Food Safety

VDH-VDACS MOU (January 2017)

Purpose:
• Clarify VDH permit and inspection procedures for food vendors operating at a farmers market.
• Promote the highest level of public health and safety protection.
• Ensure efficient use of state resources.
Food Safety

VDH-VDACS MOU

- Does not rescind VDH’s authority to permit and inspect any food service facility otherwise subject to VDH regulation.

Under the Code of Virginia:

VDACS is responsible for inspecting all establishments which manufacture, sell, expose, or offer food and drink products for sale.

VDH is responsible for inspecting any place where food is served to the public, whether on or off premises, and any place where food is prepared.
Food Safety - Summary

**MOU Procedural Agreement:**

Vendors offering primarily packaged food products or samples of such products *who are not* subject to VDH permit procedures include vendors offering:

1. Baked foods, acidified foods, nuts, candies, vinegars, jams, and jellies. (Under VDACS jurisdiction).

2. Meat, poultry, fluid milk and milk products, juice, game animals, and eggs, acidified foods, nuts, seeds, fruits, jams, jellies, and processed vegetables. (Under other agency (USDA) jurisdiction).

3. Products exempt from VDACS and VDH regulations.
Food Safety - Summary

Products exempt from VDACS inspection under CoV §3.2-5130 A.3 through 5.

A. 3. Candies, jams, and jellies not considered to be low-acid or acidified low-acid products, dried fruits, dry herbs, dry seasonings, dry mixtures, coated and uncoated nuts, vinegars and flavored vinegars, popcorn, popcorn balls, cotton candy, dried pasta, dry baking mixes, roasted coffee, dried tea, cereals, trail mixes, granola, and baked goods that do not require time or temperature control after preparation and that are produced in a private home.

A. 4. Pickles and other acidified vegetables that have an equilibrium pH value of 4.6 or lower that are produced in a private home under specific circumstances.

A. 5. Honey produced in a private home under certain circumstances.
Food Safety - Summary

Products exempt from VDH inspection under CoV §35.1-14

Vendors offering their own farm-produced products directly to consumers for their personal use including: farmers providing sliced fruits and vegetables, cooked fruits and vegetables, cooked and prepared meat, poultry, eggs, fish, and game animals.
Food Safety

Under this MOU:

Vendors who offer food to the public and who conduct operations beyond what is specified in the Procedural Agreement of this MOU are subject to VDH regulation and must obtain a VDH food establishment permit to operate at the farmers market.

Mobile food unit
Temporary food establishment
Food Safety

**Mobile food unit:**

- Food establishment on wheels or readily movable at all times.
- Permit issued by the LHD where the commissary is located or in the locality in which the operator resides, if a commissary is not required.
- Annual permit that is valid statewide.
Food Safety

Mobile food unit:
• Inspections are conducted based on risk category.
• Permit is a sticker that is adhered to the mobile unit.
Food Safety

Temporary food establishment:
• A food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

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Food Safety

Temporary food establishment:
• All food preparation must occur at the TFE.
Food Safety

Temporary food establishment:
An application for a TFE permit must be submitted at least **10 days** prior to the event.

- Permit may be issued for multiple occurrences of an event for up to one year.
- Permit must be posted where visible to the public.
- A food establishment with a valid VDH permit can operate as a TFE without an additional VDH permit and must post a copy of the permit.
Food Safety

Temporary food establishment:

• Inspections are conducted based on risk category.
• **Risk Category 1**: Non-TCS or commercially packaged TCS foods served in manufacture’s original package. *Examples*: Ice cream bar, kettle corn
• **Risk Category 2**: Preparation of RTE food (no cook step), reheat commercially processed food for same-day-service. *Examples*: Tuna salad, BBQ sandwich, pre-cooked sausage with cooked peppers, pre-wrapped sandwiches or pizza.
• **Risk Category 3**: Complex food operation including cook, cool, reheat, hot hold or preparation of bulk quantities.
Risk Categorization of Food Establishments

# of Complete Trips thru Danger Zone

- **0 trips**
  - Process 1: No Cook

- **1 trip**
  - Process 2: Same day prep

- **2 or more trips**
  - Process 3: Complex

Temperature Ranges:
- 41°F
- 135°F
# Temporary Food Policy

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<tr>
<th>Food Service Classification</th>
<th>Classification Guidelines</th>
<th>Minimal Risked Based Inspections</th>
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<td><strong>Type 1</strong></td>
<td>- Consist of food preparation of unpackaged non-TCS foods</td>
<td>Additional inspection beyond the preoperational inspection is not required; inspect during the permit period as necessary.</td>
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<td>- Consist of commercially packaged TCS foods that are received, stored and held and served in the manufacturer’s original package (Receive-Store-Hold-Serve)</td>
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<td><em>Examples:</em> Pre-packaged ice cream, shaved ice, kettle corn, cotton candy</td>
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<td><strong>Type 2</strong></td>
<td>- Consist of food preparation with no cook step (Receive-Store-Prepare-Hold-Serve).</td>
<td>One additional inspection during the calendar year beyond the pre-operational inspection</td>
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<td>- Consist of commercially packaged TCS foods for which Time as a Public Health Control is used onsite.</td>
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<td>- Consist of reheating of a commercially processed food item (Receive-Store-Reheat-Hold-Serve) for immediate same-day service.</td>
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<td><em>Examples:</em> Tuna salad, coleslaw, hotdogs, BBQ sandwiches, pre-cooked hamburgers, pre-cooked Italian sausage with cooked green peppers and onions, pre-wrapped sandwiches or pizza.</td>
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<td><strong>Type 3</strong></td>
<td>- Consist of preparation for same day service with no greater than one trip through temperature danger zone (Receive-Store-Prepare-Cook-Hold-Serve).</td>
<td>Two additional inspections during the calendar year beyond the pre-operational inspection.</td>
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<td>- Consist of complex food preparation involving greater than one trip through the temperature danger zone (Receive-Store-Prepare-Cook-Cool-Reheat-Hot Hold-Serve).</td>
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<td>- Consist of food prepared in bulk quantities of several gallons or pounds.</td>
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<td><em>Example:</em> Complex menu operations³.</td>
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*The above evaluation frequency schedules reflect minimum program requirements.*
Food Safety

Operational Requirements for VDH Permitted establishments
1. Source of food(s)
2. Employee practices/personal hygiene
   a. Employee health
   b. Handwashing
   c. No bare hand contact with RTE food
3. Cooking of raw animal foods
4. Holding temperatures of TCS food
5. Clean/sanitized wares and surfaces
Food Safety

Operational Requirements for VDH Permitted establishments

1. Approved source of food(s)

12VAC5-421-270. Compliance with food law.
A. Food shall be obtained from sources that comply with law.
Operational Requirements for VDH Permitted establishments

2. Employee practices/personal hygiene
   a. Employee health
   b. Handwashing
   c. No bare hand contact with RTE food
TFE Handwashing
Food Safety

Operational Requirements for VDH Permitted establishments

3. Adequate cooking of raw animal foods
Food Safety

Operational Requirements for VDH Permitted establishments

4. Proper holding temperatures of TCS food

PROPER HOLDING TEMPERATURES

- 135 °F (57 °C) for hot foods
- 41 °F (5 °C) for cold foods

KEEP HOT FOODS HOT
KEEP COLD FOODS COLD
Food Safety

Operational Requirements for VDH Permitted establishments

5. Clean/sanitized wares and surfaces
Design and Construction

Test kit provided for testing sanitizer concentration (4-302.14/12 VAC 5-421-1530)

• Many brands/styles available.
Water Source

Water pipes, hoses and connections.
Transport vehicles.
Water containers.
Wastewater Disposal

[Images of prohibited practices]
Farmers Markets Working with the LHD

LHDs would like to know when and where markets will operate.
• Some LHDs have local ordinances with requirements more stringent than the State requirements.
• Provide a list of vendors and info on permit status. Some districts have Event Coordinator forms.
• Contact EH in your locality to find out what information and forms they require
https://www.vdh.virginia.gov/local-health-districts

Carol Puckett  
VDH Food Safety Consultant  
c.puckett@vdh.virginia.gov  
804-712-6031

Peri Pearson, State Food Consultant  
Virginia Department of Health  
peri.pearson@vdh.virginia.gov  
804-864-7692