

## **Amendments to the Ohio Uniform Food Safety Code Effective March 1, 2019**

### **3717-1-01 Definitions**

- (A) Combined the floating paragraph with the title.
- (B) Combined the floating paragraph with the title.
- (B)(1)(a) Updated the amended date to April 24, 2013.
- (B)(1)(b) Updated the amended date to April 24, 2013.
- (B)(15)(b) Updated the amended dates for the C.F.R. to 2018.
- (B)(28) Moved the definition of "Dealer" (which was (27)) behind the definition of "Cut leafy greens" so they are in alphabetical order.
- (B)(30) Combined the floating paragraphs into one definition.
- (B)(33)(a) Removed the references to weight in the definition of "Easily Movable" to match the FDA Code.
- (B)(50) Modified the definition of General Use Pesticide to reference ODA Revised Code.
- (B)(74) Replaced (as published on June 10, 2011) with (2016).
- (B)(75)(a) Removed the term "securely" from the definition of Packaged.
- (B)(97) Replaced the C.F.R. reference in the definition of Restricted Egg.
- (B)(98) Modified the definition of Restricted Use Pesticide to meet ODA requirements.
- (B)(99) Moved the floating sentence up in the definition.
- (B)(102)(b) Updated the amended date for section 409 to August 14, 2018; and removed the reference to section 706 of the Federal, Food, Drug, and Cosmetic Act in the definition of Safe Material.
- (B)(112) Corrected the spelling of "coli" in definition of Shiga toxin-producing Escherichia Coli.
- (B)(116) Added "such as shrimp" to the end of the definition of Slacking.
- (B)(122)(b)(v) Corrected the reference noted as (B)(123)(b)(iv) to (B)(122)(b)(iv) in the definition of TCS Food.
- (B)(125) Replaced "regulatory authority" with the "Ohio department of agriculture or the Ohio department of health" in the definition of Variance.

**3717-1-02 Determination of the primary business of a facility for purpose of licensure.**

- (A) Corrected the order of retail food establishment and food service operation to match the remainder of the code.
- (B)(3) Converted the floating paragraph into this new section.

**3717-1-02.1 Management and personnel: employee health.**

- (A)(2)(e) Removed the term "Enterohemorrhagic".
- (A)(2)(k) Added "spp." to the end of "Shigella".
- (A)(4)(b) Removed the term "Enterohemorrhagic"; changed the exposure time from past three days to past ten days; and deleted the reference to Shigella spp.
- (A)(4)(c) Moved Shigella spp from (A)(4)(b) to this new section and changed exposure time from past three days to past four days.
- (A)(4)(e) Changed exposure time for Hepatitis A virus from past thirty days to past fifty days of the last exposure.
- (A)(5)(b) Removed the term "Enterohemorrhagic", changed exposure time from past three days to past ten days; and deleted the reference to Shigella spp.
- (A)(5)(c) Moved Shigella spp from (A)(5)(b) to this new section and changed exposure time from past three days to past four days.
- (A)(5)(e) Changed exposure time for Hepatitis A virus from past thirty days to past fifty days of the last exposure.

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

- (B)(1) Added "Except as specified in paragraph (B)(4) of this rule, food".
- (C) Replaced "or" with "and" in three locations.
- (E)(1)(a)(i) Updated the publish year to 2018.
- (E)(1)(a)(ii) Updated the publish date to December 20, 2017.

**3717-1-02.3 Management and personnel: hygienic practices.**

- (C) Replaced "or wear" with "by wearing"; and replaced "or" with "and" in three locations.

**3717-1-02.4 Management and personnel: supervision.**

- (A)(2) Replaced "One year after the effective date of this rule" with "Each risk level III and risk level IV food service operation and retail food establishment shall have" and removed "shall" between "service" and "obtain".
- (B) Split out the methods to determine demonstration of knowledge into paragraphs (1) and (2); and deleted "or by being certified in food protection as specified in rule 3701-21-25 of the Administrative Code" as a method of demonstrating knowledge.
- (C)(9) Added new section: "Employees are properly maintaining the temperatures of time/temperature controlled for safety foods during hot and cold holding through daily oversight of the employees' routine monitoring of food temperatures;"
- (C)(17) Replaced "shall have" to "has".

### **3717-1-03 Food – safe, unadulterated, and honestly presented.**

Five Year review – no change.

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

- (A)(4) Added "if they are" between "or" and "frozen".
- (J) Updated the publish date to amended on July 20, 2000.
- (O)(1)(b) Added "Except as specified in (O)(4) of this rule, on".
- (O)(4) Converted the floating paragraph at the end of section (O)(1)(b)(iv) into this new section.
- (S)(1) Replaced "and either" with "or".

#### **3717-1-03.2 Food: protection from contamination after receiving.**

Added the comment: "for publication dates of the Code of Federal Regulation (C.F.R.) referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code."

- (A)(4)(f)(ii) Added "Nail brushes" as a control measure for bare hand contact.
- (C)(1) Moved the floating sentence to this new section.
- (C)(1)(a) Updated the reference in this renumbered section.
- (C)(1)(g) Replaced "; and" with "."
- (D) Put the exception at the beginning of the paragraph to match the FDA code.
- (F)(2)(b) Put the exception at the beginning of the paragraph to match the FDA code.
- (J)(2) Changed the ":" to a ";" and added "or".
- (K)(1) Changed "paragraph" to "paragraphs" and added a new reference to (K)(3).
- (K)(2) Added new section: "In any manner within a food ingredient, provided the entire ingredient batch undergoes further cooking as specified in rule 3717-1-03.3 of the Administrative Code, and the utensil is cleaned and sanitized at a frequency specified under paragraphs (A) and (B) of rule 3717-1-04.5 of the Administrative Code and paragraph (B) of rule 3717-1-04.6 of the Administrative Code;"
- (N)(4) Added new section: "The use of latex gloves is prohibited in food service operations and retail food establishments. Types of non-latex gloves that are permitted for use in food service operations and retail food establishments include but are not limited to nitrile, polyethylene, and vinyl".
- (Q)(1) Moved the floating paragraph to this new section.
- (Q)(2) Moved the second floating paragraph to this new section.

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

- (F)(2) Corrected the internal reference in two sentences.

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

- (D)(3) Added an "a" between "rule" and "time/temperature".

- (L)(2) Added new section: "A description of the training program that ensures individuals responsible for implementing the HACCP plan understand the:" with subsections (a)-(d).

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

- (C)(2)(c) Added "net" before "quantity".
- (C)(2)(f) Updated the amended date to March 23, 2010.
- (C)(4) Removed "such as bakery products and unpackaged foods".
- (C)(4)(b) Removed "or" between "establishment" and "at"; and added a "," after "establishment" in two places.

**3717-0-03.6 Food: discarding or reconditioning unsafe, adulterated or contaminated food.**

Five-year review – no change.

**3717-1-03.7 Food: special requirements for highly susceptible populations.**

- (D)(2)(c)(iv) Added "as specified in paragraph (L) of rule 3717-1-03.4 of the Administrative Code,".

**3717-1-04 Equipment, utensils, and linens: materials for construction and repair.**

- (G)(1) Reworded the floating paragraph and made it (G)(1).
- (G)(2) Removed "that" between "wood" and "may".
- (G)(2)(a) Removed "and" at the end of the paragraph.
- (G)(2)(b) Added "; and" at the end of the paragraph.
- (G)(2)(c) Added new section "Wood fermentation tanks, wood maturation barrels, and other wood used in the alcoholic beverage making process."
- (G)(3) Removed "Wood shipping containers in which"; replaced "are" with "may be kept in the wood shipping containers in which they were"; added ",until" after "received"; removed "if" in front of "the fruits"; and removed "kept in them until".
- (G)(4) Replaced "Untreated wood containers or wood containers treated with a preservative that meets the requirements specified in 21 C.F.R. 178.3800, and" with "If the nature of" at the beginning of the paragraph; removed "that is stored in them is whole, uncut, raw food that"; added ", the whole, uncut, raw food may be kept in:" at the end of the paragraph; and deleted the "." at the end of the paragraph.
- (G)(4)(a) Added new section "Untreated wood containers; or".
- (G)(4)(b) Added new section "Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 C.F. R. 178.3800."

**3717-1-04.1 Equipment, utensils, and linens: design and construction.**

- (P)(5)(b) Updated the manual date to 18-2016-manual.
- (R) Corrected the spelling for "cannot".
- (Y)(4) Moved "Food temperature measuring devices and" to the beginning of the paragraph.

(LL)(1) Corrected the spelling for "temperature".

(LL)(1)(b) Corrected the internal reference to (LL)(1)(a).

**3717-1-04.2 Equipment, utensils, and linens: numbers and capacities.**

(E) Separated the floating paragraph into two new sections (E)(1) and (E)(2).

(G)(2) Corrected the spelling of "fillets".

(H) Removed the "." in between (H) and (1).

(J) Added new section and subsections (1) – (2) dealing with availability of cleaning agents and sanitizers.

**3717-1-04.3 Equipment, utensils, and linens: location and installation.**

Five-year review – no change.

**3717-1-04.4 Equipment, utensils, and linens: maintenance and operation.**

(L) Converted the floating paragraphs into section (L)(1), subsections (a) – (b), and (L)(2).

(N) Replaced the "and" with a "or" between "instructions" and "shall".

**3717-1-04.5 Equipment, utensils, and linens: cleaning of equipment and utensils.**

(C)(1) Corrected the reference.

(F)(1) Corrected the spelling of "scraped".

(G) Combined the floating paragraph with the title.

(I) Combined the floating paragraph with the title.

(I)(2) Corrected the spelling of "scraped".

(J) Combined the floating paragraph with the title.

**3717-1-04.6 Equipment, utensils, and linens: sanitizing of equipment and utensils.**

Five-year review – no change.

**3717-1-04.7 Equipment, utensils, and linens: laundering.**

(B)(5) Replaced the "or" with an "and".

(C) Replaced the "or" with an "and".

(D) Split the floating paragraph into two new sections (D)(1) and (D)(2).

(E) Split the floating paragraph into two new sections (E)(1) and (E)(2).

**3717-1-04.8 Equipment, utensils, and linens: protection of clean items.**

Five-year review – no change.

**3717-1-05 Water, plumbing, and waste: water.**

Five-year review – no change.

**3717-1-05.1 Water, plumbing, and waste: plumbing system.**

- (B)(1) Replaced "building" with "plumbing".
- (E) Added "construction," between "for" and "installation".
- (G) Replaced "building" with "plumbing".
- (H) Replaced "building" with "plumbing".
- (J) Replaced "building" with "plumbing".
- (K) Replaced "building" with "plumbing".
- (S)(1) Replaced "building" with "plumbing".

**3717-1-05.2 Mobile water tanks.**

Five-year review – no change.

**3717-1-05.3 Water, plumbing, and waste: sewage, other liquid waste, and rainwater.**

- (C) Converted the floating paragraph and section (C)(1) and (C)(2) into new section (C)(1); and converted the bottom floating paragraph into new section (C)(2).

**3717-1-05.4 Water, plumbing, and waste: refuse, recyclables, and returnables.**

- (Q)(1) Removed "the" between "and" and "waste".
- (Q)(2) Replaced "or" with "and" between "recyclables" and "returnables".

**3717-1-06 Physical facilities: materials for construction and repair.**

Five-year review – no change.

**3717-1-06.1 Physical facilities: design, construction, and installation**

- (F)(2) Moved the exception to the beginning of the paragraph.
- (H) Moved the exception to the beginning of the paragraph.
- (K)(2)(b) Replaced "or" with "and" in three locations.
- (L) Replaced "or" with "and" between "establishment" and "does".
- (M)(1) Replaced "(M)(2) and (M)(3)" with "(M)(3) and (M)(4)".
- (M)(2) Converted the floating paragraph that was at the bottom of (M)(1)(c) to this new section.
- (M)(4) Added "Except as specified in paragraphs (M)(2) and (M)(5) if" to the beginning of the paragraph.
- (M)(5) Converted the floating paragraph that was at the bottom of (M)(4)(c) to this new section.

**3717-1-06.2 Physical facilities: numbers and capacities.**

- (G) Added a "." to the end of the title.
- (I) Added a "." to the end of the title.

(I)(2)(c) Added a "," after "rooms"; removed the "and" after "rooms"; added "and" between "warewashing" and "equipment"; and replaced "storage, or" with "and".

(I)(3) Replaced the "," after "food" with "or working with".

**3717-1-06.3 Physical facilities: location and placement.**

Five-year review – no change.

**3717-1-06.4 Physical facilities: maintenance and operation.**

(H) Removed "and maintenance" in the title and "and maintained" at the end of the paragraph.

**3717-1-07 Poisonous or toxic materials: labeling and identification.**

Five-year review – no change.

**3717-1-07.1 Poisonous or toxic materials: operational supplies and applications.**

(A) Corrected the spelling of "cannot".

(B) Removed "the" between "for" and "cleaning"; removed "of" between "sanitizing" and "equipment"; added a "," after "utensils"; replaced "and the control of" with "licensed application for controlling" between "utensils" and "insects"; and added "or for using as an incidental use pesticide as defined in paragraph (C)(3) of this rule," between "rodents," and "shall".

(C)(3) Removed "after July 1, 2004" and added a "," between "use" and "or".

(H)(1)(d) Updated the citation for the Federal Food, Drug, and Cosmetic Act.

(H)(1)(e) Updated the citation for the Federal Food, Drug, and Cosmetic Act.

(L)(1) Added "Except as specified in (L)(2) of this rule, a" to the beginning of the paragraph.

(L)(2) Added "If used, a" to the beginning of the paragraph; added "and" between "linens" and "single-service"; and replaced "articles, or" with "and".

**3717-1-07.2 Poisonous or toxic materials: storage and display – separation.**

Five-year review – no change.

**3717-1-08 Special requirements: fresh juice production.**

(A)(2)(a) Converted the first floating paragraph into this new section.

(A)(2)(b) Converted the second floating paragraph into this new section.

(B) Replaced "The" with "A".

**3717-1-08.1 Special requirements: heat treatment dispensing freezers.**

Five-year review – no change.

**3717-1-08.2 Special requirements: custom processing.**

(A) Replaced "may" with "shall" between "establishment" and "be".

(C) Added a "," after "owner".

(E) Added a "," after processing.

(F) Replaced "must" with "shall" between "number" and "remain".

**3717-1-08.3 Special requirements: bulk water machine criteria.**

Five-year review – no change.

**3717-1-08.4 Special requirements: acidified white rice preparation criteria.**

- (B)(4) Replaced "must" with "shall" between "rice" and "have"; added a "," after "4.1" and replaced "and an equilibrium" with "not to exceed a" between "4.1" and "pH"; and replaced "4.6 or less" with "4.3".
- (B)(5) Replaced "must" with "shall" between "solution" and "be".
- (C)(1) Added a "," and replaced "and an equilibrium" with "not to exceed a" between "4.1" and "pH"; replaced "4.6 or less" with "4.3".
- (C)(2) Moved "Blending the slurry for approximately twenty seconds to create a thorough mix" from the end of the paragraph to new section (C)(3).
- (C)(3) New section: "Blending the slurry for approximately twenty seconds to create a thorough mix."
- (C)(4) Added "to ensure a pH of 4.3 or less is achieved." behind "slurry"; and removed "Repeated measurements with a new slurry from the same batch of rice must be taken to assure the equilibrium pH of 4.6 or less is achieved."
- (E) Replaced "Describes" with "A description of".

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

- (A)(1) Added "food service" in front of "operation" and "retail food" in front of "establishment".
- (A)(7) Replaced "the" with "all".

**3717-1-20 Existing facilities and equipment.**

Rule was rescinded and replaced with the new rule. Changes were:

Combined paragraphs (A) and (B) into new floating paragraph.

- (A) Reads "They no longer comply with the following:"
- (A)(3) Replaced "and" with "or".
- (A)(4) Replaced "Do not constitute a public health hazard or public nuisance" with "Criteria upon which they were originally approved."
- (B) Added "The facilities and equipment constitute a public health hazard; or"
- (C) Replaced the whole section with "The food service operation or retail food establishment changes ownership."