

# Colorado Retail Food Regulation Revision

The process, the proposed changes and  
the anticipated time line

# The Process

- ▣ Started stakeholder process 2009
- ▣ Finished stakeholder process 5/2010
- ▣ Comment period 10/2010
- ▣ Comment incorporation 8/2011
- ▣ Second comment period 11/2011
- ▣ Second comment incorporation 3/2012
- ▣ Preparation for BOH 3/2012
- ▣ BOH Process and Approval 6/2012
- ▣ Effective date, staggered to allow for training

# Summary of Proposed Changes

# Purpose I-101

- Language added, “This regulation is intended to be the standard for the Department and its authorized agents and employees, to be applied uniformly by all parties.”

# Commercial Design I-201(14)

- Clarified and consistent with FDA Food Code, “certified or classified by an American National Standards Institute Accredited Certification Program...”

# Contamination I-201(19) vs. Cross Contamination I-201(26)

- Terms were used interchangeably
- Both definitions were clarified and the use of each was corrected throughout the regulation

# Contamination I-201(19)

- “Means exposure to or contact with a contaminant. Actions that may contaminate or cause contamination include: unsanitary food-contact surfaces, coughing, sneezing, spitting... “Contamination” means a substance, organism, or entity that might cause disease or threaten public health, and includes soil, dust, insects, rodents, other pests and poisonous or toxic materials.”

# Cross Contamination I-201(26)

- “Means the transfer of harmful bacteria to food from other foods, such as raw or undercooked animal products, to cutting boards, utensils, etc. If they are not handled properly.”

# Food I-201(40)

- Chewing gum was removed from the definition to be consistent with Colorado Revised Statutes. (not consistent with FDA Food Code)

# Time/Temp Control for Safety (TCS)

## I-201(79)

- TCS utilizes Water Activity and pH in a matrix to determine whether a food is shelf stable
- If a particular food is in question, it will be up to the operators to demonstrate that a food is shelf stable/PHF by providing laboratory documentation of pH and  $a_w$ .
  - Example: Whole Foods Cheeses- some have been determined to be shelf stable after use of the tables evaluating laboratory results for pH and  $a_w$ .

# Temporary Event I-201(113)

## Previous definition

- Means a single community event or celebration that operates for a period of time of not more than fourteen (14) consecutive days and may include town celebrations, fairs, and festivals.
- Temporary events do not include promotional events, regularly scheduled or seasonal athletic events, concerts, flea markets, farmers' markets that may occur as a seasonal series, or a catered event.

# Temporary Event I-201(113)

## Proposed definition

- Means a single community event or celebration that operates for a period of time of not more than fourteen (14) consecutive days and may include town celebrations, fairs, and festivals.
- Temporary events do not include:
  - Regularly scheduled series of events at venues such as sporting arenas, concert hall, flea markets, or farmers' markets
  - Events serviced by licensed caterers
  - Promotional events such as grand openings\*\*\*

**Trigger for permitting temporary RFE set ups**

# Demo of Knowledge 2-102

- Proposed: Point of contact now must be capable of demonstrating knowledge of the major food allergens. (Consistent with FDA Food Code)

# Employee Health 2-2

- Simplify the chapter regarding ill workers and create a table for the appendix that will clearly explain the exclusions, restrictions and laboratory testing requirements

# Jewelry 2-208

- Except for a plain ring such as a wedding band, while preparing food, **FOOD EMPLOYEES** may not wear jewelry, **WATCHES**, or medical information bracelets on their wrists and hands or any other area of the arm that may interfere with proper handwashing or result in contamination of food. **Non-Critical**
- **FOOD EMPLOYEE** more broadly defined to include employees making beverages.

# Handwashing 2-403(A)

- Hands shall be washed “before leaving the restroom, and after returning to food preparation, food storage, equipment storage and warewashing areas from using the restroom
- Previous “before leaving the restroom, and after returning to the kitchen from using the restrooms

# Shellfish Tags 3-101

- Tags shall be required to be marked with the empty date or the date the container is emptied and retained for 90 days after empty date, in chronological order of the empty date

# Raw Milk Section 3-205

- Added, “Containers used to hold raw milk shall have a prominent warning statement that the milk is not pasteurized, is delivered to the shareholder with the milk or is displayed on a label affixed to the milk container.”
- Consistent with the Cow Shares requirements

# Food Preparation Sink 3-306

- Establishments that have food items that require washing shall have a food prep sink that is supplied with hot and cold running water, indirectly drained and equipped with an 18” self-draining drain board
- In existing establishments where vegetable prep is limited, and either single-service tableware or a mechanical dishwasher is used, the 3-comp sink may be used for food prep if indirectly drained cleaned and sanitized between uses
  - A food prep sink is to be used only for washing food, cooling, thawing and other food prep

# Cook Temperatures 3-402

- Pooled Eggs- 155°F
- Injected Meats- 145°F

# Thawing Section 3-501

- Added, “Thawing for four hours or less includes the time for food preparation and to bring it back to 41°F” (Consistent with FDA Food Code)

# Slacking 3-502

- Frozen potentially hazardous food that is slacked to moderate the temperature shall be held:
  - Under refrigeration that maintains the food temperature at 41°F or less, or
  - At any temperature if the food remains frozen

# TPHC Section 3-505

- Proposed:TPHC will be in line with the FDA and allows TPHC to be used for 6 hours if the food is held between 70°F and 41°F and time and temperature are monitored, *unless an ambient air temperature is maintained that ensures the food does not exceed 70°F during those 6hrs*

# MAP/ROP 3-507

- Proposed: Adoption of the entire section on MAP/ROP from the FDA Food Code which includes clear, detailed requirements for preparation, cooling and storage, etc.

# Specialized Processing 3-506\*

RFEs shall obtain written approval prior to engaging in the following:

- Smoking as a method of preservation rather than flavor enhancement;
- Curing;
- Using additives or adding components such as vinegar:
  - As a method of food preservation rather than flavor enhancement, or
  - To render a food so that it is not potentially hazardous;

# Specialized Processing 3-506\* (cont.)

- Using a Reduced Oxygen Packaging *except where a barrier to C. botulinum in addition to refrigeration exists;*
- Operating a molluscan shellfish life-support system display tank to store and display shellfish offered for human consumption;
- Custom processing for personal use and not for sale or service in a RFE;
- Sprouting seeds or beans or
- Other specialized processing methods.

# Date Marking 3-508

- Date marking was moved to section 3-602. This section is specific to highly susceptible populations only. Therefore date marking will only apply in these settings. (Inconsistent with FDA Food Code)

# Consumer Advisory 3-7

- Propose: Requiring a Consumer Advisory
  - Shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.

# Storage of Equipment 4-301

- Proposed: Storage of cleaned and sanitized equipment in a private home will now be prohibited.

# Dish Machine Testing 4-402

- Testing device will be required on site for high temperature dish machines

# Three-Compartment Sink 4-403

- Proposed: Require a 3-compartment sink in all new or extensively remodeled RFE's, even if a dish machine is available.

# Water Supply 5-1

- ▣ Proposed: Require RFEs not meeting the definition of a PWS: to test quarterly (bacteriological samples, test kit available, and continuous disinfection and most recent water sample reports available for review)

## Alternative Emergency Water Supply 5-105

- ▣ Requirements for operating when water service is interrupted

# Handwashing Sinks 5-208

- 100°F min water temperature, includes provision for automatic handwashing facilities (IF the model, installation, location, and conditions of use are approved, and the unit is capable of removing the types of soils encountered in the food operations involved, automatic facilities may be substituted for handwashing sinks in an establishment that has at least one additional handwashing sink that is easily accessible
- An automatic handwashing facility shall be installed and used in accordance with manufacturer's instructions

# Handwashing Sinks 5-208

- Specifications For Handsinks in New or Extensively Remodeled Establishments:
  - Flood rim shall be between 30” and 48” above floor
  - Diameter of the basin shall be a min of 10” in any direction
  - When installed in a counter top, faucets shall be within 24” of the front edge of the counter top
  - Clearance between the flood rim and the base or underside of any overhead cabinets, shelves, or other equipment shall be a min of 24”
  - Faucets shall be installed on the side of the basin directly opposite the user

# Dump Sinks 5-210(D)

- In new or extensively remodeled RFEs, bars, juice bars, coffee bars, drink stations, wait stations or other areas where soiled drinking glasses and mugs are emptied and staged for warewashing, a dump sink shall be provided and used for the sanitary disposal of liquid drink waste, ice and/or collection of debris emptied from glasses
  - Dump sinks shall be fitted with a removable strainer basket, and shall be plumbed with hot and cold running water
  - Blender station sinks and food preparation sinks shall not be utilized as dump sinks
  - Other methods may be used if approved

# Service Animals 8-106

- Proposed: Added language and definition from the Service Animal ADA Rule
- In addition, the section was revised to prohibit animals from surfaces such as dining tables, grocery baskets and carts

# Mobile Retail Food Establishments

## Chapter 9

# PUSHCARTS 9-101(C)

- Pushcarts shall be limited to cooking approved menu items and serving commercially prepared or commissary prepared food that will result in simple assembly. All items related to the operation of the pushcart shall be kept on the unit, except for those items specified in Section 9-108.

# WATER SUPPLY 9-104\*C

- When a mobile RFE or pushcart is equipped with a 3-comp ware washing sink, the water supply shall be sized to adequately fill ware washing sinks at least once every four (4) hours of operation. In addition, the mobile RFE or pushcart must supply three (3) gallons of water to each hand washing sink for each hour of operation. Where other water using fixtures such as toilets, utility sinks, food preparation sinks, coffee, espresso and soft drink machines are provided, the water supply shall be sized in accordance with criteria developed by the Dept.
- The water supply tank for push carts shall have a minimum capacity of at least 5gals. \*
- Adequate water pressure must be provided at all fixtures at all times. A minimum flow rate of 1 gal per minute or 32 ounces per 15 secs shall be provided\*
- Water systems and components shall be disinfected and flushed prior to use, if the mobile RFE or push cart is not in daily use.

# COMMISSARY 9-107

- The mobile RFE or push cart shall provide an agreement from the commissary operator to the dept each calendar year and upon change of a commissary location. The agreement shall specify the mobile RFE or push cart is allowed to report to the commissary daily, is allowed to use the facility's ware washing equipment, refrigeration, food preparation equipment and storage areas as a base for operation. The agreement shall also specify how and where the commissary use log will be maintained. These commissary records shall be made available to the Dept when requested.
- The Dept reserves the right to limit the number of mobile RFEs or pushcarts that may use any one commissary.
- A mobile RFE is prohibited from acting as a commissary for another RFE.

# Windows 9-108

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- Except for service windows, any openable windows and doors must be screened. Service windows must be self-closing.

# RESTROOMS 9-108

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- Restroom facilities shall be available to employees at all times that the mobile RFE or pushcart is in operation.

# Adequate Equipment 9-108

- Mobile RFEs shall utilize mechanical refrigeration to hold and serve potentially hazardous foods.
- Pushcarts may use no more than 2 hard sided coolers to maintain food at required temperatures. One cooler shall be used for all raw animal foods and the other cooler for all other potentially hazardous foods. If the facility needs additional refrigeration space, the push cart shall provide commercial mechanical refrigeration.

# Temporary Retail Food Establishment

## Chapter 10

# Vendor Application 10-101

- A temporary event vendor application, which shall include a list of food items to be sold, shall be submitted to the Dept for each event. The vendor application shall be submitted at least 10 working days prior to the event

# OPERATIONS 10-102

- Limits food prep at the event to seasoning, cooking, assembly of pre-prepared foods and service of packaged foods stored at required temperatures
- Slicing or cutting of pre-washed fruits and vegetables is allowed onsite provided it is for an individual portion for immediate consumption
- Food and FCSs shall be protected from contamination by consumers or other sources. Appropriate coverings, packaging, shields, barriers, or other means shall be provided to prevent contamination
- Equipment shall be maintained/operated per its intended use and design
- Equipment shall be located and installed to facilitate cleaning
- Grease from equipment shall not discharge onto the ground or into storm drains

# COMMISSARY 10-103

- Temporary RFEs shall operate from an approved commissary with a commissary agreement for each event; vendors operating from licensed self-contained mobile units may operate w/o a commissary
- The commissary for vendors operating at an event of more than 1 day shall be within 30 mins or 30 miles of the event
- All foods, utensils shall be transported to the event so contamination is prevented; food temps shall be maintained
- The commissary shall be in compliance with these regulations
- Temporary RFEs shall operate from a commissary and report at least every 24 hours (on operational days) for all supplies, cleaning, advanced food prep, and servicing operations

# COMMISSARY 10-103

- The agreement shall specify the temporary RFE is allowed to report to the commissary daily, is allowed to use ware washing equipment, refrigeration, food prep equipment and storage areas as a base for operation
- The commissary operator shall maintain written documentation or a log as to when the temporary RFE utilizes the commissary; records shall be available when requested
- Temporary RFE operators shall maintain written records of purchases detailing the source of all foods being held, stored, offered for sale, sold and distributed and expenses including receipts for expenditures such as servicing operations; records shall be available when requested

# MINIMUM EQUIPMENT REQUIREMENTS

## 10-104

- Equipment for heating and hot/cold holding, shall be sufficient in number and capacity to maintain foods at required temperatures; fuel gel canisters are prohibited at outdoor venues unless approved
- A hand washing station shall be provided within the Temporary RFE
- Extra utensils and in-use FCS(cutting boards, tongs, knives, etc.) shall be provided to allow soiled items to be replaced at least every 4 hrs; warewashing of equipment is to be conducted at an approved facility; onsite warewashing is prohibited unless approved
- A sufficient number of smooth, non-absorbent, and easily cleanable work surfaces shall be provided where food is being handled
- Coolers used to store food shall be durable, smooth, non-absorbent and easily cleanable; styrofoam and soft sided coolers are prohibited
- A clean trash receptacle shall be provided

# Handwashing 10-109

- A min of five 5 gals of drinking water shall be provided for handwashing; push button spigots on the water containers are not permitted
- Soap and paper towels shall be provided at each handwashing station
- Vendors that participate in only 1 event/calendar year shall provide:
  - A handwashing station capable of providing hand-free continuous flowing warm water, and
  - A catch bucket capable of holding at least 5 gals of waste water
- Vendors that participate in >1 event/calendar year shall provide:
  - A handwashing station capable of providing continuous flow of hot and cold water under pressure, and
  - A basin that is capable of capturing waste water and conveying it into a closed waste water container

# SCREENING & ENCLOSURES 10-111

- Screening or other provisions may be required to prevent the entrance of pests and debris

# GROUNDS 10-112

- Areas within the temporary RFE shall be free of standing water, mud, dust and fecal material; additional ground covering material may be required such as removable platforms, duckboards, wood chips or other suitable material

# OVERHEAD PROTECTION 10-113

- Overhead protection shall be provided and made of wood, canvas, or other materials that protect the interior of the establishment from weather, or other contamination; grease producing equipment or equipment with open flames shall not be located under overhead protection

# Inspection Reports

# Report of Inspection I I-203

- Previous: The inspection report shall be recorded be furnished by the end of the next workday following the conclusion of the inspection.
- Proposed: Allow 5 to 7 days to allow for electronic issuance of the inspection report even in locations without internet access.

# Appendix C Construction Plan Review

- Proposed: Remove the Plan Review application from the regulation and create a new comprehensive form that will be used statewide and can be filled out electronically

# Under Development

- ▣ Revision of retail food forms
  - ▣ In/Out/NA/NO
  - ▣ Finalize violation designations
- ▣ Map of Violations
- ▣ FAQ Webpage for Operators
- ▣ Summary of changes document
- ▣ Training for inspectors (classroom and online)
- ▣ Inspector Manual in English
- ▣ Spanish Translation

# Time for Questions

