

# 2015 Proposed Updates to Idaho Food Code

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# Statutory Authority

- ▶ Title 39–1603, Idaho Code directs Board of Health and Welfare to promulgate rules regarding:
  - Food safety and sanitation standards
  - Food establishment licenses
  - Plan review and specifications
  - Procedure and scope of inspections



# Current Idaho Food Code

- ▶ Based on 2001 FDA Model Food Code
- ▶ Worked with stakeholders in 2003 and 2004 to adopt FDA Food Code
- ▶ Workgroup became Idaho Food Safety Advisory Committee
- ▶ Conference for Food Protection and FDA Food Code
- ▶ Retail food industry trends



# Hierarchy of Statutes, Rules, etc.

Guidance documents, policies,  
guidance emails, etc.

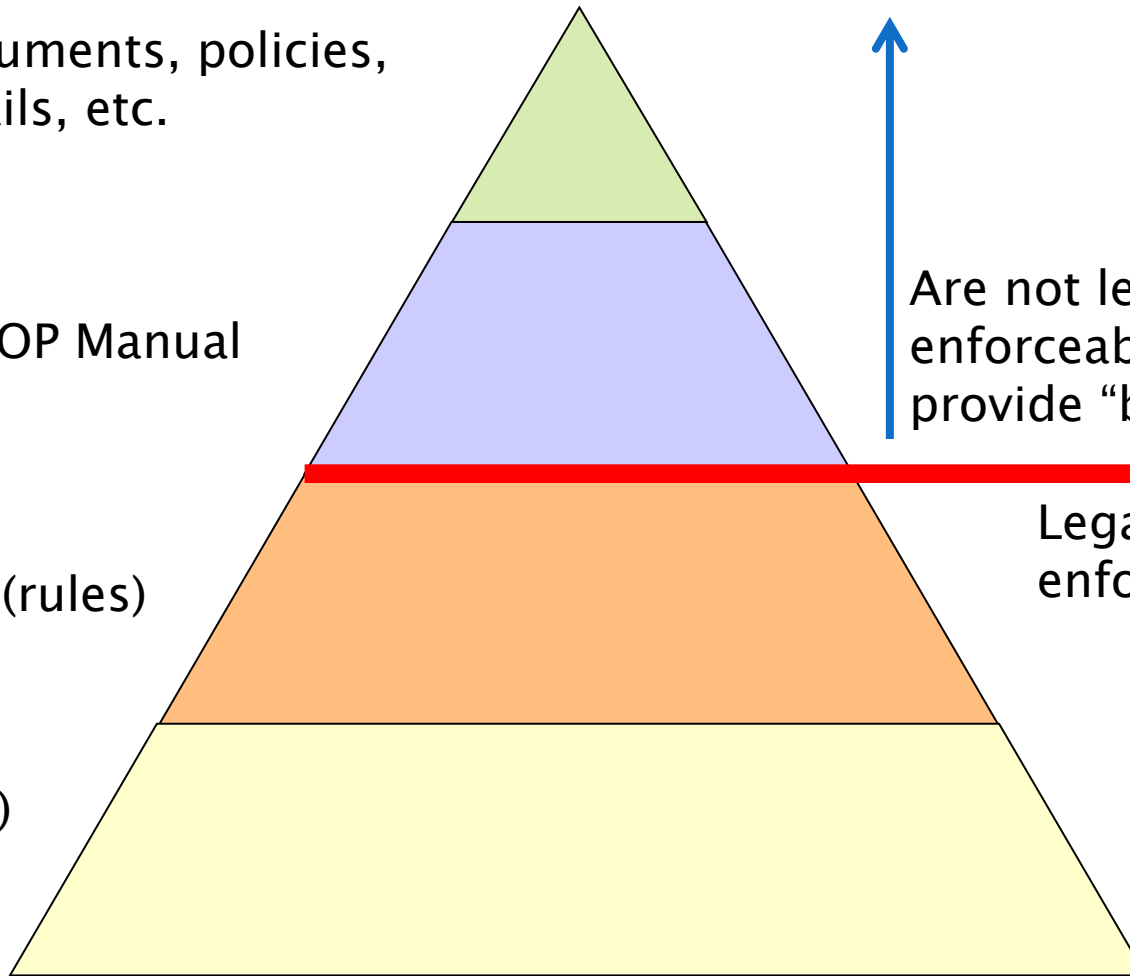
SOP Manual

Are not legally  
enforceable but serve to  
provide “best practices”

Regulation (rules)

Legally  
enforceable

Statute (law)



# Rules 101

- ▶ Negotiated Rules
  - Process of bringing together stakeholders and trying to find consensus
  - Possible that not every consideration or suggestion is incorporated into rule
- ▶ All rules will, at some time, be reviewed by the germane Legislative Committees
- ▶ Rules become final upon *Sine die* of Legislative Session if alternative date is not specified
- ▶ Proposed effective date of July 1, 2016



# Negotiated Rules

- ▶ Intention is to update the Idaho Food Code and adopt the 2013 FDA Model Food Code
- ▶ Calendar (work backwards for deadlines)
  - January, 2016: Legislative Session begins
  - November 19, 2015: H&W Board hears proposed updates (proposal)
  - September 9 – 18: Public hearings on final proposal
  - September 2: Publish final proposal in Idaho Administrative Bulletin
  - July 24: Final draft submitted
  - Now – July 24 accept comments on proposal



# Highlights

- ▶ Terminology changes
- ▶ Violations
  - Priority = Critical
  - Priority foundation = Potentially Critical
  - Core = Non-Critical
  - Example: Food is cooled from 135°F to 70°F but takes more than 2 hours = critical
    - Food is being cooled but incorrectly = potentially critical
    - i.e. food is not in shallow containers, or food is not stirred while cooling, or food is not in small portions to allow for rapid cooling
    - Food is exposed to potential dust contamination during cooling = Non-critical
    - Have not identified a time frame for correction of a potentially critical violation
- ▶ Change Potentially Hazardous Foods (PHF) to Time/Temperature Control for Safety (TCS) – begins on page 6 of handout
  - Changes also need to be made in Statute



# More highlights

- ▶ Certified Food Manager – page 9
  - Would become effective July 1, 2018
  - Means at least 1 person available who has completed a nationally accredited food safety exam
    - ServSafe
    - NRFSP
    - Prometric
    - 360 Training
    - Others will be coming “on line” soon
    - Some facilities may be exempt from this requirement based on menu and limited food preparation
- ▶ Management of ill employees – begins on page 11 of handout
- ▶ Date marking of foods – begins on page 30 of handout
  - New food code is actually more lenient on date marking





# More highlights

- ▶ Time as a public health control – begins on page 31 of handout
  - Four hours maximum for hot items and for cold items if cold items cannot meet the criteria for 6 hours
  - Six hours maximum for cold items IF:
    - Starts at a refrigerated temperature
    - Food does not exceed 70°F
- ▶ Reduced Oxygen Packaging (ROP) – begins on page 32 of handout
  - Clarifies language about when a variance and/or HACCP plan is required



# May I comment after today?

- ▶ Yes – comments accepted until July 24
- ▶ The deadline of July 24 allows us to consider and, possibly, incorporate comments
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