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Agency of Human Services  
**DEPARTMENT OF HEALTH**  
Division of Health Protection  
Food & Lodging Program  
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# **HIGHLIGHTS of MAJOR CHANGES:**

## **Health Regulations for Food Service Establishments**



Effective December 1, 2003

## **5-204 SOURCE OF FOOD**

### **Item 1. Acceptable Source\***

- ⇒ Cold holding temperature at 41° F.
- ⇒ Foods must be honestly presented.
- ⇒ Eggs may be transported at ambient temperature of 45° F, but must be **stored** at 41° F.
- ⇒ Refer to regulations if serving game animals or wild mushrooms.
- ⇒ Reminder that shellstock must be tagged and tags kept on file for 90 days after use.
- ⇒ Foods with additives must have letter of guarantee stating such.

## **5-205 FOOD PROTECTION**

### **Item 2. Original Container, Properly Labeled**

- ⇒ Food may not contain unapproved additives.
- ⇒ Food must have detailed labeling as to ingredients and quantity.
- ⇒ Must post a consumer advisory if serving raw oysters, rare roast beef, etc.(consumers must be warned in writing of the risk of becoming ill from foods of animal origin offered in an undercooked or not cooked form).
- ⇒ Nutritional labeling must be provided per U.S. Food and Drug Administration regulations.

### **Item 3. Potentially Hazardous Food (PHF) - Temperature Requirements\***

- ⇒ Provides for time & temperature controls for specific potentially hazardous foods.
- ⇒ 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.
- ⇒ Cooked potentially hazardous food shall be **cooled from 135° F to 41° F within four hours.**
- ⇒ Any raw shell eggs cooked to order, fish, meat and pork including game animals commercially raised, must be cooked to 145° F or above for 15 seconds.
- ⇒ Any ground PHF, injected food, game or ratite must be cooked to 155° F for 15 seconds.
- ⇒ A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:
  - a. The food establishment does not serve to a highly susceptible population,
  - b. The steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef", and
  - c. The steak is cooked on both the top and bottom to a surface temperature of 145° F or above and a cooked color change is achieved on all external surfaces.
- ⇒ For poultry, wild game, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry or ratites shall be cooked to 165 °F or above for 15 seconds.
- ⇒ Refer to regulations for time/temperature cook chart for rare roasts.
- ⇒ A raw animal food (raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartar; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks), may be served or offered for sale in a ready-to-eat form if:
  - a. The food establishment does not serve to a highly susceptible population;
  - b. The consumer is informed of their risk, or;
  - c. A variance is granted based on a HACCP plan.
- ⇒ Microwave cooking may be allowed following certain guidelines.
- ⇒ Food prepared on premises must be consumed, used or sold within seven (7) days.
- ⇒ A ready-to-eat, PHF prepared in a food establishment and subsequently frozen, shall be clearly marked to indicate the date by which the food shall be consumed, which is seven (7) calendar days or less after the food is removed from the freezer, if the food is maintained at 41° F or less before and after freezing.

- ⇒ Date marking does not apply to whole, unsliced portions of a cured and processed product with original casing maintained on the remaining portion, such as bologna, salami, or other sausage in a cellulose casing.
- ⇒ When time is used as a public health control, the PHF must be consumed within four (4) hours from the point in time when the food was removed from temperature control.
- ⇒ In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.
- ⇒ A food establishment shall obtain a variance from the regulatory authority before smoking food as a method of food preservation.
- ⇒ Reduced oxygen packaging may be completed according to an approved HACCP plan.

#### **Item 4. Preventing Cross Contamination\***

- ⇒ Food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use plastic or vinyl gloves, or dispensing equipment.
- ⇒ Spoiled or recalled food must be stored separately from food, equipment, utensils, linens, and single-service and single-use articles.
- ⇒ Separate fruits and vegetables from ready-to-eat and raw foods.
- ⇒ Pasteurized eggs may be substituted for raw shell eggs for certain recipes when not cooked to 145° F for 15 seconds, or served to a highly susceptible population, or served to the public without warning labels or a health department approved variance.
- ⇒ Raw fruits and vegetables shall be thoroughly washed in water to remove soil; chemicals may be used as long as they have been approved by regulatory agencies.
- ⇒ Raw chicken and raw fish received immersed in ice may remain in that condition while in storage awaiting preparation, display, service, or sale as long as the water from the ice can drain away and not create a nuisance on floors, work surfaces or in cooling equipment.
- ⇒ Use clean tableware for second portions and refills.
- ⇒ No re-use of single service containers or consumer owned containers for potentially hazardous food.

#### **Item 5. Adequate Facilities to Maintain Product Temperature**

- ⇒ Must have probe and air thermometers.
- ⇒ Thermometers must be kept clean and accurate, and sanitized before and after each use.

#### **Item 6. Thawing Potentially Hazardous Food**

- ⇒ Refer to regulations for proper thawing requirements of potentially hazardous food(s).
- ⇒ Non-potentially hazardous food (frozen vegetables) may be thawed at room temperature and immediately cooked.
- ⇒ Allows for using any procedure, if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order, and never goes above 41° F for more than four (4) hours.

#### **Item 7. Unwrapped Foods\***

- ⇒ No foods should be transferred from one consumer to another if they are part of a highly susceptible population.

#### **Item 8. Food Protected From Contamination During Storage, Preparation, Display, Service and Transportation**

- ⇒ Food must be stored to avoid contamination, must be at least **6 inches** off floor, kept covered, and cannot be stored in a non-food area.
- ⇒ Buffets and salad bars must be monitored and protected.

- ⇒ Refer to regulations for specific requirements when serving food to a highly susceptible population: certain foods must be pasteurized, protected and not re-served; certain raw foods or undercooked foods may not be served at all.

#### **Item 9. Handling of Food Minimized**

- ⇒ Single-use gloves shall be used for only one task.
- ⇒ Slash-resistant gloves shall be cleanable or if not, they must be covered with single-use gloves.
- ⇒ Cloth gloves may not be used unless the food is subsequently cooked such as frozen food or a primal cut of meat.
- ⇒ Except when washing fruits and vegetables, food employees should limit contact with exposed, ready-to-eat food with their bare hands.

#### **Item 10. In Use Dispensing Equipment**

- ⇒ New regulations provide for options concerning storage and sanitation between use of food dispensing (in-use) utensils.

### **5-206 Personnel**

#### **Item 11. Personnel with Infections and Communicable Diseases Restricted\***

- ⇒ Personnel with various illnesses and symptoms should not be handling food.
- ⇒ Refer to regulations for reporting requirements.
- ⇒ A food employee or a person who applies for a job as a food employee must: report to the person in charge, any illness, symptom, wound or other condition that might cause any type of foodborne illness if they were to be involved in food preparation; and comply with any exclusions or restrictions that the person in charge may require.
- ⇒ The person in charge shall notify the regulatory authority that a food employee is diagnosed with an illness due to: Salmonella Typhi, Shigella sap., Shiga toxin-producing Escherichia coli, or Hepatitis A virus.

#### **Item 12. Acceptable Hygienic Practices\***

- ⇒ Food employees must wash their hands before starting work or handling food, after using the toilet, or completing any action that could contaminate their hands.
- ⇒ Hands must be dried with disposable paper towels or an air dryer.
- ⇒ Food employees shall clean their hands in a handwashing lavatory or approved automatic handwashing facility and may not clean their hands in a sink used for food preparation, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.
- ⇒ Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.
- ⇒ While preparing food, food employees may not wear jewelry on their arms and hands. This section does not apply to a plain ring such as a wedding band, as long as one washes under it.
- ⇒ A food employee may drink from a closed beverage container if the container is handled to prevent contamination of the employee's hands; the container; and exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

#### **Item 13. Uniforms, Bib-Type Aprons, Effective Hair Restraints**

- ⇒ No changes

### **5-207 Food Equipment and Utensils**

**Item 14. Food Contact Surfaces**

- ⇒ Food contact surfaces must be safe, durable and easy to clean.
- ⇒ Sponges may not be used on food contact surfaces when cleaning and sanitizing.
- ⇒ Can openers shall be clean, in good repair, and sharp enough to cut the can.

**Item 15. Non-Food-Contact Surfaces, Design, Construction, Maintenance, Installation and Location**

- ⇒ If no part of the floor under the floor-mounted equipment is more than 6 inches from the point of cleaning access, the clearance space may be only 4 inches.
- ⇒ The clearance space between the table and table-mounted equipment may be:
  - a. Three (3) inches if the horizontal distance of the table top under the equipment is 20 inches from the point of access for cleaning; or
  - b. Two (2) inches if the horizontal distance of the table top under the equipment is no more three (3) inches from the point of access for cleaning.

**Item 16. Dishwashing Facilities Design, Size, Construction, Maintenance, Installation, Location, Operation**

- ⇒ A 3-bay sink must be installed at time of renovations or new construction, or within sixty days of a change of ownership.
- ⇒ Chemical sanitizing machines must have an audible or visual sanitizer level indicator.

**Item 17. Thermometers, Chemical Kits and Pressure Gauges Provided**

- ⇒ Change in terms: mechanical now means automatic; warewashing replaces dishwashing.

**Item 18. Single-Service Articles Stored and Dispensed**

- ⇒ Materials that are used to make single-service and single-use articles may not allow the migration of deleterious substances, or impart colors, odors, or tastes to food, and shall be safe, and clean.
- ⇒ Single-service and single-use articles shall be stored:
  - a. In a clean, dry location;
  - b. Where they are not exposed to splash, dust, or other contamination; and
  - c. At least six (6) inches above the floor.

**Item 19. No Re-Use of Single-Service Items**

- ⇒ The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.
- ⇒ Ornate containers and single service tin cans shall not be re-used.

**5-208 Food Equipment and Utensils - Cleanliness****Item 20. Dry Cleaning and Precleaning**

- ⇒ If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.
- ⇒ Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

**Item 21. Warewashing and Rinsing**

- ⇒ The temperature of the wash solution in spray type warewashers that use hot water to sanitize may not be less than:
  - a. For a stationary rack, single temperature machine, 165° F;
  - b. For a stationary rack, dual temperature machine, 150° F;
  - c. For a single tank, conveyor, dual temperature machine, 160° F;

- d. For a multitank, conveyor, multitemperature machine, 150° F; or
- e. At a temperature recommended by the manufacturer's instructions.

⇒ The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than 120° F, or at temperatures recommended by the manufacturer.

⇒ At all other times the mechanical wash temperature of hot water machines shall be at a minimum of 141° F.

#### **Item 22. Sanitization Rinse\***

⇒ A quaternary ammonium compound solution shall have a minimum temperature of 75° F, and be used only in water with 500 mg/L (ppm) hardness or less.

#### **Item 23. Wiping Cloths, Use Limitation**

⇒ Sponges are prohibited from use on food contact surfaces.

#### **Item 24. Cleaning Food-Contact Surfaces of Equipment and Utensils**

⇒ The food-contact surfaces of cooking and baking equipment shall be cleaned at least once every 24 hours.

⇒ The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

#### **Item 25. Cleaning of Nonfood-Contact Surfaces**

⇒ No changes

#### **Item 26. Storage of Clean Equipment and Utensils**

⇒ No changes

### **5-209 Water System**

#### **Item 27. Water Supply\***

⇒ Bottled drinking water used or sold in a food establishment shall be obtained from an approved source.

### **5-210 Sewage Disposal**

#### **Item 28. Sewage System and Disposal\***

⇒ Condensate drainage and other nonsewage liquids and rainwater shall be drained from the point of discharge to disposal according to the Agency of Natural Resources.

### **5-211 Plumbing**

#### **Item 29. Plumbing - Properly Installed, Maintained**

⇒ If used, a grease trap shall be located to be easily accessible for cleaning.

#### **Item 30. Plumbing - No Cross-Connection, Backflow or Back Siphonage\***

⇒ Backflow preventers are needed for all carbonation equipment (must meet ASSE specs).

⇒ Water filter screens/elements must be replaceable.

### **5-212 Toilet and Handwashing Facilities**

### **Item 31. Toilet and Handwashing Facilities – Fixture Requirements\***

- ⇒ Must have a slop sink or equal on establishments constructed after December 1, 2003 (i.e. at least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain; it shall be conveniently located for the cleaning of mops, for the disposal of mop water and/or similar liquid waste).

### **Item 32. Toilet Rooms and Handwashing Facilities – Miscellaneous**

- ⇒ Ladies restrooms must be supplied with covered receptacles convenient and accessible to each toilet fixture.
- ⇒ A sign which reads, “**Employees Must Wash Hands After Using the Toilet and Before Handling Food,**” shall be placed in each toilet room and handwash sink location where it can be easily viewed and read by employees.

## **5-213 Garbage and Refuse Disposal**

### **Item 33. Garbage and Refuse Disposal - Facilities on the Premises**

- ⇒ Receptacles must be provided in each area where refuse is generated or commonly discarded.
- ⇒ Outside receptacles and waste handling units used for materials containing food residue must have tight-fitting lids, doors and/or covers.

### **Item 34. Garbage and Refuse Disposal Areas – Construction and Cleanliness**

- ⇒ Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.
- ⇒ Food waste may be disposed of by composting.

## **5-214 Insect and Rodent Control**

### **Item 35. Insect and Rodent Control\***

- ⇒ All traps for pests must be kept clean; pests must be removed immediately.
- ⇒ See regulations for live animal inclusions and exclusions.

## **5-215 Floors, Walls and Ceilings**

### **Item 36. Floors**

- ⇒ Specifies where carpeting may not be used.
- ⇒ Specifies areas where non-porous, easily cleanable floor covering must be present.

### **Item 37. Walls and Ceilings**

- ⇒ Concrete walls and concrete block walls finished with epoxy paint are permitted, if they have no pits, holes, cracks, or seams.
- ⇒ Studs, joists, and rafters shall not be left exposed in storage, food-preparation or utensil-washing areas. If left exposed in other rooms or areas, they shall be suitably finished and shall be kept clean and in good repair. This paragraph does not apply to the storage areas of retail grocery establishments.
- ⇒ An establishment that operates for not more than four consecutive months in one year may include exposed studs, joists, or rafters in the storage, kitchen, or utensil-washing areas.
- ⇒ Utility service lines and pipes may not be unnecessarily exposed.
- ⇒ Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the walls and ceilings.
- ⇒ Exposed horizontal utility service lines and pipes may not be installed on the walls and ceilings.

## **5-216 Lighting**

### **Item 38. Adequate Lighting**

- ⇒ Must have adequate lighting intensities - refer to regulations for foot-candle requirements.
- ⇒ Light bulb protective shielding requirements are specified.

## **5-217 Ventilation**

### **Item 39. Rooms and Equipment - Ventilated as Required.**

- ⇒ No changes

## **5-218 Dressing Rooms**

### **Item 40. Rooms - Adequate, Clean**

- ⇒ No changes

## **5-219 Miscellaneous Inspection Items**

### **Item 41. Poisonous or Toxic Materials\***

- ⇒ Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.
- ⇒ Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.
- ⇒ Poisonous or toxic materials shall be stored so they can not contaminate food, equipment, utensils, linens, and single-service and single-use articles.
- ⇒ Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a food establishment.
- ⇒ Refer to regulations for poisonous or toxic material usage requirements.
- ⇒ Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified by the regulatory authority.
- ⇒ Drying agents used in conjunction with sanitization shall contain only components that are listed as generally recognized as safe by either the FDA or the USDA.
- ⇒ Lubricants shall meet the requirements of FDA, NSF, or USDA for safe lubricants with incidental food contact if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food-contact surfaces.
- ⇒ Restricted use pesticides shall meet the requirements specified by the Environmental Protection Agency and the Vermont Agency of Agriculture.
- ⇒ Employees shall store their personal care items in food service facilities in such a manner as to prevent contamination of food equipment, utensils, linens, and single-service and single-use articles.

### **Item 42. Premises Free of Rubbish, Litter, Unnecessary Articles**

- ⇒ Must have a slop sink to dispose of mop water and other cleaning waste.
- ⇒ Food preparation sinks, handwashing lavatories and warewashing equipment may not be used for preparation, cleaning, holding or disposal of cleaning maintenance tools and their wastes.
- ⇒ Mops shall be placed in a position that allows them to air-dry without soiling walls, equipment or supplies.

**Item 43. Separation From Food Operation Areas**

⇒ Laundry facilities on the premises of a food establishment shall be used only for the washing and drying of items used in the operation of the establishment.

**Item 44. Clean and Soiled Linens**

⇒ A cabinet that is used to store laundered linens, may not be located:

- a. In toilet rooms;
- b. In garbage rooms;
- c. In mechanical rooms;
- d. Under sewer lines that are not shielded to intercept potential drips;
- e. Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
- f. Under open stairwells; or
- g. Under other sources of contamination.

**5-222 Miscellaneous**

⇒ Regulations now encourage the person in charge to provide the regulatory authority with a demonstration of food safety knowledge.

⇒ Test questions will be asked of the person in charge during routine inspections.

⇒ No debit points will be assigned to this miscellaneous requirement.