

MAJOR CHANGES TO THE MASSACHUSETTS RETAIL FOOD CODE FOR FOOD ESTABLISHMENTS

TERMS: The following terms have been added or changed:

- "Potentially Hazardous Foods (PHF)" has been changed to "Time/Temperature Control for Safety Foods (TCS Foods)."
- "Cut leafy greens" is a new term that includes a variety of cut lettuces and leafy greens and is a time/temperature control for safety food (TCS).
- "Critical Item" has been changed to "Priority (^P) Item" and "Priority Foundation (^{Pf}) Item." Chlorine
- "Non-critical Item" has been changed to "Core Item."

(All added or changed definitions in the updated 105 CMR 590.000 can be found: [Here.](#))

PERMITS: Food Establishment Permits are no longer required if the operation:

1. Only offers whole, uncut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs which are stored and maintained at 45°F (7.2°C) or less.
2. Only sells prepackaged foods that are not time/temperature control for safety foods.
3. Is a cooking class held for educational purposes only.
4. Is a bed-and-breakfast operation that: is owner occupied; guest bedrooms do not exceed six; breakfast is the only meal offered; and, number of guests served does not exceed 18.

(More information about new permit types and restrictions can be found: [Here.](#))

NEW DUTIES FOR PERSON IN CHARGE: PIC is responsible for these additional duties:

- Verify that food deliveries made during non-operating hours are stored safely and at proper temperatures.
- Inform employees in a verifiable manner of their responsibility to report all diseases that are transmissible through food. **The "Employee Reporting Agreement" form is enclosed. Every employee must fill this out and a copy of this must be available at the establishment at all times.**

(More information on the Duties of the Person in Charge (PIC) can be found: [Here.](#))

EQUIPMENT AND SIGNAGE: Establishments are required to obtain the following:

Inspection Signage:

- Food establishments required to post a conspicuous sign which tells customers that a copy of last inspection report is available upon request.
- The sign must state: **"Per the food code, a copy of the most recent establishment inspection report is available upon request", this sign MUST be posted next to your Food Permit.** Copies of this sign can be found on the Watertown Health Department Website and in printed form at the Health Department.

Temperature Measuring Devices:

- Requires an irreversible registering temperature indicator for mechanical ware washing. See attached flyer.

PREVENTING THE SPREAD OF NOROVIRUS

- A food handler must now be excluded if they test positive for Norwalk virus, Norwalk-like virus, Norovirus, or any other calicivirus to prevent foodborne cases of viral gastroenteritis.
- Every Food Establishment must now have **written procedures** for responding to and clean-up of vomiting and diarrheal events.

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Vomit and Diarrhea Spill Kit and Procedure:

- Every Food Establishment must have written procedures for employees to follow when responding to events that involve vomit and diarrhea onto surfaces in the Food Establishment.
- This document may be printed and filled out according to your establishments chosen procedure. **This written procedure must be available on site at all times.**

(A copy of The “Vomit and Diarrheal Clean up” template form is enclosed and can be found: [here.](#))

(A poster for “Clean-up and Disinfection of Norovirus” can be found [here](#))

FOOD SAFETY: The following changes were made to food safety practices:

Date Marking and Disposition: (More Information [here](#))

- All TCS foods held in an establishment for more than 24 hours must be clearly marked with the date by which the food is to be sold, discarded, or consumed.
- Exceptions include foods prepared and packaged by an inspected food processing plant such as deli salads, hard and soft cheeses with certain moisture content, cultured dairy products (yogurt, milk, sour cream) and shelf stable meats (prosciutto, pepperoni).

TCS Food Temperature:

- Hot holding, receiving, reheating and beginning cooling temperature for TCS foods lowered from 140°F to 135°F

Non- Continuous Cooking of Raw Animal: (More Information [here](#))

- An establishment may partially pre-cook raw meat, cool the product, and finish the cooking process at a later time. The final cook step must bring the product to a cooking temperature specified under 590.003; FC 3-401.11(A) to fully cook the meat prior to serving. The establishment must have prior approval from the local board of health of written procedures for preparation and storage and compliance with standards in 105 CMR 590.003; FC 3-401.14.

Time/Temperature Control for Safety Foods (TCS):

- Replaces Potentially Hazardous Foods (PHF) and now includes cut tomatoes and cut leafy greens. This means that cut tomatoes and cut leafy greens must be held at or below 41°F. Cut leafy greens are defined as fresh leafy greens whose leaves have been cut, shredded, sliced, chopped or torn and do not include herbs such as cilantro or parsley.

Treating Juice: (More Information [here](#))

- Juice packaged in a food establishment either treated under HACCP plan or contain a warning label

Time Only as a Public Health Control (TPHC): (More Information [here](#))

- A variance is no longer required to use TPHC. Instead, a Food Establishment must prepare written procedures in advance which are submitted to the local board of health for review and made available upon request. Food must be marked with the time period when removed from temperature control. Temperature requirements are as follows: