

Washington State Food Rule WAC 246-215

Key changes effective March 1, 2022

Washington's Food Code Changes

Washington's food code (WAC 246-215) has been updated with sections from the 2017 FDA Food Code and input from interested parties. **This brochure lists several of the key changes to the food rule effective on March 1, 2022, but does not include every change.** Please review the rule or ask your inspector if you have questions.

New Phrase: Time/Temperature Control for Safety (TCS) Food

Potentially Hazardous Foods will now be called Time/Temperature Control for Safety foods.

The name for foods that require temperature control will change from Potentially Hazardous Food (PHF) to Time/Temperature Control for Safety (TCS) food. There is no change to the foods that need to be kept hot or cold. TCS foods include meat, poultry, cooked starches, sliced melons, sprouts, fresh herb and garlic-in-oil mixtures, dairy products, cut leafy greens, cut tomatoes, and cooked produce.

Date Marking

The outgoing rule does not require refrigerated TCS foods to be marked or used within seven days. Ready-to-eat, refrigerated TCS foods must be frozen or used within seven days after preparing the food or opening the commercial package. TCS foods kept refrigerated for more than 24 hours must be marked with a date to ensure the food is used within the week. **Ready-to-eat, refrigerated TCS foods must be date marked and used or frozen within 7 days.**

Note: Each food establishment must train staff to mark TCS foods for use, freezing, or discard. Either the date of preparation/opening or the discard date may be used, but the system must be consistent and understandable.

Certified Food Protection Manager

The outgoing rule does not require an employee to have manager certification.

Beginning in **March 2023**, food establishments must have access to a person who is a certified food protection manager (CFPM). The CFPM does not need to be on site, but a copy of the valid certificate must be available. The CFPM must make sure the persons in charge are trained and able to control food safety in the establishment. There are six accepted certification providers. **Note:** Meeting this requirement will take time so plan ahead.

Active Managerial Control

The new rule defines active managerial control.

The key for Active Managerial Control is each manager or person in charge (PIC) is proactive at finding and stopping food safety risks, rather than only dealing with risks found by the inspector. The PIC makes sure food workers are trained on food safety practices such as knowing personal health and illness symptoms to report to the PIC, checking food temperatures with thermometers, correctly washing hands when needed, using tongs or other tools with ready-to-eat food, cooking meat to proper temperatures, washing produce before cutting, and preventing cross contamination. The PIC with strong Active Managerial Control also makes sure workers handle food safely by checking their work and correcting when needed.

Molluscan Shellfish Tags

The outgoing rule did not require the first date of service be written on the tag.

Food workers must write both the first and last dates of service on shellstock tags and keep them in an organized system for at least 90 days after the shellfish are sold. Shellstock include in-shell oysters, mussels, and clams.

Vomit/Diarrhea Clean-up Plan

Establishments must have a written plan and train staff to safely clean up vomit and diarrhea spills.

The written plan must have cleanup directions for workers to protect food, surfaces, customers, and themselves. The plan must be specific to the food establishment – such as type of disinfectant used, if carpet or fabric needs cleaning, and location of the cleanup kit.

Partially-Cooked Fish & Parasite Destruction

The outgoing rule did not allow serving partially-cooked, finfish without freezing to kill parasites. Establishments that want to serve partially-cooked fresh finfish, such as fresh-caught salmon or halibut, may do so with a customer's request and a special consumer advisory.

Note: Fresh fish served raw must still be frozen to destroy parasites.

Employee Health

The new rule requires the Person in Charge to prove workers are trained on employee health.

The PIC must show workers know the key symptoms (diarrhea, vomiting, and jaundice) and diagnosed illnesses (norovirus, *Salmonella*, *E. coli*, *Shigella*, and hepatitis A) they must report to the PIC. **Sick workers may not work in the establishment until they are cleared to return.** The PIC may allow workers with vomiting and diarrhea to return when symptoms are gone for at least 24 hours. The local health department must clear workers with jaundice or a diagnosed foodborne illness before returning. They must also approve food workers to return if exposed to a possible foodborne illness outbreak who work in a facility serving a highly susceptible population (like a senior center, hospital, or nursing home).

Pet Dogs in Food Establishments

The outgoing rule did not allow pets in food establishments.

Food establishments will have the option to allow pet dogs in specific situations. Pet dogs may be indoors if the business does not prepare food or have TCS food. Pet dogs may be allowed in outdoor dining areas with an approved plan. Speak to your food inspector for more details.

Note: Working service animals (dog or miniature horse) trained to do tasks for a person with a physical, sensory, psychiatric, intellectual, or other disability are not considered pets and are allowed in food establishments.

Eggs, Hamburger, & Sausage

The outgoing rule required cooking ground meats to 155°F and holding for 15 seconds.

Scrambled eggs for more than one person, ground beef, and sausage must be cooked to 158°F to be considered fully cooked. Food establishments that want to continue cooking to 155°F will be required to show the cooking process holds the ground meat at 155°F for at least 17 seconds as part of an approved plan.

Bare Hand Contact

The new rule allows staff to use bare hands with food that will be cooked in the facility.

Workers may handle ready-to-eat ingredients, such as peeled carrots, sliced onions, or shredded cheese with bare hands if they will be fully cooked to an internal temperature of at least 145°F before service. Establishments with strong active managerial control may also apply to have bare hand contact (BHC) with other ready-to-eat foods if they are able to increase control of two important tools to reduce foodborne illness: Employee health and handwashing. BHC plans require a written employee health policy, a log of employee health records, staff training each year, proper handwashing sinks, more safeguards, record keeping, and health department approval.

Note: Preventing bare hand contact helps make sure germs from hands do not spread to food.

Refilling Reusables

The outgoing rule did not allow most consumer-owned containers to be refilled.

The rule allows refilling multi-use food containers that are washed, rinsed, and sanitized by the food establishment or refilling reusable cups with a drink if using a contamination-free process such as a fountain drink dispensing system. The incoming rule will give food establishments an option to allow containers that look clean to be refilled by both consumers and employees. This option will require the food establishment to create a written plan to submit to the health department for advance approval.

Do you have questions?

Food safety staff from your [local health department](#) or Washington State Department of Health can answer questions or give you additional materials on the food rule.

To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email civil.rights@doh.wa.gov.