Proposed Updates to the TFER (updated as of Nov 2014)

The Division for Regulatory Services with the TDSHS has proposed changes to the state’s Texas Food Establishment Rules (TFER). This will take current rules adopted in 2006, which are based on the 2001 FDA Model Food Code and supplemental changes from 2004, and conform these rules to the 2013 FDA Model Food Code.

The current TFER in 25 TAC Chapter 229 will be repealed. The new rule will replace in 25 TAC Chapter 228. The Sections have been reorganized and have transitioned to Subchapters. All references to Potentially Hazardous Foods (PHF) have been eliminated and replaced with the current FDA language of Time/Temperature Control for Safety Food (TCS) where applicable. Language pertaining to violations will transition to Priority Item Violation and Priority Foundation Violation from Critical Violation and from Non-Critical Violation to Core Item Violation. All terms will appear together as applicable.

The New Subchapter A- Purpose and Definitions contains new definitions such as “Sous vide”, “cook-chill”, “micro market”, and “conditional employee” and updated definitions of event, farmers’ market, and food establishments.

The New Subchapter B - Management and Personnel updates management and personnel requirements. **Point of emphasis is a new requirement to have all food employees, except for the certified food manager, shall successfully complete a food handler training course, accredited by the department, within 60 days of employment.**

The New Subchapter C - Food updates the food receiving, storage, preparation, and cooking, cooling, display, and time and temperature requirements. This section also includes the current industry standards such as the inclusion of allowing cold foods to be kept out of temperature control up to 70 degrees Fahrenheit before discarding.

New Subchapter D- Equipment, Utensils, and Linens updates include industry standards such as the requirement that exposed, unused tableware must now be changed between customers or washed, rinsed and sanitized before use.

New Subchapter E - Water, Plumbing, and Waste revises standard permit mobile food operations and temporary food operations, if approved by the regulatory authority, when food exposure is limited, to use chemically treated towelettes for handwashing. **A key change for this section includes adding a restriction prohibiting food establishments from using showers as a service sink.**

New Subchapter F- Physical Facilities requires the physical facility to have anti-slip floor coverings and retail establishments with outdoor services will require overhead protection.

New Subchapter G- Poisonous or Toxic Materials includes the poisonous or toxic material protection requirements that reflect the changes in the 2013 FDA Model Food Code rules language and the current industry standards such as the approval of chemicals, like ozone, to be used as an additive and antimicrobial agent wash, treat, store and process to raw, whole fruits and vegetables. A further key point of emphasis is the requirement for a food establishment to maintain first aid supplies.

New Subchapter H - Requirements Applicable to Certain Establishments now groups together sections. Among the changes are new requirements for mobile food unit operations that bring the State requirements up to current regulatory standards. **Temporary food establishments would be required to have at least one person on-site with an accredited food handler certification. The Micro markets section rules are completely new.**

New Subchapter I - Compliance requires periodic inspections of temporary food establishments and language addressing critical violations as priority and priority foundation item violations and non-critical violations as core item violations.

New Subchapter J - Private Water Systems is specific to the State of Texas for Private Water Wells. This section adds to the Texas Food Establishment Rules provisions to ensure safe drinking water systems at Food Establishments utilizing private, non-regulated water wells.

**It is also proposed that the Retail Food Establishment Inspection Report go from 27 violations to 47 violations that range from 1 point to 3 point violations.**

*Information source and for more information: https://www.dshs.state.tx.us/foodestablishments/draft.shtm  Julie Prouse*
Do you work when you are sick?

Does your establishment follow FDA recommendations on proper exclusion and restriction of sick employees? It is estimated that almost half of restaurant related outbreaks are related to food handled by sick employees.

The CDC conducted a study addressing working while sick. The researchers interviewed 426 food managers. The study found that many restaurants did not follow FDA recommendations for sick employees. For example one-third of the restaurants did not specifically address when a food worker should be excluded (not allowed to work) form the establishment. It was also found that managers are not actively involved in whether or not workers should work when sick. In addition it was found that 70% of managers reported working while sick, 10% reported working while having the “stomach flu”, which are possible symptoms of a foodborne illness.

Why would individuals work while not feeling well? One third reported they “felt obligated to work or their strong work ethic compelled them to work”. Other reasons noted in the survey were that the restaurants were understaffed, that no one would be able to replace them if not present, they felt their symptoms were mild and/or not contagious, they had special managerial responsibilities that no one else could fulfill, there was nonfood handing work they could do, they would not get paid if not working or that the restaurant did not have a sick leave policy.

The FDA food code has specific guidelines when it comes to employee health. It is required that food employees and conditional employees report if not feeling well. Reportable symptoms include: vomiting, diarrhea, jaundice, sore throat with fever, or has a lesion containing pus. If diagnosed with: Norovirus, Hepatitis A virus, Shigella spp., Shiga toxin-producing E. Coli, Salmonella Typhi, or nontyphoidal Salmonella then its required an employee report this as well.

There are other rules to follow with regard to employee health and work status which can be found online. As a manager or food service worker it is your responsibility to understand the rules and regulations as it pertains to public health. Consider offering sick leave to employees who exhibit any signs of foodborne illness. It is up to you to keep the food you serve safe!

Source: http://barfblog.com/2015/01/who-doesnt-working-when-sick/


Article by: Rebecca Dittmar

Upcoming Food Protection Management Course
To find the next Food Managers or Food Handlers course in your area please log onto our website http://foodsafety.tamu.edu or visit us on Facebook www.facebook.com/foodprotectionmanagement

Educational programs of the Texas A&M AgriLife Extension Service are open to all people without regard to race, color, sex, religion, national origin, age, disability, genetic information or veteran status.