

ATTACHMENTS TO COUNCIL I REPORT

RECOMMENDED GUIDELINES FOR PERMANENT OUTDOOR COOKING ESTABLISHMENTS

The cooking of foods outdoors and the enjoyment of outdoor food events is part of a long-standing tradition in this country and worldwide. Today, many food operators and consumers across the United States wish to continue providing and enjoying outdoor cooking and dining experiences. Geographically and environmentally, there are many areas of the country where a year-round permanent outdoor cooking operation is feasible.

According to the most recent round of published data by the Centers for Disease Control and Prevention (CDC), between 1988 and 1992 the most commonly reported contributing factors related to foodborne diseases were improper holding temperatures, poor personal hygiene, inadequate cooking, contaminated equipment, and food from unsafe sources. Regardless of whether food is prepared outdoors or indoors, these factors must be controlled to ensure the safety of the foods being prepared and served.

Permanent outdoor cooking sites present unique challenges associated with the type of cooking equipment and infrastructure proposed to be utilized outdoors, including adequate access to utilities at the outdoor site. Nevertheless, outdoor cooking can be done safely if performed in accordance with well-defined performance standards that are established to control and minimize the contributing factors of foodborne disease identified above. Establishments seeking approval for a permanent outdoor cooking operation must submit a set of plans for plan review consistent with the criteria provided in section 8-2, U.S. Public Health Service 1999 Food Code (hereafter referred to as 1999 Food Code).

The minimum guidelines set forth in this document for cooking foods outdoors on a permanent basis are consistent with the requirements of the 1999 Food Code and should provide the basis on which regulatory authorities can permit permanent outdoor cooking sites.

“Support Base” Food Establishment

Each permanent outdoor cooking location must be operated in conjunction with a permitted food establishment that will support the outdoor location. This permitted food establishment must be of such size and scope as to accommodate its own operation, as well as support the needs of the outdoor cooking location site. The plan review approval process should include the following criteria:

• Location of Permanent Outdoor Cooking Site

The permanent outdoor cooking site shall be located on the premises of the permitted support food establishment as defined in the 1999 Food Code. “Premises” is defined in § 1-201.10(63), 1999 Food Code as follows:

(63) “Premises” means:

- (a) The physical facility, its contents, and the contiguous land or property under the control of the permit holder;
or
- (b) The physical facility, its contents, and the land or property not described under Subparagraph (a) of this definition if its facilities and contents are under the control of the permit holder and may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

Public parks, playgrounds, parking lots, or other similar locations not under the control of the permit holder will not qualify for approval as a permanent outdoor cooking facility.

- **Servicing by Support Base Food Establishment**

This is a performance standard issue determined at the time of plan review with the submittal of menu, number of anticipated customers, and frequency of operation. The frequency of support functions would be on a case-by-case basis to comply with the 1999 Food Code.

Structural Components for Outdoor Cooking

All usual and customary public health risks must be evaluated when assessing an outdoor cooking operation with the additional consideration of exterior environmental factors. The structural requirements for the outdoor site are dependent on whether there will be cooking only or food preparation, cooking, storage, and/or service at the outdoor site. If food is being prepared, held, and/or served at the outdoor site, there should be a greater level of structural protection. Ultimately, the local authority will have to assess the environmental factors to determine the extent of protection necessary. The following are minimum standards:

- **Floors**

Floor surfaces in a permanent outdoor cooking operation will be consistent with the requirements for temporary food establishments. The 1999 Food Code language in § 6-101.11(B)(1) is as follows:

(B) In a temporary establishment:

- (1) If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud.

- **Walls**

If there is cooking only at the outdoor site, walls are not required in most circumstances. If there is any food preparation, service, storage and/or hot or cold holding performed at the outdoor site, consideration must be made to environmental conditions to provide adequate food protection. This may be accomplished through use of tents with sides, screening, air curtains, vermin-resistant containers, or other methods in accordance with the 1999 Food Code.

- **Overhead Protection**

Each individual piece of cooking equipment must be separately covered (cooker top, chafing dish lid, etc.) or all uncovered pieces must have overhead protection. Examples of acceptable overhead protection are tent, canopy, awning, table-type umbrella, or a permanent structure. The presence of overhead protection, such as a tent or canopy, does not preclude circumstances in which protection of individual food containers is also required, such as placement of food near a warewashing operation (potential splash contamination.)

- **Ventilation and Fire Protection**

Local regulations shall govern ventilation and fire protection requirements at outdoor cooking sites.

- **Lighting**

Adequate lighting by artificial or natural means is to be provided. The lighting intensity shall be consistent with the standards of § 6-303.11, 1999 Food Code.

- **Equipment/Utilities for Outdoor Cooking**

Construction, maintenance, and cleaning of all equipment pieces shall be consistent with the 1999 Food Code. Equipment pieces do not have to be permanent or fixed but may be moveable.

- **Food Contact Surfaces**

All food contact surfaces used in an outdoor cooking operation shall be designed, constructed, and maintained in accordance with 1999 Food Code requirements. Surfaces shall be smooth, easily cleaned, free of rust, dents or pitting, and durable under normal outdoor use conditions.

- **Cooking/Hot Holding Equipment**

A continuous heat source such as electric or gas is preferred in a permanent operation. Use of sterno, wood, or charcoal is acceptable if consistent temperatures are achieved and/or maintained in accordance with the 1999 Food Code.

- **Cold Holding Equipment**

The use of cold holding equipment is performance-driven and dependent on the physical operation. Ice or electric/gas powered equipment may be used provided the use is consistent with, and temperatures are maintained, in accordance with 1999 Food Code standards.

- **Plumbing/Water/Sewer Facilities**

Water and sewer may be permanently plumbed in or supplied via portable tanks. If not plumbed, the sizes of the tanks shall be consistent with § 5-401.11, 1999 Food Code requirements for mobile food units. The quantity of tanks provided shall be sufficient to fully accommodate the needs of the operation. Potable water components: tanks, hoses, connections, etc. shall also be consistent with the 1999 Food Code or meet requirements adopted by the local authority.

If potable water and wastewater disposal is permanently plumbed, warewashing may be conducted on site. Hot water must be provided if warewashing is conducted on site. Warewashing procedures must be conducted in accordance with the 1999 Food Code.

- **Garbage/Refuse Disposal**

An adequate number of non-absorbent, easily cleaned, lidded waste receptacles shall be provided at each outdoor cooking site.

- **Food**

All foods must be obtained from an approved source in accordance with the 1999 Food Code. There shall be no home canned, cooked, or prepared foods offered at an outdoor cooking site. Ice must be potable, obtained from an approved source and used in accordance with the 1999 Food Code.

- **Food Storage**

Food items shall not be stored at an outdoor cooking site when the site is not in operation. All foods stored outside during preparation, cooking, or service must be maintained in vermin-resistant containers and stored at appropriate temperatures according to the 1999 Food Code.

- **Food Transport**

Foods shall be kept covered and protected during transport between preparation site, cooking site, and service site. Food shall be received at 41°F in accordance with § 3-202.11, 1999 Food Code.

- **Food Preparation and Display**

All cooking and preparation areas shall be protected from contamination and shall be segregated from the public. Patrons must be prevented from accessing areas of the outdoor site where food, food contact surfaces, or equipment are located. All food shall be protected from customer handling, coughing, sneezing, or other contamination by wrapping, using food shields, or other effective barriers.

Open or uncovered containers of food are not allowed, except working containers. Condiments must be dispensed in single-service type packaging, in pump-style containers, or in protected squeeze bottles, shakers, or similar dispensers which minimize contamination of food items by food workers, patrons, vermin, environmental conditions, or other sources. Self-service containers of non-potentially hazardous condiments such as minced onions, relish and the like shall be acceptable so long as the foods are adequately protected from contamination.

- **Personal Hygiene Requirements**

If any direct hand contact or preparation is done on site, there must be handwash facilities easily accessible in accordance with the 1999 Food Code. If single-use disposable gloves are used, a handwash process/station must be accessible and used between removing soiled single-use gloves and putting on clean single-use gloves. Application of heat to food (cooking only with no hand contact) or service of pre-packaged food does not require handwash facilities.

Sufficient quantities of potable water for handwashing must be provided at a temperature that is readily tolerated by employees and will allow the cleaning agent to function properly, aiding in the effective removal of dirt, debris, or other physical contaminants. Toilet and handwash facilities for employees must be easily accessible.

Respectfully submitted by the Permanent Outdoor Cooking Committee
Co-Chairs: Lee M. Cornman and Frank Yiannas
Variance Committee Attachment

Summary of Recommendations

1. Place a definition for the term “Variance” in the Food Code.
2. The Committee’s recommendation is based on the verbage in Section 8-103.10 of the Food Code. “Variance” means official authorization issued by a REGULATORY AUTHORITY allowing a modification or waiver from any section of the Code based upon a finding by the REGULATORY AUTHORITY that a health HAZARD or nuisance will not result. (See discussion below)
3. Adopt administrative rules or a procedure for the granting of a variance. (See discussion below)
4. Adopt a process in the Food Code that reflects the flow charts. (See discussion below)
5. Suggestions for the dissemination of information are as follow:
 - a. Disseminate the information through the internet, NRSTEN, Prime Connection or e-mail system.

- b. Have the regional food specialists disseminate the information among their states.
- c. Have the states distribute the variances they have granted during their state reports or in list form during their regional meetings.
- d. The Conference for Food Protection or food associations such as AFDO could utilize their networks in the dissemination of variances granted by regulatory authorities.
- e. Have states send information on variances to the locals through their established networks.

VARIANCE COMMITTEE ATTACHMENT (ISSUE 00-01-33)

Food Code 1997 contains no formal definition of “Variance” in Chapter One. The Committee believes a definition would be helpful. It appears Section 8-103.10 broadly states a regulatory authority may grant a “variance from any section.” The potential for broad application may have the effect of reducing the uniformity of the Food Code. The Committee anticipates regulatory authorities will be faced with a host of requests including, but not limited to, “variance” from equipment rules, designation of a person in charge, hand contact, product specific food handling rules, and perhaps a product-specific temperature danger zone. Two flow charts were developed to outline the process to be used.

Traditional public health regulation of retail food establishments has not formally recognized applications for variances, although informal allowances may have been permitted in specific situations. Recognizing “variance” will require additional formal rulemaking at the jurisdictional level in accordance with jurisdictional processes. Rulemaking would outline the procedures for submitting an application, including the information required in Section 8-103.10 (Food Code 1997), the regulatory authority’s responsibility to consider the application, and an appeals process in case a variance is denied. The Committee believes state and local variance review processes should be included in the adopted, amended, revised version of the Food Code or other retail food code on a state or local level.

Regulatory authorities considering implementing variances have encountered questions relating to the appropriate regulatory authority to evaluate or validate a variance request. From any variance request there may emerge a set of complex issues and scientific competencies beyond the ability of the local regulatory authority to validate. The Committee believes rulemaking should reflect a matrix of regulatory agencies ranging from local through FDA based upon the attached flow charts. It appears FDA authority to formally issue a “variance” is limited because the rulemaking authority is applicable on a state or local basis. Advisory assistance is consistent with the mission and responsibility of FDA. The appropriate advisory process begins with the Regional Food Protection Specialist.

Food Safety and Good Manufacturing model flow charts were developed to depict the variance granting process. These charts could be combined into one chart (attached and labeled “Variance Flow Chart”). Basically, food safety variances where the food product moves interstate or where a company has food establishments in other states, would be submitted to the FDA Regional Food Specialist and then to CFSAN if necessary. Food products that move intrastate could be handled at the appropriate level of commerce if the regulatory authority had the technical resources to handle the issue, and then the FDA Regional Food Specialist would be notified. The information would then be made available to interested parties. For variances involving Good Manufacturing Practices, such as equipment or construction issues, the state, local or tribal regulatory authority would grant the variance if they had the ability to do so and then notify the FDA Regional Specialist. This process should streamline the granting of a variance so it could occur in a timely manner. Using the Regional Food Specialists as a connecting point ensures uniformity.

The information age has created an immense potential for the sharing of information among interested parties. The Committee believes this is an issue in and of itself. There are many levels and methods of sharing information that could be used if resources were available. The Committee recommendations focused on the Council I question:

“How should information on the approval of a variance be made available to state and local regulatory agencies?”

Note: The complete text of the Variance Committee Report may be obtained by contacting the CFP executive offices.

ATTACHMENT 1 TO ISSUE 00-01-09

Bare Hand Contact

No Bare Hand Contact with Ready-to-Eat Foods and the Findings of the National Advisory Committee for Microbiological Criteria for Foods

Summary of the CFSAN, FDA white paper: "Evaluation of Risks Related to Microbiological Contamination of Ready-to-eat Food by Food Preparation Workers and the Effectiveness of Interventions to Minimize Those Risks," by Jack Guzewich, RS, MPH, and Marianne P. Ross, DVM, MPH.

The FDA white paper is a summary of current information that was available to the FDA regarding the relationship between bare hand contact with ready-to-eat food and human foodborne illness. It evaluates the factors related to contamination of foods by food workers and the effectiveness of intervention to prevent or minimize contamination of ready-to-eat food by food workers. Three major intervention areas are addressed: exclusion of ill food workers from the workplace, removal of pathogens from the hands of foodworkers, and use of barriers to prevent bare hand contact with ready-to-eat foods. Information provided in this review includes all applicable submissions that were received in response to Federal Register Notice, Vol. 64, No. 63, Friday, April 2, 1999.

The white paper is divided into two sections, including:

SECTION ONE: "A Literature Review Pertaining to Foodborne Disease Outbreaks Caused by Food Workers, 1975-1998", by Jack Guzewich, RS, MPH, and Marianne P. Ross, DVM, MPH, with the following abstract:

"A search was conducted of the published scientific literature for the period 1975-1998 to identify articles that described outbreaks of foodborne disease that were believed to have resulted from contamination of food by food workers. A total of 72 articles that described 81 outbreaks involving 16 different pathogens were identified.

"Viral agents, specifically hepatitis A and Norwalk-like virus, accounted for 60% (49) of the outbreaks in this review. Ninety-three percent (75) of the outbreaks involved food workers who were ill either prior to or at the time of the outbreak, depending on the organism involved. In most of the remaining outbreaks, an asymptomatic food worker was believed to be the source of the infections. Eighty-nine percent of the outbreaks (72) occurred in food service establishments as compared to 11% (9) that were attributed to foods prepared in domestic settings. Sandwiches, salads, and miscellaneous hot food items that required extensive hand contact during preparation accounted for the majority of foods involved in the outbreaks. This review provides evidence that food workers, particularly ill food workers, can serve as the source of infection in foodborne outbreaks and that hand contact with foods represents a mode by which contamination may occur."

SECTION TWO: "Interventions to Prevent or Minimize Risks Associated with Bare-Hand Contact with Ready-to-Eat Foods", Jack Guzewich, RS, MPH and Marianne P. Ross, DVM, MPH, covers the following information:

"This review addresses the many different interventions that can be used to minimize or eliminate the contamination of ready-to-eat foods by food workers. Two major areas have been presented in this section: removal of pathogens from the hands of food workers, and barriers to bare-hand contact with ready-to-eat foods."

Part One of the white paper discussed the transmission of pathogens from food workers to foods. Exclusion of ill or infected food workers from the workplace is one intervention that can be applied in response to the information presented.

Removal of pathogens from the hands of food workers can be accomplished by various modalities. Handwashing technique, including duration of handwash, water temperature, and hand drying method, along with frequency of handwash, play an important role in pathogen removal. Handwashing agents, such as detergents, soaps, sanitizers, and antimicrobial agents, vary in their ability to remove pathogens. Factors such as type of pathogen, duration of contact with hands, and characteristics of organic material present on hands must be considered when selecting an appropriate handwashing agent. Hand drying methods range from hot air dryers to cloth and paper towels. Factors such as cycle length of air drying, friction used with towel drying, and type of towel used can all influence the removal of pathogens from hands. Handwashing machines are also used to remove pathogens from hands. They are found to offer consistency and compliance monitoring capabilities but must be evaluated based on their mechanism of action, such as cycle length, water pressure and quantity, as well as the products utilized in the handwash procedure.

Barriers to bare hand contact with ready-to-eat foods include such things as gloves, deli wraps and utensils. In this review, gloves were the only barriers that were included due to lack of available data regarding other barrier methods. Issues related to the use of gloves as barriers include the glove material, glove permeability, duration of wearing, and handwashing techniques prior to and after wearing.”

ATTACHMENT 2 TO ISSUE 00-01-09

No Bare Hand Contact with Ready-to-Eat Foods and the Findings of the National Advisory Committee for Microbiological Criteria for Foods

MEETING AGENDA: NATIONAL ADVISORY COMMITTEE ON MICROBIOLOGICAL CRITERIA FOR FOODS

The Washington Plaza Hotel
10 Thomas Circle, NW
Massachusetts Avenue & 14th Street
Washington, DC

BARE HAND CONTACT OF READY-TO-EAT FOODS AT RETAIL

Tuesday, September 21, 1999

- 8:00 Welcome and Introduction — Dr. I. Kaye Wachsmuth
Dr. Morris E. Potter
- 8:15 Background of the Issue — Ms. Betty Harden, Office of Field Programs, CFSAN
(Invited but not confirmed: Sandra Lancaster,
Conference for Food Protection)
- 8:30 Epidemiology — Dr. Eileen Barker, Office of Scientific Analysis and Support, CFSAN
Dr. Craig Hedberg, University of Minnesota
Dr. Dale Morse, New York Department of Health
Dr. Steve Monroe, Centers for Disease Control and Prevention
- 9:30 Quantitative Risk Assessment — Dr. Don Schaffner, Rutgers, The State University
- 10:15 Industry Panel — TBD, National Council of Chain Restaurants
Dr. Jill Hollingsworth, Food Marketing Institute
Mr. Steve Grover, National Restaurant Association
- 11:00 Questions and Answers
- 1:00 Consumer Panel — Ms. Carol Tucker Foreman, Consumer Federation of America
Ms. Nancy Donnelly, Safe Tables Our Priority
Ms. Caroline Smith DeWaal, Center for Science in the Public Interest
- 1:45 Interventions — Mr. Jack Guzewich, Office of Field Programs, CFSAN
Ms. Debbie Lumpkins, Center for Drug Evaluation and Research, FDA
Dr. Jenan Al-Atrash, The Soap and Detergent Association
Dr. Daryl Paulson, Bioscience Laboratories
Ms. Linda Chiarello, Centers for Disease Control and Prevention
- 3:20 Questions and Answers
- 4:00 Public Comment
- 5:00 Questions and Answers

Wednesday, September 22, 1999

- 8:00 NACMCF Deliberations
- 11:00 Finalize Recommendations
- 12:30 Adjourn

ATTACHMENT 3 TO ISSUE 00-01-09

No Bare Hand Contact with Ready-to-Eat Foods and the Findings of the National Advisory Committee for Microbiological Criteria for Foods

National Advisory Committee on Microbiological Criteria for Foods
September 24, 1999

Recommendations on Bare Hand Contact with Ready-to-Eat Foods

Based on data presented, the National Advisory Committee on Microbiological Criteria for Foods (the Committee) finds that bare hand contact with ready-to-eat foods can contribute to the transmission of foodborne illness. In principle, this transmission can be interrupted.

Available data suggest that a preventable cause of foodborne illness related to bare hand contact is the handling of ready-to-eat foods by foodworkers with a disease or medical condition as defined in section 2-201 in the 1999 Food Code.

The first preventive strategy to interrupt transmission of foodborne illness is the exclusion/restriction of ill food workers from contact with ready-to-eat foods and food contact surfaces. This prevents not only transmission to the public, but also to other employees who, if infected, further extend the chain of transmission.

Exclusion/restriction of ill workers by itself is not sufficient to halt transmission of foodborne pathogens from infected food workers. Persons who are infected but asymptomatic can also transmit foodborne pathogens. Hence, proper handwashing is an essential and integral component of a strategy (such as that outlined in 2-3 of the 1999 Food Code) aimed at interrupting transmission of foodborne pathogens through bare hand contact with ready-to-eat foods. In addition, handwashing helps control cross-contamination from other sources.

The Committee concludes that minimizing bare hand contact with ready-to-eat food provides an additional means of interrupting disease transmission, when used in combination with the exclusion/restriction of ill foodworkers and proper handwashing. However, most members of the Committee deemed the available scientific data insufficient to support a blanket prohibition of bare hand contact with ready-to-eat foods.

Implementation of all three interventions outlined above will require education and motivation of foodworkers and managers.

The Committee noted that additional research is needed on the benefits, disadvantages, and public health outcomes of bare hand contact with ready-to-eat foods.

ATTACHMENT TO ISSUE 00-01-29

Lethality Performance Standards for Certain Meat and Poultry Products (see Issue 00-01-29, page 12)

Minimum Internal Temperature

Minimum processing time in minutes or seconds after minimum temperature is reached.

Degrees Fahrenheit	Degrees Centigrade	6.5-log ₁₀ Lethality
130	54.4	112 min.
131	55.0	89 min.
132	55.6	71 min.
133	56.1	56 min.
134	56.7	45 min.
135	57.2	36 min.
136	57.8	28 min.
137	58.4	23 min.
138	58.9	18 min.
139	59.5	15 min.
140	60.0	12 min.
141	60.6	9 min.
142	61.1	8 min.
143	61.7	6 min.
144	62.2	5 min.
145	62.8	4 min.
146	63.3	169 sec.
147	63.9	134 sec.
148	64.4	107 sec.
149	65.0	85 sec.
150	65.6	67 sec.
151	66.1	54 sec.
152	66.7	43 sec.
153	67.2	34 sec.
154	67.8	27 sec.
155	68.3	22 sec.
156	68.9	17 sec.
157	69.4	17 sec.
158	70.0	17 sec.
159	70.6	17 sec.
160	71.1	10 sec.

FOOD RECOVERY GUIDELINES

EXECUTIVE SUMMARY

Comprehensive Guidelines for Food Recovery Programs
Developed by a Subcommittee of the CFP Food Recovery Committee
draft January 19, 2000

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DEFINITIONS

Critical Control Point means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Food Distribution Organization (FDO) means the organization that accepts donated food and directly distributes it to needy consumers or, in some cases, distributes donated food to another facility (receiving facility) which will then directly distribute it to the consumer. Sometimes the FDO and the receiving facility are one and the same.

Food Recovery means the collection of wholesome food for distribution to the poor and hungry; sometimes referred to as food rescue.

HACCP is an acronym which stands for Hazard Analysis and Critical Control Point, a prevention-based food safety system. HACCP systems are designed to prevent the occurrence of potential food safety problems.

Hazard means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

Perishable Food means meats, dairy products, produce, bakery items that are donated from grocery stores, produce distributors, food distributors, etc.

Prepared Food means foods of all descriptions that have been prepared but have never been served. This includes cooked items such as meats, entrees, vegetables, and starches. This category also includes items such as deli trays, vegetable trays, etc.

Receiving facility means the organization that accepts donated food and distributes it directly to the consumer.

Introduction to Food Recovery

In recent years, there has been growing concern about hunger, resource conservation, and the environmental and economic costs associated with food waste. This, in turn, has accelerated public and private efforts to make better use of available food supplies by recovering safe and nutritious food that would otherwise be wasted.

A July 1997 study by the U.S. Department of Agriculture estimates that over one-quarter of all food produced in this country (96 billion pounds) is wasted. Food recovery programs collect foods from commercial production and distribution channels and redistribute them to people in need. Food recovery is one way to help reduce the problem of hunger in America. Participating in a successful food recovery program has benefits that extend beyond providing food to those who are in need. These include positive consumer and employee response and improved visibility in the community.

This document is intended primarily to provide guidance to retail-level food operators that want to participate in food recovery programs and provide safe food to people in need.

Legal Issues

The Bill Emerson Good Samaritan Food Donation Act

When citizens volunteer their time and resources to help feed hungry people, they are rightfully concerned that they are putting themselves at legal risk. Fortunately, recent legislation provides uniform national protection to citizens, businesses, and nonprofit organizations that act in good faith to donate, recover, and distribute excess food. The Bill Emerson Good Samaritan Food Donation Act converts Title IV of the National and Community Service Act of 1990, known as the Model Good Samaritan Food Donation Act, into permanent law, within the Child Nutrition Act of 1966. Congress passed the legislation in late September, 1996, and President Clinton signed the bill into law on October 1, 1996. The Act is designed to encourage the donation of food and grocery products to nonprofit organizations such as homeless shelters, soup kitchens, and churches for distribution to individuals in need.

The Bill Emerson Good Samaritan Food Donation Act promotes food recovery by limiting the liability of donors to instances of gross negligence or intentional misconduct. The Act further states that, absent gross negligence or intentional misconduct, persons, gleaners, and nonprofit organizations shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of wholesome food or fit grocery products received as donations. It also establishes basic nationwide uniform definitions pertaining to donation and distribution of nutritious foods and will help ensure that donated foods meet all quality and labeling standards of federal, state, and local laws and regulations. Although the Bill Emerson Good Samaritan Food Donation Act takes precedence over the various state Good Samaritan statutes, it may not entirely replace such statutes. State Good Samaritan statutes still may provide protection for donors and gleaners above and beyond that guaranteed in the federal statute. Therefore, local organizations should be familiar with their state's statutes.

Implementing a Food Recovery Program

There are many ways to contribute to food recovery programs including donating excess prepared foods, donating produce or canned and packaged goods, fund raising, training volunteer foodworkers, or providing transportation for food from donor to the food distribution organizations (FDOs).

Major aspects of implementing a food recovery program include: (1) choosing a suitable FDO and (2) donor and FDO agreement on the terms of their relationship.

Advice on finding a partner to receive donated foods is available from a number of reliable sources. Among them are the United States Department of Agriculture (USDA), the lead federal agency for food recovery activities; America's Second Harvest, a national network of food banks and community-based hunger relief programs; and the National Restaurant Association.

To lay the foundation for a successful partnership and to minimize misunderstandings, the donor and FDO need to plan joint policies and procedures together. The initial planning meetings should cover at least the following topics:

- (1) exchange of basic data, such as:
 - names of key contacts
 - addresses, phone and fax numbers
 - anticipated frequency of donations
- (2) the types of foods to be donated, for example:
 - raw fruits and vegetables
 - cold fruit and vegetable salads
 - hot cooked foods of animal origin, including mixed dishes like lasagna
 - cold cooked foods of animal origin
 - hot or cold cooked vegetables
 - gravies, cream-based soups
 - hot or cold grain dishes
 - canned and packaged goods that are not potentially hazardous in their packaged form
 - beverages, and
 - cold or frozen uncooked foods of animal origin, such as raw ground beef
- (3) the food transport arrangements including:
 - who will transport food from donor to FDO's receiving facility
 - the type of vehicle(s) and temperature-holding equipment (e.g., insulated containers, refrigerated unit) to be used
 - back-up or transportation contingency plan in case of vehicle breakdown or emergency
 - distance in miles between donor and receiving facility
 - anticipated time in minutes from donor to receiving facility
 - anticipated frequency of donations, and
 - times/dates for pickup of donations
- (4) the qualifications of the food manager in the donor and receiving facilities, such as training and experience;
- (5) the training provided to staff on hygienic and safe food preparation, storage, and transporting practices;
- (6) preferred time, means and frequency of communication;
- (7) how unsatisfactory situations will be addressed; and
- (8) any other considerations raised by either party.

Early in the planning process, both the donor and FDO operators should familiarize themselves and their staff with the Good Samaritan laws that limit liability to gross negligence and intentional misconduct. Foodworkers need to fully understand that food safety training, consistent practice of hygienic food preparation practices, and regulatory inspection reports showing favorable performance histories are factors which help to protect the participants from civil and criminal liability in the good faith donation of apparently wholesome food. Good practices help to provide legal protection for the donor and helps ensure the service of safe food to consumers.

Food Safety Procedures

Serving safe food is an essential part of all food recovery activities. In the donor's domain and in the food distribution organization, all steps need to be taken to ensure that consumers of the recovered food are receiving a safe product. Certain basic principles of food safety must be incorporated into the program and followed by food workers to provide the consumers protection from foodborne illness.

The national food standards at the retail level, as expressed in the FDA Model Food Code (Food Code), do not differentiate between the protection provided to food consumed by paying consumers and to food consumed by individuals who eat at FDOs.

Procedures outlined here are based on well-established food safety principles and are set forth as a guideline for planning and conducting a food recovery program. The following section is divided into five parts: Food Donation, Food Workers, Food Safety, Equipment, and Maintaining Food Safety During Transportation.

Food Donation

- **Types of Foods**

Foods donated in a food recovery program may include excess prepared food or produce, canned food, and shelf-stable packaged goods. Excess food is any extra wholesome, edible food, including food that was prepared for service, but not served or sold. The charitable donation of food may result because a donor finds itself with an excess or because there is a conscious planning to have an excess in the daily or weekly volume of food. Restaurants, grocery stores, office food drives, or community food drives are possible donation sources.

- **Receiving and Storing Food: Evaluating the Condition of the Food**

1. Check that the food is from an approved source (i.e., one that meets food safety standards, such as those outlined in this document and the Food Code) and that its condition is sound.
2. Check for evidence of problems such as the following, and take appropriate action to keep products from being received in an unsatisfactory condition, consumed, or contaminating other products:
 - A. Environmental conditions of transport, e.g., the vehicle is not clean, pets in the vehicle, evidence of insects or rodents, temperature controls not in use, ready-to-eat foods stored so they can be contaminated by raw foods, toxic compounds are transported in a way that can contaminate food;
 - B. Cans that are dented in the top or side seams or are leaking or swollen; and
 - C. Insect or rodent infested food, e.g. droppings, gnawings, or nesting material.
3. Discard or isolate infested foods, foods that are obviously compromised, and foods of questionable safety.
4. With whole produce and prepared foods, attention should be focused on the packaging and condition of the food and the storage condition in terms of time and temperature. Cut produce such as melons and prepared foods, including cooked entrees and refrigerated foods, need to be kept at the cold or hot holding temperatures in the Food Code. (See the Food Preparation Practices section of this document). With canned food and shelf-stable packaged goods, attention should be focused on the condition of the food container.

5. Store foods in a manner that protects them from potential contamination such as water drippage, dust, rodents, insects, and other sources of contamination. Canned goods should be organized to prevent damage to the cans and all foods should be organized to allow for proper rotation (i.e., FIFO — First In/First Out). For information on acceptability of foods based on quality, see America’s Second Harvest’s Salvage Manual, which describes quality criteria for the inspection of foods.

Foodworkers

Good Hygienic Practices: Basic Essentials

1. Foodworkers must exercise good sanitation practices with limited hand contact with raw food and no bare hand contact with ready-to-eat food.
2. Foodworkers must wash their hands using soap and running water, vigorously rubbing the hands together to be sure soap contacts all surfaces of the hands. Handwashing needs to occur for at least 20 seconds.
3. Hands must be washed: a) immediately before beginning food preparation; b) during food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks; c) after using the toilet room; and d) after engaging in other activities that contaminate the hands. Additional information on when to wash the hands can be found in the Food Code, Chapter 2, section 2-301.14.

Food Safety

Foodborne Illness

1. An ill foodworker, whether a paid staff member or a volunteer, should not be allowed to work directly with exposed foods; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles. In some cases, foodworkers should remain away from the establishment until they are no longer ill. Guide 1 of Annex 7 in the Food Code provides information on when to exclude a foodworker and when to restrict (limit) a foodworker’s duties.
2. Cook foods thoroughly, reaching proper cooking temperatures, for the required amount of time to kill pathogens as required by the Model Food Code.
3. Cool cooked foods rapidly and hold under refrigeration as required by the Model Food Code.
4. Reheat refrigerated foods properly as required by the Model Food Code.
5. Keep raw and ready-to-eat foods separated.
6. Maintain personal cleanliness during food preparation, including handwashing.
7. (See Food Code Chapter 2).
8. Train foodworkers about health, personal hygiene, and proper food preparation techniques.
9. Maintain a clean establishment, particularly equipment, utensils, and all other surfaces that come into contact with food, to prevent contamination of foods (See Chapter 4 of the Food Code).
10. Additionally, certain precautions in the Food Code apply to highly susceptible populations and should be considered by recovery programs.

Controlling Biological Hazards

1. Foodworkers, including paid staff and volunteers who prepare food, should know the TEMPERATURE DANGER ZONE! and remember it during the thawing, cooking, cooling, and reheating of foods. The Food Code's Chapter 3 addresses time-temperature relationships as a major intervention against foodborne illness. Consult this reference for more information on time-temperature requirements for food safety.
2. Personal hygiene must be considered due to the threat of biological contamination from unsanitary practices of foodworkers. Adequate training must be provided to paid staff and volunteers who are involved in the handling and preparation of food.

Chemical and Physical Hazards

1. Operators need to be aware of the hazards associated with different foods and handling practices and take prudent precautions to minimize risks to food recipients.
2. Chemical hazards can also exist at various stages of food production, transportation, storage, and preparation. Chapter 7 of the Food Code outlines provisions that target the control of poisonous or toxic compounds in retail-level food operations.

Cross-Contamination

1. Precautions must be taken to protect food from contamination and to maintain safe food practices during preparation, transportation, storage, and service.
2. Separate raw foods from ready-to-eat foods.
3. Wash, rinse, and sanitize cutting boards and food contact surfaces at work stations between uses when working with different foods, especially when changing from working with raw foods to ready-to-eat foods.
4. Separate employee jobs to eliminate work with raw and ready-to-eat foods at one time.

Keeping the Food Safe

All food establishments should strive to integrate food safety practices and managerial control of critical steps of food preparation into their operations. A well-known system for instituting those practices and assuring managerial control can be found in applying the Hazard Analysis Critical Control Point (HACCP) principles. Annex 5 of the Food Code discusses the HACCP approach. The FDA Draft "Managing Food Safety: A HACCP Principles Guide for Operators of Food Service, Retail Food Stores, and other Food Establishments at the Retail Level," 1998, is also available. All of these resources can assist food recovery programs.

A HACCP system requires the person in charge of the food recovery operation to objectively examine the flow of the food, from its receipt to service. This analysis can help the person in charge identify points at which it is critical to impose control in order to keep the food safe.

Most operations fall within three categories:

- (1) Food processed with NO COOK steps (ready-to-eat food)
(receive-store-prepare-hold-serve)
Examples: fresh vegetables or fruits, tuna salad, coleslaw, sliced sandwich meats

(2) Food preparation for SAME DAY SERVICE

(receive-store-prepare-cook-hold-serve)

Examples: Hamburgers, hot vegetables, cooked eggs, hot entrees for “special of the day”

(3) Complex Processes (foods prepared in large volume or for next day service)

(receive-store-prepare-cook-cool-reheat-hot hold-serve)

Examples: Soups, gravies, sauces, large roasts, chili, taco filling, egg rolls

By tracking the flow of food, critical steps in a specific operation (e.g., cooking and cold holding) and potential cross-contamination points can be identified. Once the facility identifies the points in its process where food can become contaminated, and where incoming foods that are assumed to be contaminated (such as raw, animal-derived foods) must be time/temperature controlled, operational procedures and monitoring can be established.

Another facet in this proactive and preventive HACCP-based strategy is to anticipate failures in the food recovery program and to predetermine corrective actions. For example, what will occur if there is a power failure for an extended period of time or the transport vehicle breaks down? Applying HACCP plan principles would prompt the person in charge to consider the period of time involved in the power failure, the effect it may have on product temperatures, and whether a “reheat” would be sufficient to render a product safe.

Food Preparation Practices

Thawing:

1. Frozen foods need to be thawed according to the Food Code, which allows 4 ways to thaw:

- a) through the cooking process;
- b) under cool running water;
- c) in a microwave as part of the cooking process; or
- d) under refrigeration of 5°C (41°F) or less.

Cooking:

1. To kill microorganisms, all parts of the food must reach a sufficient internal food temperature and be held at that temperature for the specified time.

2. There are many time-temperature combinations that can constitute an adequate cook. The minimum cooking times and temperatures given below do not preclude other time-temperature combinations from being used, provided microbial lethality is achieved in the final food product. For simplicity, the Food Code prescribes specific times and temperatures for certain foods. Those minimum internal food temperatures and times for holding at that temperature are:

63°C (145°F) for 15 seconds: raw shell eggs that are prepared for immediate consumption; pork; solid portions of fish or meat.

68°C (155°F) for 15 seconds: hamburger and other comminuted meats, fish, and game animals such as deer, elk, and rabbit.

74°C (165°F) for 15 seconds: wild game animals; poultry; stuffed fish, meat, pasta, poultry; stuffing containing fish, meat, poultry.

3. Microwave cooking procedures are also outlined in the Food Code.

4. The cooking equipment and methods must be adjusted to achieve the desired safe cooking temperatures internally in the final product. The person preparing the food needs to know the required cooking time and

temperature and what practices, such as oven temperature and placement of the food within the cooking equipment, are necessary to bring the food to the required temperature. A thermometer should always be used to determine internal food temperature.

Cooling Methods:

1. Cooling foods from hot temperatures should be done as rapidly as possible and must not take more than 6 hours for all parts of the food to reach the required refrigeration temperature. The recommended time frames to achieve cooling within this 6 hour window are: 2 hours to cool foods from 60°C (140°F) to 21°C (70°F) and an additional 4 hours to cool from 21°C (70°F) to 5°C (41°F). Several methods of cooling are:
 - A. Placing the food in shallow pans;
 - B. Separating the food into smaller or thinner portions;
 - C. Using rapid cooling equipment;
 - D. Stirring the food in a container placed in an ice water bath;
 - E. Using containers that facilitate heat transfer, e.g. a metal pan allows food to cool faster than a plastic container; and
 - F. Adding ice as an ingredient.

Reheating:

1. Foods must be reheated to 74°C (165°F) minimum. All parts of the food being reheated must reach this temperature.

Equipment

1. Of particular importance to food recovery operations are temperature measuring devices, freezers, refrigerators, sinks, warewashing machines, and food temperature holding equipment.
2. Foodworkers need to be appropriately trained and to understand their role in properly cleaning (washing and rinsing) and sanitizing equipment and work stations after use.

Maintaining Food Safety During Transportation

1. Loading for Transport
 - A. When foods are ready for transport, they must be containerized to prevent contamination of the food while simultaneously keeping the food at the proper temperature. Care must be taken to protect the food from contaminants such as insects, dust, water drippage, or other sources of contamination during transport to the receiving facility.
 - B. Large batches of foods may need to be separated into several smaller, covered containers. Stack containers securely and do not pack temperature controlling units beyond their capacity.
2. Maintaining Food Temperature
 - A. Foods must be kept hot or cold during transport. Foods can be kept at the proper temperature provided the right equipment is available and used properly. Consult the regulatory authority in your jurisdiction for examples of acceptable methods for hot and cold holding of foods during transport.

3. Cleaning of the Vehicle for Transport of Food
 - A. Vehicles used for transporting food for food recovery programs, whether private vehicles or commercial trucks, need to be routinely cleaned.
4. Receiving Food
 - A. Food should be received by a person who is responsible for ensuring that, if not shelf-stable or immediately served to consumers, it is immediately refrigerated or otherwise properly served.
 - B. It is important to conduct a timely inspection of incoming products and to isolate any suspect foods as discussed earlier.
5. Recordkeeping for Food Safety
 - A. Donors and receiving facilities are encouraged to voluntarily keep certain records as a part of their food recovery programs to accomplish food safety objectives and to maintain a system of checks and balances to document that food is safely managed.

FOOD RESCUE PROGRAM RESPONSIBILITIES

A food distribution organization, as a food rescue participant, has responsibilities which include:

1. Comply with all applicable requirements of the state and/or local regulatory authority. If the jurisdictional regulatory authority does not inspect the program, the program may make a written request for at least an annual inspection.
2. Examine and accept and store only those foods which have met the criteria as outlined in this document. See Appendix A, chart regarding the assessment of donated foods on receipt.
3. In transporting food, use a visible active temperature retention system such as a refrigerated vehicle for the safe transport of chilled food to maintain foods at no more than 40°F or a passive temperature system such as cam carriers to maintain hot foods at 140°F or above.
4. Effect a comprehensive safe food handling educational and training program for staff and volunteers, including transport drivers. Certification of key staff in safe food handling is one means to managing the food rescue staff in accordance with current food protection standards.
5. Provide cooks, staff, and volunteers with regular inservice education as well as supervision by a person with demonstrated knowledge in safe food handling.
6. Work out agreements with food recovery partner(s) regarding mutual inspections of each others' facilities to assure confidence in the soundness of the partner's capacity to operate within the standard (see Appendix A for sample forms).
7. As a quality assurance mechanism, design or procure an evaluation tool to assess the condition of partner(s) facilities (see Appendix B for sample forms) and include, as a minimum, an initial physical plant inspection and at least an annual physical plant review to determine the ability and resources of the partner to receive, store, prepare, serve, or perform other food handling activities in compliance with the regulatory agency requirements.

GUIDELINES FOR MONITORING PROGRAMS

The purpose of the guidelines and the monitoring of facilities to determine if standards are in compliance is to protect the health of the consumers being served.

An added benefit is that compliance with the guidelines increases the confidence of all stakeholders (donors, regulatory authorities, contributors, consumers and a variety of supporters) that every effort is being made to serve a clean, safe product to hungry people, thereby minimizing the risk of foodborne illness.

The programs may be routinely monitored by the jurisdiction's regulatory agency. In such cases, there would be official inspection protocols and forms in use to record observations, areas of noncompliance and remarks regarding corrections and enforcement.

For non-regulatory monitoring visits by peer reviewers and corporate sanitarians, the terms and procedures should be in writing and agreed to by both sides. The agreement should include statements regarding:

- access to the premises,
- qualifications of the monitor/inspector,
- procedures for dealing with minor and serious violations observed,
- oral and written reports of findings during the monitoring visits, and
- specifications for corrective actions for violations observed.

The forms may also be used for self-inspections.

For non-regulatory monitoring visits, see Appendix B for sample monitoring forms for kitchens, food bank warehouses and food bank salvage operations.

HANDLING DONATIONS OF GAME ANIMALS

Large wild game animals include mammals such as deer, reindeer, caribou, elk, moose, antelope and bison. In addition to ranch- or farm-raised game animals that are slaughtered and processed under state inspection or a USDA voluntary inspection program, surplus wild game meat is available as a result of herd culling and through programs such as "Hunters for the Hungry." If handled properly, this can be an important food source for food recovery programs. Nutrient data on game animals can be found on the USDA Agricultural Research Service's Food Composition Database at: www.nal.usda.gov/fnic/foodcomp/index.html where you can search on the species of interest.

Primary concerns regarding otherwise healthy wild game animals are pathogens such as Salmonella and Escherichia coli. These could contaminate the meat if the animal is not slaughtered, dressed, transported, and processed under sanitary conditions; held at temperatures to preclude bacterial growth; or cooked to temperatures to destroy pathogens.

Road kills (wild game animals killed by impact with vehicles) are not generally recommended for recovery, as the intestines or stomach may rupture, contaminating the meat, and they are often so bloodshot that little or none of the carcass is salvageable. Some jurisdictions may add some additional controls and allow their recovery, but they are not addressed in this document.

Wild game animals such as bear or walrus are also not generally recommended due to the potential for trichinosis cysts in the meat.

Food Safety Procedures

Harvest:

1. Determine that the animal appears to be healthy, and does not exhibit obvious signs of illness.
2. Eviscerate the animal within an hour of harvest.
3. Field dress the animal as well, unless facilities are available at the processing plant.

4. Cut the carcass into quarters if needed.
5. Chill the meat as quickly as possible to refrigeration temperatures.

Transport:

1. During transport, protect the meat from contamination by cover and separation from non-food items.
2. Maintain the meat as close to refrigeration temperatures as possible.

Processor:

1. Use a state- or federally-inspected plant or custom exempt plant. A retail meat market may be acceptable if approved by the local authority.
2. Ensure the processor has the space, facilities and equipment to handle wild game meat.

Receipt:

1. Examine the carcass or quarters for general cleanliness and quality, and determine whether the product can be further processed or needs to be rejected.
2. Record the date, source and species of the donated wild game. Retain this information with the product and in plant records.
3. Freeze the carcass or quarters if not immediately processed.
4. Store the carcass or quarters physically separate from other food products from approved sources, if using common refrigeration equipment.

Processing:

1. Completely separate the processing of wild game meat from other meat processing by space or time.
2. Disassemble, clean and sanitize equipment and food preparation surfaces prior to and following processing and packaging to preclude any cross-contamination.
3. Portion wild game meat only into steaks, roasts, stew meat, or grind.
 - a) If the carcass or quarters are frozen, keep them frozen during processing and packaging. Do not thaw.
 - b) Any fat added to the ground meat must come from a state- or federally-inspected plant.
 - c) Wild game meat may NOT be cured, smoked, dried or fermented, or processed into other products.

Packaging and Labeling:

1. Individually package and label the finished product.
2. Ensure the label clearly and conspicuously states:
 - a) the name of the game animal;
 - b) the name and location address of the processing facility;
 - c) "Not an Inspected Product" or "Not for Sale;"
 - d) KEEP FROZEN; and
 - e) COOK to 165°F.

Storing and distribution:

1. Maintain product temperatures of 0°F.
2. Protect from contamination.

Cooking and service:

1. Thaw meat in a refrigeration unit or as part of the cooking process.
2. Cook all portions to an internal temperature of 165°F.
3. Hold cooked portions at an internal temperature of 140°F prior to service.
4. Avoid cooling and reheating.

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4. National Restaurant Association, Food Donation: A Restaurateur's Guide, 1997.
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10. Volusia County Public Health Unit (Florida) Information Sheet, Things You Must Know to Prevent Foodborne Disease, 1994.

WEB SITES

1. Congressional Hunger Center logos.ghn.org/chc/index.html
2. America's Second Harvest www.secondharvest.org
3. Share Our Strength www.strength.org/home.html
4. St. Mary's Food Bank www.smbf.or
5. The Chef and the Child Foundation www.acfchefs.org
6. USDA Gleaning and Food Recovery Home Page www.fns.usda.gov/fns/menu/whatsnew/gleaning/recover.htm
7. World Hunger Year Worldhungeryear.org/why.htm

Note: Complete text of Food Recovery Guidelines available upon request from CFP Executive Secretary