

**OREGON DEPARTMENT OF AGRICULTURE - FOOD SAFETY DIVISION  
2005 FOOD CODE ADOPTION - SUMMARY OF NOTES FROM 12/11/07**

<b>ITEM #</b>	<b>CODE SECTION</b>	<b>ODA COMMENTS</b>
<b>CHAPTER 1 - DEFINITIONS</b>		
1	ACCERD PROG	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
2	ACTIVELY COOLED	DAVE MARTIN, DHS, STATED THAT THIS WAS ADDED BY DHS BECAUSE IT IS DIFFICULT FOR REGULATORS TO IDENTIFY COOLING VIOLATIONS SINCE MOST RESTAURANT INSPECTIONS DO NOT LAST 6 HOURS. THIS DEFINITION CLARIFIES THAT ACTIVE COOLING IS UNDER REFRIGERATION RATHER THAN ON THE COUNTERTOP AND THAT FOOD MUST BE ACTIVELY COOLED ONCE THE TEMPERATURE DROPS BELOW THE HOT HOLDING LIMIT (135 °F IN 2005 CODE). DHS ALSO ADDED THIS TERM TO 3-501.14 (A). <b>PROPOSE TO NOT ADOPT – NO OBJECTIONS.</b>
3	ASSEMBLY	(USED FOR MOBILE RULES.) <b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
4	ASYMPTOMIC	<b>NOT NEEDED, DO NOT ADOPT.</b>
5	BALUT	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
6	CATERING	DHS ADDED THIS DEFINITION BECAUSE IT HAS BEEN IN THEIR CODE IN THE PAST AND IT HELPS CLARIFY THIS ACTIVITY. IT ISN'T REFERRED TO ANYWHERE ELSE IN THE CODE. <b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
7	CFR	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
8	CFR/CIP	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
9	CLOSE	KEEP CURRENT DEFINITION, ANOTHER OREGON LAW ADDRESSES THIS
10	CONDTL EMPLO	<b>NOT NEEDED, DO NOT ADOPT.</b>
11	COUNTER EQUIP	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
12	DEALER	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
13	EGG	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
14	EGG PRODCT	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
15	EMPLOYEE	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
16	E-COLI	<b>NOT NEEDED, DO NOT ADOPT.</b>

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17	EXCLUDE	<p>IN MULTI DEPARTMENT FACILITIES (LIKE FRED MEYER) COULD THIS PERSON BE WORKING IN THE GARDEN DEPARTMENT? DISCUSSION- IT IS DIFFICULT TO DEFINE A NON-FOOD DEPARTMENT (MIGHT MEAN BEER/WINE SECTION) AND ILL EMPLOYEES MIGHT WALK THROUGH THE FOOD DEPARTMENTS AND WOULD STILL BE USING THE COMMON RESTROOM. THIS MAY ALSO BE AN ISSUE IF AN EMPLOYEE NEEDS TO BRING A DOCTOR'S NOTE TO WORK OR COME IN TO TALK TO A SUPERVISOR.</p> <p><b>PROPOSE TO ADOPT 2005 CODE LANGUAGE- NO OBJECTIONS.</b></p>
18	FOOD ESTABLISHMENT	KEEP CURRENT DEFINITION, ANOTHER OREGON LAW ADDRESSES THIS
19	FOOD PRCNG EST.	KEEP CURRENT DEFINITION, ANOTHER OREGON LAW ADDRESSES THIS
20	HNDWSHING SINK	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
21	HLTH PRACTNR	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
22	HIGHLY SUSCEPTIBLE POPULATIONS	<p>DHS DOESN'T REGULATE SCHOOLS AND NURSING HOMES, BUT THESE FACILITIES DO REFER TO DHS RULES.</p> <p><b>PROPOSE TO ADOPT - NO OBJECTIONS.</b></p>
23	JUICE	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
24	MAJ FD ALERGEN	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
25	MBLE FOOD UNIT	<p>DEFINITION WAS ADDED BY DHS BECAUSE THE MOBILE FOOD UNIT RULES WERE FOLDED INTO THEIR FOOD CODE.</p> <p><b>PROPOSE TO ADOPT- NO OBJECTIONS.</b></p>
26	POTENTIALLY HAZARDOUS FOOD/TIME CONTROLLED FOR SAFETY FOOD	<p>PROPOSE TO CHANGE PHF TO TCS. THIS CAME UP AS A CFP ISSUE- IFT TOOK A LOOK AT IT AND THEY SUGGESTED THIS NAME, AS IT IS MORE REFLECTIVE OF SOME ORGANISMS SUCH AS LISTERIA. SOME FOODS HAVE HISTORICALLY BEEN STORED OUT OF REFRIGERATION AND THE INTENTION OF THIS NEW DEFINITION IS NOT TO REEVALUATE ALL FOODS (LIKE BREAD) AND REQUIRE A PRODUCT ASSESSMENT ON EVERY SHELF STABLE PRODUCT. KATEY KENNEDY, FDA, STATED THAT THIS IS A TRAINING ISSUE FOR INSPECTORS AND IT IS DESIGNED FOR INDUSTRY SO IF THEY DON'T THINK THEY NEED TO REFRIGERATE A PRODUCT, IT PROVIDES SOME GUIDANCE.</p> <p><b>PROPOSE TO ADOPT- NO OBJECTIONS.</b></p>
27	POULTRY	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>

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28	PREPERATION	(USED FOR MOBILE RULES.) <b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
29	RATITE	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
30	RAW TO FINISH	(USED FOR MOBILE RULES.) <b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
31	READY TO EAT	(ADDS MORE DETAIL.) <b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
32	R O P	ADDS LISTERIA AND OXYGEN CONTENT AT SEA LEVEL. <b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
33	COOK/CHILL	<b>PROPOSE TO ADOPT – NO OBJECTIONS.</b>
34	RE-SERVICE	PERTAINS TO HIGHLY SUSCEPTIBLE POPULATIONS. <b>PROPOSE TO ADOPT – NO OBJECTIONS.</b>
35	SHIGA TOXIN	<b>NOT NEEDED, DO NOT ADOPT.</b>
36	TRNSPRT VEHCL	<b>PROPOSE TO ADOPT – NO OBJECTIONS.</b>
37	UTENSIL	<b>PROPOSE TO ADOPT – NO OBJECTIONS.</b>
<b>CHAPTER 2 - MANAGEMENT AND PERSONNEL</b>		
38	2-101.11(B)	<b>PROPOSE TO ADOPT – NO OBJECTIONS.</b>
39	2-102.11(A)	<b>PROPOSE TO ADOPT – NO OBJECTIONS.</b>
40	2-102.11( C )(9)	DEMONSTRATION OF KNOWLEDGE AS IT RELATES TO MAJOR FOOD ALLERGENS. <b>PROPOSE TO ADOPT 2005 LANGUAGE – NO OBJECTIONS.</b>
41	2-102.11( C )(17)	THIS IS A PROBLEM BECAUSE WE DON'T HAVE CONDITIONAL EMPLOYEE DEFINED. 2-201.14 REPLACES "CONDITIONAL EMPLOYEE" WITH "APPLICANT" AS IS STATED IN 2-201.14 OF DHS'S CODE. OR, WE CAN ADD THIS TO 2-102.11 C (2). <b>PROPOSE THAT 2-102.11(C) (17) READS "PERSON IN CHARGE AND FOOD EMPLOYEES" IN PLACE OF "PERSON IN CHARGE, FOOD EMPLOYEES, AND CONDITIONAL EMPLOYEES". ALSO, THE WORD "APPLICANT" NEEDS TO BE REMOVED FROM THE HEADER OF 2-201.14 (FROM DHS RULES). NO OBJECTIONS.</b>
42	2-102.20	<b>PROPOSE TO ADOPT 2005 LANGUAGE WITH THE ADDITION OF OTHER OREGON APPROVED CERTIFICATION PROGRAMS.</b>
43	2-103.11 (H)	WE DO NEED 2-103.11(B) AS THIS IS NOT COVERED ELSEWHERE.
44	2-103.11 (K)	<b>PROPOSE TO ADOPT 2005 LANGUAGE, EXCEPT DELETE "CONDITIONAL</b>
45	2-103.11 (M)	<b>EMPLOYEES" FROM (M). ONLY 2-103.11(B) WILL APPEAR AS A VIOLATION. NO OBJECTIONS.</b>

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46 47 48	2-201.11 2-201.12 2-201.13	<p>EMPLOYEE HEALTH - DHS FOUND THE FDA LANGUAGE DIFFICULT TO IMPLEMENT AND THERE WAS SOME CONFUSION WITH THE EPIDEMIOLOGICAL RULES BECAUSE THE TWO DON'T TOTALLY MATCH. DHS'S NEW RULE MAINTAINS THE INTENT OF THE FDA LANGUAGE WHILE ELIMINATING CONFLICT BETWEEN THE FDA AND EPIDEMIOLOGY'S LANGUAGE. ALSO, 201.13 (B)(1)(A) SHOULD SAY, "IS FREE OF THE SYMPTOMS SPECIFIED UNDER 2-201.12(B)" RATHER THAN "2-201.11(B)". ADAM JOHNSON, ALBERTSONS, NOTED THAT IN 2-201.12, DIARRHEA AND VOMITING ARE RESTRICTED SYMPTOMS AND IN THE EPIDEMIOLOGY RULES THIS IS EXCLUSION. DAVE MARTIN, DHS, WILL DISCUSS THIS WITH EPIDEMIOLOGY BEFORE THE NEXT FOOD CODE MEETING.</p> <p><b>PROPOSAL: ADOPT 2-201.12 AS DHS HAS DONE BUT RATHER THAN MAKE REFERENCE TO THEIR OAR, INSERT THE 333-019-0010 LANGUAGE AND LEAVE OFF ANY ILLNESS ACCOMPANIED BY DIARRHEA OR VOMITING AND ADD NOROVIRUS. DHS DELETED 2-201.11 AND ADDED 2-201.14 AND 2-201.15. THE SENTENCE STRUCTURE OF 333 WILL BE REVIEWED PRIOR TO INSERTIONS. NO OBJECTIONS TO THIS PROPOSAL.</b></p>
49	2-301.12	<p>PROVIDES MORE DETAIL INCLUDES PROSTHETIC DEVICES. <b>PROPOSE TO ADOPT 2005 LANGUAGE – NO OBJECTIONS.</b></p>
50	2-301.13	<p><b>PROPOSE TO DELETE</b> THIS DOUBLE HAND WASHING SECTION BECAUSE IT IS ALREADY UNDER 3-301.11(6) (A)- <b>NO OBJECTIONS.</b></p>
51	2-301.14(H)	<p>HAND WASHING IS NOT REQUIRED WHEN CHANGING TASKS. WHAT IS A DIFFERENT TASK? ONE CUSTOMER MIGHT WANT ROAST BEEF AND ONE MIGHT WANT HAM OR CHEESE – IS THIS CHANGING TASK? IT NEEDS TO BE CLEAR THAT GLOVE CHANGES ARE ONLY REQUIRED WHEN CONTAMINATION HAS OCCURRED. <b>TABLED FOR MORE DISCUSSION.</b></p>
52	2-301.16	<p><b>PROPOSE TO ADOPT- NO OBJECTIONS.</b></p>
53	2-303.11	
<b>CHAPTER 3 - FOOD</b>		
54	3-201.11(B)	<p><b>PROPOSE TO CURENT FOOD CODE LANGUAGE- NO OBJECTIONS.</b></p>
55	3-201.11 (E)(1)	<p><b>PROPOSE TO ADOPT- NO OBJECTIONS.</b></p>
56	3-201.11 (E)(2)	<p><b>PROPOSE TO ADOPT- NO OBJECTIONS.</b></p>

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57	3-201.11(G)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
58	3-201.11 (H)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
59	3-201.11(J)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
60	3-201.16	
61	3-202.11 ( C )	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
62	3-202.13	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
63	3-202.14	<b>TABLED FOR MORE DISCUSSION</b>
64	3-202.16	<b>PROPOSE TO CURENT FOOD CODE LANGUAGE- NO OBJECTIONS.</b>
65	3-202.18(A)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
66	3-202.18 (A)(1)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
67	3-202.18(2)(C )	
68	3-202.18(D)	
69	3-203.11(A)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
70	3-203.11 (B)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
71	3-203.11(D)	SHUCKED SHELLFISH ARE ALLOWED TO BE REPACKAGED IF ALL SPECIFIED INFORMATION IS KEPT ON FILE AND PROVIDED. SOME MANUFACTURERS ARE SUPPLYING ADDITIONAL TAGS TO MAKE IT EASIER TO KEEP ADEQUATE RECORDS. <b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
72	3-203.12( c)(2)(A-B)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
73	3-301.11	NO BARE HAND CONTACT OF READY TO EAT FOODS. NO OBJECTION TO THE 2005 LANGUAGE, BUT WE WOULD LIKE TO CHECK IN WITH NWGA. PROPOSE TO REMOVE (C) REGARDING MINIMIZING CONTACT FOR NON-READY TO EAT FOODS. IF WE KEEP THE VARIANCE SECTION, WE WILL DISCUSS INCLUDING A VARIANCE FOR LOW RISK ACTIVITIES. WE WOULD NEED TO REMOVE REFERENCE TO “CONDITIONAL EMPLOYEES” FOUND IN 3-301.11(3)(A) AND 3-301.11(3)(B). <b>PROPOSE TO TABLE UNTIL THE NEXT MEETING- NO OBJECTIONS.</b>
74	3-302.11 (A)(2)(D)	
75	3-302.11(A)(4)	

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76	3-302.12	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
77	3-302.13	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
78	3-304.11	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
79	3-304.14	STORING SANITIZER BUCKETS OFF OF THE FLOOR. KATEY KENNEDY, FDA, HAS NOT GOTTEN A CLEAR EXPLANATION ON THIS ONE. <b>NEEDS FURTHER DISCUSSION.</b>
80	3-4011.(B)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
81	3-402.11(A)(3)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
82	3-402.11(B)(3)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
83	3-402.12	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
84	3-403.11 (D)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
85	3-403.11(E)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
86	3-404.11	
87	3-501.13	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
88	3-501.14(A)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
89	3-501.14(D)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
90	3-501.16(A)(1)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
91	3-501.16 (B)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
92	3-501.17(D)	
93	3-501.17( C )	
94	3-501.18(A)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
95	3-501.18(B)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
96	3-501.19(A)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
97	3-501.19(B)	
98	3-501.19( c )	
99	3-502.11	

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100	3-502.12	
101	3-502.13	<b>DELETE CURRENT FOOD CODE LANGUAGE - NO OBJECTIONS</b>
102	3-602.11 (B)(5)	ALLERGEN LABELING. <b>PROPOSE TO ADOPT- NO OBJECTIONS.</b> WOULD LIKE TO HAVE TRAINING FOR INDUSTRY.
103	3-602.11 (B)(7)	
104	3-603.11	TO SUSHI AND OYSTERS SOLD THROUGH THE SEAFOOD CASE (ALTHOUGH OYSTERS HAS BEEN REMOVED AS AN ISSUE IF THEY ARE NOT ADVERTISED FOR RAW CONSUMPTION). DAVE MARTIN, DHS, DOESN'T FEEL THAT ODA'S ADOPTION OF CONSUMER ADVISORIES WOULD CAUSE A PROBLEM WITH THE RESTAURANT INDUSTRY. <b>PROPOSE TO ADOPT - NO OBJECTIONS.</b>
105	SECTION 3-8	<b>ADOPT THIS SECTION WITH THE 2005 FOOD CODE - No OBJECTIONS</b>
<b>CHAPTER 4 - EQUIPMENT, UTENSILS AND LINENS</b>		
106	4-103.13	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
107	4-203.13	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
108	4-204.13	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
109	4-204.122	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
110 111 112	4-301.12( C ) (5) 4-301 12(D) 4-301 12(E)	ALLOWS FOR NON-PLUMBED CONTAINERS TO BE USED IN THREE-STEP DISHWASHING. ALLOWS FOR A TWO -COMPARTMENT SINK. <b>PROPOSE TO ADOPT 2005 LANGUAGE AND ADD SOMETHING SIMILAR TO 4-301.12 (C)(7) IN ODA'S CURRENT CODE, "MECHANICAL WAREWASHING EQUIPMENT", SO THAT A FACILITY CAN HAVE A DISHWASHER OR A THREE-COMPARTMENT SINK RATHER THAN BEING REQUIRED TO HAVE A THREE-COMPARTMENT SINK AND A DISHWASHER - NO OBJECTIONS.</b>
113	4-402.11	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
114	4-501.113	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
115	4-501.114	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
116	4-501.115	<b>ADOPT THIS SECTION WITH THE 2005 FOOD CODE - No OBJECTIONS</b>

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117	4-901.11	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
118	4-902.11	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
<b>CHAPTER 5 - WATER, PLUMBING AND WASTE</b>		
119	5-104.12	<b>(USED FOR MOBILE RULES.) PROPOSE TO ADOPT- NO OBJECTIONS.</b>
120	5-402.11(A)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
121	5-402.11 (B)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
122	5-501.14	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
<b>CHAPTER 6 - PHYSICAL FACILITIES - (NO CHANGES)</b>		
<b>CHAPTER 7 - POISONOUS OR TOXIC MATERIALS</b>		
123	7-204.11	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
<b>CHAPTER 8 - COMPLIANCE AND ENFORCEMENT</b>		
124	8-301.11	<b>DO NOT ADOPT - ADDRESSED IN OREGON STATUE</b>
125	8-302.11	<b>DO NOT ADOPT - ADDRESSED IN OREGON STATUE</b>
126	8-302.13	<b>DO NOT ADOPT - ADDRESSED IN OREGON STATUE</b>
127	8-302.14	<b>DO NOT ADOPT - ADDRESSED IN OREGON STATUE</b>
128	8-303.20	<b>DO NOT ADOPT - ADDRESSED IN OREGON STATUE</b>
129	8-304.11(D)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
130	8-304.11(E)	REFERENCES 8-404.11 WHICH WE ARE NOT INCLUDING BECAUSE THIS INFO IS IN STATUTE. <b>PROPOSE ADDING A PERIOD AFTER "EXIST" AND LINE OUT "AS SPECIFIED UNDER 8-404.11". DELETE (F) SINCE IT IS ALREADY SPECIFIED IN STATUTE. NO OBJECTIONS.</b>
131	8-304.11(F)	<b>PROPOSE TO ADOPT- NO OBJECTIONS.</b>
132	8-304.11(K)	<b>DO NOT ADOPT - ADDRESSED IN OREGON STATUE</b>
133	8-304.20	<b>DO NOT ADOPT - ADDRESSED IN OREGON STATUE</b>

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134	SECTION 8-4	DO NOT ADOPT - ADDRESSED IN OREGON STATUE
135	8-501.40	PROPOSE TO ADOPT- NO OBJECTIONS.