

FoodBytes

Food Protection Program

Summer, 2009

Indiana State Department of Health

Vol. 10, No. 2

New law allows uninspected food sales

A new law that has worked its way through the Indiana Legislature creates a new class of food business, one not covered by existing food safety rules.

House Enrolled Act 1309, effective April 29, 2009, allows food that is not potentially hazardous to be made in private homes. The food may be sold only at farmers' markets or from a roadside stand and can't compete with other businesses outside these areas.

The law adds an exemption to the food establishment definition in existing law to allow home-based food sales. The exemption, however, also means existing food safety regulations do not apply. Although the new law does require products to be labeled and the home food preparer to practice "proper

sanitation" the latter is not defined. Inspectors from the Indiana State Department of Health would inspect only if there was a

consumer complaint, a suspected labeling issue, or reason to believe foods were adulterated. Foods would need to carry a statement that the products are "Not Inspected by the Indiana State Dept. of Health."

Provisions in the law allowing low acid and acidified products and foods to be sold from private homes were removed before the law was passed. The Food Protection Program has prepared a guidance document to aid local inspectors.



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The effect of HEA 1309 on locals

The biggest noticeable change to local health department inspectors may be that vendors that would previously have been found in violation of the "approved source" provisions of the food code will now be OK, as long as food is properly labeled and there are no

obvious adulteration issues.

Since "permits" are determined by local ordinances, sometimes beyond health department control, it is possible that some vendors may be subject to local permits and permit fees, yet exempt from inspections.

New sanitizers showing up inside food establishments

A number of new sanitizing products in the quaternary ammonium compound family are making their way into retail food establishments.

A food inspector with a local health department recently discovered a “solid” type sanitizer being used in a major quick service restaurant chain. The solid sanitizer material was placed in a container to which a water line was attached. Water ran over the solid material, dissolving a small portion of it to create a sanitizing solution.

Because quat type sanitizers can be less effective in hard water, several new products are being

manufactured that have label instructions that say to make the solution at higher concentrations, some as high as 600 PPM or possibly higher.

Before an inspector makes a judgment on any sanitizer, it is very important that he or she read the label instructions that state how the product is intended to be used, and the strength the manufacturer says the product should be before use. With quat solutions, the water temperature is also important. A solution that is too warm will likely



give a false high reading on quat solution test strips. The label instructions will indicate the proper solution temperature and how the solution should be tested.

Even if an inspector doesn't recognize the trade name of a sanitizer product, if it has the word “sanitizer” on the label, and contains an EPA Registration Number, it may be allowed. It will be necessary to determine what the active ingredients are so as to use the proper test kit to measure the final solution strength. Remind establishment operators it is their responsibility to have a proper test kit and to test regularly.

Peanut product recall spreads wide, isn't quite over

Because of apparent carelessness during processing and storage of products, the recall of peanut-flavored products from the Peanut Corporation of America (PCA) has topped 3,500. The recall was spurred by the discovery of *Salmonella*

typhimurium in products that used peanuts and peanut paste in its products. Due to the widespread use of peanut paste, recalled products ranged from peanut butter crackers to pet food, and from donuts to ice cream. Nine deaths and more than 22,000 illnesses have been connected to PCA plant ingredients.

The PCA's Georgia plant closed following the onset of the outbreak and the discovery of a

Salmonella species. PCA's Texas plant, which handled raw peanuts, was also voluntarily closed following the discovery of another species of *Salmonella* in its plant.

Both plants had been inspected by private auditing companies

(paid for by PCA) and by Georgia and Texas state inspectors respectively. PCA had received good inspection reports, despite evidence of food safety issues.

When Food and Drug Administration (FDA) officials visited the Georgia PCA plant to investigate, inspectors spent 13 out of 14 straight

days conducting a thorough inspection. Typically, previous inspections were conducted during the course of one day.

PCA announced that because of its pending bankruptcy proceedings forced by the massive recalls, it no longer would communicate directly with customers concerning recalled products.

The best source for specific information may be the FDA web site. PCA is alleged to have distributed *Salmonella*-tainted food products after laboratory testing showed some of its finished products were contaminated.

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How are new rules, like the food code, created?

A new law cannot be written by just anyone. Any entity needs the legal authority to do so.

The Indiana Legislature creates “statutes” that provide basic legal requirements covering particular situations. For example, the legislature passed IC 16-42, known as “REGULATION OF FOOD, DRUGS, AND COSMETICS.” Then in IC 16-42-5-5 we find, “The state department may adopt rules under IC 4-22-2 for the efficient enforcement of this chapter and to establish minimum sanitary standards for the operation of all

food establishments”. This means that ISDH may write the “rule” that governs food safety. These rules are identified as “IAC” meaning Indiana Administrative Code. You can think of the IC as the “parent,” and the IAC as the “child.” Both ICs and IACs carry equal legal weight.

An additional provision of the IC in this case says that local health departments may not impose food safety requirements or standards that are more strict than the food code. 410 IAC 7-24 is the “standard” that may not be changed by a local jurisdiction, meaning the



same rules will apply throughout the state.

Inspectors should pay attention to “high-touch” spots

Good foodservice operators will have cleaning schedules. But are those schedules covering all the areas they should? Outbreaks of contagious diseases like Norovirus have pointed out the need for thorough cleaning and sanitizing of food contact surfaces plus any other areas that are contacted regularly by food employees.

Viruses can remain viable on solid surfaces for days and sometimes weeks. Even surfaces that look clean can be contaminated.

Operators often will focus on cleaning schedules that take care of floors and make sure employees are wiping down prep tables, but they will overlook many of the “high-

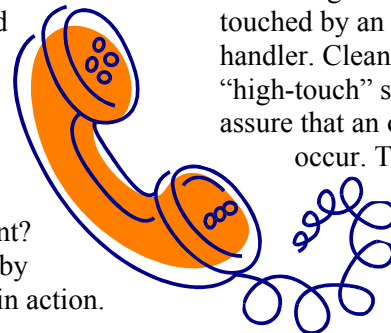
touch” areas like door handles, knobs, and buttons on equipment.

“High-touch” surfaces may be thought of as those areas that are frequently touched by many food employees. Such surfaces should get special attention from managers when establishing cleaning schedules, but often are overlooked altogether. Yet these “high-touch” spots can allow pathogens to be spread even though the food handler might be wearing gloves.

So, what are the “high-touch” areas within an establishment? This is best answered by observing employees in action.

What areas do they touch over and over? What do they touch *after* contacting the “high-touch” spots? Telephones used by employees are most frequently overlooked when it comes to cleaning, yet many employees give no thought to going back to food prep after handling the phone, even while still wearing gloves.

Pathogens, like Norovirus, are spread by people who transmit the virus to food and other persons. It is also spread by an employee contacting surfaces that have been touched by an infected food handler. Cleaning and sanitizing all “high-touch” surfaces can help assure that an outbreak does not occur. This includes the telephones.



Viruses can remain viable on solid surfaces for days, and sometimes weeks.

Pet treats at farmers' markets: A food safety issue?

The first reaction of many food inspectors who may discover a vendor selling home made pet treats is that since it isn't for humans, it isn't a concern.

But the sale of pet treats is regulated and such products must meet certain requirements, including a clear indication that the food is "not for human consumption."

Such pet products are regulated by the Indiana Office of the State Chemist located at Purdue University. A Commercial Feed License must be obtained and a fee paid before any product is distributed.

Labeling might be the most

challenging requirement. Labels must include the product name, the species for which it is intended, guaranteed analysis, ingredient statement, and feeding directions.

Also needed is the person or business responsible for the treat, and the weight or count must appear on the label. There are special requirements that may apply for large quantities



of treats. The vendor may need to use a commercial laboratory to determine the ingredient analysis.

The legal language is spelled out in 355 IAC 6-2.

A vendor found selling treats who has not been approved should be asked to stop and contact:

Office of Indiana State Chemist

Purdue University

175 S. University

West Lafayette, IN 47907

Telephone: 765-494-1492

Inspections by representatives of the State Chemist Office are possible.

Consider this simple fix for a common problem

Equipment in poor repair is a constant source of contention among regulators. Poorly maintained cutting boards are no exception. Regulators commonly observe plastic (polypropylene) cutting boards with deep scoring and discoloration.

Such deterioration leads to ineffective cleaning and sanitizing, which in turn allows the buildup of pathogenic microorganisms. Imagine the difficulty in removing the flora that dwells within the recesses of the deep cuts and scratches on these boards.

Operators often look to regulators for compliance guidance. Without promoting one product over another, regulators may offer

recommendations based upon their wide and varied experiences. To offer guidance, it is helpful to know existing options for correction of

the violations. One quick fix for old cutting boards may be as simple as using a small hand-held tool.

A "board scraper" is capable of shaving down scratches and cuts that may harbor bacteria creating a smooth cutting surface once again. This tool shaves the board using a replaceable stainless steel blade. The regulator may simply direct the operator to contact a restaurant supply company to further investigate this option.

How well does it work? Is it the best answer? These are questions

best answered by the operator along with the restaurant supply representatives. If operators decide to try this hand-held scraper, it may well prove to be an easy, convenient and relatively inexpensive option to refurbishing these troublesome cutting boards.

Kris Thomas, Food Protection Specialist

One quick fix for old cutting boards may be as simple as using a small hand-held tool.



This is a top view (left) and bottom view (right) of a typical handheld scraper for restoring cutting boards with minor scoring.

Can an establishment make ice cream on site?

A growing number of appliances capable of making frozen dairy desert products are making their way to retail food establishments across the state. May local health department inspectors allow this? What should an inspector look for?

A key consideration of any dairy product is pasteurization and when it has occurred. Section 149 of the food code says that all milk and milk products must be obtained pasteurized. But what are the concerns if an establishment makes another dairy product, like ice cream on site? The Dairy Division



of the Indiana Board of Animal Health (BOAH) has the answer.

If an operator wishing to make “ice cream” obtains pasteurized milk from an approved source, he may add flavoring or coloring ingredients. Such ingredients must have been subjected to a heat treatment sufficient to destroy pathogens, have a water activity of 0.85 or less, and pH less than 4.7.

Roasted nuts, as well as fruits

and vegetables, may be added during freezing.

The finished product must be pasteurized if any dairy, egg, egg products, cocoa products, emulsifiers, stabilizers, liquid sweeteners, or dry sugars are added. Pasteurization would also be necessary if dry, condensed, or powdered ingredients are reconstituted or recombined with water.

If on site pasteurization occurs, a BOAH inspector would need to inspect and approve the process. Local inspectors do not enforce BOAH regulations.

Does the tune really matter to the germs?

Food inspectors, as well as food handlers who have been trained, have learned that handwashing is vital to keep food safe. According to the food rule, correct handwashing requires water, soap, and vigorously rubbing hands together for 20 seconds.

To make it easy to time the 20 seconds, they have been told to sing a song like the “alphabet song” or “happy birthday” (twice through) to encourage handwashing for at least the minimal time.

But food handlers and food inspectors are adults. Why are they singing kid songs? Why not belt out songs for grownups?

There would be nothing wrong with singing 20 seconds worth of

Eric Clapton, or something by Bono, or even Kenny Chesney. And wouldn't singing Queen's *Bohemian Rhapsody* add something extra to the

Since food handlers and food inspectors are adults, why are they singing kid songs?



normal excitement of the prep area? Other employees could join in for some handwashing harmony!

And it's been scientifically suggested that the louder one sings, the better, as it may tend to frighten the germs away!

Norris leaving

Ed Norris is retiring from the ISDH Food Protection Program effective the end of June.

During his ten-year tenure, Norris created the department's newsletter, *FoodBytes*, and developed various training programs on food safety topics. He was a Standardized Retail Inspection and Training Officer with the U.S. Food and Drug Administration and provided training to numerous local health department food inspectors.

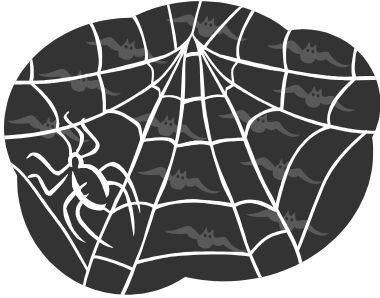
Norris created a wide variety of training materials specifically for local health department food inspectors and conducted on-site training for local inspectors. He also provided training to retail food establishment operators.

FOOD PROTECTION PROGRAM

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Indiana State Department of Health

FoodBytes

is published quarterly by the
Food Protection Program, Indiana State Department of Health.

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Tidbits, Crumbs, and Leftovers

- ◆ *Inspectors: What should you do when an inaccurate food probe thermometer is found? Don't calibrate it yourself. Have a food employee do it while you observe.*
- ◆ *Did you know that if you don't actually open your code book at least once every two weeks that the words on the pages will change? You can prove this yourself by opening your code book, picking a section you haven't looked at for awhile and reading it. Then you'll say to yourself, "I didn't know it said that". This dilemma can be avoided by opening your code book and reading a portion of it weekly.*

- ◆ *Even though a new class of food business has been created by new law HEA 1309 that exempts certain home-produced foods from health department inspections, event organizers, like farmers' market masters, may still decide what vendors will be allowed to sell. Some have decided to reject unsuspected vendors for liability concerns.*
- ◆ *HEA 1309 creates a new class of food*

business. That is why none of the existing rules apply. A guidance document is available to help inspectors understand the rule.

Send your questions and comments to the e-mail or postal address on this page.

Calendar

IEHA Fall Educational Conference

September 28 - 30, 2009

Merrillville

The Conference for Food Protection (CFP)

Indianapolis, April, 2012