



# **FDA FOOD CODE ADOPTION:** THE WASHINGTON EXPERIENCE

FDA Retail Protection Seminar • Fall 2021

# Presenter

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# Starting at the End: Lessons Learned

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## **Set the groundwork**

- Current rule and revision process may not be fully understood by stakeholders and consistency gaps will likely be brought forward

## **Learn from the past**

- Review FDA Food Code and other state codes for a smoother adoption of food safety rules

## **Get coordinated**

- File management and planning are crucial for a multi-year project with multiple partners, updates, and potential delays

## **Be strategic**

- Rule revision activities align with multiple Program Standards – apply for grants to maximize your results

## 1992 Chapter 246-215 WAC

First Chapter 246-215 WAC implemented

1992

## 2003 Governor Gary Locke Signs HB1318

Chapter 43.20 RCW is modified for SBOH to consider the most current FDA Food Code

2003

# Brief History of WAC 246-215

1992-2021

## 2013 Chapter 246-215 WAC

Washington adopted 2009 FDA Food Code with modifications

2013

## 2005 Chapter 246-215 WAC

Washington's first adoption of the FDA Model Food Code. The state adopted 2001 version with modifications

2005

## 2017 FDA Food Code

February: 2017 FDA Food Code Released

2018

July: Notice of Rule Making Preproposal (CR-101) filed to begin WAC 246-215 update

## Public Information Sessions

Kennewick, Spokane, Ferndale, Renton, Green Lake, Vancouver, and Online

## SBOH Briefing

Filing of CR-102 August 2020

## Revised Food Rule

Goal is for 2021 effective date

## FSAC Finished Review

September 2018-May 2019  
FSAC held monthly public meetings to review provisions

2019

May

## Draft Rule Shared

May-July: First Draft shared with stakeholders

July

Oct

## Final FSAC Review

FSAC provides input on comments for draft rule

April

## SBOH Hearing

Public Hearing in October; Filing CR-103 expected for late 2020

Oct

2021



# Rule Revision materials available

## [www.doh.wa.gov/foodrules](http://www.doh.wa.gov/foodrules)

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### Track Changes. Edits tracked.

#### Chapter 246-215 WAC FOOD SERVICE

##### RULE REVISION DRAFT FOR REVIEW

This draft is under review prior to submission to the state board of health and will likely have modification prior to the public hearing which is expected for Summer 2020. Draft includes changes identified in either strikethrough or underlined blue font. Deletion of code year "2009" (now 2017) and "potentially hazardous food" (now time/temperature control for safety food) accepted for ease of reading.

Last Update: 12/31/19

#### PART 1: INTENT, SCOPE, AND DEFINITIONS

**WAC 246-215-01100 Intent—Food safety, illness prevention, and honest presentation (2017 FDA Food Code 1-102.10).** The purpose of this chapter is to safeguard public health and provide to CONSUMERS FOOD that is safe, UNADULTERATED, and honestly presented.

[Statutory Authority: RCW 43.20.050 and 43.20.145, WSR 13-03-109, § 246-215-01100, filed

1/17/13, effective

WAC 246-215-01100 establishes definitions for EQUIPMENT and

inspection, EMPLOYEES, and

[Statutory Authority: RCW 43.20.050 and 43.20.145, WSR 13-03-109, § 246-215-01100, filed

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[Statutory Authority: RCW 43.20.050 and 43.20.145, WSR 13-03-109, § 246-215-01100, filed

### Significant Legislative Rule Analysis

#### Chapter 246-215 WAC a Rule Concerning Food Service

July 2020

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### Summary. Lists changes by code number.

#### Summary of Changes to Chapter 246-215 WAC, Food Service

Adoption: October 13, 2020

Effective Dates: Select sections January 15, 2021; Full Rule March 1, 2022

This summary is designed for stakeholders to identify key changes recommended to chapter WAC 246-215 as part of the rule revision process. It is provided as a resource to assist with review but is not a final list of all changes.

#### General Notes:

- On October 13, 2020, Washington State Board of Health adopted the revised chapter 246-215 Washington Administrative Code (WAC). The revised rule incorporates the 2017 U.S. Food and Drug Administration Food Code with modifications from Washington stakeholders.
- Based on public comment during the 2020 COVID-19 pandemic, Washington State Board of Health elected to stagger the effective dates for the rule. Sections affected by legislative activity are effective January 15, 2021 and the effective date for the remainder of the chapter was extended to March 1, 2022.
- The following document includes the changes effective January 15, 2021 in red.
- Editorial changes, such as corrections for capitalization, spelling, grammar, and typographical errors are not highlighted in this summary but are available for review in the draft.
- The term "Potentially Hazardous Food" is replaced with "Time/Temperature Control for Safety Food"

Part

#### CONCISE EXPLANATORY STATEMENT

##### Chapter 246-215 WAC, Food Service

Public Hearing: October 13, 2020

Adoption: October 13, 2020

Effective Dates: Select sections January 15, 2021; Full Rule March 1, 2022

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#### Purpose of Rulemaking

RCW 43.20.145 requires the State Board of Health (Board) to consider the latest version of the Food and Drug Administration (FDA) Food Code in adopting Washington's state food safety rules. The previous rules were based on the 2009 FDA Food Code. Since then, the 2013 and 2017 FDA Food Code versions were published. The state rules have been revised to reflect these new standards and to:

- Prevent foodborne illness by identifying food safety requirements for operators in restaurants, caterers, mobile units, farmers markets, community events, private homes, schools, hospitals, and others that provide food to the public,
- Compile and incorporate lessons learned since the last rule update from knowledge acquired from illness outbreaks, academic partners, industry representatives, and nationally-recognized food safety standards, and

CES, Chapter 246-215 WAC, Food Service  
December 2020

Page 1

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### Top 10. Snapshot of key changes.

#### Retail Food Service Chapter 246-215 WAC Rule Revision Draft Changes Update



#### Retail Food Rule: Top 10 Potential Changes

"The following provisions are being reviewed and are not final."

- Certified Food Protection Manager (CFPM)**  
At least one employee must be a CFPM with ANSI certification from one of six national tests. 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.
- 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.
- 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/terms to include for use in food establishments, such as temporary events, mobile food units, school food service, and other food service settings.
- Bar**  
Establishments must have a written plan to clean up vomit and diarrheal events. Department of Health will share sample plans/terms to include for use in food establishments, such as temporary events, mobile food units, school food service, and other food service settings.
- Donated Foods**  
Establishments must have a written plan to clean up vomit and diarrheal events. Department of Health will share sample plans/terms to include for use in food establishments, such as temporary events, mobile food units, school food service, and other food service settings.
- Food Sources**  
Establishments must have a written plan to clean up vomit and diarrheal events. Department of Health will share sample plans/terms to include for use in food establishments, such as temporary events, mobile food units, school food service, and other food service settings.
- Food Safety**  
Establishments must have a written plan to clean up vomit and diarrheal events. Department of Health will share sample plans/terms to include for use in food establishments, such as temporary events, mobile food units, school food service, and other food service settings.
- Food Service**  
Establishments must have a written plan to clean up vomit and diarrheal events. Department of Health will share sample plans/terms to include for use in food establishments, such as temporary events, mobile food units, school food service, and other food service settings.
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Establishments must have a written plan to clean up vomit and diarrheal events. Department of Health will share sample plans/terms to include for use in food establishments, such as temporary events, mobile food units, school food service, and other food service settings.
- Food Service**  
Establishments must have a written plan to clean up vomit and diarrheal events. Department of Health will share sample plans/terms to include for use in food establishments, such as temporary events, mobile food units, school food service, and other food service settings.

#### Timeline

Timeline extended by several months to adjust for COVID-19.

- July 2018  
Stakeholder comment on 2017 FDA Model Food Code
- September 2018  
Food Safety Advisory Council rule review meetings begin
- May 2019  
First draft of revised WAC 246-215 shared with stakeholders
- July 2019  
Draft rule presented at five statewide locations and online

## Washington State Retail Food Code

### Chapter 246-215 Washington Administrative Code (WAC)

Effective March 1, 2022



April 2021

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 [ask.doh@doh.wa.gov](mailto:ask.doh@doh.wa.gov).

Washington State Department of Health Food Safety Program • [www.doh.wa.gov/foodsafety](http://www.doh.wa.gov/foodsafety) • 360-236-3330

# Washington Food Code: A quick tour

## Washington State Retail Food Code

Chapter 246-215  
Washington Administrative Code (WAC)

Effective March 1, 2022

WAC 246-215-01115  
listed by section  
number



August 2021 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](mailto:civil.rights@doh.wa.gov).

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### Part

#### PART 1: INTENT, SCOPE, AND DEFINITIONS

##### 01100 Intent – Food safety, illness prevention, and 1-102.10)

The purpose of this chapter is to safeguard public health by ensuring that food is safe, not adulterated, and honestly presented.

##### 01105 Scope – Statement of Purpose (FDA Food Code 1-103.10)

This chapter establishes minimum standards for management and personnel, food operations, and equipment and facilities; and provides for FOOD ESTABLISHMENT plan review, PERMIT issuance, INSPECTION, EMPLOYEE RESTRICTION, and PERMIT suspension. This chapter adopts, with modification, the 2017 Food Code published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.

##### 01110 Applicability

- (1) The requirements of this chapter apply to an operation that meets the definition of a FOOD ESTABLISHMENT as defined in 01115(0).
- (2) When a LOCAL BOARD OF HEALTH adopts rules with more stringent provisions than those contained in this chapter, the more stringent rules apply.

##### 01115 Definitions, abbreviations, and acronyms (FDA Food Code 1-201.10(B))

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

###### (1) "ACCREDITED PROGRAM."

- (a) ACCREDITED PROGRAM means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.
- (b) ACCREDITED PROGRAM refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, recertification, discipline, and grievance procedures; and test development and administration.
- (c) ACCREDITED PROGRAM does not refer to training functions or educational programs.

###### (2) "ACTIVE MANAGERIAL CONTROL" means the purposeful use of specific policies and procedures in the FOOD ESTABLISHMENT to control foodborne illness risk factors. It embodies a preventive rather than reactive approach to food safety through a continuous system of training, monitoring, and verification.

###### (3) "ADDITIVE."

- (a) "FOOD ADDITIVE" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, Section 201(s) and 21 C.F.R. 170.3(e)(1).
- (b) "COLOR ADDITIVE" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, Section 201(t) and 21 C.F.R. 70.3(f).

###### (4) "ADULTERATED" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, Section 402.

###### (5) "APPROVED" means acceptable to the REGULATORY AUTHORITY based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

###### (6) "ASIAN RICE-BASED NOODLES" means a rice-based pasta that contains rice powder, water, wheat starch, vegetable cooking oil, and optional ingredients to modify the pH or water activity, or to provide a preservative effect. The ingredients do not include products derived from animals. The rice-based pasta is prepared by using a traditional method that includes cooking by steaming at not less than one hundred thirty degrees Fahrenheit, for not less than four minutes.

Part 1 – Intent, Scope, and Definitions

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FC reference  
maintained in title

Blue Font  
changes effective  
March 2022

Red Font  
changes effective  
January 2021

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# Additional Materials That might support your effort

Year	FDA Code Section	Section Title	Subsection	Language	First Appearance	Change History	Change Impetus
2017	1-101.10	Food Code		These provisions shall be known as the Food Code, hereinafter referred to as "this Code."	1993	Unchanged since 1993	N/A
2017	1-102.10	Food Safety, Illness Prevention, and Honest Presentation	N/A	The purpose of this Code is to safeguard public health and provide to CONSUMERS FOOD that is safe, unADULTERATED, and honestly presented.	1993	Unchanged since 1993	N/A
2017	1-103.10	Statement	N/A	This Code establishes definitions; sets standards for management and personnel, FOOD operations, and EQUIPMENT and facilities; and provides for FOOD ESTABLISHMENT plan review, PERMIT issuance, inspection, EMPLOYEE RESTRICTION, and PERMIT suspension.	1993	Unchanged since 1993	N/A
2017	1-201.10	Statement of Application and Listing of Terms	Accredited program	(1)"Accredited program" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. (2)"Accredited program" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration. (3)"Accredited program" does not refer to training functions or educational programs.	1999	Unchanged since 1999	CFP 98-02-06
2017	1-201.10	Statement of Application and Listing of Terms	Additive	(1) "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1). (2) "Color additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).	1993	1993 Included "Food additive" and "color additive" added by 1997; federal references updated in 2005	UNK
2017	1-201.10	Statement of Application and Listing of Terms	Adulterated	"Adulterated" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.	1993	Unchanged since 1993	N/A
				acceptable to the REGULATORY AUTHORITY based on a determination of conformity with principles, practices, and generally recognized standards that	1993	Unchanged since 1993	N/A
				means without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a			
				exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.	2005	Unchanged since 2005	N/A
				includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.			

## FDA Food Code Changes 1993 – 2017 Supplement

WAC 246-215	sub-section	WAC Section title	Red/Blue Main Category	Red/Blue Section Name	Red/Blue Item#	Food Code Item#	FDA 2017	FDA Main Category	FDA Insp Reprt Section Name	Notes
3210		Sources -Fluid milk and milk products	Approved Source, Wholesome, Not Adulterated	Food obtained from approved source	7	11	3-201.13	Approved Source	Food obtained from approved source	
3215		Sources -Fish	Approved Source, Wholesome, Not Adulterated	Food obtained from approved source	7	11	3-201.14	Approved Source	Food obtained from approved source	
3220		Sources -Molluscan shellfish	Approved Source, Wholesome, Not Adulterated	Food obtained from approved source	7	11	3-201.15	Approved Source	Food obtained from approved source	
3225	1	Sources -Wild mushrooms	Approved Source, Wholesome, Not Adulterated	Food obtained from approved source	7	11	3-201.16	Approved Source	Food obtained from approved source	Note: This is the closest FDA Provision; there is no equal to WA
3225	2	Sources -Wild mushrooms	Approved Source, Wholesome, Not Adulterated	Food obtained from approved source	7	11	3-201.16	Approved Source	Food obtained from approved source	Note: This is the closest FDA Provision; there is no equal to WA
3225	4	Sources -Wild mushrooms	Approved Source, Wholesome, Not Adulterated	Proper shellstock ID; wild mushroom ID; parasite destruction procedure for fish	12	11	3-201.16	Approved Source	Food obtained from approved source	Note: This is the closest FDA Provision; there is no equal to WA
						N/A	N/A	N/A	N/A	FDA doesn't include cooking requirements for wild mushrooms (prohibits wild mushrooms unless approved)

## FDA Food Code Inspection Report Marking Instructions



OFFICE OF ENVIRONMENTAL HEALTH AND SAFETY  
Food Service  
Chapter 246-215 WAC  
December 2020

**Differences Between Draft WAC 246-215 and 2017 FDA Model Food Code**

This table includes a summary of substantial modifications to the 2017 FDA Model Food Code as incorporated into Washington's Food Service rule, chapter 246-215 WAC. Changes that do not alter intent, such as editorial, grammatical, or syntax changes are not identified on this document.

Additional information on the rule revision process is available online

[www.doh.wa.gov/CommunityandEnvironment/Food/FoodWorkerandIndustry/FoodSafetyRules/FoodCodeRuleRevision](http://www.doh.wa.gov/CommunityandEnvironment/Food/FoodWorkerandIndustry/FoodSafetyRules/FoodCodeRuleRevision)

Chapter 1 Purpose and Definitions		
Difference	WAC 246-215- [Section]	FDA Section
State law (RCW 70.05.060) and WAC allow for <b>local boards of health to adopt rules more stringent</b> than the state food service rule.	-01110 (2)	Not in FDA Food Code; Washington state law
<b>Active Managerial Control</b> defined in WAC.	-01115(2)	Defined in FDA Food Code Annex 4
<b>Asian Rice Based Noodles</b> defined in WAC. Definition is from RCW 43.20.145	-01115(6)	Not defined in FDA Food Code
<b>Bed and breakfast</b> operation defined in WAC using a modification of the FDA Food Code definition of food establishment.	-01115(10)	Bed and Breakfast included in the definition of food establishment under 'does not include'
<b>Catering operation</b> defined in WAC.	-01115(13)	Not defined in FDA Food Code but included in definition of food establishment
<b>Certified Food Protection Manager</b> defined in WAC. Washington modified FC Section 2-102.20 for the definition.	-01115(15)	Not defined in FDA Food Code
<b>Commissary</b> defined in WAC using previous rule definitions and stakeholder input	-01115(20)	Not defined in FDA Food Code but included in Index linking to Food Establishment
<b>Core Item</b> defined in Food Code. Washington has replaced the concept of		"Core Item" is defined in Chapter 1
<b>Cut leafy greens</b> definition is the same as the FDA except WA provides the following clarification: For cut leafy greens, the term "cut" does not include removing the exterior leaves.	-01115(28)	"Cut leafy greens" is defined in Chapter 1
<b>Donated Food Distributing Organization</b> definition is based on RCW 69.80.020	-01115(31)	Not defined in FDA Food Code, but similar language is in the federal Bill

# Stakeholder Input

## 6 HIGHLIGHTS OF MODIFICATIONS



# Certified Food Protection Manager

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- Certified Food Protection Manager (CFPM) requirement for at least one **EMPLOYEE** per establishment
- **1-year delayed implementation**
- Food establishments have **60 days to replace** a CFPM
- **Certificate** (not CFPM) **needs to be on premises at all times**
- CFPM is responsible for written plans and PIC training
- **Active Managerial Control** defined and added to duties of the Person in Charge

# Date Marking: A Mix of Red and Blue

- Applicable foods must be correctly date marked
- Foods at **high risk for *Listeria monocytogenes*** will be considered a red critical and require immediate correction
  - Reheating in nonHSP allowed as remediation

MEALS OBSERVED		B	L	D	C	O	INSPECTION		Investigation		Complaint				
DATE	TIME IN	ELAPSED TIME				TOTAL POINTS	RED POINTS	REPEAT RED	PHONE						
<b>RED HIGH RISK FACTORS</b>															
High Risk Factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Circled items indicate compliance status (IN, OUT, N/A, NIO) for each item.															
IN = In Compliance    OUT = Not In Compliance    NIO = Not Observed    N/A = Not Applicable    CDI = Corrected During Inspection    R = Repeat Violation															
#	Compliance Status	Description	CDI	R	PTS	#	Compliance Status	Description	CDI	R	PTS				
<b>Demonstration of Knowledge</b>															
1	IN OUT	PlC present, demonstrates knowledge and performs duties to maintain AMC. Certified manager on staff unless exempt.			5	16	IN OUT N/A NIO	Proper cooling procedures			25				
2	IN OUT	Food Worker Cards current for all food workers; new food workers trained			5	17	IN OUT N/A NIO	Proper hot holding temperatures (5 pts if 130°F to 134°F)			25 (5)				
<b>Employee Health</b>															
3	IN OUT	Proper ill worker and conditional employee practices; no ill workers present; proper reporting of illness			25	18	IN OUT N/A NIO	Proper cooking time and temperature; proper use of non-continuous cooking			25				
<b>Preventing Contamination by Hands</b>															
4	IN OUT NIO	Hands washed as required			25	19	IN OUT N/A NIO	No room temperature storage; proper use of time as a control			25				
5	IN OUT N/A NIO	Proper barriers used to prevent bare hand contact with ready-to-eat foods			25	20	IN OUT N/A NIO	Proper reheating procedures for hot holding (5 pts if 42°F to 45°F)			15				
6	IN OUT	Adequate handwashing facilities			10	21	IN OUT N/A	Proper cold holding temperatures (5 pts if 42°F to 45°F)			10 (5)				
<b>Approved Source, Wholesome, Not Adulterated</b>															
7	IN OUT	Food obtained from approved source			15	22	IN OUT N/A	Accurate thermometer provided and used to evaluate temperature of TCS foods			5				
8	IN OUT	Water supply, ice from approved source				<b>Consumer Advisory</b>									
9	IN OUT N/A NIO	Proper washing of fruits and vegetables			10	23	IN OUT N/A	Proper consumer advisory posted for raw or undercooked foods			5				
10	IN OUT	Food in good condition, safe, and			10	<b>Highly Susceptible Populations</b>									
11	IN OUT	Proper disposition of returned, unsafe, or contaminated food; proper date marking procedures for food at high risk for <i>Listeria</i>			10	24	IN OUT N/A	Pasteurized foods used as required; prohibited foods not offered			10				
12	IN OUT N/A NIO	Proper destruction procedures for fish			5	<b>Chemical</b>									
<b>Protection from Cross Contamination</b>															
13	IN OUT N/A NIO	Food contact surfaces cleaned and sanitized; no cross contamination			15	25	IN OUT	Toxic substances properly identified, stored, used			10				
14	IN OUT N/A NIO	Raw meats below or away from ready-to-eat food, species separated			5	<b>Conformance with Approved Procedures</b>									
15	IN OUT N/A NIO	Proper preparation of raw shell eggs			5	26	IN OUT	Compliance with valid permit, operating and risk control plans, and required written procedures			10				
<b>Red Points</b>															
<b>BLUE LOW RISK FACTORS</b>															
Low Risk Factors are preventive measures to control the addition of pathogens, chemicals, and physical objects into foods. Circled items indicate items not in compliance.															
<b>Food Temperature Control</b>															
28		Food received at proper temperature			5	<b>Utensils and Equipment</b>									
29		Adequate equipment for temperature control			5	40		Food and nonfood surfaces properly used and constructed; cleanable			5				
30		Proper thawing methods used			3	41		Warewashing facilities properly installed, maintained, used; test strips available and used			5				
<b>Food Identification</b>															
31		Food properly labeled; proper date marking labels			5	42		Food-contact surfaces maintained, cleaned, sanitized			5				
<b>Prevention of Pest Infestation</b>															
32		Insects, rodents, animals not present; entrance controlled			5	43		Nonfood-contact surfaces maintained and clean			3				
33		Potential food contamination prevented during delivery, preparation, storage, display			5	<b>Physical Facilities</b>									
34		Wiping cloths properly used, stored; proper sanitizer			5	44		Plumbing properly sized, installed, and maintained; proper backflow devices, indirect drains, no cross-connections			5				
35		Employee cleanliness and hygiene			3	45		Sewage, wastewater properly disposed			5				
36		Proper eating, tasting, drinking, or tobacco use			3	46		Toilet facilities properly constructed, supplied, cleaned			3				
<b>Proper Use of Utensils</b>															
37		In-use utensils properly stored			3	47		Garbage, refuse properly disposed; facilities maintained			3				
38		Utensils, equipment, linens properly stored, used, handled			3	48		Physical facilities properly installed, maintained, cleaned; unnecessary persons excluded from establishment			2				
39		Single-use and single-service articles properly stored, used			3	49		Adequate ventilation, lighting, designated areas used			2				
<b>Blue Points</b>															
Use the following blank lines to write comments.															

# Refilling Returnables: Industry-provided & Consumer-owned

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- Refilling containers owned by consumers
  - Option 1 – Establishment provides reusable, clean container
  - **Option 2** – Consumer-owned multiuse beverageware refilled, **including TCS**, if contamination-free
  - **Option 3** – Under an **approved** plan
    - Consumer provides visibly clean container
    - Consumers may fill using contamination free process
      - Non RTE food, packaged, and nonTCS RTE food if gravity flow
    - Employees may fill with any food

# Allowing Pet Dogs: Inside & Outside

	Indoors WAC 246-215-06570(5)	Outdoors WAC 246-215-06570(4)
Approved Plan		X
Notify of LHJ	X	
Limited Menu	VERY	NO PREP OUTSIDE
Not in Prep Area	X	X
Leashed/Confined	X	X
Not on Furniture	X	X
No Employee Contact	X	X
No Dog Bowl Washing	X	X
Cleaning of Waste	X	X
Customer Signage	X	

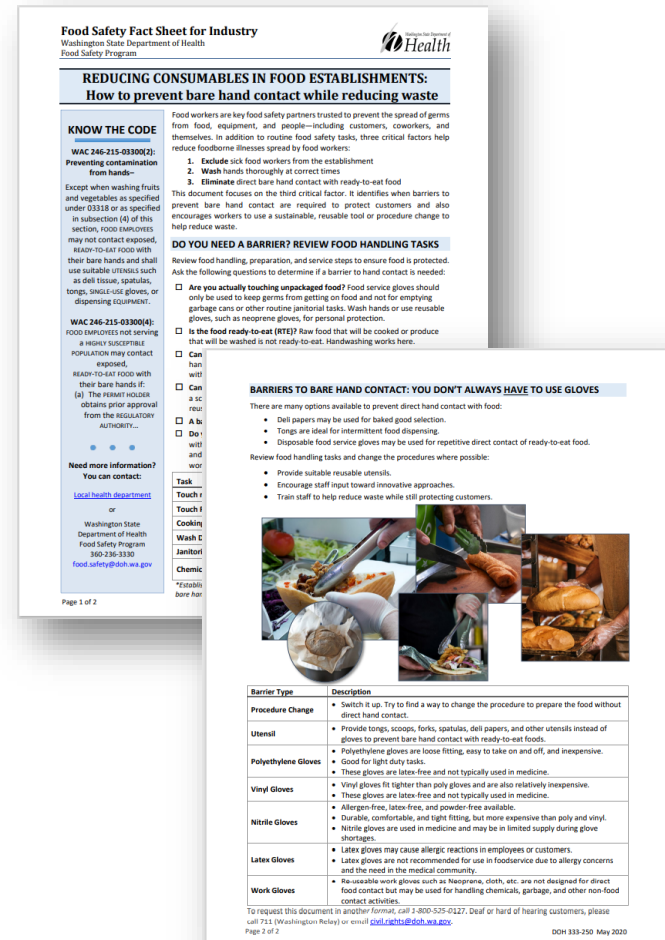
# Bare Hand Contact Prohibited with Ready-to-Eat Food

## ● Except when cooking

- Food worker may contact unwrapped ready-to-eat food with bare hands when the ready-to-eat food is to be cooked in the food establishment to heat all parts of the food to a temperature of **at least 145°F (63°C) prior to service.**

## ● Except under an approved plan

- Modified application, training, incentive, and reinstatement requirements





# Partially-Cooked Fresh Fish: No Parasite Destruction

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- Allows food establishments to **partially cook** fresh fish, such as halibut and salmon, upon **consumer's request**
  - Does not apply to fish served raw
- **Required** changes to consumer advisory—both **disclosure** and **reminder**
  - Disclosure
    - A description of the animal-derived FOODS such as "oysters on the half shell (raw oysters)," "**fresh fish (can be cooked to order)**," "raw egg Caesar salad," and "hamburgers (can be cooked to order)";
  - Reminder
    - "Regarding the safety of consuming fresh partially cooked fish, **information is available upon request.**"

# Upcoming Guidance Materials



## ● FSAC Guidance

- Active Managerial Control and CFPM Exemptions
- BHC with Ready to Eat Foods
- Date Marking Enforcement and Food Disposition
- Clean Up of Vomiting and Diarrheal Events
- Refilling of Consumer-Owned Containers
- Pet Dogs on Premises

## ● DOH Guidance

- HACCP Manual and Templates
- Risk-Based Inspections and Marking Instructions
- Temperature Monitoring and Consumer Advisory
- Safe Food Donation
- Corrective Action Guidelines
- Public Health Rationale – Washington edition
- Food Worker Card updates & 12 PIC code explainers

# Have a smooth adventure

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## **Pack for the trip**

- Be ready to explain your current rule and revision process to stakeholders

## **Look at your friends' notes**

- Reach out to partner agencies and other states

## **Put your journey details on paper**

- Set your timeline, required deliverables, and the needed measures to reach goal

## **Get support**

- Rule revision is time-intensive... grants can help expand your reach

# Thank you

## Website

[www.doh.wa.gov/foodrules](http://www.doh.wa.gov/foodrules)



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