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Standards Committee Meeting – July 6, 2016

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Date: July 6, 2016

**ENVIRONMENTAL HEALTH DIVISION
STANDARDS COMMITTEE MEETING**



Time: 9:30 am - 11:30 pm

Where:
1001 North Central Avenue
5th Floor Conference Room
Phoenix, AZ 85004

Meeting Minutes

The mission of the Environmental Services Department (Department) Standards Committee is to provide a time for standards to come together and discuss food code and to help our staff members provide consistent documentation of violations, and ensuring that our stakeholders understand the reasoning behind the decisions.

The vision is that all field inspectors and supervisors have a place to go with their questions and know that each item will be discussed with the division as a whole, that feedback (both discussion and code references) will be brought back to each office and inspectors will be consistently giving the same message to operators.

The Department currently has three (3) staff members that have been standardized by the FDA. Those staff members then standardize supervisors in each office who then will standardize their staff.

The procedure is that each Environmental Health Specialist (EHS) field staff notifies their supervisor of any code questions or interpretations that they may have. If supervisors are unable to give an answer or want more clarification, they will then send that information to the training officers and training supervisor. Once received, the question is sent to everyone on the standards committee so

that they can start researching it and discussing it in their office. The question is also added to the agenda for the next Standards Committee meeting.

We also welcome questions from establishments/stakeholders if there are any topics that need to be brought up.

The members will then meet and use codes, Department policies, and any supporting documentation to come up with a decision collaboratively and by consensus as to how the issue will be addressed by the Division. If the issue cannot be resolved, the committee may seek guidance from the FDA, USDA, ADA, Management team and/or Director if needed.

Any recent changes to local, State or Federal codes may also be discussed.

Topics discussed at this meeting:

Clarification on use of refillable containers

Question/Issue:

In a previous Committee decision, it was determined that establishments serving coffee and/or other beverages could refill consumer's take home cups with a beverage so long as contamination of food contact surfaces and employee hands are prevented. Can the same guidance apply to an establishment refilling a consumer's take home container (i.e., mason jars, Tupperware, etc.) with products from across the deli and meat market counter? Discussion will center on the provisions in 3-304.17 of the FDA Food Code.

Response:

The decision that was previously made was that based on the food code this would not be allowed; however, we want to make sure that we are asking the right questions and taking the time to educate our permit holders. Please refer to the [Standards Committee Meeting minutes from 05/28/15](#) for more information.

Section 3-304.17 (B)(2) says:

(B) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD container is:

(2) One that was initially provided by the FOOD ESTABLISHMENT to the CONSUMER, either empty or filled with FOOD by the FOOD ESTABLISHMENT, for the purpose of being returned for reuse.

The Arizona State Statue §36-974 says:

36-974. Protection from contamination

- A. Bulk food and product modules shall be protected from contamination during display, customer self-service, refilling and storage.
- B. Each product module shall have a tight fitting lid that is kept in a closed position at all times except during stocking and customer service.
- C. Containers supplied by customers shall not be used in a manner that contaminates bulk food. Take-home containers, including bags, cups and lids, provided for customer use shall be stored and dispensed in a sanitary manner.**
- D. Pet food and nonfood items shall be separated by a barrier or open space from product modules and bulk food.
- E. Potentially hazardous food shall not be provided as bulk food for customer self-service.
- F. Bulk food removed from a product module by a consumer but not ultimately purchased shall not be returned to the product module or offered for resale by the retailer.

Code Reference: 3-304.17 and AZ State Statue §36-974

Note to the inspector and questions to ask:

- Is the container one that was originally provided by the food establishment

- Was the container visually clean? If not did the establishment reject the container or are they conducting the proper wash, rinse and sanitize, and air dry steps?
- Are proper handwashing steps taken after handling of a visibly soiled container? If not then a hand washing violation may be warranted (2-301.14)
- Efforts should be made to protect food, equipment, and utensils used by the establishment for other customers. If a customer brings a returnable container for the establishment to refill, the utensil used to fill the customer's container should be protected from contamination. For example, a customer might bring in a reusable coffee thermos to the establishment for a refill of coffee with creamer. The employee should use any reusable spoons behind the counter only for this customer. Reusable utensils like the spoon should not be dipped in the cup to stir the drink and set aside for use in other customer orders due to contamination. If the spoon in this case was not caused for cleaning and sanitizing, a violation should be written (4-602.11 (A)(5)), corrective action should be taken, and the inspector should educate the employees/operator on the hazard.

Diluting hand soap – is it a violation?

Question/Issue:

In an effort to make hand soap less harsh on the hands or extend their supply of hand soap, some establishments will dilute the soap with water. The diluted soap is then used in the handwashing process. Is this practice a violation of the 2013 FDA Food Code?

Response:

Although the code does not explicitly prohibit diluting hand soap, we would recommend using hand soap according to manufacturer instructions. If it is apparent that the soap has been diluted the point where hand washing is not effective (i.e. there is no lather during hand washing) it may be written as a hand washing violation.

Training will reach out to the FDA for further clarification and possible inclusion in future additions to the code.

Violation(s):

- No soap at the hand sink or if diluted soap is really obvious: 6-301.11
- Cleaning procedures: 2-301.12

Air gaps on discharge pipes

Question/Issue:

There needs to be some clarification on which violation to document when it comes to missing air gaps on discharge pipes at sinks and other plumbing fixtures. Should inspectors be writing 5-402.11 (a violation associated with drainage of sewage) or should inspectors be writing plumbing violations that fall under 5-201.11 or 5-205.15?

Response:

The international plumbing code (IPC) states:

INDIRECT WASTES

802.1 Where required. Food-handling equipment and clear-water waste shall discharge through an indirect waste pipe as specified in Sections 802.1.1 through 802.1.8. All health-care related fixtures, devices and equipment shall discharge to the drainage system through an indirect waste pipe by

means of an *airgap* in accordance with this chapter and Section 713.3. Fixtures not required by this section to be indirectly connected shall be directly connected to the plumbing system in accordance with Chapter 7.

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an *air gap*.

802.1.2 Floor drains in food storage areas. Floor drains located within walk-in refrigerators or freezers in food service and food establishments shall be indirectly connected to the sanitary drainage system by means of an *air gap*. Where a floor drain is located within an area subject to freezing, the waste line serving the floor drain shall not be trapped and shall indirectly discharge into a waste receptor located outside of the area subject to freezing

Code Reference: 5-402.11

Violation(s):

- For this specific scenario 5-402.11 of the Annex would fit best
- If it's an improper repair where the air gap is missing it's 5-205.15

Note to the inspector: If there should be an air gap and there is not, then you can use 5-402.11

Other topics brought up during the meeting:

Red Pepper Chili's in Oil

During an inspection the inspector noticed the establishment had red pepper chilis in oil out at room temperature. The owner stated that it was dehydrated red pepper chilis that was placed in boiling oil which is then cooled down and kept at room temperature. The red pepper chilis are removed and are only used to flavor the oil. Should this be a violation? What if the red pepper chilies are left in the oil and used for cooking or for table service?



Response:

After some department research it was decided that this is a non-TCS food and would not need to be held as such. This would not be a violation. Since the establishment is using dehydrated chilis and there is no moisture in the pepper, we wouldn't have to worry about botulism. The dehydrated chilis are being cooked in boiling oil, so salmonella would not be a concern anymore either. Garlic and oil is a little different – the garlic is in the soil and no matter how much you clean the garlic there will always be a chance for botulism. The chili pepper hangs above the ground and harvested to dry. The oil is an anaerobic environment so bacteria will not grow.

Based on the TCS Table in the 2013 FDA Food Code, Dehydrated red peppers chilis have a low water activity and are considered a low-acid food, therefore would not need treated as a TCS food.

Ice scoop storage

Can the ice scoop holder be stored inside the ice machine?

Response:

It is important that we are all on the same page when talking about this subject. “Ice machine bins” produce ice and hold ice for dispensing. “Ice bins” (often referred to as jockey boxes) do not produce ice – they only hold ice for service. These are usually found behind the bar.

Ice Machines: Ice scoop holder inside ice machine are approved, these are usually mounted inside the ice machine away from the ice and prevents the handle from coming in contact with the ice. Ice scoops alone without a scoop holder cannot be stored in the ice in an ice machine. The reason for this is because the ice machine is constantly making ice and when the ice is dispensed from the top part of the ice machine it can bury or knock over the ice scoop, causing a potential cross contamination problem.



Ice Bins: Ice bins can have a container inside the ice to hold the scoop (quarter pan or half pan are usually used) assuming the pan/holder is durable, smooth and easily cleanable. These are usually removed and taken to be properly cleaned at the end of the shift or day. The scoop may be stored directly in the ice as well so long as the handle does fall/touch the ice.



Process improvement

During the stakeholder taskforce meetings a couple of years ago it was suggested that we hold an annual or bi-annual “process Improvement” meeting. Instead of adding more meetings it was decided to include this into these Standards Committee meetings – starting with the next meeting.

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