

## December 6, 2018 Food Safety Conference Call Notes

### 1. Ohio Department of Health – Jamie Higley:

- Hepatitis A Outbreak - Brandi Taylor, ODH Bureau of Infectious Diseases:
  - Ohio is currently experiencing a statewide community outbreak of hepatitis A. It is not a typical foodborne hepatitis A outbreak investigation.
  - Food handlers are not at increased risk for hepatitis A because of their occupation, and mass-vaccination of food handlers is not recommended or supported by ODH or CDC.
  - The risk of exposure to patrons when an infected food handler has been identified has been shown to be very small, according to multiple peer-reviewed studies. Because of this, unless there is an egregious breach of hygiene and the person was symptomatic during their time at work, patron notification (a press release) is not warranted. Local nurses and epis have been told to call the Bureau of Infectious Diseases (BID) at ODH if they have questions regarding the risk to patrons from a food handler and have been instructed to notify ODH before such notifications are made. Institutional cafeterias (prisons, etc) may have an increased risk compared to other food service operations due to potential repeated exposures, and post exposure prophylaxis (PEP) for patrons may be indicated. Please contact BID with questions.
  - When a food handler is identified in an establishment, the recommendation is to vaccinate coworkers if they have not previously been vaccinated. They are considered contacts to the case. There is some discretion regarding who exactly needs to be vaccinated (different shifts, different duties in the FSO, etc). Please contact BID with questions about contact investigations and PEP.
- Yogurt Vending Machine:
  - Some LHDs have asked about a vending machine that dispenses frozen yogurt with toppings.
  - The machine does meet the definition of a vending machine and each location must be licensed.
  - A company called Ries & Irvy's wants to set up franchises all over Ohio.
  - The machines are NAMA certified, but the issue is cleaning frequency: Ries & Irvy's wants the machines to be cleaned approximately every five to seven days. The food code requires food contact surfaces that are refrigerated be cleaned every 24 hours.
  - Ries & Irvy's told us some other states have approved the extended cleaning frequency, and we are waiting on info from the company regarding other states approvals and any whether any lab testing has been done.
  - ODH will then determine whether each location will require a variance, and how those would be handled.
  - However, the company did ask us recently: if they change to a non-TCS product, would that change cleaning frequency? ODH is still reviewing this.
- Reminder: Cost analysis must be submitted to ODH and ODA by January 1.
  - Make sure to include the certification page w/ Health Commissioner signature, completed anticipated worksheet and fee schedule.
  - Electronic copies may be emailed to ODH @ [foodsafety@odh.ohio.gov](mailto:foodsafety@odh.ohio.gov), and to ODA @ [foodsafety@agri.ohio.gov](mailto:foodsafety@agri.ohio.gov).
- Midwest Workshop will be held March 25-28, 2019, with food program day on Tuesday, March 26, 2019. The workshop will once again be held at the Quest Center in North Columbus.
- Variances: ODH occasionally receives questions about variances that we have approved. On the last page of these notes are lists of active variances, and inactive variances that were approved by ODH but are no longer needed because the code now allows the activity.
  - The approval letters were sent to LHDs.

- Two variance reviews per licensing year must be conducted in FSOs that have been issued a variance. FSO should be able to provide a copy of approval letter and HACCP plan (If needed) upon request.
- ODH has several variances that we are reviewing.
- Reminders about Wendy's variance:
  - This variance is valid statewide.
  - This variance permits Wendy's to hold Schreiber brand cheese slices using time as public health control up to 8 hours.
  - Does not apply to any other brands of cheese or shredded cheese.
  - The cheese shall be marked or otherwise identified to indicate the time that is four hours past the point when the food is removed from temperature control.
  - The variance does not permit the cheese to be cooled, refrigerated and served the next day. Therefore, the cheese must be discarded after holding at room temperature.
  - We have heard that some Wendy's locations are not utilizing the variance.
- Subway Crab Meat:
  - ODA was recently contacted about a Subway location thawing their crab meat, which is in an ROP package. The question was whether Subway needed to remove the product from the ROP package prior to thawing, as the code requires that fish be removed from ROP prior to thawing.
  - Subway submitted documents that indicates the crab meat is pasteurized, which would limit growth of pathogens.
  - Therefore, Subway crab meat does not need to be removed from ROP package prior to thawing, **unless** the package or case states "Keep Frozen". If a package or case does state keep frozen, section 3.4(C)(5) of the food code must be followed.
- 3717-1 Five Year Review:
  - A five-year review of the code has been completed, and the rules were filed by the Director.
  - There will be a JCARR hearing on 12/10/18 and a Directors hearing @ ODH on 12/20/18.
  - Tentative effective date of the rules is 3/1/19.
  - LHDs will be notified of the changes once they are adopted.

## 2. Ohio Department of Agriculture – Tim Tewksbury:

- Vibrio investigations: We have had a hand full of potential vibrio cases in the state this year and since the Ohio Department of Agriculture is the regulatory authority for shellstock we are asking if you receive an EPI report tied to a potential Vibrio case please let us know because sometimes the LHD's will receive the report before we do.
  - What we would like to accomplish with this is that the facilities are only visited once instead of multiple times within a short period of time.
  - Regardless if the ODA receives the EPI report first or the LHD, we will be asking if the LHD would like to go to the facility with us while we conduct the investigation.
  - Shellstock tags: Due to the recent Vibrio investigations we would like to remind everyone that the requirements in the food code state that the date shall be placed on the back of the tag when the last shellstock is sold or served from that lot. This is very important when investigations are taking place and helps to prevent a dead end while investigating.
- Celery salts and other natural cures: In the past USDA and the ODA didn't have specific requirements or rules for the use of natural curing agents and thus the Food Safety Division never required variances for facilities using such ingredients. However, the USDA now has guidelines for the use of natural curing agents like celery salt, beet juice, sea salt, etc. With that being said if you have a facility

that is using one of these types of natural cures in the making of meat products there is now a great chance they now will require a variance. If you have any questions while conducting inspections with facilities using said ingredients in meat products, please reach out to us.

- Breweries: Just a reminder, if you have breweries, wineries, distillers that are making product and sending offsite, these facilities would need to be registered with the ODA Division of Food Safety. If these locations are under our inspection they may be exempt from needing a FSO/RFE local license if the only food being sold is the alcohol beverages. However, if they are not sending product offsite and are only making the alcohol for onsite service they will need to obtain a local license. The lowest RISK level for an alcohol producing FSO/RFE is a RISK level 2.
- Facilities required to inform in a verifiable manner: Per 2.4(C)(14) food employees and conditional employees must be informed in a verifiable manner their reporting responsibilities. However, because of the definitions for food employee and conditional employees there are some facilities that do not have to comply with this section of rule. Examples of such facilities are RISK 1 operations because some RISK level 1 locations have no exposed foods. Furthermore some non-level 1 facilities will have employees that will not have to comply with this section of rule, such as employees that handle only unexposed foods like stockers.
- New types of RFE's: With the change in the way retail businesses are operating and to stay consistent with the definition of a Retail Food Establishment, LHD's may start seeing facilities that have to direct instore sales. These types of operations still might meet the definition of a RFE because they are providing foods to the ultimate consumer by way of their own staff or contract employees. Some of these locations are currently under ODA inspection and the Division of Food Safety will be compiling lists of these facilities that indeed should be licensed locally as a RFE and will be providing these lists to the proper LHD. The goal is to transition these facilities to a local license with the upcoming licensing period starting March 1, 2019.

**ODH Active  
Variances**

<b>Company/FSO</b>	<b>Location</b>	<b>Reason</b>	<b>Health District</b>
Wendy's	Statewide	Hold Screiber cheese slices up to 8 hours using time as public health control	Statewide
Brick Oven Brew Pub	Akron	Curing meats	Summit Co.
The Well	Lancaster	Prepare sauerkraut using fermentation	Fairfield Co.
Brij Mohan Inidan Sweets and Restaurant	Sharonville	Prepare yogurt using fermentation	Hamilton Co.
Taj Mahal Indian Cuisine	Cincinnati	Prepare yogurt using fermentation	Hamilton Co.
Jimmy G's BBQ	Fremont	Curing meats	Sandusky Co.
Olentangy High Schools	Lewis Center/Powell	Modified cleaning frequency for Smartmouth Pizza Pans	Delaware Co.

**ODH Inactive  
Variances**

<b>Company/FSO</b>	<b>Location</b>	<b>Reason</b>
Texas Roadhouse	Various	ROP shelf life
Cheddar's Café	Various	ROP shelf life
Ashland University	Ashland	Re-use of single use containers
College of Wooster	Wooster	Re-use of single use containers
Eagle Beer Hall	Cincinnati	Use of sanitizer generated on site
Sodexo at Wellpoint	Mason	Re-use of single use containers
Heidelberg College	Tiffin	Re-use of single use containers