



Maricopa County
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Standards Committee Meeting – July 25, 2018

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Date: July 25, 2018

ENVIRONMENTAL HEALTH DIVISION
STANDARDS COMMITTEE MEETING



Time: 9:30 am – 11:30 am

Where:
1001 North Central Avenue
5th Floor Classroom
Phoenix, AZ 85004

Meeting Minutes

Training Topic – AMC Toolbox Use:

The training team provided a quick summary and demonstration of the AMC Toolbox that is available to operators on the MCESD website. This AMC Toolbox was made possible by 5-year cooperative FDA grant. Progress on the library of resources and videos was showcased for all. [Link](#) to Toolbox. To sign-up for the free AMC classes we offer click [here](#).

Refilling Returnables for Smoothies:

Can we extend previous decision regarding refilling returnable cups for coffee with milk to other TCS beverages such as smoothies with kale/ spinach/melon drinks made when ordered. Discussion with WRO supervisors concluded no hazard if parameters outlined in previous decision are followed (wash/ rinse/ sanitize; cross contamination of equipment prevented; proper hand washing; other requirements under 3-304.17 B and C.

Answer:

The FDA Food Code says that you can refill containers as long as it is a Non-TCS Food. We have made an exception to that and allowed refills for coffee with milk (which is a TCS Food).

It was determined that refilling returnable for smoothies would be allowed as long as these conditions are met*:

- The establishment should “assume” that the customers’ container is contaminated and take appropriate steps such to “wash, rinse, and sanitize” and properly wash their hands after exposure.
- The customer’s container must be of a material that can be washed and sanitized. The container should also be easily cleanable.
- The establishment will need to practice Active Managerial Control and make sure all employees are trained on ware washing and hand washing procedures.
- Refilling returnable will be ok for all beverages so long as these precautions are taken.

****This question is currently under FDA review and the answer might be amended when a final decision has been made.***

Violation:

4-602.11 (A)(5) will be documented if the inspector observes that equipment and utensils are not washed and sanitized after exposure to a visibly contaminated refillable container or if the employee is refilling the container with a TCS beverage.

A discussion about refilling returnable for food items was brought up to continue this conversation. The provisions concerning beverages items were largely made in response to a widespread industry practice of refilling souvenir cups with fountain drinks where a full wash and sanitize might not be practical. When it comes to refilling containers with *food*, the department will continue to address the refillable container question on a case-by-case basis using provisions in the Food Code under 3-304.17 (B) as guidance.

Discussion/Sharing of Field Findings

Self-service of raw animal foods at a grocery setting.

Some grocery chains have started to have prepared meal kits available for customers. One grocery store is offering “bulk” self-prepared meal kits where you put your own meal kit together. They have different types of meats and proteins in this cooler/freezer. One issue that arose was a particular shrimp recipe that had raw, peeled shrimp in it. The FDA Food Code does not allow for self-serve of raw animal products. The exemption for raw shrimp would require that the shrimp maintains its shell. The Department had to work with this establishment to develop an alternative for the recipe.

For more information on exemptions, refer to 3-501.17 (G) within the 2013 FDA Food Code.

Fermented sausages bearing “keep refrigerated” labeling and date marking requirements on these types of items.

Certain foods are exempt from date marking as listed in [3-501.17\(G\)\(6\)](#). These products are expressed in the code as “shelf stable, dry fermented sausages, such as pepperoni and Genoa; and shelf stable salt-cured products such as prosciutto and Parma (ham).”

Annex 3 within the Food Code under [USDA-regulated products](#) talks more about which type of fermented sausages and salt-cured products must be refrigerated and which products do not.

For items explicitly listed as examples in the Food Code and the Annexes, the department will exempt these items from date marking. For food items not explicitly listed in the Food Code and Annexes, some additional conversations should be had with the operator and supporting documentation will be requested.

Roasted duck being resold from restaurant to another restaurant.

If the roasted duck comes from a deli or retail store - we will allow another restaurant to come in and buy that duck and re-sell it at their own restaurant. There would not be any approved source issues in this scenario.

If the roasted duck comes from a restaurant and is being sold in another restaurant we will talk to the USDA and let them handle it. We would not be writing any violation in this scenario. The department will merely be communicating the information to USDA.

Round Table, Process Improvements, Division Manager Topics:

We are getting a lot of complaints about people feeding the homeless with food prepared from home. Our role is to make sure that everyone has safe food and that no one gets sick. We are currently working with several other jurisdictions on a "More than a Meal" campaign, to educate the people feeding the homeless about all the local organizations that are available to help all the homeless people. These organizations can help with employment, housing along with food and clothing – so we are working closely with them.

Pesticides in establishments.

Arizona Administrative Code (AAC) does not allow for restricted or non-restricted pesticide use in any of what the State of Arizona refers to as 'The Big 4'; AAC R3-8-201(C)(4) states: "An individual may not provide pest management services at a school, child care facility, health care institution, or food-handling establishment unless the individual is a certified applicator in the certification category for which services are being provided." AAC R3-8-201(C)(1-3) states that pest management services may only be provided/completed by a properly certified and registered applicator. The Food Code stipulates in 7-202.12 (A)(1) that poisonous or toxic materials shall be used according to Law (AAC) as well as the food code. Chemicals provided by a chemical supplier for the purposes of pest control may not be used by staff members of the restaurant (unless they are certified and registered to do so) regardless of how labeling indicates it may be used.

Maricopa County Environmental Services Department
Working with our community to ensure a safe and healthy environment

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