

Washington State Food Rule WAC 246-215

Key changes effective March 1, 2022

Washington's Food Code Changes

Washington's food code (WAC 246-215) has been updated with sections from the 2017 FDA Food Code and input from stakeholders. This document lists key changes but does not include every change. If you have additional questions, please review the rule (<http://www.doh.wa.gov/foodrules>) or ask your inspector.

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New Phrase: Time/Temperature Control for Safety (TCS) Food

Potentially Hazardous Foods will now be called Time/Temperature Control for Safety foods.

The name for foods that require temperature control will be changing from Potentially Hazardous Food (PHF) to Time/Temperature Control for Safety (TCS) food. There is no change to the foods that need to be kept hot or cold. TCS foods include meat, poultry, cooked starches, sliced melons, sprouts, fresh herb and garlic-in-oil mixtures, dairy products, cut leafy greens, cut tomatoes, and cooked produce.



Date Marking

The outgoing rule does not require refrigerated TCS foods to be marked or used within seven days. Ready-to-eat, refrigerated TCS foods must be frozen or used within seven days after preparing the food or opening the commercial package. TCS foods kept refrigerated for more than 24 hours must be marked with a date to ensure the food is used within the week. Ready-to-eat, cold TCS foods must be date marked and used or frozen within 7 days. Each food establishment must train staff to mark TCS foods for use, freezing, or discard. Either the date of preparation/opening or the discard date may be used, but the system must be consistent and understandable.

Certified Food Protection Manager

The outgoing rule does not require an employee to have manager certification.

Beginning in **March 2023**, food establishments must have access to a person who is a certified food protection manager (CFPM). The CFPM does not need to be on site at all times, but a copy of the valid certificate must be available. The CFPM must make sure the persons in charge are trained and able to control food safety in the establishment. There are six ANSI-accredited certification providers.



Active Managerial Control

The new rule defines active managerial control.

The key for Active Managerial Control is each manager or person in charge (PIC) is proactive at finding and preventing food safety risks, rather than only reacting to risks found by the inspector. The PIC ensures food workers are properly trained on food safety practices such as knowing personal health and illness symptoms to report to the PIC, monitoring food temperatures with thermometers, properly washing hands when required, using tongs or other barriers with ready-to-eat food, cooking meat to proper temperatures, washing produce before cutting, and preventing cross contamination. The PIC with strong Active Managerial Control also makes sure workers follow food safety requirements by checking their work and providing correction when needed.

Molluscan Shellfish Tags

The outgoing rule did not require the first date of service be written on the tag.

Food workers must write both the first and last dates of service on shellstock tags and keep them in an organized system for at least 90 days after the shellfish are sold. Shellstock include in-shell oysters, mussels, and clams.



Vomit/Diarrhea Cleanup Plan

Establishments must have a written plan and train staff to safely clean up vomit and diarrhea spills.

The written plan must include cleanup directions for workers to protect food, surfaces, customers, and themselves. The plan must be specific to the food establishment – such as type of disinfectant used, if carpet or upholstery needs cleaning, and location of the cleanup kit.



Partially-Cooked Fish & Parasite Destruction

The outgoing rule did not allow serving partially-cooked, fresh finfish without parasite destruction. Establishments that want to serve partially-cooked fresh finfish, such as fresh-caught salmon or halibut, may do so with consumer’s request and a modified consumer advisory.

Note: Fresh fish that will be served raw must still have proper parasite destruction.

Employee Health

The new rule requires the Person in Charge to verify workers are trained on employee health.

The PIC must make sure workers know the key symptoms (diarrhea, vomiting, and jaundice) and diagnosed illnesses (norovirus, Salmonella, *E. coli*, *Shigella*, and hepatitis A) that sick workers must report to the PIC. Sick workers may not work in the establishment until they are cleared to return. Workers with vomiting and diarrhea may return when symptoms have gone away for at least 24 hours. Workers with jaundice or a diagnosed foodborne illness must be cleared by the local health department before returning to work. Food workers exposed to a potential foodborne illness outbreak and work in a facility that serves a highly susceptible population (like a senior center, hospital, or nursing home) must get approval to return by the local health department.



Pet Dogs in Food Establishments

The outgoing rule did not allow pets in food establishments.

Food establishments will have the option to allow pet dogs in specific situations. Pet dogs may be indoors if the business does not prepare food. Pet dogs may be allowed in outdoor dining areas with an approved plan. Speak to your food inspector for more details.

Note: Working service animals (dog or miniature horse) that are trained to do tasks for a person with a physical, sensory, psychiatric, intellectual, or other disability are not considered pets and are allowed in food establishments.

Eggs, Hamburger, & Sausage

The outgoing rule required cooking ground meats to 155°F and holding for 15 seconds.

Scrambled eggs for more than one person, ground beef, and sausage must be cooked to 158°F to be considered fully cooked. Food establishments that want to continue cooking to 155°F will be required to show the cooking process holds the ground meat at 155°F for at least 17 seconds as part of an approved plan.



Bare Hand Contact

The new rule clarifies that staff may use bare hands with food that will be cooked in the facility.

Workers may handle ready-to-eat ingredients, such as peeled carrots, sliced onions, or shredded chicken with bare hands if they will be fully cooked to an internal temperature of at least 145°F before service. Establishments with strong active managerial control may also apply to have bare hand contact (BHC) with other ready-to-eat foods if they are able to increase control of two specific tools used to reduce foodborne illness: Employee Health and Handwashing. BHC plans require a written employee health policy, a log of employee health records, annual staff training, adequate handwashing sinks, additional safeguards, record keeping, and local health approval.

Note: Preventing bare hand contact helps make sure germs that might be on hands do not spread to food.

Refilling Reusables

The outgoing rule did not allow most consumer-owned containers to be refilled.

Any multi-use food container that is washed, rinsed, and sanitized by the food establishment may be refilled with food. The incoming rule will give food establishments an option to allow visibly clean containers to be refilled by both consumers and employees. This option will require the food establishment to create a written plan to submit to the health department for advance approval.

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Do you have questions?

Food safety staff from your [local health department](#) or Washington State Department of Health can answer questions or give you additional materials on the food rule.