

Risk Level of Retail Food Establishments & Food Service Operations

The licenser shall determine the risk level based on the highest risk level activity of the retail food establishment or food service operation in accordance with the following criteria:

- (A) Risk level I poses potential risk to the public in terms of sanitation, food labeling, sources of food, storage practices, or expiration dates. Examples of risk level I activities include, but are not limited to, an operation that offers for sale or sells:
- (1) Coffee, self-service fountain drinks, pre-packaged non-potentially hazardous beverages;
 - (2) Pre-packaged refrigerated or frozen potentially hazardous foods;
 - (3) Pre-packaged non-potentially hazardous foods; Or
 - (4) Baby food or formula
- (B) Risk level II poses a higher potential risk to the public than risk level I because of hand contact or employee health concerns but minimal possibility of pathogenic growth exists. Examples of risk level II activities include, but are not limited to:
- (1) Handling, heat treating, or preparing non-potentially hazardous food;
 - (2) Holding for sale or serving potentially hazardous food at the same proper holding temperature at which it was received; or
 - (3) Heating individually packaged, commercially processed potentially hazardous foods for immediate service.
- (C) Risk level III poses a higher potential risk to the public than risk level II because of the following concerns: proper cooking temperatures, proper cooling procedures, proper holding temperatures, contamination issues or improper heat treatment in association with longer holding times before consumption, or processing a raw food product requiring bacterial load reduction procedures in order to sell it as ready-to-eat. Examples of risk level III activities include, but are not limited to:
- (1) Handling, cutting, or grinding raw meat products;
 - (2) Cutting or slicing ready-to-eat meats and cheeses;
 - (3) Assembling or cooking potentially hazardous food that is immediately served, held hot or cold, or cooled;
 - (4) Operating a new treatment dispensing freezer
 - (5) Reheating in individual portions only; or
 - (6) Heating of a product from an intact hermetically sealed package and holding it hot.
- (D) Risk level IV poses a higher potential risk to the public than risk level III because of concerns associated with: handling or preparing food using a procedure with several preparation steps that includes reheating of a product or ingredient of a product where multiple temperature controls are needed to preclude bacterial growth; offering as ready-to-eat a raw potentially hazardous meat, poultry product, fish, or shellfish or a food with these raw potentially hazardous items as ingredients; using freezing as a means to achieve parasite destruction; serving a primarily high risk clientele including immunocompromised or elderly individuals in a facility that provides either health care or assisted living; or using time in lieu of temperatures as a public health control for potentially hazardous food, or performs a food handling process that is not addressed, deviates, or otherwise requires a variance for the process. Examples of risk level IV activities include but are not limited to:
- (1) Reheating bulk quantities of leftover potentially hazardous food more than once every seven days; or
 - (2) Caterers or other similar food service operations that transport potentially hazardous food.