



# OKANOGAN COUNTY PUBLIC HEALTH FOOD PROGRAM POLICY

Revised 12/11/14

Okanogan County  
Public Health  
*1234 South 2<sup>nd</sup> Avenue*  
*P.O. Box 231*  
*Okanogan, WA 98840*  
*(509) 422-7140*

<http://www.okanogancounty.org/OCHD/index.htm>

## **PROGRAM GOALS AND OBJECTIVES**

### **Goals:**

- Protect public health through a comprehensive food safety program stressing public education and regulatory enforcement of safe food handling practices as required.
- Foster a spirit of cooperation and innovation with food service operators and OCPH staff
- Maintain a downward trend in both critical item scores and total scores averaged on an annual basis for all food establishments.

### **Objectives:**

- Inspect all high hazard annually permitted food service establishments a minimum of twice per year.
- Inspect all moderate and low hazard annually permitted food service establishments a minimum of once per year.
- Inspect all high hazard temporary food establishments a minimum of once per year during their permit period.
- Ensure that appropriate enforcement letters are sent as needed within the time frame established in this policy.
- Perform all follow-up inspections associated with enforcement within the time frame established in this policy.
- Maintain sufficient records to monitor compliance with sanitary codes.
- Provide group and individualized training through regularly scheduled food worker classes and food worker card testing at OCPH.
- Provide group and individualized training through food worker classes and food worker card testing at non-OCPH locations as requested/scheduled by groups or food establishments (per OCPH fee schedule).
- Improve food manager knowledge by providing individualized manager training during routine inspections.
- Provide appropriate training and continuing education to OCPH personnel performing inspections at temporary events, mobile food service establishments and fixed food service establishments and monitor their performance to ensure appropriate, consistent, and adequate inspections of all food service establishments.
- Improve communication and cooperation with Colville Confederated Tribes concerning food sanitation on fee and tribal land.

## **PROGRAM POLICIES AND PROCEDURES**

### **PERMITS REQUIRED**

A person may not operate a food establishment without a valid permit to operate issued by the applicable regulatory authority unless exempt under WAC 246-215 Part 8, Subpart C (see Appendix 1).

All food establishments and food service operations must take place in Okanogan County. Establishments or operations located or conducted outside of county lines will not be approved.

### **PERMIT APPLICATION PROCEDURES**

#### **New, Remodeled, or Expanding Food Establishments (Except Temporary Establishments)**

With the exception of temporary food establishments, any food establishment owner or operator who wishes to obtain a permit from Okanogan County Public Health (OCPH) must submit the following to OCPH:

1. The completed application, using the form provided by OCPH.
2. The permit application fee as specified in the current OCPH fee schedule.
3. A plan of the establishment must be submitted for review by OCPH personnel. A plan review fee will be charged to the applicant in accordance with the current OCPH fee schedule. (This fee is separate from the permit application fee.) The procedures and requirements for the plan review submission are as specified in WAC 246-215 Section 8-2, and are further described by "The Okanogan County Health District Plan Review Procedures & Equipment Specifications for Food Services Establishments".

Food establishment permits will be valid for the calendar year (January- December). Any person opening a new food establishment or purchasing an existing food establishment between January 1<sup>st</sup> and September 30<sup>th</sup> will be required to pay the full permit fee. Any person opening a new food establishment or purchasing an existing food establishment between October 1<sup>st</sup> and December 31<sup>st</sup> will be required to pay one quarter of the total permit fee.

#### **Temporary Food Establishment Permits**

Any person or group who wishes to obtain a temporary food permit from OCPH must submit the following to OCPH:

1. The completed application, using the form provided by OCPH. The application and fee must be received at OCPH no less than fourteen (14) calendar days prior to the start of the event.
2. The permit application fee as specified in the current OCPH fee schedule. In the event that an application is received less than fourteen (14) calendar days prior to the start of the event, the applicant will be denied.

## Renewal Permits

OCPH sends out applications for renewal of existing permits in December of each calendar year. Renewal applications for all establishments are due by January 31 of the following calendar year and must be accompanied by payment for the fee as specified in the current OCPH fee schedule. Applications received after January 31 of the applicable year will be charged double the regular fee as specified in the current OCPH fee schedule. **EXCEPTION: Seasonal establishments closed at the time renewal notices are sent do not need to re-apply prior to January 31 of the applicable calendar year. They must, however, apply and pay fees at least fourteen (14) days prior to opening or operating in the applicable calendar year. Failure to do so will result in double fees.**

A plan review is not required for a permit renewal unless there has been or will be a change in the establishment, such as a remodeling, equipment change or a significant change in the menu. If changes have been or are to be made, then a plan review and applicable fee will be required in order to obtain or retain a valid food establishment permit.

## FOOD PERMIT CATEGORY DEFINITIONS

Each food establishment will be issued a single permit with one or more endorsements. An endorsement will have to be obtained for each branch of the food establishment. Failure to comply in one branch or department will not jeopardize the entire permit unless the violation affects all branches of the food establishment.

The types of food establishment endorsements are listed below:

**Restaurant:** A food establishment or department that offers food and beverages for immediate consumption, prepared and served to order by staff at that location.

**Take Out Restaurant:** A food establishment or department that offers food and beverages prepared at that location ready to eat for immediate consumption outside of the premises, or that offers food and beverages prepared at that location that are not ready to eat and require final cooking before consumption outside of the premises.

**High Hazard Market:** A food establishment or department that is selling pre-packaged foods in addition to operating produce departments or that is selling packaged food that was made on site, or that is selling food from an approved source that has been repackaged. Items sold out of a market are not for immediate consumption.

**Low Hazard Market:** A market that sells only pre-packaged potentially hazardous foods from an approved source.

**Delicatessen:** A food establishment or department selling foods already prepared and held in hot and cold holding equipment such as cooked meats, cheese, salads, burritos, etc., or requiring limited preparation for serving.

**Bakery:** A food establishment or department that has a primary function of baking and icing or decorating goods baked on site or purchased from an approved source.

## OCPH Food Program Policy

**Butcher Shop:** A food establishment or department that takes whole animals or animal primal muscles, poultry or fish, and prepares them into individual cuts of meat or meat products, or that takes raw meat, poultry, and fish and turns it into a ready to eat food through cooking, curing, or smoking.

**High Hazard Coffeehouse/ Espresso Stand/ Winery/Continental Breakfast:** A food establishment or department that is primarily preparing and serving hot and cold drinks for immediate consumption with the production of potentially hazardous foods as well as non-potentially hazardous foods such as baked goods.

**Low Hazard Coffeehouse/ Espresso Stand/ Winery/Continental Breakfast:** A food establishment that is preparing and serving hot and cold drinks for immediate consumption, or a food establishment serving non-potentially hazardous hors d' oeuvres or potentially hazardous hors d' oeuvres for immediate consumption per individual order in conjunction with a beverage.

**Institution:** A food service establishment that is associated with and located within a government or non-profit entity, or that is serving a school, correctional facility, daycare, early learning institute, senior citizen center, or similar facility.

**Low Hazard Mobile:** A mobile food establishment selling frozen commercially produced and packaged potentially hazardous food.

**Moderate Hazard Mobile:** Mobile food establishment selling pre-packaged potentially hazardous food; or a mobile establishment serving hot dogs or corn on the cob; or a mobile food establishment serving drinks or crushed ice drinks for immediate consumption; or a mobile food establishment serving commercially hard or soft serve ice cream by bowl or cone.

**High Hazard Mobile:** Any other mobile food establishment preparing potentially hazardous food not mentioned in low hazard mobile or moderate hazard mobile definition.

Note: A mobile food establishment is readily movable food establishment that is not hard wired to a power grid and not hard plumbed to an approved water system and sewage disposal system. A mobile food establishment must be able to shut down and be ready to travel within 30 minutes. WAC 246-215 Part 9, Subpart A (See Appendix 3)

**Low Hazard Temporary:** A temporary food establishment selling commercially packaged potentially hazardous food; or a temporary food establishment serving low hazard foods such as hot dogs or corn on the cob or commercially canned goods such as chili (if reheated on site and served with minimal condiments); or individually served drinks or machine crushed drinks such as a snow cone; or commercially hard or soft serve ice cream served in a bowl or cone.

**High Hazard Temporary:** Any other temporary food establishment not defined under low hazard temporary.

Note: A temporary food establishment must operate at a fixed location, with a fixed menu, for not more than twenty-one consecutive days in conjunction with a single event

or celebration, such as a fair or festival; or operating not more than three days a week at a fixed location, with a fixed menu, in conjunction with an approved, recurring, organized event, such as a farmers market. WAC 246-215 Part 9, Subpart B (See Appendix 4)

**Tavern:** A food establishment that has a menu of five items or less that can be prepared in a microwave oven, pizza oven, fryer in conjunction with the service of alcoholic beverages.

**Catering:** A food establishment or department contracted to prepare food in an approved food establishment for final cooking or service at another location, as defined in WAC 246-215 Part 1, Subpart 01115(11)

**Donated food distributing organization:** A charitable nonprofit organization under section 501(c) of the federal Internal Revenue Code that distributes food free of charge to the public (All donated food distributing organizations must be compliant with WAC 246-215 Part 9, Subpart D). Plan review must be submitted with application. Fees will not be applied if the organization qualifies as a non-profit under section 501(c) of the Federal Internal Revenue Code).

## **INSPECTION OF FOOD SERVICE ESTABLISHMENTS**

### **INSPECTION FREQUENCIES**

1. Inspect all high-hazard class food establishments (excluding temporary) a minimum of twice per year. Any food establishment in this class may be inspected more frequently if deemed necessary by the Health Officer.
2. Inspect all low-hazard class food establishments (excluding temporary) a minimum of once per year. Any food establishment in this class may be inspected more frequently if deemed necessary by the Health Officer.
3. Perform all follow-up inspections associated with enforcement within thirty days of the original inspection (as detailed in the Mandatory Re-Inspection Section of this policy).
4. Inspect temporary food service establishments a minimum of once per year during the permit period.
5. Conduct special inspections as needed, based on complaints, foodborne illness reports, etc.

### **GENERAL INSPECTION PROCEDURE**

Avoid inspections at peak business hours as much as possible. Use the latest inspection form provided by the Washington State Dept. of Health, or an equivalent form developed by OCPH and approved by the Washington State Dept. of Health for use.

The inspector will introduce themselves to the manager or person in charge prior to initiating the inspection. During the inspection, carry on dialogue with the Person in Charge (PIC) and any other appropriate personnel to determine if violations have or will occur in food preparation procedures taking place before, during or after the actual inspection.

## OCPH Food Program Policy

Keep accurate records of inspection results, including specific violations (by number) together with description of products involved, location of violation, stage of preparation, recorded temperatures, quantities, and time frame. Use the most current version of the approved state inspection form to note results.

List correct procedure for every violation noted. Use the current guidance materials provided by the Washington State Dept. of Health as references for correct interpretation of regulations and required or recommended procedures.

Explain inspection results to the PIC (and any other personnel involved), stressing critical items. Remain objective and open to innovation and suggestions meeting the intent of the regulations. Leave a copy of the inspection report.

OCPH personnel will follow-up with the mandatory re-inspection procedure if required or with immediate enforcement action if a violation is determined to be an imminent threat to public health.

### **MANDATORY RE-INSPECTION OF FOOD SERVICE ESTABLISHMENTS**

OCPH personnel will follow-up an inspection with an enforcement letter within seven working days of the inspection, and re-inspect the establishment within thirty days of the date of the enforcement letter if any of the following conditions are found to exist:

- Any cooking, cooling, reheating, hot holding or room temperature storage violations
- Any cold holding violation that is recorded with a temperature at 46 degrees Fahrenheit or above
- A critical item score of 50 or more
- A total demerit score of 60 or more
- Any violation is observed for the third time in three consecutive inspections

An establishment receiving a mandatory re-inspection will be billed for the re-inspection in accordance with the current approved fee schedule. All items listed on the inspection report form as violations must be corrected by the time of re-inspection. If the violation has to do with maintenance of physical facilities and can not be corrected by the time of the re-inspection a written statement giving a reasonable time period for repair will be expected.

The Environmental Health director and health officer will be notified immediately upon closure of any food service establishment.

### **PERMIT SUSPENSION AND IMMEDIATE CLOSURE**

The operational permit will be suspended and the establishment closed for a minimum period of twenty-four hours for any establishment which has not corrected all violations prior to its mandatory re-inspection. If a time extension is needed for correction of a violation, the request must be made in writing. Time extensions will only be granted for reasons having to do with

## OCPH Food Program Policy

physical facilities or equipment, such as a delay in obtaining service or parts for a piece of equipment, providing the delay in compliance does not pose an imminent public health hazard.

The following violations will result in immediate suspension of permit and closure of a food establishment:

- Failure to destroy hazardous food when so ordered by the health district
- Interference with the Health Officer, or his representative in the performance of his duty
- An imminent health hazard exists which cannot be corrected during the inspection
- Failure to correct items contributing to a mandatory re-inspection by the time of the re-inspection.
- A routine inspection results in a total demerit score of more than one hundred (100) points.
- A previously issued compliance schedule is not followed.

The Health Officer will be notified immediately upon closure of any food service establishment.

**Following the suspension of the permit and closure of the food service establishment, the owner and/or operator of the establishment has the following options:**

Any permit holder whose permit has been suspended may request a hearing with the Health Officer of OCPH or his/her designee to appeal the permit suspension and closure or to propose a plan of action to correct the violation(s) or condition(s) that led to the permit suspension. The request must be made in writing within five (5) working days of the service of notice of permit suspension and closure. If no written request for a hearing is filed within five (5) working days, the permit suspension is sustained. If an appeal is denied by the Health Officer of OCPH, the permit holder may appeal the Health Officer's decision to the Okanogan County Board of Health.

The Health Officer of OCPH or his/her designee will follow up the hearing with a written decision within five (5) working days of the hearing.

Any permit holder whose permit has been suspended may make an application for a Re-inspections for the purpose of reinstatement of the permit will be performed during normal working hours (Monday through Friday, 7:30 am - 4:30 pm) no earlier than the next normal working day. The request for re-inspection must include a statement signed by the applicant that in his/her opinion the condition(s) leading to suspension of the permit have been corrected. Upon receipt of a request for re-inspection, the Health Officer of OCPH or his/her designee will make a re-inspection. If the applicant is in compliance with the requirements of all applicable regulations and policies, the permit shall be reinstated.

## **Compliance Schedule**

Any food establishment or department may be put on a compliance schedule at the discretion of the Health Officer or EH Director. Compliance schedules may be required when a suspended permit or endorsement is reinstated to the food establishment, if violations reoccur during routine inspections, if items are not corrected during the time of re-inspections, or if the food establishment or department shows an immediate health hazard. Compliance schedules will be at minimum of three months. Food establishments or departments put on a compliance schedule will be required to develop standard operating procedures, corrective action plans, and recordkeeping logs for the problem(s) arising in the food establishment. Plans must be submitted and approved by Okanogan County Public Health (plan review fee will apply). After plans are approved Okanogan County Public Health will inspect the food establishment every month until the duration of the schedule is met, primarily focusing on hazards developed in the plans. The re-inspection fee will be applied for every visit during the compliance schedule. Failure to comply with the schedule will result in permit suspension.

## **PERMIT REVOCATION**

The Health Officer or his designee, after providing opportunity for a hearing with the board, may revoke a permit for any of the following:

- For repeated violations of any of the requirements of the Okanogan County Public Health Food Regulation
- For interference with the Administrator or Health Officer in the performance of his/her duty.

Prior to revoking a permit, the Health Officer or his designee shall notify the permit holder in writing. The letter will clearly identify the establishment and will identify the specific reason(s) for revoking the permit. The procedures for revoking a permit shall be as set forth in the Okanogan County Public Health Food Regulation, Section 11.

Any permit holder whose permit has been revoked may make a written application to the Health Officer or his designee, i.e. EH Director of OCPH for the purpose of obtaining a new permit as set forth in the Okanogan County Public Health Food Regulation, Section 11. The written application must include justification for issuing a new permit, including the applicant's plan for addressing the deficiencies and problems that led to revocation of the original permit. A hearing will be scheduled before the Okanogan County Board of Health for the purpose of determining whether a new permit shall be issued.

## **PUBLIC EDUCATION**

### **REGULAR FOOD WORKER CLASSES AND TESTS**

Regular Food worker course is available at the kiosk stations between 7:30 a.m. and 2:00 p.m. Monday through Friday and the food worker class is available at 3:30 pm on Thursday each week, unless the office is closed for a holiday or other reasons. The classes are structured in a way intended to meet the requirements for food worker classes as set forth in WAC 246-217.

## **FOOD WORKER CARDS**

1. The food worker card forms used at OCPH are those obtained from the Washington State Dept. of Health and Tacoma, Pierce Health Department. OCPH also retains the option of developing and utilizing an equivalent form at any time, provided that the form developed by OCPH is approved for use by the Washington State Dept. of Health.
2. The fee charged for each food handler card shall be the fee set out in WAC 246-217-025.
3. A food handler card is valid for a period of two (2) years from date of issuance if
  - A. it is being issued to a first-time card holder, or
  - B. it is being issued to a card-holder whose previous card has expired.
4. A food handler card is valid for a period of three (3) years from date of issuance if it is being issued to a prior card-holder whose previous card has not expired.
5. A food handler card valid for five (5) years may be issued to any person who meets the following criteria:
  - A. Has a previous food handler card that has not expired, and
  - B. Has attended and successfully completed at least one training course lasting a minimum of four hours contact time during the effective dates of the food handler's previous food handler card.
6. Replacement or duplicate food handler cards are available from OCPH. A fee for the replacement or duplicate card will be charged in accordance with the current approved fee schedule.

## **SPECIALIZED GROUP TRAINING**

Effective public education is one of the primary goals of the food program. The following educational programs are available to specialized groups on a regular basis:

- Individualized manager training during routine inspections
- Group and individualized training via offsite food handler card classes at non-OCPH sites. Such classes are presented by special arrangement, and a minimum class size of 15 attendees is required to arrange an offsite food handler class. The minimum charge for a food handler class at a non-OCPH location is calculated at [15 x FHC fee] and if fewer than 15 persons actually attend an offsite class, the coordinator of the class will be charged for the difference between [15 x FHC fee] and [Actual # of attendees x FHC fee].
- Presentation to community groups such as high school home economic classes, commercial or institutional cooks, boy scouts, Okanogan County Senior Citizen Association, or nursing homes/assisted living communities.

## **EDUCATIONAL MATERIALS**

Okanogan County Public Health will maintain a supply of educational and informational handouts, to be made available to interested individual, classes, businesses and groups on request, or as a need is seen by OCPH personnel. Stocks of materials may be maintained in either hard copy form or in digital form for printing on an as-needed basis. These will include, but not be limited to, the following.

- Copies of all applicable food service regulations, including WAC 246-215, the current Okanogan County Public Health Food Regulation.
- Copies of all Okanogan County Public Health Food Program Policies, including this document, the OCPH “Requirements for Temporary Food Service Establishments and Functions” and the OCPH “Plan Review Procedures and Equipment Specifications for Food Service Establishments”
- Various educational materials such as brochures, posters, handbooks, etc. relating to food safety, obtained from trustworthy sources such as the Washington State Dept. of Health, FDA, USDA, and institutions of higher learning.
- Posters, stickers and similar materials designed to promote safe food handling techniques in food service establishments, for display in such areas as food preparation areas, dish/utensil cleaning areas and restrooms and hand washing areas.

## **INVESTIGATING FOODBORNE ILLNESS**

### **EMERGENCY CONTACT SYSTEM**

In the event that it becomes necessary, OCPH will contact different agencies concerning matters of public health significance such as a foodborne illness outbreak. Okanogan County Public Health will contact the Washington State Department of Health Lab, health care providers, hospitals, etc. as needed, based on the results of their investigation of the FBI outbreak or other event of public health concern.

### **INVESTIGATION OF FOODBORNE ILLNESS REQUIRED**

Investigation of foodborne illness outbreaks will be of highest priority to staff. A “foodborne illness” (FBI) means an illness in which food is suspected to be or determined to be the vehicle by which the agent causing the disease is transmitted. A “foodborne disease outbreak” means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food. The Food Program staff will work closely with the communicable disease staff in the OCPH Community Health section to investigate all foodborne illness reports.

An investigative action is needed when any one of the following conditions is met:

- Two or more persons are ill with conditions meeting the definition of a food borne illness outbreak, as set forth in WAC 246-101 (Notifiable Conditions).
- One or more persons are ill with botulism, trichinosis, or a chemical intoxication.

### **Responsibility**

Upon receipt of a foodborne illness complaint or report, the person receiving the complaint or report will refer the matter immediately to the food sanitation specialist, who will assume the role of primary investigator. If the food sanitation specialist is not available, the person receiving the complaint will refer the matter immediately to another sanitarian who will assume the role of primary investigator until the food sanitation specialist returns. If no sanitarians are available at the time the complaint is received, the person receiving the complaint will refer the initial report to the OCPH Communicable Disease Investigator, who will assume the role of primary investigator until the food sanitation specialist returns. If none of the above OCPH personnel are available when the complaint comes in, the person receiving the complaint will obtain sufficient information for follow-up and attempt to contact the primary investigator. In all cases of confirmed disease, the food sanitation specialist and/or other OCPH sanitarians will work closely with the Communicable Disease (CD) Investigator and/or other OCPH communicable disease staff for patient contacts, histories and follow-up.

### **Patient Contact**

When it is determined that an investigation is necessary, the investigator(s) described above will make every effort to obtain the names, addresses, and telephone numbers of all those exposed to the suspected event or meal, both those who became ill and those who did not become ill, and to obtain the name and telephone number of the diagnosing medical personnel.

In addition, the investigator(s) will make every effort to immediately contact and interview each person exposed to the suspected event or meal, both those who became ill and those who did not become ill and complete the appropriate investigative form for each person interviewed.

During the interview, the investigator(s) will make every effort to determine whether those persons who became ill are willing to submit stool and/or vomitus samples. The samples will be collected according to the applicable laboratory protocols and kept refrigerated.

### **EH Director, member of the Management team and Health Officer Contact**

Immediately preceding or following preliminary evaluation of data, the investigator(s) will notify the Okanogan County Public Health EH Director or member of the Management team and the Okanogan County Health Office of the complaint and the investigation. OCPH investigators will keep both the EH Director / Management team and the Health Officer informed of the progress of the investigation at all times.

### **Region 7 / Washington State Dept. of Health Contact**

Immediately preceding or following preliminary evaluation of data, the investigator(s) will contact the Region 7 Epidemiologist for consultation. Where larger outbreaks have occurred, the Region 7 Epidemiologist DOH will be contacted prior to interviews so that specialized questions can be included during questioning. Where larger outbreaks occur, either OCPH investigators or the Region 7 epidemiologist may at their discretion contact and consult with epidemiologist the Washington State Dept. of Health as well.

### **Reporting**

FBI investigation data will be recorded using the current Washington State Dept. of Health Foodborne Outbreak Reporting Form. Upon completion of the investigation, or after discussion with the DOH, the raw data will be tabulated for preliminary analysis utilizing a common source epidemic curve, frequency of symptoms table, and food specific attack rate table as shown in the International Association of Milk, Food and Environmental Sanitarians (IAMFES) Procedures for Investigating Food Borne Illnesses.

### **Inspection**

In the event that a food service establishment is implicated as a source from which the outbreak originated, then that establishment will be inspected by an OCPH investigator who is qualified to inspect food establishments. The inspection will take place no later than one working day after the initial report of the outbreak whenever possible. All critical items will be immediately corrected, hold orders will be issued as deemed appropriate, and food samples (100 grams) will be obtained as deemed appropriate. The samples will be kept refrigerated.

### **Inspection Follow Up**

A follow-up re-inspection of the implicated establishment will be made within thirty (30) working days of the investigation.

### **Samples**

A kit containing appropriate sterile equipment and containers for obtaining food samples will be maintained by OCPH at all times.

All samples collected will be sent to the DOH Laboratory as soon as possible, preferably in less than three days following the suspected outbreak. The appropriate laboratory must be called before the sample is sent. A completed investigation form will be enclosed with each sample.

### **Written Report**

A written report of the outbreak incidence describing its occurrence, investigation, casual factors, and the preventive procedures will be prepared by the investigator within thirty (30) working days of the investigation. One copy will be sent to DOH, and one copy will be sent to any food service establishment implicated as a source by the investigation.

### **Media Contact and Contact with Health Care Providers**

Any and all contacts with health care providers and the media will be handled by the Health Officer, the OCPH administrator and/or designated OCPH staff.

## **FOOD RECALLS**

At various times, food recall notices are issued by the FDA, the USDA, the Washington State Dept. of Health or by the producer of the recalled food. At the request of state Dept.of Health authorities, OCPH personnel will assist in the recall process. Depending on the nature and severity of the public health threat caused by the recalled food product, OCPH personnel may take one or more of the following actions:

## OCPH Food Program Policy

- Call all food service establishments that handle or may handle the recalled food product to advise them of the recall
- Visit food establishments that handle or may handle the recalled food product, notify the establishment personnel of the recall and visually inspect shelves and storage areas for the presence of the recalled food product
- Put out public notices in local media regarding the recall action.

If not asked by the Dept. of Health to assist in the recall effort, OCPH may also undertake one or more of these actions independently at the discretion of OCPH personnel.

### **COMPLAINTS CONCERNING COMMERCIALY PACKAGED FOOD ITEMS**

Upon receipt of a complaint the food sanitarian will act as investigator, record the complaint, provide any appropriate educational information to the complainant and assist the complainant in completing the WSDA Consumer Complaint Report Form.

The investigator will refer the complainant back to the establishment from which the food item was purchased to request a refund.

In cases of likely public health significance, the investigator will immediately contact appropriate staff person at WSDA, alert the establishment from which the food item was purchased, and determine the necessary extent of public notification required by the situation.

### **COMPLAINTS CONCERNING SPOILED SURPLUS USDA COMMODITIES**

Spoiled USDA Commodities in excess of 50 pounds requires a letter from the jurisdictional health district containing the following information:

- Name of the organization requesting the inspection
- Type of commodity
- Quantity of commodity involved and whether or not the commodity is packaged in cases or in individual containers
- Storage location of the commodity
- Storage conditions of the commodity
- Condition of the commodity (moldy, water damaged, etc.)
- Probable cause of spoilage
- Whether the spoiled commodity is fit or unfit for human consumption

If the commodity is unfit for human consumption, disposal should be recommended. Disposal must be authorized by USDA and witnessed jointly by the health district and the agency requesting the disposal.

## OCPH Food Program Policy

If alteration or re-packaging will make the commodity fit for human consumption it should be so stated. USDA surplus cheese can be trimmed and re-packaged for distribution from food banks or transferred to charitable or state institutions.

## APPENDIX 1

### 08305 Exempt from permit (2009 FDA Food Code 8-301.12).

- (1) The REGULATORY AUTHORITY may exempt a PERSON from the provisions of 08600(1) and 08300 of this chapter in order to operate without a FOOD ESTABLISHMENT PERMIT, if the PERSON meets the other provisions of this chapter, including not using any FOOD prepared in a residential kitchen or other facility that is not APPROVED, and the types of FOOD served are limited to those specified in subsection (4) of this section.
- (2) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall submit a written application for an exemption on a form provided by the REGULATORY AUTHORITY at least 14 calendar days before providing FOOD service, or as otherwise required by the REGULATORY AUTHORITY.
- (3) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall submit properly prepared plans and specifications of the FOOD service facilities and EQUIPMENT if the REGULATORY AUTHORITY requires it, based on a review of the application for an exemption submitted under subsection (2) of this section.
- (4) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall limit FOOD handling to one or more of the following FOODS:
- (a) Popcorn and flavored popcorn prepared from commercially PACKAGED ingredients that are not POTENTIALLY HAZARDOUS FOOD;
  - (b) Cotton candy;
  - (c) Dried herbs and spices processed in an APPROVED facility;
  - (d) Crushed ice drinks containing only ingredients that are not POTENTIALLY HAZARDOUS FOODS and dispensed from a self-contained machine that makes its own ice. Drinks with POTENTIALLY HAZARDOUS FOOD, snow cones, and shaved ice are not included;
  - (e) Corn on the cob prepared for IMMEDIATE SERVICE;
  - (f) Whole peppers roasted for IMMEDIATE SERVICE;
  - (g) Roasted nuts, roasted peanuts, and roasted candy-coated nuts;
  - (h) Chocolate-dipped ice cream bars prepared from pre-PACKAGED ice cream bars produced in a FOOD PROCESSING PLANT;
  - (i) Chocolate-dipped bananas prepared from bananas peeled and frozen in an APPROVED facility; and
  - (j) Individual samples of sliced fruits and vegetables that are not POTENTIALLY HAZARDOUS FOODS.

## APPENDIX 2

(88) "POTENTIALLY HAZARDOUS FOOD (PHF)."

- a) POTENTIALLY HAZARDOUS FOOD means a FOOD that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.
- b) POTENTIALLY HAZARDOUS FOOD includes:

OCPH Food Program Policy

- (i) An animal FOOD that is raw or heat-treated, a plant FOOD that is heat-treated or consists of raw seed sprouts, cut melons, CUT LEAFY GREENS, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, fresh herb-in-oil mixtures, or garlic-in-oil mixtures unless modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and
- (ii) Except as specified in (c)(iv) of this subsection, a FOOD that because of the interaction of its AW and PH values is designated as product assessment required (PA) in Table A or B of this subsection:

Table A. Interaction of pH and Aw for Control of Spores in Food Heat-treated to Destroy Vegetative Cells and Subsequently Packaged

A <sub>w</sub> values	pH values		
	4.6 or less	>4.6 - 5.6	>5.6
≤0.92	non-PHF	non-PHF	non-PHF
>0.92 - .95	non-PHF	non-PHF	PA**
>0.95	non-PHF	PA	PA

\*\* PA means Product Assessment required.

Table B. Interaction of pH and Aw for Control of Vegetative Cells and Spores in Food Not Heat-treated or Heat-treated but not Packaged\*

A <sub>w</sub> values	pH values			
	<4.2	4.2 - 4.6	>4.6 - 5.0	>5.0
<0.88	Non-PHF	Non-PHF	Non-PHF	Non-PHF
0.88 - 0.90	Non-PHF	Non-PHF	Non-PHF	PA**
>0.90 - 0.92	Non-PHF	Non-PHF	PA	PA
>0.92	Non-PHF	PA	PA	PA

\*\* PA means Product Assessment required.

- c) POTENTIALLY HAZARDOUS FOOD does not include:
  - (i) An air-cooled hard-boiled EGG with shell intact, or an EGG with the shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;
  - (ii) A FOOD in an unopened HERMETICALLY SEALED CONTAINER that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
  - (iii) A FOOD that because of its PH or AW value, or interaction of AW and PH values, is designated as a non-PHF FOOD in Table A or B of this subsection;
  - (iv) A FOOD that is designated as product assessment required (PA) in Table A or B of this subsection and has undergone a product assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that FOOD is precluded due to:
    - A. Intrinsic factors including added or natural characteristics of the FOOD such as preservatives, antimicrobials, humectants, acidulants or nutrients;
    - B. Extrinsic factors including environmental or operational factors that affect the FOOD such as packaging, modified atmosphere such as REDUCED OXYGEN PACKAGING, shelf life and use, or temperature range of storage and use; or
    - C. A combination of intrinsic and extrinsic factors; or
  - (v) A FOOD that does not support the growth or toxic formation of pathogenic microorganisms in accordance with (c)(i) or (iv) of this subsection even though the FOOD might contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

## APPENDIX 3

### *Subpart A - Mobile Food Units*

#### **09100 Requirements and restrictions--Requirements.**

- (1) The PERMIT HOLDER and PERSON IN CHARGE of a MOBILE FOOD UNIT shall comply with the requirements of this chapter, except as otherwise provided in this section.
- (2) The PERMIT HOLDER shall obtain approval from other applicable regulating agencies prior to operating a MOBILE FOOD UNIT, including the Washington state department of labor and industries.
- (3) The PERSON IN CHARGE of a MOBILE FOOD UNIT shall operate the MOBILE FOOD UNIT from an APPROVED COMMISSARY or SERVICING AREA and shall return to such location for supplies, thorough cleaning, and other servicing activities, as APPROVED in a plan of operation. When not in operation, a MOBILE FOOD UNIT must be stored at an APPROVED SERVICING AREA or other APPROVED location.

#### **09105 Requirements and restrictions-Restrictions.**

The REGULATORY AUTHORITY may impose additional requirements to protect against health hazards related to the operation of a MOBILE FOOD UNIT and may:

- (1) Limit the FOOD preparation steps;
- (2) Prohibit some menu items; and
- (3) Restrict the mode of operation when facilities or EQUIPMENT are inadequate to protect public health.

#### **09110 Plan approval--Plan review.**

The owner of a MOBILE FOOD UNIT shall submit a properly prepared plan of operation with specifications of the MOBILE FOOD UNIT, COMMISSARY, and SERVICING AREA to the REGULATORY AUTHORITY for approval before:

- (1) Construction or remodeling begins;
- (2) The menu of the MOBILE FOOD UNIT is changed;
- (3) The method of FOOD preparation is changed;
- (4) The vehicle is changed; or
- (5) The COMMISSARY is changed.

#### **09115 Plan approval--Plan contents.**

The owner of a MOBILE FOOD UNIT shall include in the plan required by 09110:

- (1) Menu and FOOD preparation steps;
- (2) Floor plan;
- (3) EQUIPMENT specifications and location;
- (4) Finish schedule;

## OCPH Food Program Policy

- (5) Proposed itinerary or sites to be served;
- (6) Source of water and specifications of the on-board plumbing;
- (7) Site used for SEWAGE disposal;
- (8) Availability of restrooms for EMPLOYEES;
- (9) Operating procedures; and
- (10) Cleaning schedule.

### **09120 Additional requirements--Standard operating procedures.**

The PERSON IN CHARGE of a MOBILE FOOD UNIT shall ensure:

Page 112 Washington State Retail Food Code

- (1) Only EMPLOYEES and other PERSONS authorized by the REGULATORY AUTHORITY are present in the MOBILE FOOD UNIT;
- (2) All EMPLOYEES are in compliance with the provisions of chapter 69.06 RCW and chapter 246-217 WAC for obtaining and renewing valid FOOD WORKER CARDS, unless all FOODS are pre-PACKAGED and are not POTENTIALLY HAZARDOUS FOOD;
- (3) All FOODS, including ice, are from an APPROVED source or COMMISSARY;
- (4) POTENTIALLY HAZARDOUS FOODS prepared on the MOBILE FOOD UNIT are served the same day they are prepared;
- (5) Pre-PACKAGED FOODS are properly labeled;
- (6) Only SINGLE-SERVICE ARTICLES are provided for use by the customer; and
- (7) Condiments not in individual packages are provided in dispenser bottles or in other containers protected from contamination.

### **09125 Potentially hazardous foods--Temperature control.**

The PERSON IN CHARGE of a MOBILE FOOD UNIT shall ensure that POTENTIALLY HAZARDOUS FOODS are:

- (1) Not cooled on the MOBILE FOOD UNIT;
- (2) Properly temperature-controlled during transport to the place of service;
- (3) Temperature-monitored by use of a stem-type thermometer or thermocouple capable of measuring all proper FOOD temperatures;
- (4) Reheated, for hot holding, from 41°F (5°C) to 165°F (74°C) or above within one hour on the MOBILE FOOD UNIT when the FOODS were cooked and cooled in an APPROVED FOOD ESTABLISHMENT that is not a MOBILE FOOD UNIT;
- (5) Reheated, for hot holding, from 41°F (5°C) to 135°F (74°C) or above within one hour on the MOBILE FOOD UNIT when the FOODS were produced in a FOOD PROCESSING PLANT;
- (6) Reheated no more than one time; and
- (7) Held in preheated mechanical hot holding EQUIPMENT or prechilled mechanical cold holding EQUIPMENT, or otherwise temperature controlled by an APPROVED method.

### **09130 Cooking thickness--Cooking raw meats.**

The PERSON IN CHARGE shall ensure that raw MEATS greater than one inch in thickness are not cooked on the MOBILE FOOD UNIT, unless otherwise APPROVED.

## OCPH Food Program Policy

### **09135 Water and wastewater--Water system.**

The PERSON IN CHARGE shall ensure that the water system on the MOBILE FOOD UNIT:

- (1) Is supplied from an APPROVED source of water;
- (2) Is designed and constructed in an APPROVED manner;
- (3) Is filled from the APPROVED water source through a FOOD-grade hose;
- (4) Is refilled as frequently as necessary to furnish enough hot and cold water for handwashing, FOOD preparation, UTENSIL cleaning, SANITIZING, and facility cleaning, on the MOBILE FOOD UNIT;
- (5) Has a water supply tank with a minimum capacity of five gallons for handwashing;
- (6) Stores liquid waste in a wastewater retention tank with at least fifteen percent more capacity than the water supply tank; and
- (7) Retains wastewater on the MOBILE FOOD UNIT until disposed of by an APPROVED method. Part 9: Alternative Food Facilities Page 113

### **09140 Handwashing--Handwashing facilities.**

The PERSON IN CHARGE of a MOBILE FOOD UNIT shall ensure that a separate HANDWASHING SINK for EMPLOYEES is accessible at all times of operation; allows convenient use by EMPLOYEES; is located within 25 feet of FOOD preparation, FOOD dispensing, and WAREWASHING areas; is installed as specified under 05210; and includes soap and paper towels.

### **09145 Handwashing--Handwashing waiver.**

When only pre-PACKAGED FOOD items are served, the REGULATORY AUTHORITY may waive or modify requirements for handwashing on the MOBILE FOOD UNIT.

### **09150 Employee restrooms--Toilet facilities.**

The PERMIT HOLDER shall ensure APPROVED toilet facilities are available for EMPLOYEES:

- (1) Readily accessible within 200 feet of the MOBILE FOOD UNIT during times of operation, if at any one location for more than one hour; and
- (2) Provided with handwashing facilities that meet the requirements specified under 05210.

### **09155 Sink compartment requirements--Warewashing facilities.**

The PERMIT HOLDER shall ensure:

- (1) A three-compartment sink is available on the MOBILE FOOD UNIT with potable hot and cold running water to wash, rinse, and SANITIZE UTENSILS when UTENSILS are reused on the MOBILE FOOD UNIT; except
- (2) This requirement may be waived or modified by the REGULATORY AUTHORITY when:
  - a. Limited FOOD preparation occurs; or
  - b. Additional clean UTENSILS are available and UTENSIL washing takes place at an APPROVED COMMISSARY or SERVICING AREA.

### **09160 Required postings--Business name.**

The PERMIT HOLDER shall provide the REGULATORY AUTHORITY a designated business name and ensure that name is posted on the MOBILE FOOD UNIT in a manner easily visible to customers during operation.

### **09165 Required postings--Permit.**

## OCPH Food Program Policy

The PERMIT HOLDER shall ensure the original or a copy of the currently valid FOOD ESTABLISHMENT PERMIT is posted on the MOBILE FOOD UNIT in a manner easily visible to customers during operation.

### **09170 Food and equipment protection--Overhead protection.**

The PERMIT HOLDER and PERSON IN CHARGE shall ensure overhead protection is provided at the site of operation of the MOBILE FOOD UNIT for all FOOD handling activities.

### **09175 Food and equipment protection--Food and food service supplies.**

The PERMIT HOLDER and PERSON IN CHARGE shall ensure that all FOOD, EQUIPMENT, UTENSILS, and other FOOD service supplies are contained on the MOBILE FOOD UNIT, at the APPROVED COMMISSARY, at the APPROVED SERVICING AREA, or as otherwise APPROVED in the plan of operation.

### **09180 Movable buildings--Lack of permanent plumbing.**

The REGULATORY AUTHORITY may allow a PERSON to operate a FOOD ESTABLISHMENT with a limited menu in a movable building without permanent plumbing under applicable provisions of this subpart.

## APPENDIX 4

### ***Subpart B - Temporary Food Establishments***

#### **09200 Requirements and restrictions.**

- (1) The PERMIT HOLDER and PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT shall comply with the requirements of this chapter, except as otherwise provided in this subpart.
- (2) The REGULATORY AUTHORITY may impose additional requirements to protect against health hazards related to the operation of the TEMPORARY FOOD ESTABLISHMENT and may:
  - a. Limit the FOOD preparation steps;
  - b. Prohibit some menu items; and
  - c. Restrict the mode of operation when facilities or EQUIPMENT are inadequate to protect public health.
- (3) The owner of a TEMPORARY FOOD ESTABLISHMENT shall:
  - a. Apply to the REGULATORY AUTHORITY for a PERMIT to operate the TEMPORARY FOOD ESTABLISHMENT at least fourteen calendar days before intending to provide FOOD service, or as otherwise required by the REGULATORY AUTHORITY;
  - b. Allow only EMPLOYEES and other PERSONS authorized by the REGULATORY AUTHORITY to be present in the TEMPORARY FOOD ESTABLISHMENT; and
  - c. Require the PERSON IN CHARGE of the TEMPORARY FOOD ESTABLISHMENT to obtain a valid FOOD WORKER CARD before beginning work.

#### **09205 Food and equipment protection--Standard operating procedures.**

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT shall ensure:

- (1) Adequate facilities are provided at the TEMPORARY FOOD ESTABLISHMENTS for all necessary FOOD preparation steps;
- (2) All FOODS, including ice, are from an APPROVED source;
- (3) All off-site FOOD preparation is done in an APPROVED FOOD ESTABLISHMENT;

## OCPH Food Program Policy

- (4) All storage of FOOD and EQUIPMENT is done at APPROVED locations;
- (5) FOOD is transported and stored in properly designed FOOD-grade containers;
- (6) FOOD is protected from potential contamination during transport;
- (7) Only SINGLE-SERVICE ARTICLES are provided for use by CONSUMERS, unless otherwise APPROVED by the REGULATORY AUTHORITY; and
- (8) Condiments not in individual packages are provided in dispenser bottles or in other containers protected from contamination.

### **09210 Potentially hazardous food--Temperature control.**

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT shall ensure that POTENTIALLY HAZARDOUS FOODS are:

- (1) Not cooled in a TEMPORARY FOOD ESTABLISHMENT;
- (2) Properly temperature-controlled during transport to the temporary event location;
- (3) Temperature-monitored by use of a stem-type thermometer or thermocouple capable of measuring all proper food temperatures;
- (4) Reheated, for hot holding, from 41°F (5°C) to 165°F (74°C) or above within one hour when cooked and cooled in an APPROVED FOOD ESTABLISHMENT;
- (5) Reheated, for hot holding, from 41°F (5°C) to 135°F (60°C) or above within one hour when produced in a food processing plant;
- (6) Reheated no more than one time; and Part 9: Alternative Food Facilities Page 115
- (7) Held in preheated mechanical hot holding EQUIPMENT or prechilled mechanical cold holding EQUIPMENT, or otherwise temperature controlled by an APPROVED method.

### **09215 Thawing thickness--Thawing potentially hazardous foods.**

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT shall ensure POTENTIALLY HAZARDOUS FOODS that are thawed as part of a continuous cooking process are not greater than four inches thick.

### **09220 Public access--Separation barrier.**

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT shall ensure a separation barrier or other effective method is used to protect FOOD preparation area and cooking areas from public access.

### **09225 Handwashing and wastewater--Facilities.**

The PERMIT HOLDER of a TEMPORARY FOOD ESTABLISHMENT shall ensure APPROVED handwashing facilities allow convenient use by EMPLOYEES; are located within 25 feet of FOOD preparation, FOOD dispensing, and WAREWASHING areas; and include:

- (1) Potable, warm, running water;
- (2) Soap and paper towels;
- (3) A five-gallon or larger insulated container kept supplied with warm water for handwashing delivered through a continuous-flow spigot, if permanent plumbing is not available; and
- (4) A wastewater retention tank sufficient in size to hold all wastewater generated by the TEMPORARY FOOD ESTABLISHMENT until emptied in an APPROVED manner, if a public SEWAGE system hookup is not available.

**09230 Employee restrooms-Toilet facilities.**

The PERMIT HOLDER of a TEMPORARY FOOD ESTABLISHMENT shall ensure APPROVED toilet facilities are available for EMPLOYEES and are:

- (1) Readily accessible during all times of operation; and
- (2) Provided with handwashing facilities with potable, warm, running water.

**09235 Sink compartment requirements-Ware washing facilities.**

The PERMIT HOLDER of a TEMPORARY FOOD ESTABLISHMENT shall ensure access within 200 feet to a three-compartment sink with APPROVED drain boards and an adequate supply of hot and cold running water to wash, rinse, and SANITIZE UTENSILS when:

- (1) EQUIPMENT or UTENSILS are reused on-site; or
- (2) The TEMPORARY FOOD ESTABLISHMENT operates for two or more consecutive days; except
- (3) The REGULATORY AUTHORITY may approve an alternative UTENSIL cleaning method when three-compartment sinks with drain boards are not available and a health HAZARD cannot result.

**09240 Sink compartment requirements--Food preparation sink.**

The PERMIT HOLDER and PERSON IN CHARGE shall ensure a separate FOOD preparation sink is available at the TEMPORARY FOOD ESTABLISHMENT that is supplied with potable running water, drained to an APPROVED wastewater system through an indirect connection, if produce needs to be washed on-site. Alternative produce washing facilities may be used if APPROVED.