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## Proposed Updates to the Ohio Uniform Food Safety Code Chapter 3717-1 Ohio Administrative Code

### 3717-1-01 Definitions

"Enterohemorrhagic *Escherichia coli* (EHEC)" Deleted, as use of the EHEC terminology is outdated and is included in the revised definition of Shiga toxin-producing *Escherichia coli* (STEC).

"Packaged"- (B)(75)(a) Deleted the term "securely" to avoid undue emphasis on nature of the package.

"Packaged"- (B)(75)(b) Amended to remove the phrases "carry out box" and "other nondurable container" to clarify when foods packaged at retail need to be labeled so that it reads: *Packaged does not include wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer, by a food employee, upon consumer request.*

"Reduced Oxygen Packaging (ROP)"- (B)(91)(c)(v) Replaced the phrase "place in a hermetically sealed, impermeable bag" with "vacuum packaged in an impermeable bag" so it clearly defines the sous vide process. It now reads: "Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens."

"Shiga toxin-producing *Escherichia coli* (STEC)"- (B)(112) Revised to reflect current nomenclature.

### 3717-1-02.2 Management and personnel: personal cleanliness.

(C)(8) Amended to clarify that the requirement to wash hands before donning gloves is specific to the beginning of a task involving working with food and not during the task.

(E)(1)(b) Amended to clarify and align the rule with applicable C.F.R.'s and the FD&C Act with regard to the use of hand antiseptics as a food additive.

(L) Amended to clarify that napkins in this section refers to cloth napkins and they are by definition considered linens.

(P) Amended and new language added to clarify conditions under which the re-use of returnables, and refilling of returnable take-home containers are permitted.

### **3717-1-03.3 Food: destruction of organisms of public health concern**

(D)(4) Amended to clarify that prior to sale or service, raw animal foods cooked using a non-continuous cooking process shall be cooked to a temperature and for a time as specified under paragraphs (A)(1), (A)(2), and (A)(4) of this rule instead of 165°F.

(E)(2)(b) New language added to clarify that scallop products consisting solely of the shucked adductor muscle are excluded from the requirements for freezing for parasite destruction.

(H)(3) Amended language to clarify that this rule applies to all commercially processed TCS foods that are ready-to-eat. Previous text suggested that it applied only immediately upon removal of the food from a sealed container.

### **3717-1-03.5 Food: food identity, presentation, and on premises labeling.**

(C)(2)(b) Added "and sub-ingredients" and modified the language "color or flavor" with "colors, artificial flavors" to clarify the information that a label should include.

(C)(2)(g) Added "or astaxanthin" to clarify the information that a label should include.

(C)(3)(b) Amended a reference to correctly refer to what a labeling device such as a card, sign, or other method of notification needs to declare.

### **3717-1-4.2 Equipment, utensils, and linens: numbers and capacities**

(H) Amended the tag line to add "and mechanical".

(H)(1) Amended to re-designate the existing section into this section.

(H)(2) New language that requires the availability of an irreversible registering temperature indicator in hot water mechanical warewashing operations.

(F)(2) New language added to state that ozone used as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a facility shall meet the requirements specified in 21 C.F.R. 173.368.

**3717-1-09 Criteria for reviewing facility layout and equipment specifications.**

(A)(3) Added new language to clarify what should be included in a site plan when submitted.

**Updates coming soon**

**3717-1-03.1 Food: sources, specifications, and original containers.**

(S) Language added to allow juice which has **not** undergone a five log reduction to be processed in one FSO or RFE and transported to another FSO or RFE as long as the processing facility is inspected by ODA and both facilities are licensed under the same name.

**3717-1-03.4 Food: limitation of growth of organisms of public health concern.**

(C)(5) New language added to specify that frozen fish packaged using an ROP method shall be removed from the ROP environment either prior to initiating thawing procedures under refrigeration, or immediately upon completion of thawing completely submerged under running water as specified in this rule.

(G)(1) Amended the language to match the FDA food code by updating references and to re-order the wording.

(G)(2) Amended the language to match the FDA food code by updating references and to re-order the wording.

(G)(6) New language that exempts raw, live in-shell molluscan shellfish from date marking.

(G)(7)(f) Amended language to clarify that the exemption from date marking for shelf-stable dry fermented sausages produced in USDA-regulated facilities is not dependent on the product retaining the original casing.

(G)(7)(g) Amended language to match the FDA food code by stating that shelf stable salt-cured meats are exempt from date marking, regardless of whether the label states "Keep Refrigerated".

(K)(4)(b)(v)(b) Amended language to allow for cold holding of ROP food at 41°F for 7 days after cooling to 41°F.

(K)(4)(b)(v)(c) Removed old language and re-numbered subparagraphs.

(K)(4)(c) Amended language to clarify that temperatures shall be monitored and the records shall be maintained.

(K)(4)(c)(i) Modified language for clarity.

(K)(4)(c)(ii) Modified language for clarity.

(K)(4)(d) Modified language for clarity.

(K)(5) Amended to add the new language regarding when a HACCP plan is not required for ROP packaging of cheese.

(K)(5)(b) Amended to reference that the HACCP plan contains the information specified under the new paragraph (L).

(K)(6) New language added to specify when a FSO or RFE does not need a HACCP plan when using ROP.

(L) New language added to specify the contents of a HACCP plan.