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May 7, 2019 Food Safety Conference Call Notes

A. ODH Topics:

1. Arby's Topics:

- a. Roast Beef cooking:
 - i. The Arby's roast beef is considered a roast, not a comminuted meat.
 - ii. Therefore, the roasts should be cooked using the time/temp chart for roasts in OAC 3717-1-03.3(A)(4).
- b. Arby's Cooked Onion Straws are considered a TCS food and must be held at 135°F or higher or use time as a public health control (TPHC).
- c. Arby's Buffalo Sauce: Used for dipping cooked chicken.
 - i. Arby's had the sauce tested by a lab; due to a_w and pH of sauce, it was determined that it will not support bacterial growth and dipping chicken in the sauce does not render it a TCS food.
 - ii. Therefore, the sauce does not require refrigeration and may be held outside of time/temperature control.
 - iii. However, the bowls used for dipping chicken in the sauce need to be washed, rinsed, and sanitized every 4 hours, as the chicken may touch the bowl.

2. Letter of Opinion 2019-01:

- a. Batter mixes containing dried milk and/or eggs are considered TCS once they are mixed w/ water.
- b. Many FSO's hold batters using TPHC, but the batters don't start @ 41°F as required by the food code.
- c. Letter of Opinion 2019-01 allows the batters to begin at any temp when using TPHC, however the temperature of the batter may not exceed 70°F during holding.
 - i. Question from Delaware County General Health District: At a hotel, temperature of batter after 2 hours was over 70°F; how should that be handled?
 - ii. ODH will consult w/ FDA and provide a response to LHD's.
- d. All other TPHC rules must be followed in the FSO for holding batters.
- e. The letter of opinion is posted on ODH website.

3. Yogurt Vending Machine:

- a. ODH sent email on 4/19/19 regarding cleaning frequency of machine.
- b. The company had the yogurt tested from a machine that was not cleaned and no bacterial growth was present.
- c. The food code requires refrigerated equipment holding TCS foods to be cleaned at least once every 24 hours. However, OAC 3717-1-04.5(B)(4) allows LHD's to approve an alternative cleaning frequency based on characteristics and use of equipment, type of food, equipment temperature, and accumulation of food debris.
- d. Machines still may require daily maintenance such as cleaning un-refrigerated parts of machine.

4. Summary of OAC 3701-21 Amendments:

- a. Amendments were effective April 1, 2019.
 - b. "Level one" changed to "Person in Charge Certification" and "Level two" changed to "Manager Certification in Food Protection".
 - c. Manager course curriculums no longer required to contain 15 contact hours but must contain content items listed in Appendix B of the rule.
 - d. All currently approved PIC courses must be re-submitted to the Director of Health within nine months of effective date of rule and be approved or disapproved by the Director within 12 months of effective date.
 - e. ODH is no longer using the term "reciprocity" and is changing the title of the "reciprocity" application to "Application for Manager Certification in Food Protection". The application procedures have not changed:
 - i. If an individual completed a course and exam from a provider that is not approved by ODH, the individual may request a manager certificate from ODH by submitting an application, their exam certificate, and documentation that confirms applicant completed an approved manager course. However, document of course completion no longer needs to contain proof that course contained 15 contact hours.
 - f. The rules can be viewed on the ODH website.
5. Please send emails to ODH such as transmittal reports, requests for forms, etc. to our general email address, foodsafety@odh.ohio.gov. This will allow faster processing/response.

B. ODA Topics:

1. Cottage foods.
 - a. Approved or Unapproved source
 - i. In order to be an approved source, the cottage food items must be packaged and labeled before leaving the home. Labeling must be done in a manner to comply with 21 CFR part 101, which is similar to the requirements listed in Chapter 3.5 of the Food Code.
 - b. Where they can be sold
 - i. Cottage foods can be sold at the following locations:
 1. Where the item is produced
 2. Registered Farm Market
 3. Registered Farmers Market
 4. Registered Farm Product Auction
 5. Festivals/Celebrations organized by a political sub division of the state
 6. A licensed FSO or RFE
 - c. When a local license is needed
 - i. If someone wants to sell a cottage food anywhere other than what was listed above would require a local license. Examples: If a flower shop wants to sell cottage foods they would need a license because even though they are prepackaged they are not commercially prepackaged, and the flower shop wouldn't be able to use the 200 cubic foot of display exemption.
 - d. Here is a link to our webpage regarding cottage foods:
 - i. <https://agri.ohio.gov/wps/portal/gov/oda/divisions/food-safety/resources/cottage-food>
2. In-Use utensil storage
 - a. Reminder about the 3.2(K)(2)
 - i. In any manner within a food ingredient, provided the entire ingredient batch undergoes further cooking as specified in rule
 - ii. For example: if the entire bin of flour is going to go through a cook/kill step the scoop can be stored in any manner in the bin.
3. Farmers Markets

- a. Registered vs. Non-registered
 - i. A registered farmers market is able to use the exemptions in the law and those exempt stands are inspected by the Division of Food Safety.
 - ii. If a Farmers market chooses not to register, a majority of the stands would need to obtain a local license. Example: the cottage food stands would need a license.
 - iii. Registration is free and information on how to register is at the following link, <https://agri.ohio.gov/wps/portal/gov/oda/divisions/food-safety/resources/farmers-market-registration>
 - b. What is permitted without a license
 - i. Fresh unprocessed fruits and vegetables
 - ii. Maple syrup from an exempt producer, sorghum, or honey (properly labeled)
 - iii. Properly labeled cottage foods
 - iv. Commercially prepackaged food that is not potentially hazardous contained in displays which equals less than one hundred cubic feet.
4. Retail without a store front
- a. Making and transporting to the end consumer
 - i. With the change in the way retail businesses are operating and to stay consistent with the definition of a Retail Food Establishment, LHD's may start seeing facilities that have no direct in store sales. These types of operations still might meet the definition of a RFE because they are providing foods to the ultimate consumer **by way of their own staff or contract employees.**
 - ii. A recent example is a meal provider operating out of a church kitchen, they have no direct sales, but they make and deliver foods with their own staff to the ultimate consumer on a weekly basis. This type of operation would be considered RFE because all sales are direct to ultimate consumer by way of their own staff.