



**Indiana**  
**Department**  
**of**  
**Health**

# UPDATE INDIANA 410 IAC 7-26 REGIONAL TRAINING

Copy of IAC 7-26 REQUIRED

Spring 2024

IDOH Regional Specialist

## OUR MISSION:

To promote, protect, and improve the health and safety of all Hoosiers.

## OUR VISION:

Every Hoosier reaches optimal health regardless of where they live, learn, work, or play.



# 410 IAC 7-26 Overview

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175 total regulation updates of the original 495 sections.

- 29 new definitions
- 13 revised definitions
- 6 new Indiana specific definitions
  - 114 code revisions
  - 10 new codes
- 3 new Indiana specific codes

175/495=35% Change

- Management & Personnel
  - Food
- Equipment, Utensils, & Linens
  - Water, Plumbing, & Waste
  - Poisonous or Toxic Materials
- Compliance and Enforcement

○

# The Importance of Definitions

## Definitions are the foundation of your knowledge.

Without truly comprehending the importance of the definitions you have missed the whole picture.

- What is a TCS food?
- What is an Acidified food?
- Is the alligator a game animal or a fish?
- What falls under ROP?
- Do we inspect Assisted Living Facilities or Food Banks?

The definitions section can answer all these questions and more by defining the issue you are observing. There are 48 new or revised definitions in 7-26.





# Acid & Acidified Foods

Sec 3: Acid foods that have a **natural** pH of 4.6 or below

Sec 4: Acidified Foods mean food, other than alcoholic beverages, with a finished equilibrium pH of 4.6 or above and a water activity (aw) greater than 0.85, that are intentionally altered by adding acid(s) or "acid foods" to reach a finished equilibrium pH of 4.6 or below & a aw greater than 0.85

This does **NOT** include:

- Acid foods that contain small amounts of other foods having a pH over 4.6 but will result in a product with finished equilibrium pH that does not significantly differ from that of the predominant acid/acid food.
- Foods that are stored, distributed, and retailed under refrigeration.



Image from Microsoft

# Balut

An embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

## Facts:

Typically derived from duck eggs.

Must be refrigerated at a minimum of 45°F.

Common food item within the international food community.



Courtesy of Microsoft

# Catering – Indiana Specific Definition

The preparation of food in an approved retail food establishment and may include the transportation of food for service and consumption at some other site.

Catering is defined under retail food establishment. While typically done in a building, catering could also be done off a truck and would require a plan review and permit.



Courtesy of Microsoft

# Commissary

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A registered catering establishment, restaurant, or any retail food establishment in which food, food containers, or food supplies are:

- (1) Kept
- (2) Handled
- (3) Prepared
- (4) Packaged, or
- (5) Stored

From which meals are catered and mobile food establishments or pushcarts are serviced.

Example: a permitted kitchen where multiple food businesses share space or where the food is prepared before being delivered for events.



# Conditional Employee

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A potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

Legal Questions That Can Be Asked of a Conditional Employee: **ASK THE LEGAL TEAM**

Indicators:

Interviewee mentions not being able to immediately start due to not feeling well.



Courtesy of Microsoft



# Core Item

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Generally related to the following:

- General Sanitation
- Operational Control
- Sanitation Standard Operating Procedures
- Facilities & Structures
- Equipment Design
- General Maintenance

Floors, Walls, & Ceilings



CORE

# Leafy Greens & Cut Leafy Greens

Two new definitions: Leafy Greens vs. Cut Leafy Greens

## Cut Leafy Greens defined –

Means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, torn, or further processed.



Image from Microsoft

## Leafy Greens defined –

Means iceberg, romaine, leaf, butter, baby leaf lettuces, escarole, endive, spring mix, spinach, cabbage, kale, arugula, and chard. It **does NOT include** herbs such as cilantro or parsley.



Image from Microsoft



# Egg

The shell egg of avian species such as chicken, duck, goose, turkey, quail, guinea, or ratites.

The term does not include:

1. Baluts
2. The eggs of reptiles such as alligators, or
3. Egg product

## Egg Product

(a) All or portion of the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen, or liquid eggs.

(b) Does not include food which contains eggs only in small portions.



Courtesy of Microsoft

# Health Practitioner

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A physician licensed to practice medicine or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

NOTE: Where does Indiana fall with who is considered a Health Practitioner?



Courtesy of Microsoft

# Handwashing Sink

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(a) Lavatory, basin, or vessel for washing, a wash basin, or a plumbing fixture especially places for use in personal hygiene and designed for the washing of hands.

(b) The term includes an automatic handwashing facility.



Courtesy of Microsoft

# Highly Susceptible Population

Persons who are more likely than other people in the general population to experience foodborne disease because they are:

- (1) Immunocompromised, preschool age children, or older adults, and
- (2) Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.



Courtesy of Microsoft

# In-Shell Product

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Non-living, processed shellfish with one (1) or both shells present.

## Shellstock

Live molluscan shellfish in the shell.

## Shucked Shellfish Product

Molluscan shellfish that have both shells removed.



Courtesy of Microsoft

# Major Food Allergen

1. Milk
2. Eggs
3. Fish (bass, flounder, cod)
4. Crustacean shellfish (crab, lobster, or shrimp)
5. Tree Nuts (almonds, pecans, or walnuts)
6. Wheat
7. Peanuts
8. Soybeans
9. Sesame (as of Jan 2023)



Courtesy of Microsoft



# Mechanically Tenderized

Manipulating meat by piercing with a set of:

- (1) Needles
- (2) Pins
- (3) Blades, or
- (4) Any mechanical device

Which breaks up muscle fiber and tough connective tissue, to increase tenderness.

(b) The term includes:

- (1) Injection
- (2) Scoring
- (3) Jaccarding
- (4) Pinning, or
- (5) Needling



Courtesy of Microsoft



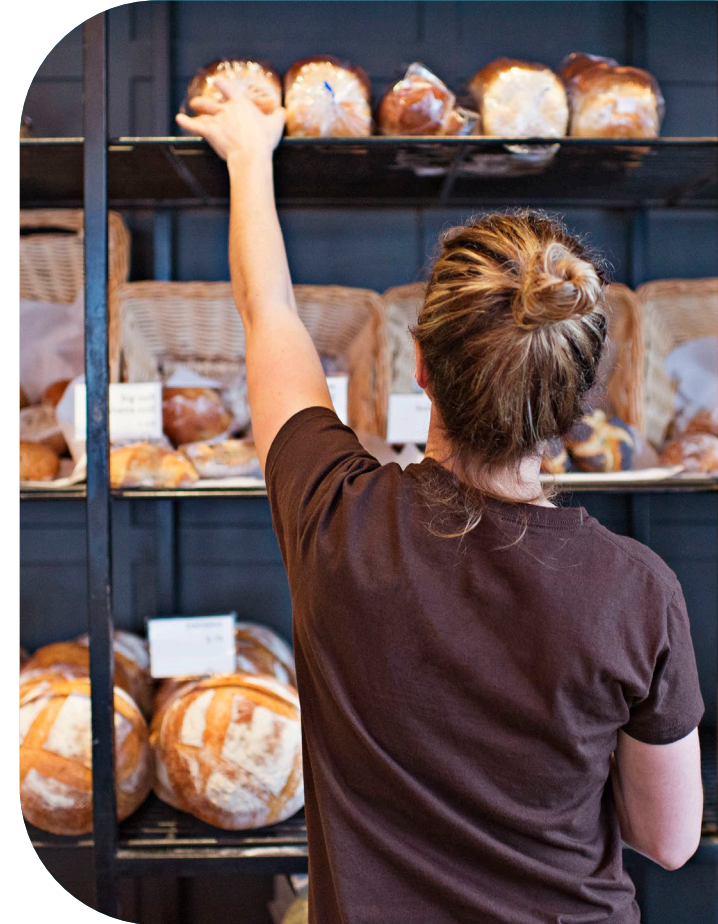
# Micro Market

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**IC 16-42-5-32 has now been added into the actual food code.**

Means an unstaffed, self-checkout retail food establishment that:

- One or more vending machines in an area not exceeding 75 feet in total length in total across the front of displays in anyone location.
- Contains an automated payment system.
- Is located indoors and within a business.
- And is only accessible to the owner or employee of an establishment or an escorted guest, not the public.



Courtesy of Microsoft

# Non-Continuous Cooking

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Means the cooking of food in a retail food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.

(b) The term does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

While this was not defined in 7-24, most of us used the term "par-cooking". This is not a new concept, but there are more food safety controls.



Courtesy of Microsoft

# Outdoor Food Operation

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**This is a new definition and is unique to Indiana. A twist!**

Outdoor Food Operation means a permanently installed or portable extension of a retail food establishment, that operates for the purpose of storing, preparing, serving, or otherwise handling of food.

**It includes but is not limited to:**

- BBQ pit smokers or grills on the premises of a RFE.
- Food service sites or kiosks in amusement & theme parks, zoos, outdoor exhibitions, or athletic facilities.
- Use of "garage doors" that open walls to the outside.



Courtesy of Microsoft

# Priority Item

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Contributes directly to the elimination, prevention, or reduction to an acceptable level of hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.

(b) The term includes items with quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing.

Denoted in this rule with subscript P.



# Priority Foundation

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Application supports or enables one or more Priority Items

Risk factors that indirectly contribute to foodborne illness or injury.

Denoted in the code with subscript Pf.





# Ratite

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A domesticated large flightless bird such as an emu, ostrich, or rhea.



Courtesy of Microsoft

# Re-Service

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The transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

Example: Taking something back across the counter. What happens to the product next? How do you not cross contaminate?



Courtesy of Microsoft



# Special Process

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Any food preparation method, process, or procedure that requires:

- (1) Specific food safety controls that are different from the conventional preparation of TCS foods, or
- (2) The use of specialized equipment where its design is normally used by a food processing plant:

Whereas the final products are reasonably likely to cause food related illness or injury in absence of a preventive and systematic food safety hazards control, such as product testing and an approved HACCP Plan.



Courtesy of Microsoft

# New Definition for Potentially Hazardous Food

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**Potentially Hazardous Food (PHF) is now Time/Temperature for Control for Food Safety (TCS)**

**“TCS” means**

(1) A food that requires time or temperature control for safety to limit:

-Pathogenic                      -Microorganism                      -Growth or toxin formation.

(2) The term includes:

(A) A food of animal origin that is raw or heat-treated

(B) A plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, and

# Product Assessment

(C) Except as specified in subdivision (b)(4) a food that because of the interaction of its  $a_w$  and pH values is designated as Product Assessment Required in Table A or B:

Table A. Interaction of pH and $a_w$ for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged			
$a_w$ values	pH values		
	4.6 or less	> 4.6 - 5.6	> 5.6
$\leq 0.92$	non-TCS food*	non-TCS food	non-TCS food
> 0.92 - .95	non-TCS food	non-TCS food	PA**
> 0.95	non-TCS food	PA	PA
* TCS food means Time/Temperature Control for Safety Food			
** PA means Product Assessment required			

**Table B. Interaction of pH and  $a_w$  for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged**

$a_w$ values	pH values			
	<4.2	4.2 – 4.6	>4.6 - 5.0	>5.0
<0.85	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
0.88 - 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
>0.90 - 0.92	non-TCS food	non-TCS food	PA	PA
>0.92	non-TCS food	PA	PA	PA

\* TCS food means Time/Temperature Control for Safety food

\*\* PA means Product Assessment required

# TCS does NOT Include:

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(b) The term does not include:

- (1) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled but has been pasteurized to destroy all viable salmonella
- (2) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution
- (3) A food that because of its pH or aw value, or interaction of aw and pH values, is designated as a non-TCS in Table A or B

# Supervision and Responsibility: Sec 134-172

## This section covers the following:

- Demonstration of Knowledge – 135
- Duties of the Person in Charge (PIC) – 136
- Illness Reporting – 137
- Exclusions, Restrictions, Removal of both – 138 & 139
- Employee Hygiene – 140 – 152
- Written Procedures for Vomiting and Fecal events – 153
- Approved Food and Sources – 154-172



How do you eat an elephant?

# Demonstration of Knowledge:

## Sec 136 (16)

The Person in Charge (PIC) shall demonstrate to the regulatory authority knowledge of foodborne disease prevention by either having a Certified Food Protection Manager (if required) **OR** demonstrating knowledge which includes the employee health policy. Such as:

- Explaining the responsibility of the PIC for preventing transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease.
- Describing the symptoms associated with the diseases that are transmissible through food. **(Pf)**



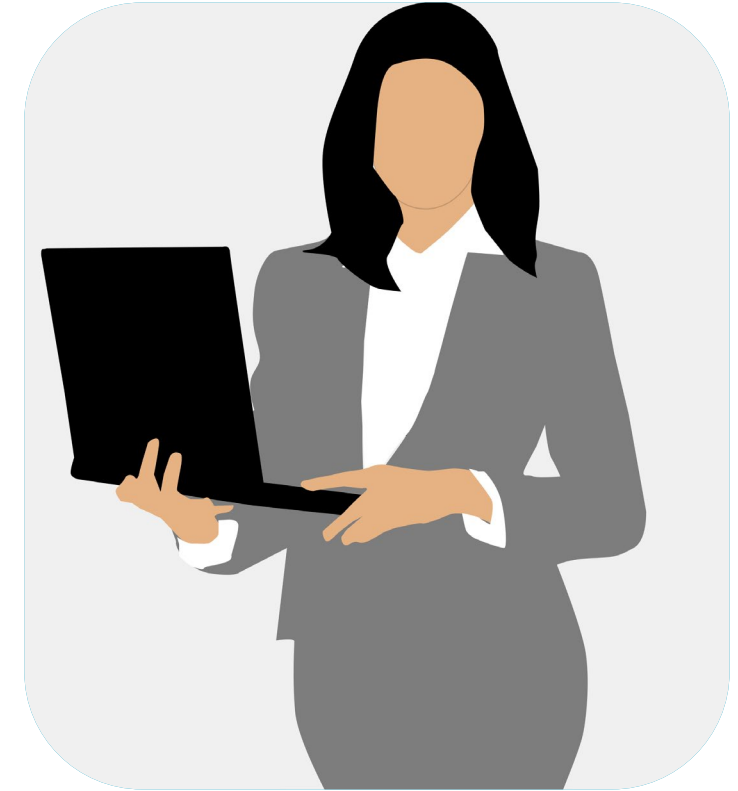
Image from Microsoft



# 410 IAC 7-26-136 – New Duties of the Person In Charge

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- 6. Employees MUST have a method for verifying that safe foods are delivered to the retail food establishment during non-operating hours.
- 10. Food employees are properly maintaining the temperature of TCS foods during thawing through daily oversight of the food employees routine monitoring of food temperatures.
- 15. Food employees are properly trained in Food Safety including Allergy Awareness as it relates to assigned duties. Food Allergy awareness includes describing the food & symptoms of a major food allergen in a sensitive individual.
- 16. Conditional and Food employees are informed in a verifiable manner of their responsibility to report in accordance with law, to the Person-in-Charge, information about their health and activities that are transmissible diseases through food. (Employee Health Policy)
- 17. Written procedures and plans where specified in this rule and developed by the RFE shall be maintained and implemented as required.



# Duties of the PIC: Sec 137

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Shall Ensure

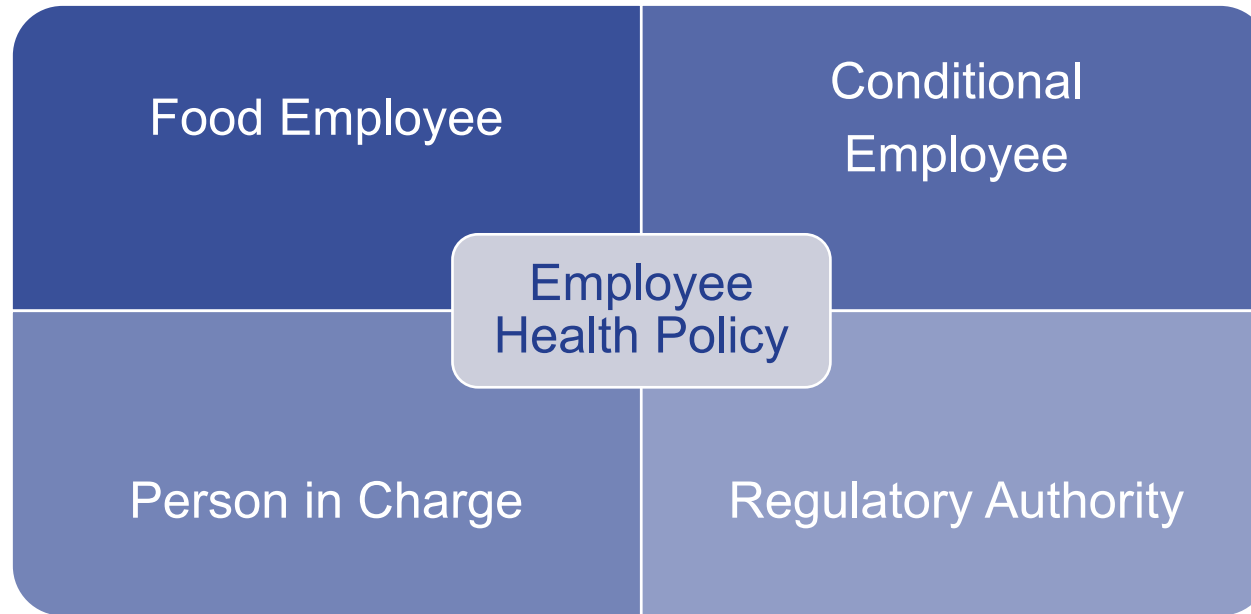
- Food employees and conditional employees are informed in a verifiable manner of their responsibility to report in accordance with law, to the PIC, information about their health and activities as they relate to diseases that are transmissible through food.

Shall Ensure

- Written procedures and plans, where specified by this rule and as developed by the retail food establishment, are maintained and implemented as required.

# Establishments Demonstration of Knowledge

- Explaining the responsibilities, rights, and authorities assigned by this rule to the:



- Explaining how the PIC, food employees and conditional employees comply with reporting responsibilities and exclusion or restriction of employees. **(Pf)**

# Responsibility of Owner, PIC, and Employees

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Shall require food employees and conditional employees **to report** to the PIC about their health and activities as they relate to diseases that are transmissible through food. They shall report in a manner that allows the PIC to reduce the risk of foodborne disease transmission, including providing additional necessary information such as the date of onset of symptoms or an illness or diagnosis without symptoms if the food employee or conditional employee has any of the following symptoms: **(P)**

**Vomiting**

**Diarrhea**

**Jaundice**

**Sore Throat with a Fever**

**A Lesion containing Pus**

# Illness Diagnosed by a Health Practitioner

A Food Employee or Conditional Employee  
shall report to the PIC:

Norovirus

Hepatitis A

Shigella

E-Coli

Salmonella



Typhoid Fever = New 7-26



Image from Microsoft

The PIC shall also notify the regulatory authority when a food employee is jaundiced or diagnosed with any of these diseases. (Pf)

# 7-26-138: Exclusions and Restrictions

Ensure that a food employee who exhibits or reports a symptom or who reports a diagnosed illness or a history of exposure as specified is excluded or restricted. (P)

A food employee or conditional employee shall report as required.

A food employee shall comply with exclusions or restrictions as required.



Image from Microsoft

**Hang in there...  
Next section....**



# Exclusions and Restrictions (P)

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**The PIC shall exclude or restrict a food employee with the following conditions:**

**Exclude** employees who are symptomatic with vomiting or diarrhea.

**Exclude** a food employee who is jaundiced.

**Exclude** if diagnosed with an infection from Hepatitis A, with or without symptoms (7-14 days depending).

**Exclude** if diagnosed with Typhoid fever or reports having had Typhoid fever within last 3 months.



Image from Microsoft

## Sections 4-10

Depending on if the food employee is serving a Highly Susceptible Population, is symptomatic or asymptomatic, this is the “cheat sheet” to understanding what to do with sick employees. **Restrict employees working in a HSP for all but Jaundice which is the exclude.**

# 7-26-139: Recovery Mode

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The PIC shall adhere to the following conditions when removing, adjusting, or retaining for exclusion or restriction of the food employee. (P)

**(1) Reinstate a symptomatic but NOT diagnosed food employee** who was excluded if they are **asymptomatic for at least 24 hours** or gives the PIC written medical documentation from a **health practitioner** that states the symptoms are from a noninfectious condition. A-E cover if the food employee was diagnosed and conditions.

Sections (2)-(7) require not only the conditions for exclusions be met but for the restrictions to be lifted. Also requires the PIC to obtain approval from the **REGULATORY AUTHORITY** before the employee is reinstated. Who will that “regulatory authority” be in your county? A nurse? The Health Officer? You? Have plans in place before 7-26 is in use.

# 7-26-141: Hand Cleaning and Drying Procedures:

**Section 141(a) – The main change here is that 7-26 addresses cleaning prosthetic devices for hands and arms.**

- Nail brush has been taken out of this section

**410 IAC 7-26-141(b)(5)(c) & (d) – How to avoid recontamination of hands.** Food employees may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles or a restroom door. If appropriate, an automatic handwashing facility may be approved in the plan review.

**NOTE: This is not an actionable citation.**



Courtesy Microsoft

# 7-26-142: When to wash hands

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## 410 IAC 7-26-142

**Before donning gloves to initiate a task that involves working with food. (P)**

No longer "before placing gloves on hands". If the employee is changing gloves while on the same task, it would not require re-washing.



Courtesy Microsoft

# Personal Hygiene

## 410 IAC 7-26-146 Jewelry Restrictions

Food employees may not wear jewelry including medical information jewelry on their arms or hands. Plain wedding rings are the exception.

## 410 IAC 7-26-150 Use of Bandages, Finger Cots, or Finger Stalls

Opened lesions and wounds on hands and wrists shall be covered by the following: Bandages, Finger Cots, or Finger Stalls. Finger cots and stalls are new.

## 410 IAC 7-26-153 Clean Up of Vomiting and Diarrheal Events

A written procedure is required for employees to follow in response to vomiting or diarrheal events on food contact surfaces.



Courtesy Microsoft



# Clean Up of Diarrheal and Vomiting Events

## 410 IAC 7-26-153

A RFE shall have **written procedures** for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the RFE.

The procedures shall address actions taken to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

**Step 1: Cover**

**Step 2: Remove**

**Step 3: Wash**

**Step 4: Disinfect**



Courtesy of Microsoft



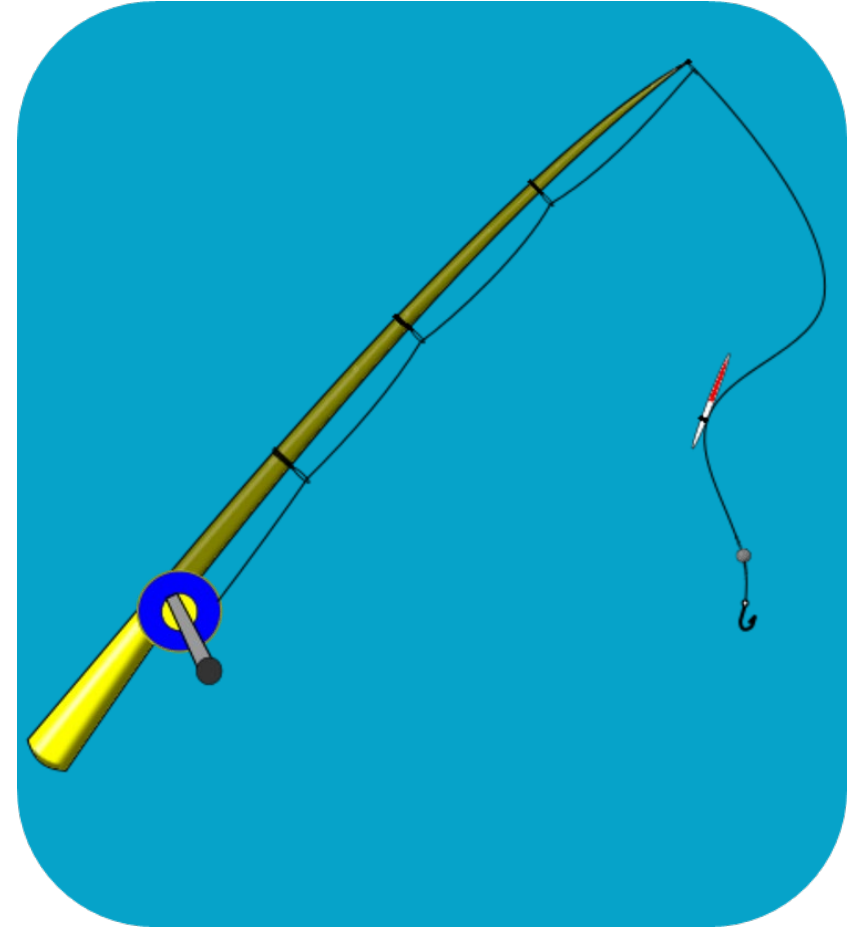
# Fish

## 410 IAC 7-26-158 (c)(1-3)

Recreationally caught fish may be prepared by a RFE if the Regulatory Authority can determine the following:

- (1) The PIC has prepared a HACCP Plan to address unnecessary contamination.
- (2) The owner agrees in advance to prepare the item for the fisher.
- (3) The fish may be served only to the fisher and guests at the table of the fisher.

*Previously fish could only be commercially produced, harvested, or caught.*



Courtesy of Microsoft

# Molluscan Shellfish

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## **410 IAC 7-26-169: Molluscan Shellfish: Packaging and Identification**

The dealer tag shall meet the requirements as identified under the National Shellfish Sanitation Program requirements.

When dealer and harvester tags are present on a container, the dealer tag is not required to duplicate harvester tag information.

## **410 IAC 7-26-171: Molluscan Shellfish: Original Container**

Molluscan shellfish shall not be commingled with other Molluscan shellfish inside a container labeled with different certification numbers, harvest dates, or growing areas.




Courtesy of Microsoft

**A dealer tag must state** date of harvesting, and the harvest location or aquaculture site.

# Molluscan Shellfish

**410 IAC 7-26-172:** Molluscan Shellfish: Identification Harvest Tags shall be maintained in chronological order.



**XYZ Shellfish Company**  
1195 Commercial Way, Metropolis, WA 98000  
Cert. # WA-9999-SS

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ORIGINAL SHIPPER'S CERT. NO. (if other than above):

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HARVEST DATE: *November 17, 2018*

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HARVEST LOCATION: *WA-Totten Inlet* Harvest Site ID: *Bed/BIDN/Parcel#*

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TYPE OF SHELLFISH: *Manila Clams*

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QUANTITY OF SHELLFISH:                      dozen                      pounds

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**THIS TAG IS REQUIRED TO BE ATTACHED UNTIL THE CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS. RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE) \_\_\_\_\_.**

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Courtesy of Microsoft

ACRONYM	TERM
SP	Shucker Packer
RP	Repacker
SS	Shellstock Shipper
RS	Reshipper

ACRONYM	TERM
PHP	Post-Harvest Processing
AQ	Aquaculture
WS	Wet Storage

A certification number must be included on the shellfish tag.

Certification tags consist of a one (1) to five (5) digit Arabic number preceded by two (2) letter state abbreviated.



**A dealer tag must state:** date of harvesting, and the harvest location or aquaculture site.

# Preventing Contamination by Hands

## 410 IAC 7-26-173: Bare Hand Contact Exemptions

Food employees **NOT** serving HSP may use bare hand contact on RTE foods if:

- The establishment obtains prior approval from the regulatory authorities.
- There are written procedures maintained in the establishment (SOP).
- There is a written employee health policy, signed by all employees, and documented training for staff.
- Documentation is maintained on corrective actions taken when SOP are not followed.



Image from Microsoft





# Pasteurized eggs, substitute for raw eggs for certain recipes

## 410 IAC 7-26-177

Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of foods such as Caesar Salad, hollandaise or bearnaise sauce, mayonnaise, meringue, eggnog, **ICE CREAM**, and egg-fortified beverages that are not cooked.

Nothing has changed in this section EXCEPT Ice Cream being added to the list of foods that require Pasteurized Eggs.



Courtesy of Microsoft



# Washing Fruits & Vegetables

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## 410-IAC-7-26-179

Fruits and vegetables may be washed by using chemicals as specified under 462 of this rule and a test kit or other device that accurately measures the active ingredient concentration of the fruit and vegetable wash solution may be used.

**NOTE: This is OPTIONAL and cannot be written as a violation. Talking Point ONLY.**

Example: Veggie Wash provided by 3<sup>rd</sup> Party Chemical Company (e.g., Ecolab)



Courtesy of Microsoft

# In-Use utensils; between-use storage

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410 IAC-7-26-183

**Everything stays the same, except now ...**

(a)(6) In a container of water if the water is maintained at a temperature of at least 135F and the container is cleaned at a frequency specified under section 307 (d)(7), 4 hours or when emptied.



Courtesy Microsoft

# Wiping Cloths: Use Limitation

## 410 IAC 7-26-185:

(e) Containers of chemical sanitizing solutions in which wet wiping cloths are held between uses shall be **stored off the floor** and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single use articles.

(f) **Single-use disposable sanitizer wipes** shall be used in accordance with EPA-approved manufacturer's label use instructions.



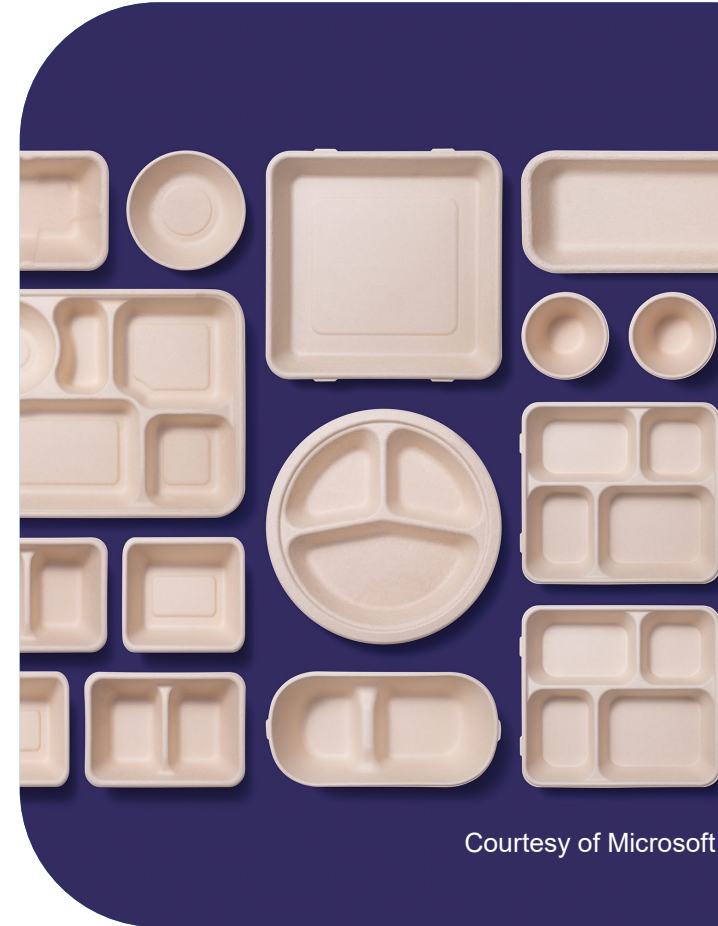
Courtesy of Microsoft

# Refilling Returnables

**410 IAC 7-26-188: Empty containers returned to a retail food establishment for cleaning & refilling with food shall be cleaned and refilled in a regulated food processing plant.**

(b) A take-home food container returned to a RFE may be refilled with food if the container is:

- (1) designed and constructed for reuse
- (2) originally provided by the RFE, intended for reuse
- (3) returned to the RFE by the consumer after use and before being refilled with food, the RFE cleans, sanitizes, and visually inspects the container to ensure it's in good condition.



Courtesy of Microsoft

# Refilling Returnables: Non-TCS Beverage

- A take-home container returned to a RFE may be refilled with a beverage if it's not TCS
- The design of the container, rinsing, and type of beverage overall allows effective cleaning at home or the establishment.
- The dispensing system can rinse before re-filling with fresh, hot water under pressure.
- The container is returned to the original consumer.
- Refilled by an employee or the owner of the container.
- Consumer owned – personal take-out container may be re-filled if it's a contamination-free process.



Courtesy of Microsoft



# Returned Food: Re-Service or Sale

## 410 IAC 7-26-196

Food in a container may be re-serviced IF:

- The food is dispensed so that it is protected from contamination and closed between uses (Ketchup, Wine, Steak Sauce).
- The food is in their original UNOPENED package and is maintained in sound condition.



Courtesy of Microso



# Cooking of Raw Animals

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410 IAC 7-26-198

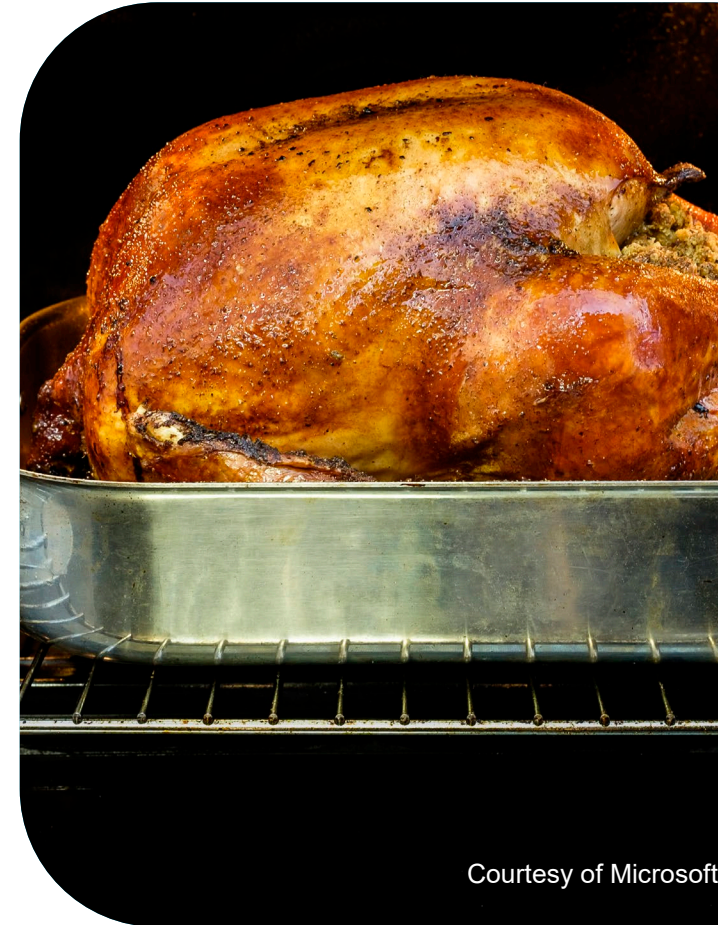
(2) 155F for 15 seconds added:

- Ratites
- Meats that are not intact (instead of comminuted).
- "Pooled eggs" removed

(3) 165F for 15 seconds added:

- Baluts

(b)(1) Roast chart includes "Oven Type"



Courtesy of Microsoft

# Cooking of Raw Meat: Continued

**7-26-198 (d)(8) Rare meat other than whole-muscle, intact beef steaks, may be served/offered for sale upon consumer request or selection in a ready-to-eat form if:**

- (A) All the following are met:
  - (I) Not a Highly Susceptible Population.
  - (II) Not offered on a **Children's Menu**.
  - (III) There is a consumer advisory.
- (B) IDOH grants a variance based on a HACCP Plan that is approved, validated, and verified.



Courtesy of Microsoft

# Non-continuous cooking of raw animal foods

## 410 IAC 7-26-201

This type of cooking has specific steps that must be followed when the cooking is intentionally halted, cooled, and held for complete cooking later.

The procedures must be approved by the regulatory authority (LHD) ahead of time.

1. Initial cook time is no longer than 60 minutes
2. Immediately cooled
3. After cooling, held cold or frozen
4. Prior to service, cooked using process that cooks to original required temp
5. Cooled if not hot held, served immediately, or using Time as a Public Health Control
6. Prepared and stored using a written procedure



Courtesy of Microsoft



# Manufacturer cooking instructions

## 410 IAC 7-26-202

Sec 202 (a) Commercially packaged foods that bears a manufacturer's cooking instructions shall be cooked according to those instructions before:

1. Use in ready-to-eat foods; or
2. Offered in unpackaged form for human consumption; unless the manufacturer's instructions specify that the food may be consumed without cooking.



# Manufacturer cooking instructions

(b) Food for which the manufacturer has provided information that the product has not been processed to control pathogens, when used in ready-to-eat foods or offered for human consumption shall be cooked according to a time and temperature appropriate for the food.



# Parasite Destruction

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**410 IAC 7-26-203: Before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish shall be:**

- (1) Frozen and stored at negative –4 F or below for a minimum of 7 days in a freezer.
- (2) Frozen at negative –31F or below until solid and then stored at –31F for a minimum of 15 hours.
- (3) Frozen at –31F or below until solid and then stored at negative –4F or below for a minimum of 24 hours.

**Does not apply to subsection (b)**



Courtesy of Microsoft



# Parasite Destruction

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## 410 IAC 7-26-203 continued:

Before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish shall be: **FROZEN** to destroy parasites.

Except for:

- Molluscan Shellfish
- Scallops consisting of adductor muscle
- 6 exempt Tuna Species
- Aquacultured Fish
- Fish Eggs that have been removed from the skin and rinsed



Courtesy of Microsoft

# Records: Creation and Retention

## 410 IAC 7-26-204:

(a) If raw, raw marinated, partially cooked, or marinated-partially cooked fish are served or sold in a ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records of the retail food establishment of 90 calendar days beyond the time of service or sale of the fish.

(b) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating the required freezing.

(c) If the fish are raised and fed as in section 204, a written agreement or statement from the supplier/aquaculturist shall be obtained by the PIC and retained in the RFE for 90 calendar days past the date of sale or service.



# Ready-To-Eat, TCS Food; Date Marking

## 410 IAC 7-26-214 Commercially Processed use-by date

### The following are exempt from the 7 days

- Shell stock does not require a datemark.
- Deli Salads such as ham, seafood, chicken, egg, pasta, potato, and macaroni salad use manufactured date.
- Hard cheeses containing not more than 39% moisture such as blue, edam, gorgonzola, gouda and Monterey jack.
- Cultured dairy products such as yogurt, sour cream and buttermilk.
- Preserved fish products such as pickled herring, dried/salted cod, and other acidified fish products.



Courtesy of Mic

# Time as a Public Health Control

## 7-26-216

**IF** time without temperature control is used as a public health control for TCS foods before cooking or for ready to eat TCS food that is displayed or held for sale or service:

Written procedures shall be prepared in advance, maintained in the retail food establishment, and made available to the regulatory authority upon request.

**NO LONGER REQUIRED TO BE APPROVED**



Courtesy of  
Microsoft

# Maximum of 6 Hours:

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## 410 IAC 7-26-216(c)(1-5)

**All the following apply if time without temperature control is used as a public health control.**

- The food shall have an initial temperature of 41F or less when removed from temperature control and the food temperature **MAY NOT EXCEED** 70F within a maximum of 6 hours.
- The food shall be monitored to ensure the warmest portion of the food **MAY NOT EXCEED** 70F during the 6-hour period unless an ambient air temperature is maintained.
- The food shall be marked or otherwise identified to indicate both:
  - The time when the food is removed from 41F or less cold holding
  - The time that is 6 hours past the point when the food is remove from cold holding



# Food Shall Be Discarded if:

- If the temperature of the food exceeds 70F.
- Cooked & served at any temperature if RTE (consumed) or discarded within a maximum of 6 hours from the point in time when the food was removed from 41F or less.
- Food in unmarked containers or packages or marked with a time that exceeds 6 hour gets discarded too.



Microsoft Icons

# Specialized processing methods: Variance Requirements

## 410 IAC 7-26-217

- Curing
- Using Food Additives (such as vinegar)
  - (a) as a method of food preservation rather than as a method of flavor*
  - (b) as a method to render a TCS food so it is no longer TCS*
- Reduced Oxygen Packaging Methods
- Molluscan Shellfish Life-Support display tank used for human consumption
- Sprouting Seeds or Beans
- Freeze Drying Food
- Fermenting Food without Casing
- Preparing food by another method that is determined by the RA to be a special process



Courtesy of Microsoft

# Criteria for Reduced Oxygen Packaging without a Variance

---

## 410 IAC 7-26-218:

- (a) Except for a Retail Food Establishment that obtains a variance, a RFE that packages a TCS food using a reduced oxygen packaging method shall control the growth and toxin formation of C-Bot and growth of Listeria.
- (b) A RFE that packages TCS food using a reduced oxygen packaging method shall implement a HACCP plan that contains the information under sections 486(a)(3) and 486(a)(4) and include all the following:



Courtesy of Microsoft

# Criteria for Reduced Oxygen Packaging without a Variance

## 410 IAC 7-26-218: continued

- Identifies the food to be packaged
- Maintained at 41F or below and has one of the following:
  - Has a aw of 0.91 or less
  - Has a pH of 4.6 or less
  - Is a meat or poultry product cured under the USDA and received in an intact package
  - Is a food with a high level of competing organisms such as raw meat, poultry, or veggies
- Labeled with instructions
- Limits the refrigerator shelf life to no more than 30 days, has SOP, training procedures, and is provided to the LHD.



Courtesy of Microsoft

# Food Labels & other Forms of Information

## 410 IAC 7-26-221(5)

### Allergen Declaration

The name of the food source for each major food allergen contained in the food.

## 410 IAC 7-26-222

(b) The PIC shall notify consumers by written notification of the presence of major food allergens as an ingredient in unpackaged food items that are served or sold to the consumer.

Example: Self-Service Donut Cases & Buffets



Courtesy of Microsoft



# Pasteurized and Prohibited Food

## 410 IAC 7-26-225 (Prohibited actions of Retail Food Establishments that serve Highly Susceptible Populations)

(2) Pasteurized eggs or egg product shall be substituted for raw eggs in preparation of the following:

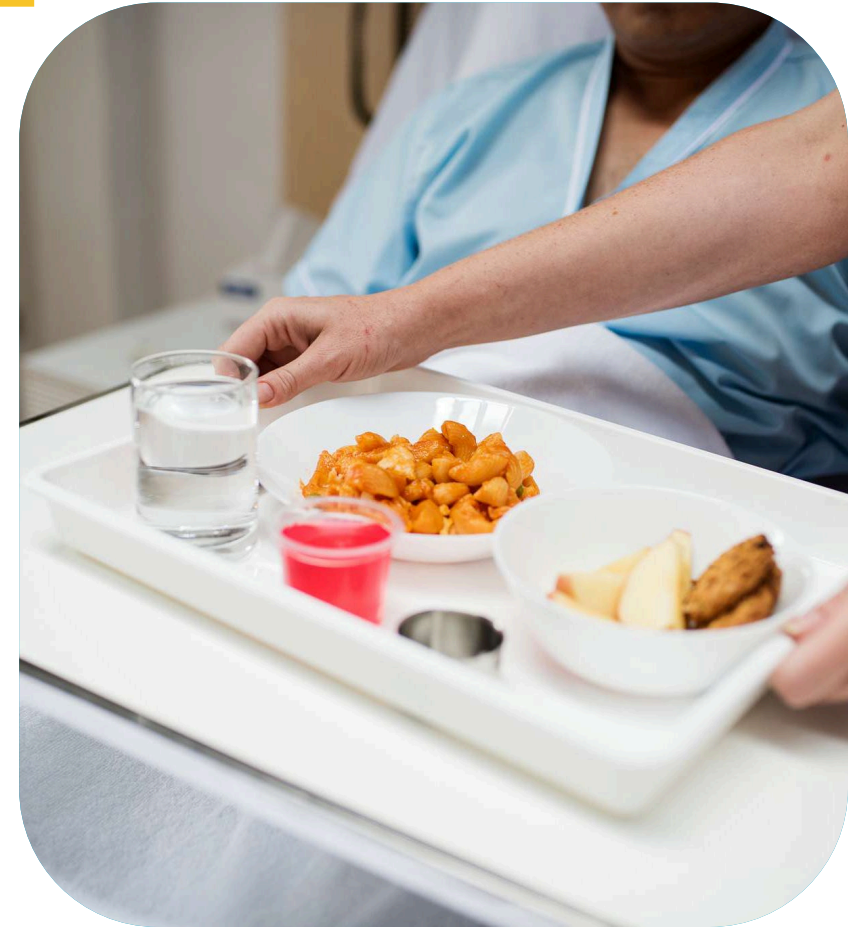
Meringue

Eggnog

Ice-cream

(8) Food may not be **re-served** under the following conditions:

- (A) Any food served to patients or clients who are under contact precaution in medical isolation or quarantine, or protective environment isolation may not be re-served to others outside.
- (B) Packages of food from any patient, clients, or other consumers must not be re-served to persons in protective environmental isolation.



Courtesy of Microsoft

# Wood; Use Limitations

## 410 IAC 7-26-232

(c) Wood plank such as Cedar may be used to impart flavor to baked fish if the plank is:

- Untreated (no chemicals or preservations)
- Used for only baking fish
- Not served to, or displayed in the presence of a consumer
- Cleaned after each use with hot water as specified in Section 313, and
- Stored dry or covered and frozen during periods on non-use

New addition to the code is Highlighted in YELLOW



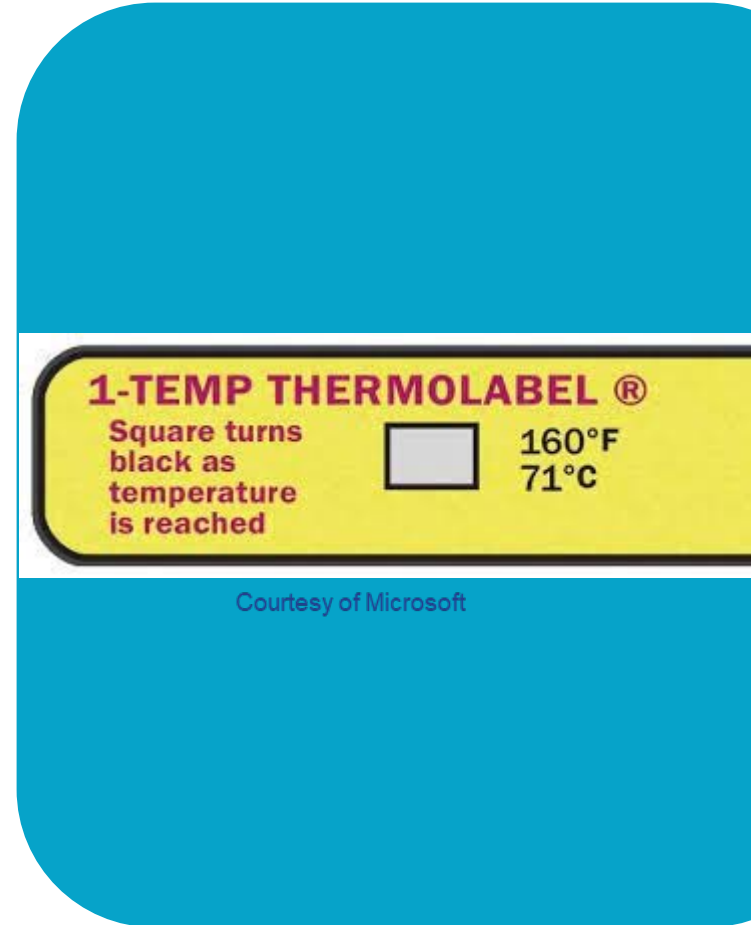
Courtesy of Microsoft

# Temperature Measuring Devices: Manual Ware Washing

410 IAC 7-26-280

(b) In hot water mechanical ware washing operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the utensil surface temperature.

The required mechanical ware washing machine temperatures range from 150F-165F depending on the type of hot water machine used (please refer to 7-26-295 for additional details).



Courtesy of Microsoft

# Good Repair and Calibration

## 410 IAC 7-26-302

Provides additional clarity of utensils maintenance and the removal of damaged/broken utensils from the facility.

Utensils shall be maintained in a state of repair or condition that complies with the requirements specified under sections 226-272 of this rule or **SHALL be removed from the premises.**

**Why do RFEs hold onto broken utensils?**



Courtesy of Microsoft




# Water Sample Report

410 IAC 7-26-340

- (a) The most recent sample report for the nonpublic water system **shall be retained on file in the RFE** and provided to the regulatory authority upon request.

Remember: Water from a nonpublic water system shall be sampled and tested annually as required by 327 IAC (Indiana Administrative Code)



## Analytical Report

**Client:** Smith Nursery  
**Address:** 123 Main Street  
Anywhere, FL 30000  
**Telephone/Fax:** 123-456-7891 / 234-567-8912  
**Email:**


**Contact:** John Smith  
**Lab ID.:** 108004-1  
**Date Sampled:** 26 Apr 2013  
**Date Received:** 03 May 2013  
**Date Completed:** 05 May 2013

**Sample Description:** Well 5 water  
**Sample Range:** Water

**EMW-400 : Water Irrigation Suitability**

Components		Results mg/L	meq	Target Ranges (mg/L)	Acceptable (mg/L)
<b>MAJOR CATIONS</b>					
Potassium	K	3.70	0.09		<100
Calcium	Ca	49.57	2.48	25 - 75	<150
Magnesium	Mg	23.22	1.94	10 - 30	<50
Sodium	Na	4.74	0.21	0 - 20	<50
<b>MAJOR ANIONS</b>					
Phosphate	PO4	0.63	0.02		<90
Sulfate	SO4	9.94	0.21	0 - 120	<240
Chloride	Cl	11.00	0.31	0 - 20	<140
Bicarbonates	HCO3	226.35	3.71		
Carbonates	CO3	0.00	ND		
Ammonium Nitrogen	NH4-N	ND			<10
Nitrate Nitrogen	NO3-N	3.20			<75
pH	pH	7.43		5.50 - 7	4-10
Soluble Salts	EC	0.42		0.20 - 0.80	0-1.5
Total Alkalinity	CaCO3	185.54		40 - 160	0-400
Iron	Fe	0.01		< 1	<4
Manganese	Mn	0.01		< 1	<2
Boron	B	0.04		< 0.10	<0.5
Copper	Cu	0.02		< 0.10	<0.2
Zinc	Zn	0.08		< 0.50	<1
Molybdenum	Mo	0.01		< 0.10	<0.2
Aluminum	Al	0.10			

Quality Analytical Laboratories  
925 Cherry Street - Panama City, Florida 32401 - Tel - (850) 872-9595 - Fax - (850) 872-9535  
www.qal.us



Courtesy of Microsoft



# Handwashing Sink; Installation

410 IAC 7-26-347

- (a) A handwashing sink shall be equipped to provide water at a temperature of at least **85F** through a mixing valve or combination faucet.

Formerly the requirement was 100F. This is a WIN for industry.

- Less costs having plumbers raise the temperatures on hot water heaters.
- Less temperature requirements on sinks further away from hot water tanks.



Courtesy of Microsoft

# Service Sink

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## 410 IAC 7-26-353

(d) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

At least 1 service sink or once curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and liquid waste.



Courtesy of Microsoft

# Backflow Prevention Device, Carbonator

## 410 IAC 7-26-355

(d) Copper shall not be used downstream from the backflow preventer in accordance with 675 IAC 16.

Corrosive Copper can become a physical hazard if introduced into the water system downstream of the backflow preventer.



Courtesy of Microsoft

# Scheduling Inspection & Service for a water system device

## 410 IAC 7-26-361

(b) Records demonstrating inspection and service shall be:

(1) maintained at the facility

### Did you know?

A water treatment device or backflow preventer shall be scheduled for inspection of service in accordance with the manufacturer's instructions and as required by the Local water utility, IDEM, or other RA having jurisdiction to prevent device failure based on later water conditions.

The new section of 7-26-361 is highlighted in YELLOW.



Courtesy of Microsoft

# Direct Connection, Prohibited:

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**410 IAC 7-26-380: This section is very detailed and no longer refers to the Indiana Plumbing Code.**

Drains from equipment fixture & portable equipment used for:

- Storage
- Preparation
- Handling of foods, such as food prep sinks, salad bars, steam tables, dipper wells, and ice bins shall have an indirect connection through an air gap to a standpipe, a hub drain, or a waste receptor connected to the sanitary drainage system.





# Direct Connection Prohibitions, continued...

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Drains from food storage areas, such as:

- Coolers
- Walk-in refrigerators
- Freezers
- Food storage bins

Shall have an indirect connection through an air gap to a standpipe, a hub drain, or a waste receptor connected to the sanitary drainage system, except that were protected against backflow by a backwater valve, such floor drains shall be indirectly conned to the sanitary drainage system by means of an air break or air gap.

Drains from commercial ware washing machines shall be indirectly connected through an air gap or air break to a standpipe, a hub drain, or a waste receptor.

- **A sink only used for ware washing may have a direct connection.**

# Direct Connection Prohibited....

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## 410 IAC 7-26-380

- Sinks used only for ware washing and which have drains with discharge temperatures less than 140F are required to be directly connected to the sanitary system.
- Ware washing sink drains or other fixture drains with discharge temperatures above 140F are required to be indirectly connected to the sanitary system as specified in 675 IAC-16.



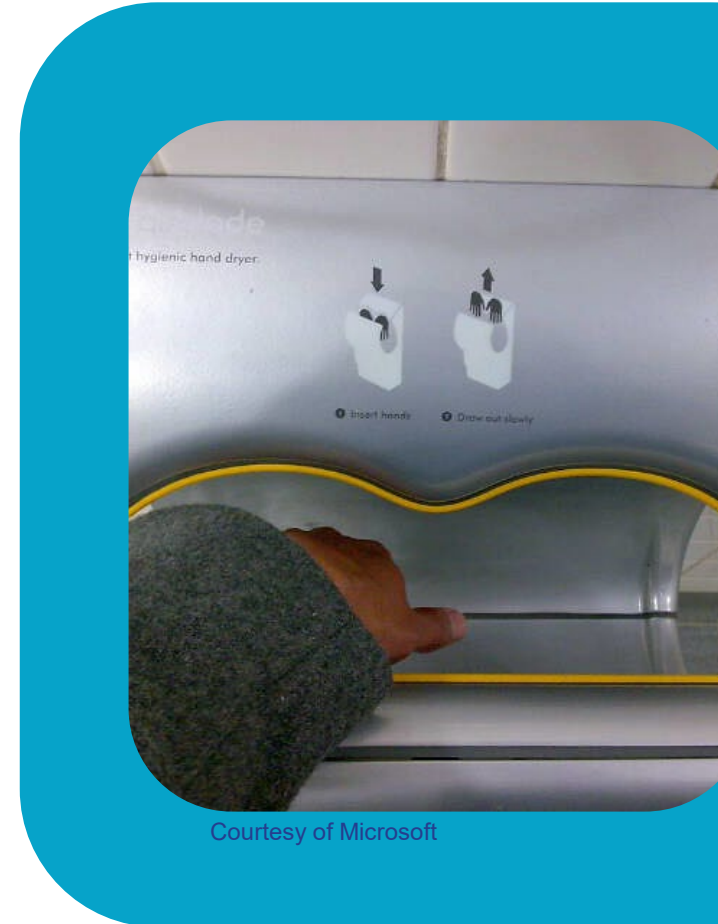
# Hand Drying Provisions

## 410 IAC 7-26-430

(a) Each hand washing sink or group of adjacent sinks shall be provided with one of the following:

(4) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

**Air Knife Definition:** A flat sheet of amplified air designed to blow off liquid or debris from wide surfaces. (Source: Vortex Compressed Air Knife Blowers)



Courtesy of Microsoft

# Handwashing Signage

## 410 IAC 7-26-432

A sign or poster that notifies food employees to wash their hands shall be posted at:

- (1) **All** handwashing sinks used by food employees, and
- (2) Shall be clearly visible to food employees

### Did you know?

Local Hardware stores sell the sign pictured on the right for \$6, but homemade signs work too.



# Lighting

## 410 IAC 7-26-436

- (a) The light intensity shall be at least 10 foot-candles, at a distance of 30 inches above the floor, the walk-in refrigerated units, dry storage areas, and other rooms during periods of cleaning.
- (b) The light intensity shall be at least 20-foot candles, above the following:
  - (1) Surface where food is provided (buffets & self-service lines)
  - (2) Inside equipment (reach-in refrigerators), &
  - (3) The light intensity shall be at least 50-foot candles, at a surface where a food employee is working with food or utensils where safety is a factor.

### ***Original Regulation 410-7-24-411***

- (a) The light intensity shall be at least 70-foot candles on all food prep surfaces & or workstations.



Courtesy Microsoft



# Cleaning of Plumbing Fixtures

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## 410 IAC 7-26-449

- (a) Plumbing fixtures, such as handwashing sinks, toilets, and urinals shall be cleaned as often as necessary to keep them clean.
- (b) CORE Violation



# Controlling Pests

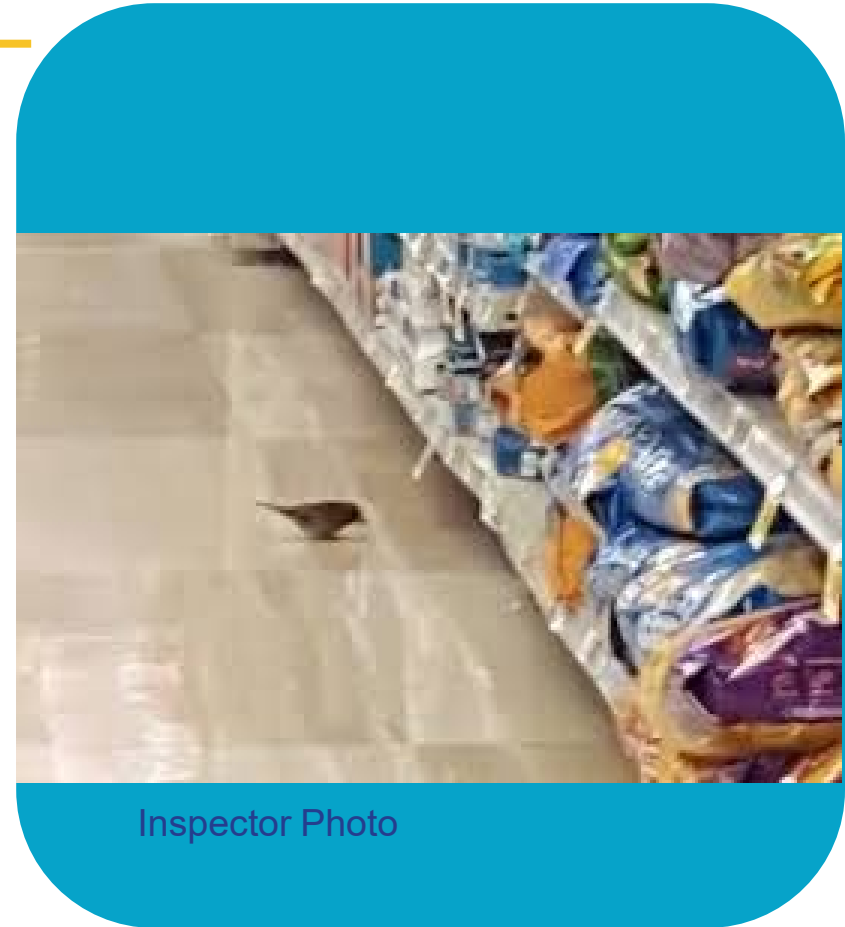
## 410 IAC 7-26-450

The premises shall be maintained FREE of insects, rodents, and other pests.

Original code citation 7-24-416:

The presence of insects, rodents or other pests shall be controlled to minimize their presence on the premises.

Depending on the section, this will be a Pf or CORE violation.



Inspector Photo

# Prohibiting Animals

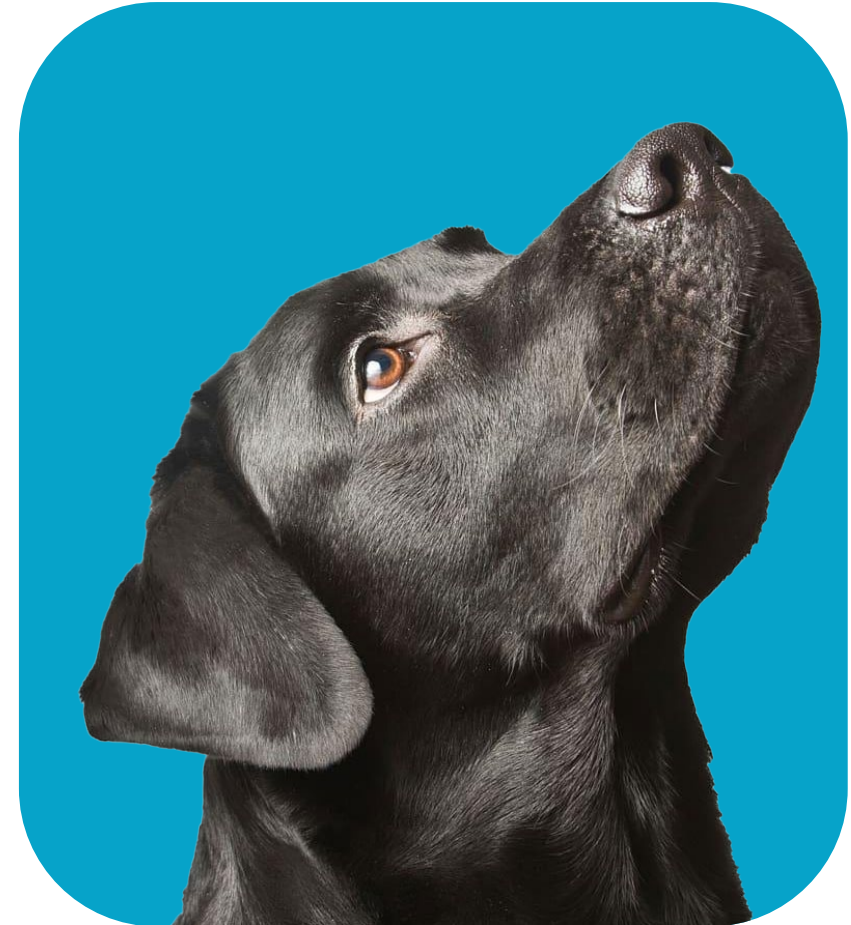
## 410 IAC 7-26-454

(d) If approved by the regulatory authority, RFEs may allow pet dogs in outdoor dining areas.

Pf Violation

### What can you require?

- SOP to address staff interactions with Patio Pets
- Fecal matter cleanup procedures



Courtesy of Microsoft

# Chemicals for washing fruits and vegetables; criteria

## 410 IAC 7-26-462

(a) Chemicals, including those generated at a RFE, used to wash or peel raw, whole fruits and vegetables or used in the treatment, storage, or processing of fruits and vegetables shall:

- (1) Be an approved food additive
- (2) Be GRAS for this intended use
- (3) Be the subject of an effective food contact notification for this intended use (only effective for the manufacturer or supplier identified in the notification)

Priority Violation



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# Internal Operation Code Changes

## 410 IAC 7-26-475

### Timely Correction for Priority or Priority Foundation Items.

(a) Except as specified in (b) of this section, the owner or operator shall at the time of inspection correct a violation of a priority item or priority foundation item of this document and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(b) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, not to exceed:

- (1) 72 hours after the inspection, for the owner or operator to correct violations of a priority item; or
- (2) 15 calendar days after the inspection, for the owner or operator to correct violations of a priority foundation item or HACCP plan deviations.



Courtesy of Microsoft



# Internal Operation Code Changes

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## 410 IAC 7-26-476

### Timely Correction for Core Items.

**Section 476.** (a) Except as specified in (b) of this section, the owner or operator shall correct core items by a date and time agreed to or specified by the department but no later than 90 calendar days after the inspection.

(b) The regulatory authority may approve a compliance schedule that extends beyond the time limits specified under (a) of this section if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.



Courtesy of Microsoft

# Internal Operation Code Changes

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## 410 IAC 7-26-477

### Prerequisite for operation.

(a) A person may not operate a retail food establishment without first having registered with the regulatory authority as required under IC 16-42-1-6.

(b) Except as in subsection (c), to allow verification that the retail food establishment is constructed, equipped, and otherwise meets requirements of this document, the regulatory authority shall be notified of an intent to operate at least thirty (30) days prior to operating under this document.

(c) The regulatory authority pre-operation requirements for micro market operations shall comply with the IC 16-42-5-32(e).

Newly Added code subsection highlighted in **YELLOW**.



# Internal Operation Code Changes

## 410 IAC 7-26-479

### Exemption of existing facilities from retrofit.

(a) Existing retail food establishments with plumbing and mechanical equipment and/or systems that pre-date the effective date of this document and which were approved by the regulatory authority, or through a variance, at the time of construction **shall not be required to update such systems unless any of the following occurs:**

- (1) Substantial upgrades to the plumbing or mechanical equipment and/or systems required by 675 IAC 16 and 675 IAC 18.
- (2) Correction to deficiencies that have caused health incidents.
- (3) Deficiencies that pose a potential health risk as determined by the regulatory authority.
- (4) Substantial facility remodeling or new construction that requires plan review in accordance with section 480 of this document.



Courtesy of Microsoft

# Internal Operation Code Changes

## 410 IAC 7-26-480

### Requirement for facility and operating plans.

(a) Except as stated in subsection 477(c) of this document, the owner or other authorized agent of an existing or proposed retail food establishment shall **submit to the regulatory authority plans and specifications for review before any of the following:**

- (1) the construction of a retail food establishment;
- (2) the conversion of an existing structure for use as a retail food establishment;
- (3) the remodeling of a retail food establishment or a change of type of retail food establishment or food operation if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this document; or
- (4) the addition or remodeling of an outdoor food operation.

(b) The owner or authorized agent of a retail food establishment or temporary food establishment may use the 2016 or later version of the Food Establishment Plan Review Guide, as published by FDA and the Conference for Food Protection, as a source for determining recommended equipment specifications and operational standards for retail food establishments and temporary food establishments.

(c) **The plans and specifications shall be approved by the regulatory authority prior to construction and the operation of the retail food establishment.**



Courtesy of Microsoft

# Internal Operation Code Changes

## 410 IAC 7-26-483

### Variances.

(a) The owner or operator of a retail food establishment may request a variance from this document as specified in IC 16-19-3-4.3 and IC 16-42-5-5.2.

(b) The owner or other authorized agent of a retail food establishment who requests a variance of this document must complete a variance application provided by the department. The application information must adequately and completely address all areas of concern described in the department's "Policy for Processing Variance Requests".

(c) From the effective date of this document, a retail food establishment shall not commence implementation of a modification to this document without first obtaining approval from the department.

(d) An owner or operator of a retail food establishment with an approved variance shall meet the requirements and conditions stated in the variance.

(e) For purposes of this section, a violation of subsection (c) or (d) is a P item.



Courtesy of Microsoft



# Internal Operation Code Changes

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## 410 IAC 7-26-487

### Confidentiality of trade secrets.

The regulatory authority shall treat as confidential in accordance with IC 24-2-3 and IC 5-14-3:

- (a) the information contained in plans and specifications listed in sections 481 and 486 of this document;
- (b) a HACCP plan;
- (c) the information contained on inspection forms or electronic reports that meet the criteria of a trade secret; or
- (d) information on material submitted for a variance request identified as proprietary or confidential.

Newly Added code subsection highlighted in YELLOW.



# Tuesday Training

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The following New Code Sections were discussed in-depth during our May Tuesday Training:

## Mobile Retail Food Establishments & Outdoor Food Operations



**Thank You**

**IDOH Food Protection Division  
Retail Food**

**2 N Meridian St  
Indianapolis, IN 46204**

