

CURFFL Changes for 1997

January 1, 1997 marks the implementation date for some existing California Uniform Retail Food Facility Law (CURFFL) requirements and the adoption of new requirements. In part, these changes were adopted January 1, 1996 by Senate Bill 396 (Maddy) which had delayed implementation dates for lower refrigeration temperatures for most potentially hazardous foods. There are also several additional changes to CURFFL enacted January 1, 1997 from Assembly Bill 2349 (Harvey) (Summary attached) and Assembly Bill 2242 (Burton). Though most of these changes are straight forward, some explanation as to intent and recommended implementation may be helpful to the retail food industry and local health agencies.

Refrigeration of Potentially Hazardous Foods

Most potentially hazardous foods (meat, poultry, sandwiches, and other highly perishable foods) must now be held at 41°F or below. These are some of the exceptions to the 41°F holding temperature requirement in CURFFL Sections 113995 and 113997:

1. Eggs are not required to be refrigerated until January 1, 1998.
2. Salad bars, pre-packaged pasteurized milk and pasteurized milk products, molluscan shellfish, vending machines, live molluscan shellfish (clams, oysters, mussels, and scallops) can be held at 45°F.
3. Potentially hazardous food may continue to be held in existing refrigeration equipment at 45°F if it is in proper running order and cannot be adjusted to hold the lower temperature. This exemption is for equipment that was designed to meet the former 45°F holding temperature requirement. This exemption will end in 2002. Equipment that can hold 41°F or below, but does not because it is used inappropriately (e.g., unit is designed for holding food but is frequently left with door open or is operated for cooling food instead of holding) is not exempt from the 41°F requirement. A retailer can utilize non-complying refrigeration units for holding softdrinks, beer, raw produce, and other non-potentially hazardous food products.

Receiving Refrigerated Potentially Hazardous Foods

CURFFL Section 114003 requires that foods be inspected as soon as practicable upon receipt at a retail food facility. Part of this receiving inspection must address temperature monitoring of potentially hazardous foods. Current wholesale laws have not been updated to require 41°F or below for most refrigerated foods. California Department of Food and Agriculture regulations allow pasteurized prepackaged milk products to be delivered at 50°F. Meat and poultry products and potentially hazardous foods made under the requirements of the federal Good Manufacturing Practice Regulations for Foods (Title 21 Code of Federal Regulations Part 110) are required to be held at or below 45°F. Pending changes to these wholesale requirements, the Department finds it acceptable for a retail food facility to receive these foods if they are at or below 45°F (50°F for milk products). Since it will take some time for a shipment to cool to 41°F, no action should be taken against these products if they are immediately placed in a refrigeration unit that holds 41°F or below or one that holds 45°F or below as provided for in CURFFL Section 113995(b)(2).

New Food Serving Requirements

CURFFL Section 114020 was expanded to more fully address the need for protecting food from contamination from employee hand contact. It is very specific as to how and when hands will be washed. It delineates when sanitary gloves are to be worn. It states that "Employees serving ready-to-eat foods shall use gloves, tongs, or other implements to place food on tableware or in other containers." The intent of this section is unchanged from the previous wording ("Employees serving food shall use tongs or other implements, rather than their hands.") Changes in this section made it necessary to alter the wording, but limit the intent to prevent bare hand contact to "serving" only. Serving is separate from food preparation. Serving is the direct placement of unpackaged food into or onto a container that will be then conveyed or given to the consumer. CURFFL Section 114020(b) specifically separates "preparing" from "serving" by stating "preparing, serving or handling food". CURFFL Section 114020 does not prohibit all bare hand contact with food. In the food preparation area, employees who place foods onto trays, assemble sandwiches, prep foods, etc. are not required to wear gloves unless they have "any cuts, sores, rashes, artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), uncleanable orthopedic support devices, or finger nails that are not clean, neatly trimmed, and smooth." It does require that employees serving food, who handle both raw and cooked foods, or non-food articles (e.g. , dirty dishes, trash), to wash hands and gloves (or change gloves) between activities to prevent cross-contamination. Regardless of whether or not an employee touches food with his/her bare hands, the intent of CURFFL Section 114920 is to prohibit only those behaviors that adulterate the food.

The Department anticipates that the 1997 revision of the U.S. Food and Drug Administration's model Food Code will reflect a change from barring bare hand contact to "avoiding bare hand contact" as recommended by the Conference for Food Protection. CURFFL does address the greatest health risk which is the exposure of food to an ill employee's hands (or unclean hands of an employee) just prior to ingestion.

Out of Doors Display of Foods at Food Establishments

CURFFL Section 114145 was modified by Assembly Bill 2242 (Burton) to allow the outdoor display of prepackaged nonpotentially hazardous foods and raw, uncut produce. Food establishments must meet several requirements to display food out of doors including limiting food displays to locations contiguous to the food establishment, providing overhead protection, providing displays that comply with Section 114010, and constantly supervising the display area.

For More Information

If you should have additional questions regarding the new requirements of CURFFL, please contact your city or county environmental health agency or your nearest office of the California Department of Health Services' Food and Drug Branch.

Summary of Changes Resulting from AB 2349 (Harvey)

- Section 113845 : "Toxigenic" used consistently (toxicogenic" has been replaced)
- Section 113995: Dairy products now held at or below 45°F internal (not" ambient")
- Section 114090: Sanitizers used to hand wash utensils must comply with Section 114065
- Section 114100: Changed to allow utensil sinks to be directly connected if necessary to comply with local building codes
- Section 114290: Vehicles changed to "Mobile Food Facilities"
Mechanical refrigeration conform to Section 113860
PHF storage per 113995 (e.g. . 41°F in 1997)
- Section 113750: Commissary defined as a "food establishment . . ."
- Section 113780: "Vehicle" changed to "mobile food facility" in definition of food establishment
- Section 113785: "Vehicle" changed to "mobile food facility" in definition of food facility
- Section 113815: "Vehicle" changed to "mobile food facility" in definition of mobile food preparation unit
- Section 113844: Definition of potable water adopted. Water must meet standards for transient noncommunity water systems per California Safe Drinking Water Act (Minor difference with Section 113843 adopted in SB 1851 Kelley; one definition needs to be eliminated)
- Section 113900: Definition of vehicles becomes definition for "mobile food facilities"
- Section 113906: "Vehicle" changed to "mobile food facility" in definition of swap meet prepackaged food stand"
- Section 114020: New hand washing requirements, when gloves shall be used, and how gloves shall be used
- Section 114057: "Use by" dates required for some foods (vacuum packed, sous vides)
- Section 114160: Sanitary use of "cleaning cloths", holding cleaning cloths in sanitizer
- Sections 114250-114275: Requirements for mobile food facilities (major changes)
- Section 114366: Minor wording changes to requirements for satellite food facilities