



Department of Health Department of Agriculture

Mike DeWine, Governor
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Dorothy Pelanda, Director, Ohio Department of Agriculture

To: Local Health Commissioners, Directors of Environmental Health, Food Program Specialists, and Interested Parties

From: Ohio Department of Agriculture, Division of Food Safety
Ohio Department of Health, Food Safety Program

Date: January 18, 2023

Re: Letter of Opinion 2022-01 Revised

Special Requirements: Heat Treatment Dispensing Freezers.

This Letter of Opinion replaces Letter of Opinion 2022-01 and is being issued to clarify Ohio Administrative Code (OAC) 3717-1-08.1 and NSF/ANSI certification regarding special requirements for heat treatment dispensing freezers. This section of code was last updated in March 2009 and identifies specific criteria for heat treatment dispensing freezer equipment, including a specific 14-day manual cleaning frequency requirement. This letter of opinion only addresses the 14-day manual cleaning frequency requirements.

Heat treatment dispensing freezer technology has changed and improved since 2009, along with the associated testing performed on this equipment. Testing completed by the approving food equipment testing agency using NSF/ANSI Standard 6 now validates the manufacturer's recommended manual cleaning frequency, showing that certain pieces of equipment can reduce microbial populations to an acceptable level over a specified period of time, in many cases a period beyond 14 days. The NSF/ANSI certification includes the serial numbers of any freezers that are certified for an extended cleaning frequency.

It is the opinion of the Ohio Department of Health and the Ohio Department of Agriculture that heat treatment dispensing freezers certified by NSF or by another testing agency certifying to NSF/ANSI Standard 6 which have a serial number certified for an extended manual cleaning/sanitization frequency beyond 14 days should be cleaned and sanitized based upon the frequency specified in the certification. The 14-day cleaning frequency as specified in OAC 3717-1-08.1 shall be used in the absence of a specified manual cleaning/sanitization frequency. Food Service Operations and Retail Food Establishments shall provide documentation from the food equipment testing agency to the local health district upon request to confirm the approved manual cleaning/sanitization frequency.

As specified in OAC 3717-1-02.4, the Person in Charge shall ensure persons responsible for maintaining, cleaning, and sanitizing the equipment have received sufficient training to comply with the requirements of the Ohio Uniform Food Safety Code and this letter of opinion. As specified in Ohio Revised Code 3717.041, this letter of opinion provides a detailed interpretation of OAC 3717-1-08.1.

Unless rules are adopted that override the interpretation expressed in this letter, the interpretation shall be binding and applied uniformly throughout the state.

This "Letter of Opinion" was reviewed and recommended by the Retail Food Safety Advisory Council at their August 29, 2022 meeting.