in February to review the new Food Regulations.

Due to COVID-19 we are considering this a tentative plan but have reserved the Expo Center for the evenings of Monday February 7th and Wednesday February 9th.

We will send out more info via our email distribution list once the training is confirmed.

If you are not on our email distribution list please contact our office to get more details as February nears or to get on the email list for updates. We will ask that you RSVP to attend.

This newsletter is focused on the changes to the [Food Regulations](#) that go into **effect in March of 2022**. We anticipate these changes will affect almost every food establishment in Cowlitz County!

While this newsletter reviews key changes to the food code including the **Top 10 Changes** to the regulations, it does not cover all the changes. We strongly advise you go to our Food Industry Resources page of the website where more information is located.

<https://www.co.cowlitz.wa.us/1201/Food-Industry-Resources>

If you have questions that are not addressed by this newsletter please reach out to one of our staff for further clarification. We will be sending out handouts via email from the state as those are developed and bringing them to inspections.

Employee Illness Policy Changes

Establishments will have to notify employees in a **verifiable manner** about the requirement for employees to report illnesses to the Person In Charge (PIC). This notification has to be done in a way that the PIC can prove they provided the notification to the employees, such as by posting signage regarding the requirements or having staff sign a statement that they have been notified of the requirement to tell their PIC if they are ill or have symptoms.

The list of diseases that an employee has to report has also been updated to include norovirus and all species of salmonella. We have provided a list of all the diseases that must be reported by

the employee to the PIC if they have been medically diagnosed with them:

- Norovirus
- Hepatitis A virus
- Shigella spp.
- Shiga Toxin-Producing Escherichia Coli (eColi)
- Salmonella Typhi (Typhoid Fever)
- Salmonella (nontyphoidal)

Symptoms that must be reported to the PIC are (exceptions on 02235):

- Diarrhea
- Vomiting
- Sore throat with Fever
- Jaundice (yellow skin/eyes)
- Infected or pus containing lesions on exposed skin

Hamburger/Ground Meat Cook Temp Change

Ground meats such as sausage and hamburger is currently required to be cooked to 155°F and maintain that temperature for 15 seconds to be considered fully cooked (the time is changing to 17 seconds).

Under the new code the ground meat cook requirement is now going to be 158°F.

This is being done because 158°F is an instantaneous cook temperature versus the impracticality of measuring a cook temp for 17 seconds.

If you wish to cook to 155°F for 17 seconds under the new code you will need to monitor time and temperature under a plan approved by the health department.

New Date Marking Requirement

A new requirement in Washington is that certain foods are now required to be date marked. This requirement is to address Listeria growth at the retail level since that bacteria will grow at refrigeration temperatures.

Foods that meet the following criteria are required to be date marked (unless exempted):

- Food is Ready-To-Eat
- Food requires temperature control for safety
- Held for more than 24 hours
- Food is not in its original sealed commercial package from a Food Processor

Food must be used or discarded within 7 days if at refrigeration temperatures. Foods that are past 7 days or have an unknown date must be cooked to 165F if you wish to serve the product. Freezing foods will pause the date but still must be tracked.

Our department will be focusing on foods that are at highest risk for Listeria such as milk, deli meats, hot dogs and soft cheeses when doing inspections.

A date marking system will need to meet one of the following:

- Marking the date of preparation or opening of original container with a procedure to discard food if not sold, consumed or discarded on or before day 7.
- Using calendar dates, days of the week, color coded marks or other effective method provided marking system is disclosed to the health department upon request.

Below are foods that are exempt from the date marking requirement:

- Deli Salads prepared and packaged at a Food Processing Plant.
- Hard Cheeses
- Certain Semi-Soft Cheeses
- Cultured Dairy Products such as yogurt or sour cream
- Preserved fish such as pickled herring

Cleaning of Vomiting and Diarrheal Events

A Food Establishments must have a written plan on how to clean up vomit and diarrheal events.

This procedure shall address the specific actions an employee must take to minimize the spread of contamination and the exposure of employees, consumers, food and food prep surfaces.

The state Department of Health is developing a template for creating this plan.

Mobile Food Trucks

The Mobile Food Truck section has been updated. Though most of the changes apply to new Food Trucks, existing Food Trucks will need to comply with the following changes:

- Commissary Agreements must be submitted annually for trucks that require a commissary.
- A log must be kept to document presence at the commissary and maintain records for 1 year and available for inspection.
- Cooling foods on a food truck must have written approval from the health department.

Person In Charge Duties Requirements Expanded

The Person In Charge (PIC) duties of a food establishment has been expanded to have additional requirements and the violation is being updated.

For the Violation inspectors are now to verify 3 items during each visit:

- That a staff person has been designated the PIC and is present; and
- The PIC demonstrates knowledge by having a Certified Food Protection Manager Certificate, or has no red violations during the inspection, or is able to demonstrate knowledge by correctly answering questions; and
- The PIC is performing the required duties and maintaining active managerial control over food safety.

The last of those 3 items is something that is a new focus for the inspection process.

The **PIC also has some new duties** in addition to those already required under [WAC 246-215-02115](#), these include:

- Ensure that employees verify food delivered outside of normal operating hours are placed into appropriate storage locations that will maintain required temperatures, protect from contamination, unadulterated and accurately presented.
- Ensure employees are taking temperatures of hot and cold foods at least daily.
- Employees are informed in a verifiable manner of the duty to report illnesses.
- Maintain and implement any written procedures or plans required by the code, such as the clean-up plan for vomiting and diarrhea.

Other Potentially Major Changes To Review

- Sanitizer solutions will need to be ready for use at all times when food prep is occurring
- Cleaning and sanitizing of in use food contact surfaces will be categorized as a Red Violation instead of a Blue Violation on the inspection form.
- Irreversible temperature indicators are now required for high heat sanitizing dishwashers. Examples include water proof max temp registering dishwasher thermometers or Color Change Dishwasher temperature stickers.
- Commercially vacuum packed fish that is labeled Kept Frozen Until Use or similarly labeled must have the packaging opened prior to thawing—this label may be on the vacuum packed fish or the box it came in. This requirement is due to a type of botulism in fish that can grow in vacuum packages at refrigeration temperatures.
- A sign must be posted in a conspicuous location at the food establishment that indicates “Inspection Report Available Upon Request”. We will provide signage if you would like to use ours. The report must also be available for the customer to review if they choose.
- Potentially Hazardous Foods will now be referred to as Time/Temperature Control for Safety Food or TCS.
- Cutting boards and prep surfaces used for raw fish must be cleaned and sanitized prior to use with other foods even ones that require higher cook temps due to allergen concerns with fish.
- If you wish to serve partially cooked fish that hasn’t met parasite destruction requirements a special consumer advisory will be required.
- Dogs at Food Establishments: Indoor Areas— Besides service animals the only dogs allowed inside food establishments are restricted to Breweries and or Wineries that don’t serve food—Please see [WAC 246-215-06570](#) for requirements at those locations.
- Dogs at Food Establishments: Outdoor Seating Areas— To allow pet dogs at outdoor seating areas there are now requirements in the code and you must submit a plan addressing those requirements to the health department for approval. See [WAC 246-215-06570](#) for those requirements.
- Refilling Returnables—Multiple new options are now allowed to refill consumer containers with food. This was the section that received the most comments from the general public. Please review [WAC 246-215-03348](#) for details or contact our office.

Retail Food Rule: Top 10 Changes

This document highlights the top 10 changes that affect most food establishments. See www.doh.wa.gov/foodrules for information. See side panel for effective dates.

1. Certified Food Protection Manager (CFPM)

At least one employee must be a CFPM with national ANSI certification from one of six approved providers. The CFPM does not need to be on premises but must ensure all PICs are properly trained and able to ensure Active Managerial Control. There is a 1-year extension to meet CFPM requirement.

2. Employee Health

Establishments must notify employees about reporting illness to the PIC and be able to verify they provided the notification. In addition, norovirus and all types of Salmonella are added to the list of reportable illnesses.

3. Clean up of Vomiting and Diarrheal Events

Establishments must have a written plan to clean up vomit and diarrheal events. Department of Health will share sample plans/items to include for use in a variety of food establishment environments.

4. Bare Hand Contact with Ready-to-Eat Foods

Establishments wanting to prepare food with bare hands must demonstrate unique active managerial control requirements related to employee health in order to be approved.

5. Date Marking for 7-Day Shelf-Life

Select ready-to-eat, refrigerated, perishable foods prepared in-house or in opened packages will need to be marked and used within 7 days. Able to reheat or otherwise remediate products that may be safely reconditioned.

6. Refilling Reusable Consumer-Owned Containers

Establishments have the option to allow customers to bring in a clean container to fill, refill, or reuse under an approved plan.

7. Dogs in Outdoor and Some Indoor Areas

Dogs may be allowed in outdoor areas and in certain indoor areas of establishments with limited food service under an approved plan.

8. Mobile Food Units

Several changes were made for mobile food units based on recent state law changes and comments received.

9. Donated Foods

Several sections were changed to clarify food source and reduce limitations to help safely rescue food while clarifying operating requirements.

10. Food-Specific Changes

- Ground meats will need to be cooked to 158°F
- Fish must be kept separate to prevent allergen cross-contact

Staggered Implementation

Based on public comment and the COVID-19 pandemic, Washington State Board of Health staggered the effective dates for the rule.

Sections affected by legislative activity are effective January 15, 2021 and are listed below. The effective date for the rest of the rule is extended to March 1, 2022.

January 15, 2021

The following sections become effective January 15, 2021.

- **WAC 246-215-01115**
Definitions (including the removal of lemonade/beverage stands and certain B&B food service from the definition of “food establishment”)
- **WAC 246-215-01115**
Allows receiving freshly-made rice noodles at ambient temperature
- **WAC 246-215-06570**
Pet dogs allowed indoors at food establishments with very limited food service
- **WAC 256-215-09100 – 09160**
Mobile food unit requirements, restrictions, and commissaries

Education Materials

Upcoming education materials.

- **Public Health Rationale**
A written explanation of all Washington modifications to the FDA Model Food Code
- **Guidance Documents, Training & Ed Materials**
New Food Worker Card and Person in Charge materials by early Summer 2021